UNITED NATIONS

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991	Case No.	IT-04-81-T
	Date:	17 February 2009

IN THE TRIAL CHAMBER

Before: Judge Bakone Justice Moloto, Presiding
Judge Pedro David
Judge Michèle Picard

Acting Registrar: Mr. John Hocking

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC WITH PUBLIC ANNEXES

SUBMISSION OF EXPERT REPORTS BY RICHARD BUTLER WITH ANNEXES 1 THROUGH 7

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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-04-81-T

THE PROSECUTOR

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SUBMISSION OF EXPERT REPORTS
BY RICHARD BUTLER WITH ANNEXES 1 THROUGH 7

I. Introduction

1. Pursuant to Rule 94 *bis* (C), the Prosecution hereby submits six reports by expert witness Richard Butler for admission into evidence. The six reports are: (1) "VRS Corps Command Responsibility," dated 5 April 2000 (disclosed on 13 October 2006), attached at Annex 1;[1] (2) "Srebrenica Military Narrative – Operation Krivaja 95," dated 15 May 2000 (disclosed on 13 October 2006), attached at Annex 2;[2] (3) "Srebrenica Military Narrative (Revised) Operation Krivaja 95,[3]" dated 1 November 2002 (disclosed on 13 October 2006), attached at Annex 3; (4) "Chapter 8 Analytical Addendum to Srebrenica Military Narrative;[4]" dated 8 September 2003 (disclosed on 7 August 2007), (5) "VRS Brigade Command Responsibility Report,[5]" dated 31 October 2002 (disclosed on 13 October 2006); and (6) "VRS Main Staff Command Responsibility Report,[6]" dated 9 June 2006, disclosed on 20 October 2006. Mr. Butler is fully qualified to testify as an expert about these matters and each of his reports is relevant and probative to important issues in this trial.

[1] Prosecution exhibit 401 (a) in Case No. IT-98-33-T.
[2] Prosecution exhibit 403 (a) in Case No. IT-98-33-T.
[3] Prosecution exhibits 358 (a) and (b) in Case No. IT-01-43-T.
[4] Prosecution exhibits 359 (a) and (b) in Case No. IT-01-43-T.
[5] Prosecution exhibits 357 (a) and (b) in Case No. IT-01-43-T.
[6] Prosecution P2764 in Case No. IT-05-88-T.

II. Discussion

2. As the attached Curriculum Vitae demonstrates[7], Mr. Butler has ample expertise in the field of military analysis. Indeed, Trial Chambers in this Tribunal previously admitted into evidence the reports which the Prosecution submits in these proceedings. Mr. Butler's reports are relevant and probative to the events that occurred in Srebrenica in July 1995, as discussed in paragraphs 55 through 62 and counts nine through thirteen of the indictment. The Prosecution disclosed the source materials referred to in Mr. Butler's reports between 25 October 2006 and 3 August 2007.

3. On 13 November 2006, pursuant to Rule 94 *bis* (B), the Defence filed its "Notice Pursuant to Rule 94 *bis* Concerning Prosecution Expert Richard Butler." The Defence objected to five of the six reports described above[8] and wish to cross examine Mr. Butler.

4. The Defence objected to the form of Mr. Butler's reports. However, the form of Mr. Butler's reports is similar to other expert reports admitted into evidence by this Trial Chamber.[9] Mr. Butler uses his expertise to review documents and other evidence, select the most relevant materials, and draw appropriate conclusions.

5. The Defence dispute Mr. Butler's qualifications as an expert. In proceedings before this Tribunal, an "expert" is "a person whom [sic] by virtue of some specialized knowledge, skill or training can assist the trier of fact to understand or determine an issue in dispute.[10]" In this matter, Mr. Butler's qualifications as an expert in the field of military analysis are beyond dispute.

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[7] Attached hereto as Annex 7.
[8] VRS Corps Command Responsibility Report, Srebrenica Military Narrative – Operation Krivaja 95, Srebrenica Military Narrative (Revised) Operation Krivaja 95, VRS Brigade Command Responsibility Report, and VRS Main Staff Command Responsibility Report. The remaining report, Chapter 8 Analytical Addendum to Srebrenica Military Narrative, was disclosed to the Defence on 7 August 2007. The Prosecution has reviewed its records and those of the Registry and can find no record that the Defence filed a notice with respect to this last report pursuant to Rule 94 *bis* (B).
[9] For example, see Exhibit P310, the expert report of Morten Torkildsen.
[10] *Prosecutor v. Momčilo Perišić,* Decision on Expert Report of P.J.J. van der Weijden, Case No. IT-04-81-T , 29 January 2009, para. 8, citing *Prosecutor v. Stanislav Galić,* Case No. IT-98-29-T, Decision Concerning the Expert Witnesses Ewa Tabeau and Richard Phillips, 3 July 2002, p. 2.

6. The Defence challenge Mr. Butler's independence as an expert. Questions about an expert's lack of independence are matters that go to the weight of the evidence, not its admissibility.[11] Therefore, the fact that the Office of the Prosecutor previously employed Mr. Butler should not result in the exclusion of his reports.

7. Finally, in the Defence's view, Mr. Butler's reports are merely summaries of evidence. On the contrary, Mr. Butler's used objective professional criteria to select relevant documents and to organize them so that they offer a comprehensive picture which will assist the Trial Chamber. Therefore, Mr. Butler's expert reports reflect much more than "summaries" of the source materials.

III. Relief Requested

That the Trial Chamber admit into evidence the expert reports of Richard Butler attached hereto in annexes one through six.

Respectfully submitted,

Word Count: 776



Dan Saxon
Senior Trial Attorney

Dated This Seventeenth Day of February 2009
In The Hague, Netherlands

[11] *Prosecutor v. Momčilo Perišić,* Case No. IT-04-81-T, Decision on Defence Motion to Exclude the Expert Report of Morten Torkildsen, 30 October 2008, para. 13.

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-04-81-T

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC ANNEX 1 TO

SUBMISSION OF EXPERT REPORTS BY RICHARD BUTLER:

VRS Corps Command Responsibility

00946750 05 April 2000

VRS Corps Command Responsibility Report

INTRODUCTION

The purpose of this report is to define the Army of the Republika Srpska (VRS) military entity known as a Corps, and to examine the organizational roles and responsibilities of the positions of a Corps Commander and Corps Chief of Staff, in effect during the 1995 time-period. This period covers the criminal offenses as charged in the ICTY indictment against General-Lieutenant Colonel Radislav Krstić.[1]

In keeping with this goal, this report has a limited scope and purpose. First, it will define the authority and responsibilities of a JNA Corps Commander and JNA Chief of Staff, and explain how those regulations were adopted by the VRS when it was formed in May 1992. Second, it will outline the means and methods at the disposal of the Corps Commander and the Chief of Staff to effectively exercise military command of the Corps, to include the roles and functions of the Assistant Commanders and Corps Staff. Third, it will review the Republika Srpska legal and regulatory basis under which the VRS Corps Commander, Chief of Staff and other officers had to comply with pertaining to "War-Crimes" and "Crimes against Humanity".

To successfully achieve this objective, this report is divided into multiple sections, each dealing with a specific topical area. Also included is an Executive Summary, which highlight the overall conclusions drawn by this report.

The specific sections are outlined as follows:

- Section One provides a brief background synopsis, and examines conditions under which the newly emerging Army of the Republika Srpska (VRS) organized along the lines of the former Yugoslav National Army (JNA). As part of this process the VRS also adopted the structure, methodologies and operating regulations of the former JNA, particularly with respect to the Corps entity.

- Section Two examines the authorities and responsibilities of the VRS Corps Commander and the Corps Chief of Staff/Deputy Commander positions, based on the regulations of the former JNA, as adopted and maintained by the VRS.

- Section Three examines the authority and responsibilities of VRS Corps Staff and associated Branch Bodies. Of particular note in this section is the limited authorities of the designated Assistant Commanders and Staff Officers. Specific focus will be placed on the role of the Assistant Commander for Security in the Corps, to include the role of managing the military police. Also discussed is the role of the Corps Staff in the orders formulation process and the compliance monitoring process on behalf of the Corps Commander.

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[1] OTP indictment IT-98-33-PT, Prosecutor vs. Radislav Krstić.

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- Section Four reviews the authority by which the Supreme Commander of the Armed Forces of the Republika Srpska (RS) appoints, maintains and relieves a Corps Commander and Chief of Staff.

- Section Five outlines the institutional authority by which a VRS Corps Commander and the Chief of Staff exercise command and control over subordinates. This institutional authority relates to the body of laws and regulations within the framework of the RS Armed Forces that mandates compliance by subordinates to the orders of the superior officers appointed over them.

- Section Six examines the legal authorities which the VRS Corps Commander and Chief of Staff have at their disposal to maintain order and discipline over subordinates. The provisions are generally outlined in the body of RS laws and regulations pertaining to "Crimes against the Armed Forces" and "Military Disciplinary Accountability".

- Section Seven examines the relevant Republika Srpska laws and military regulations under which a VRS Corps Commander, Chief of Staff, and other Senior and Superior Officers are required to proactively and positively ensure the prevention of war crimes by units under their command and control. Further, they are obligated to actively investigate, report to superior authorities and prosecute (as required) the perpetrators of such acts.

- The final section, Section Eight, relates to the conclusions drawn from the contents of this report.

I base this report and its conclusions on my comprehensive analysis of documents, statements, manuals and other relevant material currently in the possession of the Office of the Prosecutor. Both the report and conclusions reflect my knowledge and understanding of the VRS Corps structure, organization, and role within the Army of the Republika Srpska as defined by applicable RS laws and military regulations in effect during the conflict in Bosnia and Herzegovina. As such, my conclusions in this report are limited to the military aspects of command and control as defined and exercised by the VRS, and specifically to the exercise of said command and control during the relevant period of July 1995.

Analytical judgements and references are noted accordingly.

Richard J. Butler

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VRS Corps Command Responsibility Report

EXECUTIVE SUMMARY

A. In July 1995, the bulk of the Army of the Republika Srpska (VRS) was organized into six geographically-based Corps, under the centralized command and control of the Main Staff of the Army (GŠVRS). These Corps formations were organized in compliance with military instructions and regulations in place pertaining to a former Yugoslav National Army (JNA) Corps.

B. Upon the withdrawal of the JNA from Bosnia in May 1992, the former JNA Corps formations became the core of the newly established Army of the Serbian Republic of Bosnia and Herzegovina (later renamed the Army of the Republika Srpska-VRS). These Corps were commanded and staffed primarily by Bosnian Serb military officers of the former JNA. Institutionally, the VRS maintained the former JNA regulatory and organizational structures and the Corps operated in accordance with these instructions and regulations. When the VRS Drina Corps was formed in November 1992, it was organized in accordance with these same structures and regulations.

C. These former JNA Corps regulations clearly delineate the roles, authorities and responsibilities of the various military officials of the Corps, particularly the Commander and the Chief of Staff (who is concurrently the Corps Deputy Commander). These same documents are also the basis for articulating the principles of the command and staff system, which unifies the actions of the subordinate formations in response to the directives of the Commander.

D. Under the Army Law of the Republika Srpska, only the President of the Republika Srpska is empowered to appoint, promote or relieve VRS military members who were General Officers or officers serving in the position which a General would normally serve. As such, only the RS President could officially appoint or relieve a VRS Corps Commander. Further, under that same law, the President or the Minister of Defense could appoint an individual to the position of Corps Chief of Staff.

E. As a VRS Corps Commander, and to a lesser extent a VRS Corps Chief of Staff, the individual has at his disposal a wide range of regulatory and legal powers with which to maintain his authority over subordinates. This authority falls under two broad headings. The first is "Unit or Institutional Authority", which is based upon the designated position of each officer and soldier within the established structure of a designated military unit or institution. The second is "Military Disciplinary Accountability", which encompasses the various laws pertaining to service in the Armed Forces of the Republika Srpska.

F. As a Corps Commander, a Chief of Staff, or as any "Senior or Superior Officer" in the VRS, the individual is required to perform his military duties in accordance with the relevant RS laws and military regulations pertaining to the prevention and punishment of "War-Crimes" and "Crimes against Humanity". As a function of these laws and regulations, the Commander (and to a lesser extent the Chief of Staff) assume unique responsibilities and liabilities for violations of these laws and regulations. This includes direct responsibility for criminal acts they commit, plan, direct or order. The officer also assumes responsibility for criminal acts committed by subordinates. In this latter case,

criminal responsibility is derived under two methods: by the failure of the officer to take the necessary steps to prevent the act(s) from occurring, or a failure to punish perpetrators, especially if this lack of action leads to additional crimes being committed. Further, this responsibility is not limited to subordinates under the direct command of the officer. Once an individual acquires knowledge of the criminal act(s), he assumes an obligation to take positive measures to initiate criminal proceedings, even if doing so is outside the normal purview of his duties or responsibilities.

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VRS Corps Command Responsibility Report

SECTION ONE: Background Synopsis.

1.0 The Army of the Serbian Republic of Bosnia and Herzegovina (hereafter referred to as the Army of the Republika Sprska) was formed from the remnants of the former Yugoslav National Army (JNA) which remained in Bosnia following the announced withdrawal of all JNA forces in May 1992. As organized, it consisted of the 1st Krajina Corps (formerly the JNA 5th Corps), the 2nd Krajina Corps (formerly the JNA 10th Corps), the East Bosnia Corps (formerly the JNA 17th Corps), the Sarajevo-Romanjia Corps (formerly the JNA 4th Corps), and the Herzegovina Corps (consisting of elements of the former JNA 9th Corps). Directing these Corps was the Main Staff (GŠ), organized from a nucleus of senior Bosnian Serb officers from the former 2nd Military District Headquarters. On 01 November 1992, the VRS Drina Corps was formed and became the last of six geographically-based Corps Commands.

Figure 1: Army of the Republika Srpska Corps boundaries.



1.1 With the withdrawal of the JNA from Bosnia, the key leadership of the VRS Main Staff, Corps and Brigades was comprised of ex-JNA officers of Bosnian Serb origin. Units were organized (or remained) as they existed in the former JNA, as this proved to be the fastest way to constitute an effective military force to counter the perceived threat against them. As a result, the former JNA Corps formations in Bosnia assumed the role as the principal ground combat components of the newly organized VRS.[1]

[1] GŠ SRBH Message 02/5-10, 26 May 1992, (OTP English translation); 1.KK Message, 27 May 1992, (OTP English translation). These Messages depict the decision of the SRBiH leadership pertaining to the organization of the RS Army, and the 1.KK response to that directive, indicating how they would organize in the same manner as the JNA Corps structure.

1.2 Taken in context, this is not surprising, as in most cases, the JNA trained commanders and staff officers found the existing JNA-based ground warfare doctrine and combat regulations suitable for their immediate requirements. In keeping with these regulations, the operational or tactical methodology of the VRS did not significantly deviate from those of the former JNA. Further, documents indicate that the organs and branches of the newly organized VRS were specifically directed to comply with the existing regulations of the SFRY (inclusive of the JNA), until such time as new regulations were published by the RS government.[2]

1.3 To facilitate the successful operation of all military units in both peacetime and wartime situations, the former JNA depended on an extensive body of rules and regulations under which units, commands, staffs, branch bodies and even individual soldiers were to adhere. These detailed instructions were not unique to the JNA, but were institutionalized throughout the Armed Forces of the former Socialist Federal Republic of Yugoslavia (SFRY). Through this extensive body of regulatory material, the Armed Forces of the SFRY, to include those of the JNA, operated within the overall Yugoslav military doctrine known as "All People's Defense".

1.4 Within that framework, there are two primary references which define the roles and operations of the JNA Land Forces Corps (hereafter referred to as "Corps"). The first document, *Rules for Land Forces Corps (Provisional)*, published in 1990, is the most comprehensive document, designed to completely delineate the operating methodologies for all aspects of the JNA Corps Commands. The second document is the *Regulations on the Authority of the Ground Forces Corps Commander in Peacetime*, also published in 1990. These two documents set the framework for the roles and responsibilities of the Corps Commander, the Corps Staff, the other Corps branches, as well as how the Corps is to function in a variety of military situations. As such, they represent the foundations of JNA Corps echelon organization and operating methodologies as they were applied to the newly organized Army of the Republika Srpska (VRS).

1.5 Further amplifying these established rules is a third document, the *Instructions on How the 4th Corps Command is to Operate when carrying out Priority Assignments in Peacetime and Wartime*, published in August 1991. This document reflects how the above rules and regulations were institutionalized by the JNA 4th Corps (later to become the VRS Sarajevo-Romanjia Corps), and how they were articulated for use in both peacetime and war.[3] They illustrate the formalized process which each JNA (and later VRS) Corps would have undertaken to review and incorporate the provisions of the Corps rules and regulations into their operations.

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[2] 1st Krajina Corps Order 520-3, (OTP English translation), 20 Jun. 1992.

[3] The direct relevance of these implementing instructions is based on the fact that in broad areas, processes and directives are directly copied or paraphrased from the *Rules of the Land Forces Corps (Provisional)*, *infra* n.4, (specifically Part VI). Further, the adoption of the overall instructions would have to be approved by the Corps higher headquarters, at the time the 1st Military District (Belgrade). These JNA 4th Corps instructions would have been again ratified by the 2nd Military District (Sarajevo), when the Corps was resubordinated to it in January 1992. Ultimately, the 2nd Military District became the basis of the Main Staff of the VRS in April 1992, while the JNA 4th Corps became the basis for the VRS Sarajevo-Romanjia Corps at the same time. In the interest of standardization and unity, it is highly improbable that the JNA 4th Corps would have issued, or been permitted to implement instructions that differed significantly from other JNA Corps, especially pertaining to the fundamental issues of Command.

1.6 As defined, the Corps is designated as the operational-level unit intended to conduct combat operations on the ground. The Corps is a unit of variable composition, and is designed to conduct ground combat operations both within a strategic grouping, and independently.[4] These operational formations are responsible for the planning and execution of ground combat within their designated territories or zones. As a rule, each Corps is designated a zone, and within that zone, the Corps Commander (in cooperation with other state and municipal organs) organizes a unified system of combat and resistance. The Corps Commander and his staff are the nucleus of planning, executing and controlling military operations within the structure of the JNA Corps.

1.7 Analysis of these JNA Corps regulations, as well as documents and orders prepared by the VRS Corps Commands during the conflict in Bosnia confirms that the organization, structure, and operating methodologies of the VRS Corps were in accordance with the above listed JNA Corps regulations. These documents further demonstrate that not only did the VRS use these JNA organizational and combat regulations as the initial starting point when it was formed in May 1992, but they continued to use the same rules, regulations, organization, structure and methodology at the Corps level throughout the war in Bosnia and Herzegovina.[5]

[4] General Staff of the Armed Forces of SFRY, *Rules of Land Forces Corps (Provisional)*, (OTP English translation), 11 Apr. 1990, p. 5.
[5] Drina Corps Order 01/17-2, Drina Corps 1995 Training Plan (OTP English translation); Order 01/1369-2/45, East Bosnia Corps 1995 Training Plan, 14 Jan. 1995; Drina Corps Order 01/04-218-2, 29 Nov. 1995, "Shield 95".

SECTION TWO: VRS Corps Commander and Chief of Staff: Authorities and Responsibilities.

A. CORPS COMMANDER

2.0 The single most important position within the structure of a VRS Corps in terms of responsibility, authority and accountability is that of the Corps Commander. As defined in the *Rules for Land Forces Corps (Provisional)*, the Corps Commander:

> Bears the responsibility for the accomplishment of a mission. He takes decisions, gives assignments to his subordinates, organizes coordination and cooperation, and controls the implementation of decisions. He is responsible for harmonizing the activities of his command, subordinated commands and headquarters and appropriate socio-political communities and organizations in integrating combat actions and all other forms of struggle and popular resistance in the assigned zone.[6]

He is personally, directly, and legally empowered to "lead the operations of the Corps Command, assign tasks to his subordinate officers, ensure they are carried out, and bear full responsibility for their completion."[7] The Corps Commander accomplishes this by exercising military command and control, either directly, or through a body of subordinates, assistants and branch specialists referred to as the Corps Staff.

2.1 As a fundamental component of the former JNA regulations (adopted by the VRS), the roles and responsibilities of key officers within the structure are delineated. Paramount within that structure is the role of the Commander. In order to define the Commander's role, the overall concept of the exercise of military command and control is defined as well. According to the *Rules for Land Forces Corps (Provisional)*, command and control is defined as:

> Conscious and organized activities of the Commander of the Corps and the bodies of command, aimed at engaging and unifying the actions and activities of all units, commands, headquarters and other entities of All Peoples Defense and social self-protection in the zone of operation, as well as the equipment used in combat, for the purpose of achieving the set goals in the optimal way.
>
> Command and control are exercised through planning, concerted action, organization, preparation and execution of operations and other combat actions; they are based on unified, continuous, secure, flexible, efficient, operative and secret information flows among commands, units and institutions. [8]

2.2 Further defining the aspects of JNA command and control are the *Regulations on the Authority of the Ground Forces Corps Commander in Peacetime*.[9] These instructions clearly articulate the roles of JNA Corps Commander relevant to the exercise of command.

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[6] *Rules of Land Forces Corps (Provisional)*, *supra* n.4, para. 65.
[7] JNA 4th Corps., *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, (OTP English translation), 29 Aug, 1991, p. 14.
[8] *Rules of Land Forces Corps (Provisional)*, *supra* n.4, para. 65.
[9] One should note that despite the designation of "peacetime," a Corps is a military entity organized and designed to operate in war. As such, the peacetime designation does not imply that in war the Corps would operate on a completely different basis, particularly with respect to command inter-relationships. Peacetime designates one of three "designated" states under the SFRY (and later RS) law in which the Corps will operate. The other states include "State of Imminent Threat of War", and a "State of War."

As stated:

> The Commander commands and controls subordinate units and institutions in the scope of the authority received. He is responsible to his superior for the work and the situation in subordinate units and institutions and for the timely and proper execution of the work and tasks in the competence of the command organ.
>
> The Commander undertakes the command and control of units and institutions through command organs (staff) and commands of subordinate units and institutions through: orders, commands, instructions, guidelines, advice, as well as other forms of command and control.
>
> The Commander undertakes the formulation, resolution, development and implementation of plans, tasks and measures personally and through Corps Command bodies and subordinate commands. The Commander gives subordinate officers tasks in the spirit of regulations and powers, influences the execution of the tasks, and insures that the Corps Command organs and subordinate commands, units and institutions are working within the law. [10]

2.3 Specific to the individual responsibility of Corps Command, the following definition applies:

> The right to command units and institutions of the organic Corps (formation) is under the exclusive responsibility of the Commander. Units and institutions outside the organic Corps (formation), those temporarily resubordinated, are commanded and controlled by the Commander only within the limits of stipulated authorities.
>
> The Commander may authorize certain officers from the command to command units and institutions of branches or services, but the Commander continues to bear responsibility for the situation in those units, and for the work of the officers to whom he has transferred some of his rights.[11]

The designated Commander is vested the authority to command his staff, subordinate units, institutions, and personnel which comprise these bodies. It also establishes the responsibility of a Commander, reiterating the concept that while a Commander can delegate authority to subordinate officers, he remains responsible for the actions of those subordinates.

2.4 In August 1991, the JNA 4th Corps, published further instructions pertaining to the operations of a Corps and how it would conduct operations in both peace and war.[12] As a function of these instructions, Corps Command roles and responsibilities were again reiterated:

> Corps Commander
>
> The Corps Commander shall, directly, or through his Chief of Staff, his deputy or the heads of the branches, command all units of the Corps and units attached to it in the zone.

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[10]Federal Secretariat for National Defense, General Staff of the SFRY, and Armed Forces 3rd Dept., *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime*, (OTP English translation), 1990, art. 9 .

[11]*Ibid.*, art. 6.

[12]*See Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7.

He shall directly control the work of the Corps Command, assign tasks to his subordinates, make sure that they are carried out and bear full responsibility for their completion and overall state of the Corps. [13]

The basic duties of the Commander are:

- To make decisions which are important to the Corps or individual subordinate units.
- To assign tasks to his subordinates.
- To organize joint operations and cooperation in the zone of the Corps' responsibility.
- To make sure that decisions are implemented.
- To constantly monitor and promote the enhancement of specialized and combat skills and moral values in the Corps and some of its individual bodies.
- To be responsible for coordinating activities among the Corps Command, subordinate commands and staffs, and the corresponding social structures in combining combat activities and all types of combat and general resistance by the people in the designated area.
- To organize and manage the Corps operations.
- To issue directives and orders to the Corps Command bodies and subordinate commands and units in good time.
- To monitor constantly the situation in the zone of combat operations, report to the Superior Commander, make decisions in accordance with the on-going combat operations, and pass orders on to his subordinates.
- To make sure there is uninterrupted contact with the superior command, as well as with the subordinate and attached commands and units.
- To perform other duties laid down under the provisions of other rules, laws and regulations on the Armed Forces. [14]

Under these listed responsibilities, the Corps Commander, exercising his authorities and responsibilities through the appropriate command bodies or subordinate commands, is accountable for the conduct of military operations in the Corps zone.

B. CHIEF OF STAFF / DEPUTY CORPS COMMANDER

2.5 The Chief of Staff has a unique role within the structure of the Corps. He is the principal advisor to the Corps Commander, and the primary facilitator through which the Commander's intent, orders and directives are organized and processed for execution by the Corps Staff and subordinate units. At the same time, he is also the Deputy Commander of the Corps. As such, he possesses authorities that are second only to the authorities of the Corps Commander, specifically:

> "...The Chief of Staff is the only one, who in keeping with the Commander's decision, has the right to give assignments to subordinates." [15]

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[13] *Ibid.*, p. 14.
[14] *Ibid.*
[15] *Rules of Land Forces Corps (Provisional)*, *supra* n.4, para. 66.

2.6 In his role as the Chief of the Corps Staff, he functions as the primary coordinator of the Corp's activities. He accomplishes this by directing the Corps Staff, a body comprised of experienced officers which plans and manages the operational activities and technical aspects of the Corps. In directing the Corps Staff, the Chief of Staff remains accountable to the Corps Commander.

2.7 The Corps Staff is the basic body of the Corps Command which links together and coordinates the work of all command bodies.[16] Primary to that role are extracts of the broad responsibilities of the Corps Staff:

> - to monitor constantly the situation and, at any time, to provide the Commander with the necessary information on the situation regarding his own units, the enemy, the terrain, atmospheric conditions and all other matters relevant for the work of the Corps Command and subordinate commands and units.
>
> - to promptly provide the other command bodies with the information required for their work while combat operations are being prepared, organized, planned, and carried out.
>
> - to set up communications within the Corps and to constantly maintain them and to provide the subordinate commands with the necessary assistance so that they can set up and maintain their communications.
>
> - to inform the Superior Command and supporting units about all changes taking place in the Corps zone. [17]

2.8 The Corps Staff (under the direction of the Chief of Staff) is responsible for reviewing and understanding the assigned directives received by the Superior Command or the Corps Commander, developing the work plan or the basic concept of the operation, and planning the operation and other forms of combat actions.[18] Once the overall concept and the operations plans are approved by the Commander, the Corps Staff then transmits the decision (orders) to the subordinate commands, and becomes responsible for controlling the implementation of the plan or orders.

2.9 Specific to the duties as Chief of Staff, the *Regulations on the Authority of the Ground Forces Corps Commander in Peacetime* notes he is directly responsible for "organizing the work in the Command, directly commanding the Headquarters Command (Corps Staff and branch bodies), units of the headquarters, and to coordinate the activities of the command bodies in the sprit of the Commander's decisions and orders."[19] As such, the Chief of Staff is the principal means by which the Corps Commander exercises effective command and control of both the Corps Staff and subordinate formations. Those responsibilities (as described in the relevant regulations) are listed below:

> The basic duties of the Chief of Staff
>
> - To be constantly aware of the overall situation on the zone of the Corps activities, to report it to the Commander and to give his opinions and suggestions;

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[16] *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7, at 8.
[17] *Ibid.*, p. 15.
[18] *Rules of Land Forces Corps (Provisional)*, *supra* n.4, para. 84.
[19] *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime*, *supra* n.10, art. 11.

- To promptly give necessary instructions to the staff bodies, and, if necessary, to subordinate units, and to coordinate their work;

- To participate in studying tasks with the Commander, manage the Staff when assessing the situation, and prepare proposals for the Commander to decide on;

- To manage the Staff when planning combat operations, drawing up specific combat or working documents, and preparing or delivering necessary documents to the subordinate units;

- To provide the information necessary for organizing and establishing communications before and during combat operations;

- To designate the area for the command post, and deploy its bodies there;

- To organize the work and supervise combat security measures at the command post;

- To check in a timely manner if the Command and units are prepared and ready for combat operations and to report to the Commander on this;

- After receiving combat reports from his subordinates, to supervise the drafting of a report for the Superior Command;

- To perform other tasks which are assigned to him by the Commander or resulting from other rules and regulations.[20]

In essence, the Chief of Staff is the principal advisor to the Corps Commander, and the primary planner and facilitator through which the Commander's directives are organized for execution by the Corps Staff and subordinate units.

2.10 By regulation, the Corps Chief of Staff also holds the concurrent position of Deputy Commander.[21] In this role, he "replaces the Commander when the latter is absent, with all rights and duties."[22] The JNA 4th Corps Instructions further defines this responsibility, specifying the Chief of Staff/Deputy Commander as the only individual who "may, in accordance with the Commander's decisions, issue orders to all bodies of the command and if the Commander is absent or occupied, to subordinate units as well."[23]

2.11 This designation of the Chief of Staff as the Corps Deputy Commander has two specific purposes. First, it allows for the timely and efficient issuing of orders, guidance or instructions necessary to facilitate the overall intent and directives of the Commander. Second, it ensures the efficient continuation of command by the best qualified officer in the event the Corps Commander is killed, incapacitated, or is unable to effectively exercise command during the course of combat operations.[24]

2.12 Despite the presence of Assistant Commanders of possibly equal (or higher) rank on the Corps Staff, only the Chief of Staff is empowered to issue orders to the entire

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[20] *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7, at 16.
[21] *Rules of Land Forces Corps (Provisional)*, *supra* n.4, para. 66; *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime*, *supra* n.10, art. 10; *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7, at 9.
[22] *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime*, *supra* n.10, art. 10
[23] *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7, at 16.
[24] Main Staff Doc. 02/5-108, Provisional Service Regulations of the Army of the Serbian Republic, (OTP English translation), 18 Aug. 1992, para. 16 .

Corps Staff, (to include branch bodies-see Section Three) and to subordinate formations of the Corps. The authority of the Chief of Staff to issue orders, however, should in no way be interpreted as either a limitation of the Commander's authority, or as an "independent" authority. Instead, this authority granted to the Chief of Staff is both delegated and conditional. While empowered to make decisions, and issue orders to subordinates, the Chief of Staff is generally limited to doing so within the overall context of the Commander's guidance (i.e., supplemental orders) or issuing orders within his established competence (delegated authority). Only in extraordinary circumstances would the Chief of Staff issue orders outside these parameters.[25] However, when circumstances dictate the issuing of such orders, the authority of the Chief of Staff/Deputy Commander to issue them is recognized, understood and accepted as such by subordinates. Within this aspect, the position of Chief of Staff/Corps Deputy Commander, with its inherent authorities, should be viewed as an extension of the overall authority of the Corps Commander.

2.13 Beyond that, the function of a Corps Deputy Commander establishes an automatic and recognized chain of succession to ensure that positive command and control of the Corps is maintained in the event the Corps Commander is killed, incapacitated, captured, or due to extraordinary circumstances, no longer able to exercise command. Again, despite the presence of Assistant Commanders of possibly equal rank, the Corps Chief of Staff is the designated Senior Officer, and assumes command of the Corps. As the Chief of Staff functionally possesses the most detailed knowledge of the immediate goals and objectives of the Corps and Superior Command, he is normally the best qualified officer to assume command of the Corps when required.[26]

[25] *Ibid.*, para. 17. ("If by chance (a member of the Army) was not given an order in due time, the military person is required to take measures and act according to the specific situation. Further, members of the Army shall carry out the orders of the most senior officer present when the Superior Officer is absent.")
[26] In this event, the Corps Chief of Operations, Plans and Training (ONP) assumes the position of the Corps Chief of Staff. By position, the Chief of ONP is concurrently designated as the Deputy Corps Chief of Staff.

SECTION THREE: VRS Corps Staff and Branch Bodies: Authorities and Responsibilities.

3.0 As alluded to in Section Two (paragraph 2.12), the VRS Corps structure includes three Assistant Commanders to manage the specialized branch bodies on behalf of the Corps Commander. They are the Assistant Commander for Security, the Assistant Commander for Morale, Legal and Religious Affairs, and the Assistant Commander for Rear (or Logistics) Services.[27] Specifically, these Assistant Commanders perform the following functions:

> Assistant Commander (Chief) for Security: to monitor and inform the Commander about enemy activities in and against units, and to propose measures to counter them. Further, to control the units of the Military Police, and propose ways to use them. Also, to coordinate with the bodies of the MUP (Ministry of the Interior) in the Corps sector.[28]
>
> Assistant Commander for Rear Services: to monitor, study and assess the logistics situation and propose to the Commander the most suitable way to ensure logistics support.[29]
>
> Assistant Commander for Morale, Legal and Religious Affairs: to monitor and assess the morale in the units of the Corps, propose and take measures to raise morale.[30]

These Assistant Commanders are responsible to the Corps Commander for administering the activities of the branch bodies, and for keeping the Superior Command informed of the branch bodies activities. The Corps Chief of Staff is responsible for ensuring their activities are coordinated with the operative bodies of the Corps Staff (see paragraph 3.3 below).

3.1 With respect to the Assistant Commander for Security, and the Security Organ of the Corps, it has a wide range of functions, many which overlap into the fields of both Intelligence and Police. These are addressed in detail in the *Regulations on the Authority of the Ground Forces Corps Commander in Peacetime*.[31] As listed in that document,

> "The security organ is a specialized organ of the command for organizing and implementing security measures and undertaking other specialized work in the field of Security that is placed under its responsibility by special regulations..."[32]

In this regard, the Security Organ is responsible for (extracts):

> 4. Participating in uncovering and preventing serious crimes against the Armed Forces, especially concerning desertion from the JNA, theft of weapons and military equipment,

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[27] One noted exception, during periods of 1993 and 1994, the VRS 1st Krajina Corps designated a fourth Assistant Commander to deal with Civilian Affairs issues.
[28] *Rules of Land Forces Corps (Provisional)*, *supra* n.4, para. 73; *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7, p. 21.
[29] *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7, at 22.
[30] *Ibid.*, p. 21.
[31] *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime*, *supra* n.10, art. 29.
[32] *Ibid.*

> serious crimes and abuse of official position(s) that undermine the defense capabilities of the country and the combat capabilities of the Armed Forces.
>
> 9. Expert direction of security organs and the military police in the Corps Command and units, and other JNA units in the zone of responsibility, organizing, controlling and directing their activities, providing assistance and controlling their work, especially with regards to counter-intelligence works and tasks.
>
> 10. Proposing officers for reinforcement of security organs and units of the military police, (as well as) their professional education and improvement.
>
> 14. Performing other work and tasks prescribed by the *Rules of Service of Security Organs in the Armed Forces* and other applicable regulations. [33]

Pertaining to the issue of controlling and directing the work of the Corps Security Organs, and the Military Police formations, this term should not be confused with command. The *SFRY Rules of Security Service Organs in the Armed Forces* are explicitly clear concerning this issue. It establishes that the Security Organ is directly subordinate to the *Commanding Officer* of the command, unit, institution or staff in which it is assigned, and is responsible to that officer for its work.[34] Further, with respect to managing the Military Police, Chapter II, paragraph 23 notes:

> An officer of a Security Organ of a command, unit, institution or staff of the Armed Forces provides specialist management for a military police unit. He recommends use of the military police unit to the Senior Officer of the command, unit, institution or staff, and he is responsible to him for the state and activity of the unit.
>
> In managing the military police unit, the security organ officer (under section one of this paragraph) has the same rights and duties as officers of arms and services of other (branches) in managing the units...
>
> The deployment of units or individual members of the military police to perform tasks within the security organ's competence is determined by the security officer (under section one of this paragraph) with the approval of his superior military officer. [35]

3.2 In the case of the Assistant Commander for Rear Services, and the Assistant Commander for Morale, Legal and Religious Affairs, their roles and responsibilities are also reflected in the *Regulations on the Authority of the Ground Forces Corps Commander in Peacetime* (see document for additional details as required). In the same respect that the Assistant Commander for Security directs and manages the functions of units and organs under his purview, both these individuals also maintain direct management and direction functions over related organs and units. This is particularly true in the case of the Assistant Commander for Rear Services. However, the units or organs remain under the overall command of the Corps Commander.

3.3 In addition to the three Assistant Commanders and their specialized branch bodies, the Corps Chief of Staff directly administers the "operative bodies" of the Corps Staff; those branch and staff functions directly pursuant to the day-to-day planning, operations and combat functions of the Corps. This staff is an organized body of experienced military professionals, and is a fundamental component in the process under

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[33] *Ibid.*
[34] Federal Secretariat for National Defense, *SFRY Rules of Service of Security Organs in the Armed Forces*, (OTP English translation), 1984, Ch. II, para. 16
[35] *Ibid.*, Ch. II, para. 23.

which the Commanders guidance and orders are processed for execution, and through which compliance is monitored (refer to Section Two, paragraph 2.7).

3.4 Under the former JNA Corps organization, as adopted by the VRS, the Corps Staff consists of the following branches, departments, or representatives: the Operations and Training Department (or Branch), the Intelligence Department, the Armor and Mechanized Forces Department, the Nuclear, Chemical and Biological Defense Department, the Engineering Department, the Artillery and Missile Department, the Communications Department, the Anti-Aircraft Defense Department and the Personnel Administration Department.[36] It should be noted that in the VRS (on a Corps by Corps basis), some of the department, staff or branch functions may be combined, or left vacant (reflecting the lack of equipment or perceived need). However, the functions and processes of the Corps Staff remained as organized under the JNA regulations.[37]

3.5 As part of these processes and functions, the Corps Staff can, and is expected to issue technical instructions or manage the activities of subordinate branches, organs or units in accordance with existing regulations and directives that delineate their specific authorities within the scope of the Corps. However, in accordance with these regulations and directives, the Corps Commander, in exercising his authorities and responsibilities, continues to remain responsible for the success or failure of operations by these units. This responsibility extends to those units that may have been temporarily re-subordinated under the Corps control and within the Corps designated zone of responsibility. [38]

3.6 Ultimately, the Corps Commander (as the Senior Officer of the Corps) retains full responsibility and accountability for the activities and functions of all units subordinate to the Corps. Despite the ability to delegate management tasks or other supervisory authorities to his deputy, his assistants, and various staff functionaries, the staff apparatus (as recognized in SFRY doctrine) is a means by which command is exercised, but it does not command *per se*. That responsibility remains individually and fully vested in the Commander. The principle of accountability of the Commander for the success or failure of his subordinates is codified under relevant JNA regulations (Section Two, paragraphs 2.0 through 2.4), and is a fundamental component of the overall SFRY concept of "Command".[39]

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[36] *See generally*, 4th Corps Command Document No. 01/15-62 (copy 2); *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n. 7; *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime*, *supra* n.10; Law on the Army, *Official Gazette of the Serbian Peoples of Bosnia and Herzegovina*, Issues 3/92, 6/92, 01 Jun. 1992, *as amended* 30 Dec. 1993 (OTP English translation); *Rules of Land Forces Corps (Provisional)*, supra n.4; "Maršal Tito" JNA Military Higher Education Centre, *Manual for the Work of Commands and Staffs* (draft) (OTP English translation), 1983.

[37] *Rules of Land Forces Corps (Provisional)*, *supra* n.4, paras. 77-113, 114-130 (describing the formal Command and Staff assessment and decision making process, and detailing the measures for monitoring compliance.)

[38] *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime*, *supra* n. 10, art. 6; *Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7, p. 14.

[39] SFRJ Military Lexicon, Vojni Leksikon, Vojnoizdavacki zavod 222 (Belgrade, 1981) ("Commanding, whereas the commander has the **individual (or unique) right** to take decisions concerning the use and activities of the unit, to give orders and to organize controls.").

SECTION FOUR: Laws on Appointment Authority—VRS Corps Commander and Corps Chief of Staff.

4.0 The legal authority to appoint Army officers in positions of authority is derived from the Republika Srpska (RS) *Law on the Army*.[40] Various articles empower the RS President, who is also the Supreme Commander of the Armed Forces, to appoint and promote individuals to "command and staff" the VRS. While much of this authority is delegated, the appointments of Senior Officers are firmly maintained in the hands of the civilian leadership under the law.

4.1 The issue of appointments is addressed in Articles 153 and 155 of the RS *Law on the Army*. These articles require the appointment of military personnel to formation posts according to service requirements. These requirements are delineated in the former JNA military structures that the VRS inherited and maintained. These formation posts identify the required rank and military occupation number of each position within the military unit or headquarters structure.[41]

4.2 Specific to the former JNA (and later VRS Corps) structure, the formation post of a Corps Commander is that of a General-Major rank or General-Lieutenant Colonel.[42] However, due to a shortage of ranking qualified officers throughout the Bosnian conflict, it was not uncommon for a senior Colonel to be assigned to the position pending promotion to the rank of General-Major.

4.3 The Chief of Staff/Deputy Corps Commander formation post is that of a General-Major or Colonel.[43] As in the case of Corps Commanders, it was again not uncommon to appoint a senior Colonel into the position pending promotion to the rank of General-Major.

4.4 Under the RS *Law on the Army* (Articles 163 and 369), only the President of the Republika Srpska (functioning as the Commander-in Chief of the Armed Forces) can promote, appoint, transfer, relieve or retire an officer to the rank of General-Major and above.[44] Article 370 specifically authorizes the Minister of Defense to decide on promotions, appointments, and transfers of individuals up to the rank of Colonel. These authorities remain unchanged during designated states of "Peace", "Imminent Threat of War" or "State of War.[45]

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[40]Law on the Army, *supra* n.36.
[41]*See Instructions on How the 4th Corps Command Is To Operate When Carrying Out Priority Assignments in Peacetime and Wartime*, *supra* n.7, Part IX.
[42]*Ibid.*,p. 2.
[43]*Ibid.*
[44]*See* Law of the Army, *supra* n.36, art. 369 (authorizing the President to decide on promotion of an officer to the rank of General-Major or higher; appointments, transfer and other status in the service of the General; and admission to active military service in the Army and termination of the service of the General).
[45]Law on the Implementation of the Law on the Army during an Immediate Threat of War or a State of War, *RS Official Gazette*, vol. III, Special Issue No.1, (OTP English translation), 29 Nov. 1994.

4.5 Thus, in the case of Corps Commanders, the ability to appoint, retain and relieve remained in the hands of the RS President. It could not, (by law) be delegated, and in practice provided a powerful tool to ensure that the senior VRS leadership remained under the control of the elected civilian President. The RS President also normally retained control over the appointment of the Corps Chief of Staff/Deputy Commander position. However, in select cases where the appointment was of an individual holding the rank of Colonel, orders were published under the authority of the RS Minister of Defense.

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SECTION FIVE: Unit or Institutional Authority of the VRS Corps Command and Chief of Staff Appointments over Subordinates.

5.0 In specific terms, Section Two of this report defines the responsibilities of the position of the Corps Commander and the Chief of Staff. To carry out these responsibilities, these officers possess a "unit or institutional authority" over designated subordinates. This authority is based upon the designated position of each officer and soldier within the established structure of a designated military unit or institution.

5.1 In the former JNA (as adopted by the VRS), each military unit or institution has designated positions against which officers and soldiers are assigned. Each "formation post" defines the roles, responsibilities and authorities of the officer or soldier designated to assume the specific post. As such, the formation posts establish and define the authority, obligations and enforcement powers which the officer or soldier is granted to carry out the designated responsibilities.

5.2 The overall authority to create these posts within the framework of the Republika Srpska government is vested with the President of the Republika Srpska. Article 174 of the RS *Law of the Army* specifically authorize the President to:

> 4. Define Army organization and formation.
> 5. Define the system of Army Command in compliance with the groundwork determined by the present law.
> 6. Observe the implementation of the established system of Army Command.

This article defines the specific responsibility of the President to establish the military structure.

5.3 Related to the issue of the authority of the position, the RS *Law of the Army* also indicates how command authority is derived. First and foremost, this document establishes the President of the Republika Srpska as Supreme Commander of the Armed Forces.[46] In his role as Supreme Commander, he has many functions, but relative to command, he is responsible for:

> Defining the system of command (in compliance within the framework of present law), to observe the implementation of the established system of command, and to issue regulations pertaining to internal order, discipline and relations within the service.[47]

5.4 Further, Article 173 of the *RS Law of the Army* indicates that command in the Army shall rest on the principles of "unity of command" regarding the use of force and means, and single man seniority with obligations to enforce decisions, commands and orders issued by "superior officers".[48]

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[46]Law on the Army, *supra* n.36, art. 174.
[47]*Ibid.*
[48]*See* Unity of Command (Single Authority)-Jednostarešinstvo, *JNA Military Lexicon* 200, 1981, (defining "superior officers" as individuals within "the system of command and control over military units and institutions, based on the indivisible right and responsibility of the Commander of the unit or the Chief of the institution, who by the principles of single authority, is the only one with the inherent right and responsibility to be in command of all organic and attached units and is responsible for the condition, combat readiness, employment of forces, correct and precise execution of all tasks, decisions and orders of one's superiors during war and peacetime.").

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Within that scope, a Superior Officer is defined as:

> "...a person in command of a military unit or a person managing a military institution (hereinafter known as units and institution), and in command of personnel serving in the military unit or institution, in compliance with the law and other regulations issued by the competent body." [49]

5.5 The concept of Superior Officer command is further defined in the *Interim Provisions on the Service in the Army of the Serb Republic*, as signed into effect by RS President Karadžić on 18 Aug 1992.[50] Section II (Army Relations), Paragraph 17 outlines the issue of the Senior and Superior Command, as well as the obligations of the subordinates to obey the orders of the superior. Specifically,

> - The members of the Army are obliged to execute the orders issued by the senior commanding officer, unquestioningly, completely, correctly, and in time. If due to any circumstance, the military person did not receive the order in time (sic), he is obliged to take measures and act in accordance with the particular situation;
>
> - The Army members are obliged to execute the orders of the senior commanding officer, if their superior commanding officer is not present;
>
> - A superior commanding officer, that is the commanding officer who issued the order, is the first one to receive a report after the execution of every order;

These regulations remained valid throughout the war.

5.6 With respect to the delegation of authority, it again begins with the President of the Republika Srpska, functioning as Supreme Commander of the Armed Forces. However, from a practical aspect, much of this authority is delegated to the RS Ministry of Defense or the Army itself to determine the day-to-day functioning of the system. Within the RS *Law of the Army*, the President may delegate certain command duties to the Commander of the Main Staff, who will be responsible to the President for said duties.[51] Thus, the Commander of the Main Staff of the Army is empowered to:

> ...Issue regulations, orders, instructions and other documents regarding the implementation of documents (orders) issued by the President of the Republic and the discharge of command duties delegated to him by the President of the Republic. [52]

5.7 The above outlined laws and regulations are clearly intended to ensure unity of command as well as to provide the institutional basis for maintaining military order. They provide the regulatory framework under which soldiers are obligated to follow the orders given to them by Senior or Superior Commanders, and the obligation to report execution of the orders to the officer who issued them. This institutionalized reporting chain exists at all levels of command, and is the foundation for the establishment and continuation of positive command and control.

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[49] Law on the Army, *supra* n.36, art. 4.
[50] Provisional Service Regulations of the Army of the Serbian Republic, *supra* n.24.
[51] Law on the Army, *supra* n.36, art. 174.
[52] *Ibid.*, art. 175.

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SECTION SIX: Disciplinary Authority of the VRS Corps Command and Chief of Staff Appointments over Subordinates.

6.0 As a VRS Corps Commander and Corps Chief of Staff, the individual has a variety of legal and disciplinary powers at his disposal to maintain positive control over subordinates. Most of these are codified in the VRS Service Regulations,[53] RS *Law on the Army* (disciplinary accountability),[54] the RS *Criminal Law* (criminal accountability),[55] the RS *Law on Military Courts*,[56] and the RS *Law on Military Courts and the Law on Court-martials during a State of War*.[57] All members of the VRS are bound to these regulations and laws during service.

6.1 In the broadest sense, the legal mandates of superior authority and subordinate compliance are found in the RS *Criminal Law*.[58] Articles 201 (Failure and refusal to execute an order), and Article 203 (Resisting a Superior) are the most applicable.

> Article 201 (extract)
>
> (1) If a military person fails or refuses to execute an order of a superior given in the line of duty, and if as a result of such failure or refusal grave detrimental consequences occur for the service, or the service was seriously jeopardized, he shall be imprisoned for a term exceeding three months, but not exceeding three years.
>
> (3) In a particularly grave case of the criminal act as referred to in paragraph one of this article, the offender shall be punished by imprisonment for a term exceeding one year, but not exceeding ten years.[59]
>
> Article 203 (extract)
>
> (1) A military person, who in concert with other military persons offers resistance to an order of a superior given in the line of duty and disobeys the same, or refuses to discharge his duty, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.
>
> (2) If the act referred to in paragraph one of this article has been committed in an organized way, the offender shall be punished by imprisonment by a term exceeding one year, but not exceeding 10 years.
>
> (3) If the act referred to in paragraphs one and two of this article have been committed with the use of arms, or if its commission has been accompanied by an intentional killing of a person, the offender shall be punished by imprisonment for not less than five years, or the death penalty.

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[53]Provisional Service Regulations of the Army of the Serbian Republic, *supra* n.24.
[54]Law on the Army, *supra* n.36, art. 63.
[55]*Ibid.*, art. 62.
[56]Law on Military Courts, *RS Official Gazette*, No. 27, (OTP English translation), 31 Dec. 1993, p. 1060.
[57]Law on the Implementation of the Law on Military Courts and the Law on the Military Prosecutor's Office During a State of War, *RS Official Gazette*, No. 29, (OTP English translation), 28 Nov. 1994.
[58]On 31 July 1993, the National Assembly adopted a series of amendments to the SFRY Criminal Code, including a provision which renamed the SFRY Criminal Code to the Criminal Law of the Republika Srpska. Law on Amendments to the Criminal Code of the Socialist Federative Republic of Yugoslavia, *RS Official Gazette*, (OTP English translation), No. 12, 09 Aug. 1993, art. 1. As the Criminal Code in full was not republished, all further references will be made to the code as adopted in 1990.
[59]Criminal Code of the SFRY, *SRFY Official Gazette*, (OTP English translation), 1990.

(6) A military superior who, faced with the offence referred to in paragraph one through three, fails to take steps toward restoring order, shall be punished by imprisonment for a term exceeding one year, but not exceeding five years.[60]

These Articles clearly delineate the legal obligations for both individual and collective compliance by "military personnel". Further, they hold "military superiors" accountable for the failure to enforce such compliance when required.

6.2 The responsibilities of service members to carry out orders, as well as the responsibility of Superior Officers to enforce them, are again detailed in the *Interim Provisions on the Service in the Army of the Serb Republic*, where:

> The superior officer shall hold responsible the person who fails to carry out an order, in full, with accuracy and in time (sic), and who in the meantime fails to report that he is unable to carry out the order.[61]

6.3 The primary enforcement tool available to VRS Senior and Superior Officers to ensure proper military conduct is found in the RS *Law on the Army*, under the broad heading of "Military Disciplinary Accountability".[62] Should the conduct of a military member of the RS Armed Forces be contrary to his military duties as defined by law, service or other regulations, orders and other documents issued by superior officers regarding the service, the military member can be considered in violation of military discipline. Under Article 64 of the RS *Law on the Army*, these violations shall refer in particular to:

> 1. Failure or refusal to carry out orders, violation of the superior and senior authority, and negligent and careless discharge of duties and obligations pertaining to the service.
>
> 2. Absence without leave and willful abandonment of a unit, institution or duties.
>
> 3. Violation of State, military, official, and business secrets, recklessness and negligence in keeping military documents and information.
>
> 4. Abuse of office or overstepping official authority.
>
> 5. Submitting incorrect reports, covering up or destroying official papers, books or documents; forging or using forged official documents.
>
> 6. Failure to apply necessary measures to protect lives and health of people entrusted to them; secure or maintain facilities, objects, and means used for combat readiness and regular supply of a military unit or institution.
>
> 7. Negligent treatment of entrusted property; appropriating or inflicting damage to military or other property.
>
> 8. Providing incorrect information on documents which have the power to influence on the admission to service or promotion.
>
> 9. Conduct which undermines the dignity of subordinates and junior officers or violates their legally guaranteed rights.
>
> 10. Conduct directed against military order or intended to violate regulations.

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[60] *Ibid.*
[61] Provisional Service Regulations of the Army of the Serbian Republic, *supra* n.24, para. 18.
[62] Law on the Army, *supra* n.36, art. 63.

11. Criminal offenses.

12. Offenses against public morals.

13. Offenses which a competent Court-martial deals with.

14. Damaging political activities which affect the unity of the Army and weaken its defensive capacity.

15. Activities against the constitutional order of the measures concerning the defense and securities of the country.

16. Any other activity or failure to act which hinders or makes impossible the functioning of a service or damages the reputation of the Army.[63]

Under Article 64, Brigade Commanders (and higher), as well as Superior Officers holding high ranks are empowered to initiate disciplinary proceedings for violations. They can also initiate criminal proceedings for violations of the RS *Criminal Law*.[64]

REGULAR LEGAL PROCEEDINGS

6.4 Serious violations of Article 64 or violations of RS *Criminal Law* are referred to the Military Prosecutor for additional investigation, and Court-martial (if warranted).[65] Court-martials are then conducted in accordance with the provisions of the RS *Law on Court-martials*, the RS *Law on the Army*, and (if necessary) the RS *Criminal Law*. Under the provisions of the RS *Law on Military Courts*, broad categories of people can be tried by the military for serious violations of Military Regulations (Disciplinary Offenses) and/or Criminal Laws. These include:

1. Soldiers completing their obligatory military service and soldiers under contract;

2. Military academy or secondary school cadets;

3. Professional Non-Commissioned Officers and professional Officers, to include those on contract;

4. Reservists on duty;

5. Civilians performing particular military duties.[66]

The referral process under which VRS Commanders and Senior Officers can initiate the prosecution of service members under the above laws are outlined in the RS *Law on the Army*.[67]

6.5 Further refining this process, the Military Prosecutor's Office of the Main Staff of the Army of the Republika Srpska published the *Guidelines for Determining the Criteria for Criminal Prosecution*, in October 1992. In addition to the general referrals under violations of Military Discipline and Criminal Law, these guidelines forward specific information to Commanders and Senior Officers as to what basis charges can be brought

[63] *Ibid.*, art. 64.
[64] *Ibid.*, art. 62.
[65] *Ibid.*, arts. 78, 79.
[66] Law on Military Courts, *supra* n.56, art. 11.
[67] Law on the Army, *supra* n. 36, arts. 86 - 99.

against service members relative to categories of crimes relating to avoidance of military service, desertion, and crimes against humanity and international law.[68]

6.6 Punishments for offenses against the RS *Criminal Law* are as mandated in that document. Punishments for offenses strictly pertaining to military matters outside the RS *Criminal Law* are mandated in the RS *Law on the Army*, Article 68.[69]

6.7 In lesser cases, should the conduct of a military member of the RS Armed Forces be contrary to his military duties as defined by law, service or other regulations, yet not serious enough to warrant referral to a Military Prosecutor, the military member can be considered to have committed a "breach of discipline".[70] A breach of discipline is considered to be a "misdemeanor" (Article 65), and proceedings take place outside the scope of a Court-martial. Penalties for non-criminal violations of Article 64 are outlined by Article 67 of the RS *Law on the Army*.

EXTRAORDINARY LEGAL PROCEEDINGS

6.8 During a period declared as a "State of War", the authority of the Corps Commander is greatly increased.[71] Not only does the Corps Commander still have all of the existing provisions available to him as mandated in the RS *Law on the Army* and RS *Criminal Law*; he has expanded legal authorities under the provisions of the RS *Law on Military Courts and the Law on Court-martial during a State of War*.[72]

6.9 With respect to the RS *Criminal Law*, Article 226 addresses the specific issues of punishments during a "State of War" and an "Imminent State of War". During these periods, violations of select laws (to include provisions of Articles 201 and 203 described in paragraph 5.1) become punishable by the death penalty.

6.10 Under the provisions of the RS *Law on Military Courts and the Law on Court-martial during a State of War*, a much quicker legal mechanism becomes available to senior military commanders. These extraordinary provisions empower Regiment or Brigade-level commanders to establish "Emergency Military Courts", with the prior approval of the Corps Commander. These courts can also be set up independently by the Corps Commander, or the Main Headquarters of the VRS. These courts may conduct court-martials concerning the following:

> 1. Army members from the military unit, whose officer has set up the court, as well as other persons who just happen to be at the front, for such crimes committed against the Republika Srpska Army as:
>
> - The failure or refusal to carry out orders
> - Insubordination

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[68]VRS Military Prosecutor's Office, *Guidelines for Determining the Criteria for Criminal Prosecution*, (OTP English translation), 06 Oct. 1992.
[69]Law on the Army, *supra* n.36, art. 68.
[70]*Ibid.*, art. 63.
[71]*See* RS Presidential Order No. 1372/95, (OTP English translation), 14 Jul. 1995 (declaring a "State of War and forming a War Presidency for the opstina of Srebrenica-Skelani" as issued to GŠVRS and Drina Corps).
[72]Law on the Implementation of the Law on Military Courts and the Law on the Military Prosecutor's Office During a State of War, *supra* n.57.

- Desertion
- Spying
- Failure to carry out tasks during combat
- Abandonment of positions contrary to orders
- Attack on a member of the armed forces
- Failure to take measures to protect Army units.

2. Military or civilian personnel who have committed a crime, for which a punishment has been prescribed and especially undermines the combat activities and readiness of a unit. [73]

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6.11 In the cases of these "Emergency Military Courts", both trial and judgement are passed in as little as 12 hours. With a unanimous guilty verdict, the Court can only mandate a sentence of death.[74] Thus in time of declared war, the Corps Commander is empowered to evoke battlefield disciplinary measures or initiate criminal law proceedings which can result in the handing down of a death sentence to subordinate troops.

6.12 With respect to the time period in question, RS President Radovan Karadžić declared a "State of War" in the Srebrenica-Skelani municipality on 14 July 1995. In addition, this declared "State of War" was expanded to the entire territory of the Republika Srpska on 28 July 1995.[75]

6.13 This material highlights the legal and regulatory instruments at the disposal of VRS Corps Commanders and other Superior Officers to maintain and ensure the proper military conduct of subordinate service members. Depending on both situation and circumstance, military regulations and/or relevant law can be used to maintain order within the service.

[73] *Ibid.*, art. 9.
[74] In the event that the court-martial board does not reach a unanimous guilty verdict, or if the sentence is not ratified by the convening authority (the Corps Commander or the Main Staff), the case is then referred to the VRS Military Prosecutor's Office for processing as dictated by the relevant laws.
[75] *See* Drina Corps order 01/159-2 (OTP English translation) (forwarding the RS Presidential Order declaring a "State of War in the RS").

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SECTION SEVEN: Relevant National Law and Military Regulations concerning the Responsibility of the VRS Corps Commander and Chief of Staff with regards to the Prevention and Prosecution of "War-Crimes" and "Crimes against Humanity."

7.0 On 13 May 1992, RS President Radovan Karadžić signed order No. 01-53/92. This order applies to *The Application of the Rules of the International Law of War on the Army*. [76] In this order, President Karadžić, acting in his role as Commander of the Armed Forces, obligates the Army and Ministry of Interior to apply and respect the "rules of the international laws of war," to include:

(A) The international treaties signed, ratified or joined by the former Socialist Federal Republic of Yugoslavia;

(B) The customary international law of war;

(C) The generally accepted principles of the international law of war.[77]

7.1 This order directs that commanders of all units, as well as each member of the Army or other armed formation who take part in combat activities, be responsible for the application of the rules of the "international law of war".[78] Further, Superior Officers are obligated to initiate proceedings for legal sanctions against individuals who violate the rules of the international law of war. [79] Additional paragraphs direct the Minister of Defense to prepare instructions on the treatment of captured persons, and that those instructions on the treatment of "prisoners of war" form a part of this order.[80] Finally, the order indicates that the Army should be "regularly" instructed in the rules of the international laws of war.[81]

7.2 Related to this 13 May 1992 order, on 18 August 1992, the Presidency of the Serbian Republic of Bosnia and Herzegovina approved and adopted the *Interim Provisions on the Army of the Serb Republic*.[82] These instructions, signed by President Radovan Karadžić, are based on the *Constitution of the Serb Republic*, the RS *Law on Defense*, the RS *Law on the Army*, the RS *Law on Refugee Care*, and other rules and provisions of the Presidency and the Government of the Serb Republic.[83] These instructions oblige all members of the Army to know and follow them, and further direct commanding officers to ensure that the rules of the "Provisions" are applied in their units.[84]

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[76]Order on the Application of the Rules of War in the Army of the Serbian Republic of Bosnia and Herzegovina, *Official Gazette of the Serbian People in Bosnia and Herzegovina*, No. 9, (OTP English translation), 13 Jun. 1992, Item 198.
[77]*Ibid.*, para 1.
[78]*Ibid.*, para 2.
[79]*Ibid.*
[80]*Ibid.*, paras 3, 5.
[81]*Ibid.*, para 4.
[82]Provisional Service Regulations of the Army of the Serbian Republic, *supra* n. 24.
[83]*Ibid.*, Intro.
[84]*Ibid.*

7.3 Pursuant to international law and combat activities, Part 1 of this document (Army Members Rights and Duties), paragraph 3 instructs (that):

> "While carrying out combat activities, members of the Army abide by the rules of international law, treat humanely the wounded and captured enemy and protect civilians in the area of combat activities."[85]

7.4 On 06 Oct 1992, General Ratko Mladić forwarded a document from the Main Staff of the VRS Military Prosecutor's Office to units of the VRS. This document, *Guidelines for Determining Criteria for Criminal Prosecution*, discusses three elements of policy pertaining to military prosecutions against criminal offenses.[86] The final series of guidelines pertains to "Criminal Offenses against Humanity and International Law Pursuant to Chapter XVI of the Criminal Code"(see paragraph 7.10 below).[87] This document specifies that the Armed Forces of the Army of the Republika Srpska are required to abide by the "Instructions on the Application of the International Laws of War on the Armed Forces." These instructions contain the principles and rules of international laws of war in armed conflict, and the prescribed method of applying these rules.[88] Further, this memorandum indicates that the forces of the VRS are bound by the "order" (presumably the RS Presidential order 01-53/92) to observe international "laws of war" in the Army of the Republika Srpska. Of note, in introducing the section concerning Chapter XVI of the Criminal Code, the memorandum outlines in general terms the scope of such criminal acts. As quoted:

> Crimes against humanity and international law can be committed by individuals acting on their own, but by their nature, these criminal offenses are usually committed in an organized fashion in the implementation of the policy of the ruling circles. Most of the criminal offenses are committed only during periods of armed conflicts or are in some way closely connected with armed conflicts, which means that they are committed within the context of broad military operations and on orders from superior officers. [89]

7.5 The above passage identifies the context issue concerning "crimes against humanity and international law" in an armed conflict, and makes the important distinction between the commission of individual crimes, and the commission of crimes on orders from "Superior Officers". This distinction (and the associated responsibility) is further codified in the applicable paragraphs of the *Regulations on the Application of the International Laws of War on the Armed Forces*, with respect to "individual" and "superior responsibility". Specifically,

(A) Paragraph 20, Personal Responsibility for Violations of the Laws of War:

> Every individual (military or civilian) shall be personally accountable for breaches of the rules of the law of war if he/she commits a violation him/herself, or orders one to be committed. Ignorance of the provisions of the rules of the law of war does not exonerate the transgressors of responsibility. [90]

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[85] *Ibid.*, Part I, para. 3.
[86] *Guidelines for Determining the Criteria for Criminal Prosecution, supra* n. 68.
[87] *See* Criminal Law, *supra* n. 58.
[88] This document is in fact the *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY*, (OTP English translation), 1988.
[89] *Guidelines for Determining the Criteria for Criminal Prosecution, supra* n. 68, at 7.
[90] *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY, supra* n.88, para. 20.

Of note, paragraph 20 also states that, "the perpetrators of such criminal acts may also answer before an international court, if such a court has been established." [91]

(B) Paragraph 21, Responsibility for the Actions of Subordinates:

> An officer shall be personally liable for violations of the rules of the law of war if he knew or could have known that units subordinate to him or other units or individuals were planning the commission of such violations, and, at the time when it was still possible to prevent their commission, failed to take the measures to prevent such violations. That officer shall also be held personally liable who, aware that violations of the rules of the law of war have been committed, fails to institute disciplinary or criminal proceedings against the offender, or if instituting of proceedings does not fall into his jurisdiction, fails to report the violation to his superior officer.[92]

Further, paragraph 21 states that, "An officer shall be answerable as an accomplice or instigator if, by failure to take action against his subordinates who violates the laws of war, he contributes to the repeated commission of such acts by units or individuals subordinate to him." [93]

(C) Paragraph 22, Responsibility for Violations of the Laws of War committed on orders:

> A member of the armed forces shall be liable to criminal punishment for violations of the laws of war committed by following orders resulting in the commission of a war crime or other grave criminal offense, if he knew that the orders were intended to bring about a violation of the laws of war which constitutes a criminal offense.[94]

7.6 Returning to the VRS *Guidelines for Determining Criteria for Criminal Prosecution*, the responsibilities of the Officer Corps of the Army of the Republika Srpska in both preventing and reporting violations of the Laws of Land Warfare are delineated. They read:

> From this (guidance) follows the explicit responsibility of the Officer Corps of the Army of the Republika Srpska as the giver of orders in command of the Armed Forces, whose members could commit or are committing some of these offenses, to take uncompromising action and prevent such conduct. This responsibility belongs by its nature particularly to high-ranking individuals and officials in State, Military, or Public organizations who are in the concrete circumstances (sic) and position to issue orders.
>
> If officers merely find out that units of the Armed Forces of the Army of the Republika Srpska or their members have committed or are committing such acts and take no measures to prevent the consequences or the acts themselves and expose perpetrators to criminal prosecution, this in itself makes them answerable for these criminal offenses.
>
> It follows from the above that officers in all units must accept the obligation to draft reports on all incidents which might be regarded as criminal offenses, regardless of whether they have been committed by members of the Army of the Republika Srpska, or by members of the enemy side, and to report to the command any information learnt (sic) about previous incidents. In these cases, the commands have a duty to inform, among others, the military prosecutor's office, which will, after making an assessment, take appropriate action in keeping with the law and prosecution policy. [95]

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[91] *Ibid.*, para. 20
[92] *Ibid.*, para. 21.
[93] *Ibid.*
[94] *Ibid.*, para. 22.
[95] *Guidelines for Determining the Criteria for Criminal Prosecution, supra* n.68, at 8.

7.7 The guidelines further explain what steps military units shall take in order to ensure the VRS Main Staff remains aware of the scope of the criminal offences, by directing unit commands to:

> - Work on uncovering all war crimes and crimes against humanity and international law on territory in their area of responsibility;
>
> - Inform the closest military police, security and military judicial organs about any crime they discover;
>
> - Secure the scene of a crime until the above mentioned organs arrive to conduct the investigation and fix evidence of the committed crime;
>
> - In cases when the military police, security or judicial organs cannot make an on-scene investigation in time, secure evidence about the crime by filming the scene of the crime with the appropriate equipment, taking statements from witnesses who can provide information about the perpetrators, victims and circumstances of the commission of the crime (etc.), and to send the documentation compiled at the first opportunity to the nearest military prosecutor's office, either directly or via the superior military police or security organ command. [96]

7.8 The RS *Law on Military Courts*, dated 30 December 1993, makes additional reference to the role of VRS military officers, as well as the Military Prosecutor's Office in the investigation and prosecution of acts against the RS *Criminal Law*.[97] Article 11 of the RS *Law on Military Courts* establishes the competency of a military court-martial to try soldiers, non-commissioned officers, commissioned officers, reservists on duty and civilians performing particular military duties for any kind of criminal act (refer to Section Five, paragraph 5.4).[98] Article 65 of the same law places the obligations on VRS "Superior Officers" to take positive steps in investigation of crimes, and apprehension of suspects, specifically:

> Every Superior Officer is obligated to take steps to prevent the person who has committed an act which is subject to criminal prosecution from hiding or fleeing, to preserve the traces of the crime and items which may serve as evidence, and to collect all evidence which might prove useful to the proceedings. The Superior Officer is obliged to inform the Military Prosecutor, directly or through a higher ranking officer, of the criminal offense. [99]

7.9 A further provision which applies is the RS *Law on the Mandatory Reporting of Crimes Against Humanity and International Law*, as published in the RS Official Gazette (No. 32, 31 December 1994). This law obligates anyone in possession of information or evidence of "crimes against humanity" or violations of international law to expose such information, and, if necessary, deliver it to the competent body entrusted with collecting such information.[100]

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[96] *Ibid.*, at 8-9.
[97] Law on Military Courts, *supra* n.56.
[98] *Ibid.*, art. 11. Presumably, these include Articles 141 through 155 of the Criminal Law pertaining to "Crimes Against Humanity and International Law". *See* Criminal Code of the SFRY, *supra* n.59.
[99] Law on Military Courts, *supra* n. 56, art. 65.
[100] Law on the Mandatory Reporting of Crimes Against Humanity and International Law, *RS Official Gazette*, No. 27, (OTP English translation), 31 Dec. 1994, art. 1.

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7.10 With respect to Criminal Law of the Republika Srpska, Chapter 16 "Criminal Acts against Humanity and International Law" delineate the applicable laws. They are (as listed):

> **Genocide** (Article 141), Punishable by imprisonment of no less than five years, or by death penalty.
>
> **War Crimes against the Civilian Population** (Article 142), Punishable by imprisonment of no less than five years, or by death penalty.
>
> **War Crimes against the Wounded or Sick** (Article 143), Punishable by imprisonment of no less than five years, or by death penalty.
>
> **War Crimes against Prisoners of War** (Article 144), Punishable by imprisonment of no less than five years, or by death penalty.
>
> **Organizing a group and Instigating the Commission of Genocide and War Crimes** (Article 145), punishable by imprisonment of between one and ten years.
>
> **Unlawful Killing or Wounding of the Enemy** (Article 146), Punishable by imprisonment of no less than one year, or by death penalty.
>
> **Marauding** (Article 147), Punishable by imprisonment of between one and ten years.
>
> **Making use of Forbidden Means of Warfare** (Article 148), Punishable by imprisonment of no less than one year, or by death penalty.
>
> **Violating the Protection Granted to Bearers of Flags of Truce** (Article 149), Punishable by imprisonment of between six months and five years.
>
> **Cruel Treatment to the Wounded, Sick and Prisoners of War** (Article 150), Punishable by imprisonment between six months and five years.
>
> **Destruction of Cultural and Historical Monuments** (Article 151), Punishable by imprisonment for not less than one year.
>
> **Instigating an Aggressive War** (Article 152), Punishable by imprisonment for one to ten years.
>
> **Misuse of International Emblems** (Article 153), Punishable by imprisonment between six months and five years.[101]

7.11 Finally, Article 239 of the RS *Criminal Law* addresses the issue of the individual responsibility for criminal offenses committed by superior order. As quoted:

> "No punishment shall be imposed on a subordinate if he commits a criminal offense pursuant to orders of a superior given in the line of duty, unless the order has been directed towards committing a war crime or any other grave criminal offense, or if it was obvious that the carrying out of the order constitutes a criminal offense." [102]

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[101] Criminal Code of the SFRY, *supra* n. 59, arts. 141 - 155. The remaining two articles in Chapter 16 refer to Racism (Article 154) and Slavery, Terrorism, Attacks upon Protected Persons, and the Taking of Hostages. (Article 155 inclusive). *Ibid.*

[102] *Ibid.*, art. 239.

7.12 In summary, paragraphs 7.1 through 7.11 outlines the legal, regulatory and policy provisions under which a VRS Corps Commander, Chief of Staff, and other Superior Officers are required to operate in order to prevent, investigate and punish criminal acts committed by military units or personnel. These provisions obligate these officers to take proactive and positive measures in dealing with war crimes related issues, even if the criminal acts in question were not committed by troops (or civilians) under their respective command. Further, these same provisions make the Commander, Chief of Staff and other Superior Officers liable if they take no measures at all, particularly if the failure to do so leads to the commission of additional criminal acts.

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SECTION EIGHT: Overall Conclusions.

8.0 As stated within the context of this report, in fixing the overall role and responsibility of the VRS Corps Commander and Chief of Staff, it is necessary to examine these roles within the regulatory framework of the military structure under which these officers operated.

8.1 As detailed in Section One and Two, the Army of the Republika Srpska adopted the operating methodologies, rules and instructions of the former Yugoslav National Army. The fundamental structures of the VRS Corps Command and Staff remained consistent as defined under these JNA regulations. Analysis of a considerable body of documents further demonstrates that the internal command and staff procedures remained the same. In most cases, the VRS directly mandated that existing JNA regulations be adhered to. In other cases when units of the VRS published regulations or operating guidance, it was an almost verbatim extract from relevant JNA regulations. Militarily, this approach made perfect sense, as the former JNA trained Bosnian-Serb officers who made up the leadership of the VRS would naturally rely on the considerable military educational and leadership experience which they collectively possessed. Further, the equipment, support base and training institutions of the former JNA (which the VRS inherited) all supported this approach. In almost all aspects, one can attribute the rules, regulations and operating methodologies of the former JNA as being applicable to the VRS during the wartime period.

8.2 Accepting the premise that the former JNA Corps regulatory base is the foundation of VRS Corps operations, than one must accept the roles, responsibilities and authorities of the Corps Commander and Staff as articulated in these documents.

8.3 Relative to the roles, responsibilities and authorities of the Corps Commander, it is clear that under the former JNA regulations, he is the individual empowered to personally direct the operations of the Corps, and to accept responsibility for those operations. Within the framework of military command, the Corps Commander, above everyone else in the Corps, has the institutional, legal, and regulatory authorities to direct the activities of his subordinates, and to be held accountable for their actions. Even the most conservative readings of the material in Section Two bears this out. Upon the assumption of "command", he incurs the obligations of command. While he may delegate many of his authorities to subordinate commanders and staff officers, he continues to retain the individual responsibility for the situation or actions of those to whom he has delegated these authorities. In exercising his singular "right" to Command the Corps, he incurs the singular obligation of responsibility over the results of this command and the actions of his subordinates.

8.4 Further, the obligation to command extends beyond the active sense, as in the issuance of orders and directives. It extends in a passive sense as well, whereas the Commander is responsible not only his actions, but for his omissions. This responsibility, particularly with respect to illegal actions by subordinates, is well documented in both the former JNA and also VRS regulations. As Section Seven notes, these regulations are explicit with respect to the obligations and liabilities the military official assumes as either a "Commander" or an "Officer" dealing with violations of the "laws of war":

> An officer shall be personally liable for violations of the laws of war if he knew or could have known that units subordinate to him or other units or individuals were planning the

> commission of such violations, and, at the time when it had still been possible to prevent their commission, failed to take measures to prevent such violations. The officer will also be held personally liable who, aware that violations of the laws of war have been committed, fails to institute disciplinary or criminal proceedings against the offender, or if instituting of proceedings does not fall into his jurisdiction, fails to report the breach to his superior officer. [103]

Specific to the Army of the Republika Srpska, responsibilities of the Officer Corps of the VRS in both preventing and reporting violations of the Laws of Land Warfare are again delineated. In part they read:

> ...from (this guidance) follows the explicit responsibility of the Officer Corps of the Army of the Republika Srpska as the giver of orders in command of the Armed Forces, whose members could commit or are committing some of these offenses, to take uncompromising action and prevent such conduct. This responsibility belongs by its nature to high-ranking individuals and officials in State, Military, or Public organizations who are in the concrete circumstances (sic) in a position to issue orders. If officers merely find out that units of the Armed Forces of the Army of the Republika Srpska or their members have committed or are committing such acts and take no measures to prevent to the consequences or the acts themselves and expose perpetrators to criminal prosecution, this in itself makes them answerable for these criminal offenses.[104]

8.5 The above passages clearly demonstrate that within the former JNA and VRS regulations, commanders are held accountable for not only the actions they undertook or were aware of, but also those which they *should have* or *could have* had knowledge of based on their official position or function. At the same time, they are also responsible for failures to act within the capacity of their position, particularly when the failure to act contributes to additional offenses.

8.6 As the Corps Commander, the individual has the necessary means to effectively command the VRS Corps level entity. He has the institutional and regulatory authority to command; he has the means and responsibility to exercise command, and he has the legal mandate and the disciplinary powers to enforce compliance over his subordinates.

8.7 Relative to the roles, responsibilities and authorities as the Corps Chief of Staff/Corps Deputy Commander, these are more limited. As discussed in Section Two, the authority of the Chief of Staff is derived from the overall authority of the position of the Corps Commander. While empowered to make decisions, and issue orders to subordinates, the Chief of Staff is generally limited to doing so within the overall context of the Commander's guidance or intent. Only in compelling circumstances would the Chief of Staff/Deputy Commander assume direct and full command of the Corps. However, as noted previously, should such compelling circumstances arise, his authority to issue independent orders is recognized under the relevant military regulations. Subordinates would be obligated to carry out these instructions as they were issued, until such time as the Corps Commander could effectively resume command.

8.8 Despite these limitations on his authority to exercise independent command, the position of Corps Chief of Staff is one of primary importance and responsibility within the framework of the Corps Command. First, his duties charge him to be continually aware of the complete situation in the Corps zone of operations, and to ensure the Commander is fully informed of that situation. Further, as the next Senior Officer in the

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[103] *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY*, *supra* n. 88, para. 21.
[104] *Guidelines for Determining the Criteria for Criminal Prosecution*, *supra* n. 68, at 8.

Corps (after the Commander), he is charged by position to give his professional opinions and advice to the Commander pertaining to all aspects of Corps operations and plans. In the performance of these duties, he is responsible for reviewing orders received by the Corps Commander, studying them (in conjunction the Commander and with the relevant Corps Staff personnel), and proposing plans and/or alternatives to the Commander for approval. As such, the Chief of Staff is the principal planner and advisor to the Commander.

8.9 Second, the Corps Chief of Staff is the main facilitator through which the Corps Commander's directives are formatted and passed to subordinates for execution. He manages the Corps Staff in the preparation of the required combat documents, orders and other material, and insures that these instructions are passed to the subordinate commands. In performing this function, he coordinates the activities of the Corps Staff with those of the subordinate commands, and ensures a total unity of effort in relation to the Commander's directives and intent.

8.10 Third, the Corps Chief of Staff is required to monitor the readiness and the ability of subordinate units to execute the orders of the Commander, and to report the results of the compliance back to the Commander. In doing so, he maintains (through the Corps Staff) a full awareness of the necessary aspects of all the Corps subordinate formations. Further to this, he is responsible for assembling the range of information required by the Corps Commander to keep the Superior Command fully informed.

8.11 Clearly, by position, the Corps Chief of Staff is best described as the focal point for all relevant directives, orders and information flowing between the Superior Command, the Corps Commander, the Corps Staff and the subordinate units of the Corps. He ensures coordination, direction, execution and compliance on behalf of the Corps Commander.

8.12 Despite his more limited command authority, the Corps Chief of Staff still assumes a significant degree of responsibility pertaining to the commission of illegal acts. Under the *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY* (Responsibility for the breaches of the rules of the law of war committed on orders, Article 22) the following applies:

> A member of the armed forces shall be liable to criminal punishment for violations of the laws of war committed by following orders resulting in the commission of a war crime or other grave criminal offense, if he knew that the orders were intended to bring about a violation of laws of war which constitutes a criminal offense.[105]

Further, as quoted from the relevant VRS rules:

> "...If officers merely find out that units of the Armed Forces of the Army of the Republika Srpska or their members have committed or are committing such acts and take no measures to prevent the consequences or the acts themselves, and expose perpetrators to criminal prosecution, this in itself makes them answerable for these criminal offenses."[106]

8.13 As noted above, the individual officer (or soldier) in his own right is held responsible for individual compliance with international law, specifically the refusal to

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[105] *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY*, *supra* n. 88, para. 22.
[106] *Guidelines for Determining the Criteria for Criminal Prosecution*, *supra* n. 68, at 8.

follow an order which is understood to be or bring about a violation of the law of war. More specific, as a function of his role as a "Superior Officer" in the Army of the Republika Srpska, the officer assumes responsibility for an offense if he is aware that one was committed, or is being committed, and takes no action to prevent it, or expose the perpetrators.

8.14 As the Corps Chief of Staff (and concurrently Corps Deputy Commander), he has the institutional duty and professional responsibility to be fully aware and informed of all the events occurring within the zone of the Corps. As the Corps Chief of Staff, he leads a body of experienced officers whose duty functions included planning, directing and monitoring operations in the Corps zone. This body reports to the Chief of Staff, who is then responsible for keeping his Commander and the Superior Command advised and informed. Further, his position requires him to receive the Commander's guidance and directives, process them into the required military documents or orders, and to ensure their delivery to subordinate commands. In turn, he then monitored and ensured the subordinate formation's compliance to the Commander's directives.

8.15 In closing, the material forwarded in this report clearly delineates a formal structure, organization, means and methodology for the exercise of command within the framework of the Army of the Republika Srpska. The positions of VRS Corps Commander and VRS Corps Chief of Staff are valid formation positions, with unique roles, authorities and responsibilities. As the Commander of a VRS Corps, the individual assumes responsibility for his acts and/or omissions as the Corps Commander, as well as Superior Responsibility for the acts and/or omissions of his subordinates. In performing the duty as the Corps Chief of Staff/Corps Deputy Commander, the individual incurs the responsibility for his acts and/or omissions within the scope of the authorities of the position. Further, depending on the circumstances, the Chief of Staff/Deputy Commander may also assume Superior Responsibility for orders, acts or omissions that are attributed his functions in that role.

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18. Document collection seized by the Office of the Prosecutor from the VRS 503rd Motorized Brigade, formerly the 1st Zvornik Infantry Brigade (1.Zvpbr) of the Drina Corps, VRS.

19. Document collection seized by the Office of the Prosecutor from the VRS 513th Infantry Brigade, formerly the 1st Bratunac Light Infantry Brigade (1.Brlpbr) of the Drina Corps, VRS.

20. Document collection seized by the Office of the Prosecutor from the VRS 1st Corps, formerly the 1st Krajina Corps of the Army of the Republika Srpska.

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-04-81-T

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC ANNEX 2 TO

SUBMISSION OF EXPERT REPORTS BY RICHARD BUTLER:

Srebrenica Military Narrative – Operation Krivaja 95

00950741

15 May 2000

SREBRENICA MILITARY NARRATIVE - OPERATION "KRIVAJA 95"

Introduction

The "Srebrenica Military Narrative" has two primary objectives. First, to examine the information which links the Army of the Republika Srpska (specifically the Drina Corps) to the multitude of criminal acts which occurred relative to the capture of the Srebrenica "safe area" in July 1995, as charged by the Office of the Prosecutor in Indictment IT-98-33. Second, to fix the role of (then) General-Major Radislav KRSTIĆ as the Chief of Staff and then the Commander of the Drina Corps during this period.

In respect to the first objective, this Narrative will detail the linkage between the Drina Corps Commander, his staff, and his subordinate units with the criminal acts as charged. This will include information of direct involvement by units under the command of the Drina Corps. It will also include information that demonstrates the acts were part of a larger, integrated plan under the direction of the Main Staff of the Army of the Republika Srpska, as executed through the Drina Corps Commander and Staff.

With respect to the second objective, this Narrative will detail and analyze the relevant material that fixes the specific time frame that General-Major Radislav KRSTIĆ began exercising command of the Drina Corps. This has a direct bearing on his authorities and responsibilities as a "Corps Commander" relative to the criminal acts as charged. As a required component for establishing the authorities and responsibilities of General-Major Radislav KRSTIĆ, I refer the reader to the *VRS Corps Command Responsibility Report*, dated 05 April 2000.

In order to accomplish the objective of this report in the most effective way possible, it has been divided into thirteen complimentary chapters.

Chapter One consists of a limited historical background, pertaining to the history of the VRS Drina Corps from its creation on 01 November 1992 and its activities related to the UN designated "safe area". This historical overview is not designed to be a fully definitive history of the events from 1992 through 1995, but instead is limited to the necessary information required to put the events described in subsequent chapters into context. As such, many details of the battles between the Serbs and the Muslims over the region are not addressed. For the same reason, this historical overview does not address the history of the various UN units operating inside the "safe areas", or the policies of the United Nations in creating or administering the Srebrenica "safe area". Detailed historical accounts of the conflicts and the policies related to Srebrenica are available in various public reports, books and documents.

Chapter Two consists of a description of the various units and personalities who are fundamental to the criminal acts as charged. Further, it defines the legal and functional relationship between the RS Army and RS Police as it related to military operations. This chapter serves to expand on the Drina Corps chain of command and organizational relationships outlined in the indictment.

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Chapter Three details the VRS operation against the UN designated Srebrenica "safe area". This chapter will examine the relevant operations plans and orders of the VRS, as well as the actual attack (through the capture of Srebrenica town). Further, the actions of the Muslims in relation to the capture of Srebrenica are outlined. This includes the decision for most of the Muslim men to attempt to escape towards "friendly" territory (referred to as "the column"), and for others, to seek the protection of the UN at Potočari.

Chapter Four is titled "Meetings and Decisions." This section pertains to the series of meetings which occurred at the Hotel Fontana between Commanders of the VRS, the Bosnian Serb civilian authority, the Dutch UNPROFOR Battalion, and the hastily designated Muslim civilian representatives. These meetings took place on the evening of 11 July 1995 and the morning of 12 July 1995. The events that transpired at these meetings are of importance (particularly in relation to the movement of the Muslims from the "safe area"), and set the stage for the criminal acts which follow the VRS capture of the Srebrenica "safe area".

Chapter Five deals with the first series of charged criminal events, those pertaining to the area of Potočari and the movement of Muslims out of the former enclave. The specific involvement of the Main Staff of the VRS, the Drina Corps Command and Staff, as well as subordinate units in this process is examined.

Chapter Six deals with the series of charged crimes related to the assembly, detention, and in select cases, execution of Muslim men who were captured or surrendered from the column. Also related to this is the detention of the Muslim males separated at Potočari. In constructing these events, the specific linkage between the crime scenes and the military units subordinate to the Drina Corps will be examined. As such, Chapter Six is sub-divided based on the known crimes scenes, and not necessarily in chronological order. Further, relevant witness and survivor experiences (as related in court testimony or statements) are included, as necessary, to put each event in the required context.

Chapter Seven details the five known large-scale, organized mass executions that began on 14 July 1995 and ended by 18 July 1995. These are collectively referred to as (1) the executions at Orahovac; (2) the executions at the Petkovci Dam; (3) the executions at the Branjevo Military Farm; (4) the executions at the Pilica Cultural Center; (5) and the executions at Kozluk. All these crimes occurred in the zone of the 1st Zvornik Infantry Brigade, a unit subordinate to the Command of the Drina Corps. As in Chapters Five and Six, the specific linkage between the crime scenes and the military units will be examined. Witness or survivor accounts are included, as necessary.

Chapter Eight breaks the broad chronological chain of events and examines two related issues pertaining to the criminal acts as charged. First, the issue of the role General-Major KRSTIĆ had with respect to his position and functions as the Drina Corps Chief of Staff. Second, his role and functions relevant to his position as the Commander of the Drina Corps. In examining this second issue, the timeframe and circumstances under which he became the Drina Corps Commander are addressed.

Chapter Nine examines the broader role which the Drina Corps Command and Staff played in relation to the crimes charged in the indictment (and detailed in Chapters Five through Seven). By detailing the specific parts played by the principal staff deputies and assistants of General-Major KRSTIĆ, this chapter will demonstrate the wide scope of knowledge and participation of the Drina Corps Command in the process.

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Chapter Ten encompasses one specific aspect of the criminal acts - the information pertaining to Bosnian Muslim males known to be in the custody of the VRS Drina Corps and who are now listed as missing. Many of these references are based on notes from field interrogations of captured Bosnian Muslim soldiers and, in one unique case, formal witness statements taken from four Bosnian Muslim men that were used in legal proceedings against two VRS soldiers (charged with aiding the enemy).

Chapter Eleven deals with the VRS operation to conceal the results of the criminal acts by engaging in a large-scale campaign to secretly exhume and re-bury the remains of the Bosnian Muslim males executed by the VRS. For this chapter, only the military related activity is examined. The considerable body of forensics evidence developed by the Investigation Team pertaining to this issue is beyond the scope of this report and is addressed elsewhere.

Chapter Twelve examines the role of the Main Staff of the VRS in the criminal acts as charged. While understanding that this military echelon is above that which General-Major KRSTIĆ commanded, the role the Main Staff played is important in understanding how the overall plan was executed through the Commander and Staff of the Drina Corps.

The final chapter (Chapter Thirteen) deals with the overall conclusions which I forward as a result of my analysis. These conclusions are limited to the military aspects of this report. In turn, they encompass the three fundamental issues of this Narrative: First, the issue of when and under what circumstances General-Major Radislav KRSTIĆ became the Commander of the VRS Drina Corps. Secondly, his direct knowledge and involvement during the relevant period charged in the indictment. Finally, the command and control he exercised (as the designated superior officer) over subordinate soldiers and formations of the VRS Drina Corps during the relevant period.

In seeking to accomplish the above-noted objectives of this report, a detailed (and sometimes redundant) examination of the military fact base is tendered. This approach serves two purposes. First, in many cases, these facts place a unit (or units) at a specific location and involved in criminal acts as charged. Second, these same facts serve to establish the issue of command and control, and specifically when General-Major KRSTIĆ began to exercise command. As such, they are reviewed in each relevant aspect in the relevant chapters.

Along the same vein, this report examines the military fact base from the perspective of three distinct military echelons: those of the units subordinate to General-Major KRSTIĆ, those of the Drina Corps Command (inclusive of his staff and assistants), and those of the VRS Main Staff (his superior command).

Finally, as noted previously, this Narrative Report is designed to be read in conjunction with the *VRS Corps Command Responsibility Report*. That report establishes the specific authorities and responsibilities of a VRS Corps Commander, as well as detailing the legal and regulatory basis under which a VRS Corps Commander operates. In turn, this Narrative establishes the linkage between the crimes, the subordinate units and the Corps Command. Taking these two products together, it is then possible to examine the direct roles, responsibilities and linkage between the units under the command and control of General-Major KRSTIĆ and the criminal acts as charged.

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I base this report and its conclusions on my comprehensive analysis of documents, statements, manuals and other relevant material currently in the possession of the Office of the Prosecutor. Both the report and conclusions reflect my knowledge and understanding of this material, as well as the VRS Corps structure, organization, and role within the Army of the Republika Srpska as defined by applicable RS laws and military regulations in effect during the conflict in Bosnia and Herzegovina.

References and analytical judgements are noted accordingly.

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Srebrenica Military Narrative – Operation "Krivaja 95"

EXECUTIVE SUMMARY

1. The Drina Corps was formed on 01 November 1992 and became the last of six Corps formations of the Army of the Republika Srpska (VRS). The Drina Corps main headquarters was established in the town of Vlasenica. As was the case with other five VRS Corps, the Drina Corps was organized along the lines of a former JNA Corps. The staff was organized in the same manner and units were subordinated to the Corps Commander in accordance with former JNA Corps structure and operating methodologies.

2. In April 1993, the United Nations Security Council (Resolutions 819 and 824) created three "safe areas" in the zone of the Drina Corps. These "safe areas" surrounded the primarily Muslim inhabited enclaves of Srebrenica, Žepa and Goražde. With the establishment of the UNSC designated "safe areas", the military confrontation lines around Srebrenica stabilized. Yet, in spite of a UN peacekeeping presence, the continued activities of armed Bosnian Muslim military units inside the Srebrenica enclave required the VRS to maintain a defensive perimeter opposite the "safe-area".

3. In early 1995, the Republika Srpska leadership initiated an effort to make the "Eastern" enclaves (inclusive of Srebrenica) untenable. Part of this effort was to limit the amount of fuel and provisions necessary to support the local population, or the UN forces within the enclaves. Another part of this effort was to physically reduce the size of the enclaves. Minor military operations by the Drina Corps in May and June of 1995 (along the southern edge of the Srebrenica "safe area") set the stage for a major military operation, code-named "Krivaja-95".

4. Operation "Krivaja-95" was the VRS plan to reduce the physical area of the Srebrenica enclave and to isolate it from the nearby Muslim enclave of Žepa. This plan was developed, and for the most part executed, by the Command, Staff and subordinate units of the VRS Drina Corps. At the time the operation commenced, General-Major Milenko ŽIVANOVIĆ was the Commander of the Drina Corps. His Chief of Staff and Deputy Commander was General-Major Radislav KRSTIĆ.

5. The attack against the enclave began on 06 July 1995. As a result of the successful advance of the Drina Corps against the Muslim military and UN (Dutch Battalion) forces, the scope of the operation was expanded on 09 July 1995 to now include the "liberation" of the town of Srebrenica. This was successfully accomplished by the late afternoon of 11 July 1995.

6. Muslims from the fallen enclave took two courses of action. Starting the evening of 10 July 1995, between 10,000 -15,000 mostly Muslim men began assembling in the north-western corner of the enclave, between the villages of Sušnjari and Jaglići. From here, they formed a long column and began a trek towards Muslim-held territory in the direction of Tuzla. A second, larger group of mostly older men, women and children began assembling outside the UN Dutchbat compound at Potočari.

7. Following the capture of Srebrenica by the VRS, a series of three meetings took place at the Hotel Fontana in Bratunac. Two meetings were held on the evening of 11 July 1995, the third was held on the morning of 12 July 1995. At these meetings, VRS

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Commander General-Colonel Ratko MLADIĆ dictated to the UN Dutch Battalion Commander, and later to hastily designated Muslim civilian representatives, the planned conditions related to the transportation of Muslims out of the former enclave, and the surrender of Muslim military units. In the company of General-Colonel MLADIĆ during two of these meetings was General-Major KRSTIĆ.

8. Functioning as the Drina Corps Chief of Staff, General-Major KRSTIĆ was significantly involved in the planning and execution of the transportation of Muslims from the Potočari area. He was observed in Potočari on both 12 and 13 July 1995. While Muslim women, children and some elderly men were being removed, most Muslim males were being physically separated, and were later moved to detention facilities in and around the town of Bratunac.

9. At the same time, he was involved in the process of assembling the military units for the next VRS operation against the Muslim enclave around Žepa. These preparations were made more difficult by the size and the intensity of combat occurring as Army units and RS Police units (operating under military control) attempted to prevent the Muslim column from escaping. On 13 July, several thousand Muslim males from the column were captured by (or surrendered to) these units. In many cases, these Muslim men were moved to detention facilities already occupied by men from Potočari. As these facilities filled to capacity, Muslim men were detained on the buses and trucks that brought them.

10. In the afternoon and early evening hours of 13 July 1995, three significant events occurred. First, hundreds of Muslim men from the column were assembled and transported to two separate locations. One of these locations is the Cerska Valley and the other is the Kravica Warehouse. The Cerska Valley was in the zone of either the 1st Milići Light Infantry Brigade or the zone of the 1st Vlasenica Infantry Brigade. The Kravica Warehouse was in the zone of the 1st Bratunac Light Infantry Brigade. All three units are subordinate formations of the VRS Drina Corps. Once the Muslim men were assembled at these locations, they were executed.

11. The second significant event is that General-Major Radislav KRSTIĆ becomes the Commander of the VRS Drina Corps. He personally signs a Drina Corps order directing three subordinate units to begin sweep operations through the former Srebrenica enclave. In this order, he is identified as the Commander of the Drina Corps. Additional information indicates that (for currently unknown reasons), the former Drina Corps Commander, General-Major Milenko ŽIVANOVIĆ, was relieved, and re-assigned (on disposal) to the Main Staff. This change in command was formally codified by the President of the Republika Srpska on 14 July 1995.

12. The third significant event is that during the evening of 13 July 1995, buses and trucks began the process of moving the Muslim men (those separated at Potočari and those from the column) from the Bratunac area to detention facilities in the zone of the 1st Zvornik Infantry Brigade. By mid-afternoon on 14 July 1995, several thousand Muslim men were being held at the Grbavci School in Orahovac, the "new" Petkovci School (in Petkovci), the Pilica School in Kula, and the Cultural Center in Pilica, and possibly the school in Ročević.

13. In the mid-afternoon hours of 14 July 1995, the first of five large-scale mass executions occur. In a systematic process, Muslim men were removed from the school, transported to the nearby execution site, and executed by personnel of the 4th Infantry Battalion of the 1st Zvornik Infantry Brigade. Engineer equipment from the Zvornik

Brigade Engineer Company is used to bury the dead. This process continued after darkness fell on 14 July 1995.

14. Shortly after the Orahovac killings were completed, Muslim males were systematically removed from the school in Petkovci, transported to the nearby Petkovci Dam and executed. This process was completed as the sun comes up on 15 July 1995. Earthmoving equipment under the control of the Engineer Company of the Zvornik Brigade bury the dead.

15. As these first two mass executions are underway, the head of the Muslim column comes into contact with Zvornik Brigade assets attempting to ambush them. In the confused fighting that follows, the Zvornik Brigade forces were pushed aside and the Muslim column began to envelope the rear areas of three battalions of the Zvornik Brigade.

16. Based on these dangerous military developments in the Zvornik Brigade sector, deployed forces near Žepa, (under the command of Lieutenant Colonel Vinko PANDUREVIĆ) quickly returned to the Zvornik area. All Zvornik Brigade reserve assets were also engaged in the battle, so much so that the execution process was apparently delayed. In an effort to keep the process going, Colonel Ljubo BEARA of the Main Staff Security Administration calls Major-General KRSTIĆ and requests that additional troops be sent. He notes in the conversation to Major-General KRSTIĆ that he still has "3,500 parcels to distribute."

17. Further on 15 July 1995, upon arriving back into the zone of his Brigade, Lieutenant Colonel PANDUREVIĆ quickly assessed the situation, and sent an "Interim Combat Report" to the Command of the Drina Corps. In this report, he noted that in addition to the combat activities, his Brigade was burdened with the "large numbers of prisoners distributed throughout schools in the Brigade area, as well as obligations of security and asanacija" (burial of the bodies). He further noted that if "no one" takes responsibility, he would be forced to let the prisoners go.

18. By the morning of 16 July 1995, despite the continuing combat in the zone of the Zvornik Brigade, mass execution-related activity resumed. In (again) a systematic process, Muslim men were transported from the Pilica School and taken to the Branjevo Military Farm, where they were executed. In this case, the troops conducting the execution were from the 10th Sabotage Detachment and from a deployed unit of the Bratunac Brigade. Later that same day, Muslim men held in the Pilica Cultural Center were executed at that site. Muslim men from an undetermined location were also killed at Kozluk. Engineer equipment from the Zvornik Brigade Engineer Company buried the bodies on 16 and 17 July 1995.

19. Overseeing this execution process on 16 July 1995 was Lieutenant Colonel Vujadin POPOVIĆ, the Drina Corps Assistant Commander for Security. He was involved in ensuring fuel was made available so that the "work" could continue. Further, he reported back through the Command of the Drina Corps when the work was completed. Also involved from the Drina Corps was Colonel Slobodan CEROVIĆ, the Assistant Commander for Moral, Legal and Religious Affairs. On the morning of 16 July 1995, he was noted telling Colonel BEARA that he had "instructions from above" and that the "triage" needed to be done on the prisoners.

20. By 18 July 1995, both the primary "mass executions" and the burial activities associated with them were completed. Further, detailed reports were again forwarded to the Drina Corps Command. In one such report, Zvornik Brigade Commander Vinko PANDUREVIĆ openly questioned to wisdom of the decision to place 3000 military-aged "Turks" into schools in his zone.

21. Despite significant combat activity that occurred during the relevant period, the Drina Corps Command maintained a fully functioning system of positive command and control over the activities of the subordinate formations of the VRS Drina Corps. The Corps Commander maintained the means, either personally or via the oversight activities of the Drina Corps Staff, to be aware of the criminal acts being committed by units and soldiers under his command. Further, he actively exercised those means. Analysis of intercepted or seized VRS military communications indicates that General-Major Radislav KRSTIĆ, as well as members of Drina Corps Staff, had knowledge and played a role in the criminal acts as charged.

22. After 18 July 1995, additional, smaller-scale executions took place in the zone of the Zvornik Brigade. For the most part, these were associated with the capturing and summary executions of Muslim men from the column who were now trapped in the zone of the Zvornik Brigade. However, in one case, it involved the execution of four Muslim men who had apparently survived one of the larger mass executions (Branjevo Military Farm).

23. Relative to the process of concealing the mass executions and reburying the bodies, available information notes that both the Zvornik Brigade and the Bratunac Brigade were aware of, and participated in, this activity. Required resources were provided through the VRS Drina Corps.

24. In concluding, it is clear that the Drina Corps Command and Staff were engaged in the conduct of the criminal acts as charged. Specific to the role of General-Major KRSTIĆ, he was an active and knowledgeable participant. As the Drina Corps Chief of Staff, he took an active role in coordinating the arrival and later the departure of the buses carrying the Muslims out of Potočari. He became the Commander of the VRS Drina Corps at approximately the time Muslim men were executed at Cerska Valley and the Kravica Warehouse. Subsequently, mass executions of Muslim men in the custody of the Drina Corps occurred at Orahovac and Petkovci Dam. In the pause following these two mass executions, he received at least two specific notices that Muslim prisoners were being executed. The next day, the mass executions resumed at the Branjevo Military Farm, the Cultural Center in Pilica, and at Kozluk. As was the case after the first mass execution, he received information from his subordinate commanders that informed him of the conclusion of the acts.

25. Finally, following the commission of the criminal acts (as charged) by units under his command, General-Major KRSTIĆ had continual references to the occurrence of these acts. There is currently no information that indicates that he undertook any measures available to him as a VRS Corps Commander to bring any of his subordinates to account under the RS Laws and/or VRS Military Regulations in effect at the time.

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Srebrenica Military Narrative – Operation "Krivaja 95"

CHAPTER ONE: Historical Background

A. Beginning of the VRS Drina Corps and the Srebrenica "Safe Area"

1.0 The Drina Corps was formed on 01 November 1992, and became the last of six Corps formations of the Army of the Republika Srpska[1] (hereinafter "VRS"). It was formed in response to the growing security threat posed along the western regions of the Drina River by Muslim strongholds in the mountainous regions of Cerska, Srebrenica, Žepa, Goradže, and the outlying areas of Višegrad[2]. The Drina Corps was organized by combining and enlarging existing units from the already existing East Bosnia Corps and Sarajevo-Romanjia Corps.[3] The Drina Corps' main headquarters was established in the town of Vlasenica. Colonel (later General-Major) Milenko Živanović was appointed to command the Drina Corps.

1.1 Within a month of the formation of the Drina Corps, it was faced with a major crisis, as Muslim forces operating from the Srebrenica area began a two stage military campaign. Their first objective was to link up with another group of Muslim forces in Cerska, thus isolating the Serbian forces holding the towns of Bratunac and Skelani, and second, the actual capture of Bratunac itself. The first part of the plan was successfully accomplished by early January 1993, highlighted by the capture of the Serbian village of Kravica on Orthodox Christmas.[4] Later that month, the situation was so critical around Bratunac that Yugoslav Army[5] (hereinafter "VJ") units were introduced west of the Drina river to assist in the defense of the town, and stem a major refugee crisis into Serbia proper.[6]

1.2 In response, the Main Staff of the VRS (hereinafter "the Main Staff") and the Drina Corps initiated a major winter counter-offensive in late January 1993 to eliminate the Muslim strongholds west of the Drina River. By March, the Muslim forces in Cerska had been routed, and thousands of refugees were fleeing southeast towards Srebrenica. Serb forces continued to attack through the spring, and by early April, VRS forces were within two kilometers of Srebrenica.

1.3 The success of these VRS operations was the catalyst for United Nations Security Council resolution 819 (1993)[7], which created the Srebrenica "safe area". Shortly

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1 Translated *Vojska Republika Srpska.*

2 "Two Years of the Drina Corps," *Srpska Vojska* (OTP English translation), 15 Nov. 1994, p. 31.

3 Documents from Bratunac and Zvornik indicate the following: Prior to Nov. 92, the Zvornik Brigade and the Birač Brigades were subordinate to the East Bosnia Corps. What was later to become the Bratunac Brigade was a subordinate battalion of the Birač Brigade (as were what was later to become the Vlasenica and Milići Brigades). The 2nd Romanjia Motorized Brigade was subordinate to the Sarajevo-Romanjia Corps, as was the Rogatica Brigade.

4 1.Zvlpbr Order 01-21, (OTP English translation), 22 Jan. 1993.

5 Translated *Vojska Jugoslavije.*

6 Bratunac Brigade Command Report 2-1942/26, (OTP English translation), 26 Jan. 1993; Bratunac Brigade Command Report 201, (OTP English translation), 25 Jan. 1993.

7 S.C. Res. 819, U.N.SCOR, 48th Year, U.N. Doc. S/INF/49 (1993). (P.Ex. 31)

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thereafter, Security Council resolution 824 (1993)[8] designated Žepa and Goražde (also within the territory of the Drina Corps) as "safe areas".[9]

1.4 With the establishment of the Security Council designated "safe areas", and the subsequent 08 May 1993 agreements, the military confrontation lines around Srebrenica stabilized.[10] However, despite the "safe area" designation, small scale fighting continually flared up along the boundary of the enclave from mid-1993 through mid-1995. Notwithstanding the UN peacekeeping presence, the continued activities of armed ABiH military units inside the Srebrenica enclave required the VRS to maintain a defensive perimeter, which ran opposite the designated enclave boundary.

1.5 Like all other VRS units, the Drina Corps had a shortage of manpower to deal with the frontage assigned to it. Not only was the Corps responsible for maintaining the de facto "border" or confrontation line from Tuzla to just north of Sarajevo, but it was also responsible for securing perimeters around the established enclaves of Srebrenica, Žepa and the eastern side of Goradže.[11] As a result, the Corps underwent several reorganizations in 1993 and 1994. Ultimately for the Drina Corps, maintaining a defensive perimeter around the Muslim enclave at Srebrenica alone required the resources of two infantry brigades, and one separate infantry battalion.[12] These units were the 1st Bratunac Light Infantry Brigade, the 1st Milići Light Infantry Brigade and the Skelani Separate Battalion.

1.6 The 1st Bratunac Brigade was responsible for the northern and eastern perimeter of the "safe area". The 1st Milići Light Infantry Brigade was responsible for maintaining the western perimeter, and the southern perimeter was maintained by the "Skelani" separate battalion.[13] For the most part, these forces were under the operational control of "Tactical Group One" (TG-1), headquartered in the village of Pribičevać. TG-1 was commanded by Colonel Vukota VUKOVIĆ,[14] who also served as a liaison officer between the United Nations Protection Force (hereinafter "UNPROFOR") forces and the VRS. This grouping of forces remained in place through early 1995.

B. 1995 Republika Srpska Scene Setter

1.7 As the beginning of 1995 took hold, political and military leaders in Republika Srpska (hereinafter "RS") began what could only be described as a candid look into their future. It is clear that as early as March 1995, the realization had been made that the RS had to either militarily end the conflict or set the stages for a negotiated settlement favorable to them by the end of the year. Indications were that the Croatian-Muslim alliance would not continue the current cease-fire, and that the alliance was preparing a series of major offensives against both the RS and their neighbor, the Republika Srpska

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8 S.C. Res. 824, U.N.SCOR, 48th Year, U.N. Doc. S/INF/49 (1993). (P.Ex. 31)

9 For details pertaining to the events of this period, see *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica*, UN GA Doc. A/54/549, 15 Nov. 1999. (P.Ex. 30)

10 *See, Agreement on a Ceasefire in the Territory of Bosnia and Hercegovina*, 08 May 1993.

11 "Two Years of the Drina Corps," *supra* n. 2, p. 31.

12 Map depicting brigade boundaries for 1.Brlpbr and adjoining units, signed by Col Milenko Živanović, Commander of the Drina Corps (hereinafter, 1.Brlpbr Map).

13 *Ibid.*

14 *See*, TG-1 (Pribicevac) Report 320, (OTP English translation), 19 Apr. 1994.

Krajina (hereinafter "RSK"). Reflecting this assessment, the RS Supreme Command published Directive No. 7, on 08 March 1995.[15]

1.8 In this directive, the RS Supreme Command of the Armed Forces outlined their view of the strategic political objectives of nations allied against the RS, as well as the military objectives. Further, it outlined the four main priorities of the Armed Forces for the upcoming period: (1) through resolute offensive and defensive military operations, impose a military situation which the international community would be compelled to accept; (2) improve the operational and strategic position of the VRS; (3) reduce the front-line, and create conditions for the economic revival of the RS by sending a number of military conscripts home; and, (4) create the conditions for the state and political leadership to negotiate a peace agreement and accomplish the strategic objectives of the war.[16]

1.9 Additional warnings as to the overall threat came in April 1995, at the 50th RS National Assembly meeting, when General MLADIĆ reportedly warned the assembled members of the significant "Croatian-Muslim" offenses which would be directed against both the RS and RSK later that year.[17] Less than three weeks later, Croatian Military and Police forces inflicted a major defeat on RSK military forces by recapturing the Serb occupied portion of western Slavonia in Operation Flash.[18]

1.10 Pressure on the RS continued later that spring, when in response to VRS military operations within the "Exclusion Zone" surrounding Sarajevo, NATO aircraft bombed VRS installations, and the VRS retaliated by taking UNPROFOR troops as hostages. Further, on 16 June 1995, Muslim forces initiated a major offensive to relieve Sarajevo. Despite a full mobilization and a declaration of a "threat of war", VRS manpower and resources were stretched to the limit.[19]

C. Srebrenica "Safe Area" - 1995

1.11 By early January, the decision had already been made by the RS government to apply pressure to the eastern "safe areas". Part of this pressure was the restriction of movement by UN forces in Eastern Bosnia, particularly for supply convoys to the three "safe areas".[20] The limitations on fuel, ammunition and provisions that could be sent to the UN forces seriously degraded their ability to effectively monitor the activities in the "safe area". At the same time, Muslim military forces inside the Srebrenica "safe area" were also restricting the movement of the Dutch Battalion (hereinafter "Dutchbat") forces, particularly in the area known as the "Bandera Triangle."[21]

1.12 In the same vein, RS political and military leaders began to press for a substantial reduction in the actual physical area of the enclaves.

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15 RS Supreme Command Directive 7, (OTP English translation), 08 Mar. 1995.
16 *Ibid.*, p. 8.
17 Col Milovan Milutinović, "How General Mladić was Dismissed," *Belgrade NIN*, 21 Feb. 1997.
18 Operation Flash 01-05 May 1995.
19 Declaration of "Immediate Threat of War," RS Order 01-1118/95, (OTP English translation), 16 Jun. 1995.
20 Dutch Ministry of Defense, *Debriefing on Srebrenica*, 04 Oct. 1995, p.14 (discussing cumulative effects of RS restrictions of movement).
21 *Debriefing on Srebrenica*, *supra* n. 20, p. 14.

1.13 The first indication came at a reception organized to celebrate the Orthodox New Year in Bratunac. UN Military Observers (hereinafter "UNMO") from Srebrenica, as well as the new UN Dutchbat Commander, Lieutenant Colonel KARREMANS, attended. At this meeting, General-Major ŽIVANOVIĆ offered the UNMOs the opportunity to "define" the enclave border with cooperation with his representatives. Further, General-Major ŽIVANOVIĆ took personal credit for the fact that UNPROFOR was provided with the territory in the "Jadar" area (Zeleni Jadar). In the comment to this by the Dutch Liaison officer in attendance, General-Major ŽIVANOVIĆ noted that "should hostilities start around the enclave, this will be one of the first (Serb) objectives".[22]

1.14 On 08 March 1995, RS Supreme Command Directive No. 7 clearly spelled out the RS strategy concerning the Eastern "safe areas". The role of the VRS Drina Corps was to:

> "...complete the physical separation of Srebrenica from Žepa as soon as possible, preventing even communication between individuals in the two enclaves. By planned and well-thought out combat operations, create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica." [23]

Further,

> "In the case that UNPROFOR forces leave Srebrenica and Žepa, the Drina Corps Command shall plan an operation named *Jadar* with the task of breaking up and destroying the Muslim forces in these enclaves and definitively liberating the Drina Valley region."[24]

Also, with respect to supporting this effort,

> "The relevant State and military organs responsible for work with UNPROFOR and humanitarian organizations shall, through planned and unobtrusively restrictive issuing of permits, reduce and limit the logistics support of UNPROFOR to the enclaves and the supply of material resources to the Muslim population, making them dependant on our good will while at the same time avoiding condemnation by the international community and international public opinion." [25]

1.15 With the political stage set, initial military operations against the Srebrenica "safe area" began on 31 May 1995. VRS Drina Corps forces launched operation "Jadar-95".[26] This operation forced Dutchbat troops to abandon Observation Post (hereinafter "OP") Echo south of Srebrenica.[27] The UN abandonment of this checkpoint ultimately led to the fall of the village of Zeleni Jadar, a key junction that the VRS needed as a jumping off point for future operations.[28] By 05 June 1995, the initial military goals of "Jadar-95" were realized, and the VRS ceased offensive operations along the Zeleni Jadar road. Dutch UN forces hastily erected two new OPs, Sierra and Tango, to monitor the southern approach into the "safe area".[29] The military stage was then set for "Krivaja 95", the code name for the battle plan for the reduction of the UN designated "safe area" of Srebrenica.

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22 HQ Dutchbat Sitrep, 07 Jan. 1995.
23 RS Supreme Command Directive 7, *supra* n. 15, p. 10.
24 *Ibid.*, p. 11.
25 *Ibid.*, p. 14.
26 1.Brlpbr Report 433-1, (OTP English translation), 04 Jul. 1995 (analyzing the combat readiness of the 1.Brlpbr from January 1 – June 30, 1995).
27 *Debriefing on Srebrenica*, *supra* n. 20, p. 16.
28 1.Brlpbr Order 01-1/95, (OTP English translation), 04 Jun. 1995.
29 *Debriefing on Srebrenica*, *supra* n. 20, p. 15.

CHAPTER TWO: Units and Personalities - July 1995

2.0 This chapter examines the specific units and key personalities which were involved in the capture of the Srebrenica "safe area", and the commission of subsequent criminal acts as charged in the Indictment. They include the VRS Drina Corps, the subordinate formations (including the brigades where significant acts occurred), the VRS Main Staff, and the police units of the RS Ministry of the Interior[30] (hereinafter "MUP") known to have been in the area.

A. Key Personalities: VRS Drina Corps - July 1995

2.1 On 13 July 1995, the Commander of the VRS Drina Corps was General-Major Radislav KRSTIĆ. Prior to this, he was the Corps Chief of Staff, a position he was appointed to in August 1994.[31] He was born on 15 February 1948, in the village of Nedeljišta (Vlasenica municipality). Prior to the war in Bosnia, he was a Lieutenant Colonel in the Yugoslav People's Army[32] (hereinafter "JNA"). He assumed command of the 2nd Romanjia Brigade in July 1992, when it was part of the VRS Sarajevo-Romanjia Corps (formerly the JNA 4th Corps). He remained Commander of the Brigade when it was resubordinated to the VRS Drina Corps in November 1992. He retained command until August 1994.

2.2 Prior to General-Major KRSTIĆ, the Drina Corps Commander was General-Major Milenko ŽIVANOVIĆ. He assumed command of the Drina Corps when the Corps was formed in November 1992, and was the Corps Commander until 13 July 1995. He was born in 1946, in the village of Ratkovići (Srebrenica municipality). He rose to the rank of Colonel in the JNA, prior to the outbreak of the war in Bosnia. In 1991, he commanded the 180th Motorized Rifle Brigade, garrisoned in Zadar, Croatia. At that time, that Brigade belonged to the JNA 9th Corps in Knin, under the command of then JNA Colonel (later General-Major) Ratko MLADIĆ. When the VRS was organized, General-Major ZIVANOVIĆ served as a member of the Main Staff until he assumed command of the Drina Corps.

2.3 In addition to the Chief of Staff, the Drina Corps had three Assistant Commanders who were responsible for managing the activities of the more specialized branch bodies of the Corps Staff on behalf of the Commander. They were:

i. Lieutenant Colonel Vujadin POPOVIĆ, Assistant Commander for Security;

ii. Colonel Slobodan CEROVIĆ, Assistant Commander for Moral, Legal and Religious Affairs, and;

iii. Colonel Lazar AĆAMOVIĆ, Assistant Commander for Rear Services (or Logistics).

While the Chief of Staff does not direct these specialized branches *per se*, he is responsible for ensuring that their work is coordinated with the remainder of the Corps

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30 Translated *Ministarstvo Unutrašnih Poslova.*
31 *See also* Ch. 3.
32 Translated *Jugoslovenska Narodna Armija.*

Staff. However, by virtue of his designation as Corps Deputy Commander, his primacy within the Corps hierarchy over the Assistant Commanders is established.[33]

2.4 The remainder of the Corps Staff (under the Chief of Staff and the Assistant Commanders) comprised an organized body of experienced military professionals and was a fundamental component in the process under which the Commander's guidance and orders were processed for execution, and through which compliance was monitored. Select key personalities within that staff included the following:

i. Lieutenant Colonel Svetozar KOSORIĆ, Chief of Intelligence;

ii. Major Pavle GOLIĆ, Intelligence Officer;

iii. Lieutenant Colonel Rajko KRSMANOVIĆ, Chief of the Drina Corps Transportation Service;

iv. Colonel Ignjat MILANOVIĆ, Chief of Anti-Aircraft Defense; and,

v. Chief of Engineering, Captain First Class Milenko AVRAMOVIĆ.

(For a more comprehensive listing, refer to Annex B.)

B. Structure of the VRS Drina Corps - July 1995 [34]

2.5 As in the case with other VRS Corps, the VRS Drina Corps was organized along the lines of a former JNA Corps. The staff was organized in the same manner, and units were subordinated to the Corps Commander in accordance with former JNA Corps structure and operating methodologies.[35] This structure and organization (*circa* mid-1995) is reflected in a variety of documents, most significantly, the VRS Drina Corps Training Plan for 1995, and the VRS Drina Corps Oplan "Shield 95".[36]

2.6 Listed below is the organization of the VRS Drina Corps as reflected in these documents:

- 1st Zvornik Infantry Brigade (hereinafter "Zvornik Brigade")
- 1st Vlasenica Light Infantry Brigade (hereinafter "Vlasenica Brigade")
- 1st Sekovići (or Birač) Infantry Brigade (hereinafter "Birač Brigade")
- 1st Milići Light Infantry Brigade (hereinafter "Milići Brigade")
- 1st Bratunac Light Infantry Brigade (hereinafter "Bratunac Brigade")
- 2nd Romanjia Motorized Brigade (hereinafter "2nd Romanjia Brigade")
- 1st Podrinje Light Infantry Brigade (hereinafter "Rogatica Brigade")
- 5th Podrinje Light Infantry Brigade (hereinafter "Višegrad / Goražde Brigade")
- 5th Mixed Artillery Regiment
- 5th Military Police Battalion

[33] For additional details pertaining to the Corps Assistant Commander position and functions, see *VRS Corps Command Responsibility Report.*

[34] For an initial discussion of this structure, see *Prosecutor v. Radislav Krstić,* (IT-98-33-PT), Amended Indictment, 27 Oct. 1999, paras. 14.10, 14.13.

[35] *See, VRS Corps Command Responsibility Report, supra* n. 33, s. 2.

[36] Drina Corps Order 01/17-2, Training Plan, (OTP English translation), 12 Jan. 1995; Drina Corps Order 01/ 04-218-1, (OTP English translation), 29 Nov. 1995.

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- 5th Engineer Battalion
- 5th Communications Battalion
- 1st Skelani Separate Infantry Battalion (hereinafter "Skelani Battalion")

2.7 These units represented the permanent or organic formations that were subordinate to the Command of the VRS Drina Corps in July 1995. As such, they fell under the direct command and control of the Commander of the Drina Corps.[37] Of these, the principal units which were involved in the criminal acts as charged were the Zvornik Brigade, the Bratunac Brigade, and the Milići Brigades. Further, elements of several other Drina Corps formations became involved in these acts. The specific linkage between Drina Corps units and crime scenes and/or criminal events will be examined in detail in Chapters Five through Nine.

2.8 Of the relevant brigades, the key personalities of the units were:

Zvornik Brigade

- Lieutenant Colonel Vinko PANDUREVIĆ, Brigade Commander.
- Major Dragan OBRENOVIĆ, Brigade Chief of Staff and Deputy Commander.

Bratunac Brigade

- Colonel Vidoje BLAGOJEVIĆ, Brigade Commander.
- Captain First Class Momir NIKOLIĆ, Assistant Commander for Security and Intelligence.

Milići Brigade

- Major Milomir NASTIĆ, Brigade Commander.
- Major FNU SARKIĆ, Brigade Chief of Staff and Deputy Commander.

Višegrad / Goražde Brigade

- Major Ratomir FURTULA, Brigade Commander.

C. Units temporarily resubordinated to the VRS Drina Corps - July 1995

2.9 In addition to the above listed organic formations, it was not uncommon for the VRS to create temporary units or formations.[38] Within the context of the former JNA, and by extension the VRS, there was an inherent flexibility to tailor command and control of specific units between organizations in order to effectively achieve the optimum

[37] Federal Secretariat for National Defense, General Staff of the SFRY, *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime,* (OTP English translation), 1990, art. 6 (noting that "the right to command units and institutions of the organic Corps (formation) is under the exclusive responsibility of the Commander").

[38] JNA Military Lexicon, *Privremeni Sastav*, p. 452.

military force required to deal with a situation in a given geographical area. This tailoring was accomplished through the practice of resubordinating units on a temporary basis (privremeno potčinjavanje).[39] In most cases, this involved either the creation of "tactical" or "battle" groups, consisting of multiple formations under unified command, or simply the temporary resubordination of a formation from one headquarters to another.

2.10 Under these circumstances, the overall commander controlled the activities of these units, at least for the duration of the time, and in the circumstances under which control was granted. Under these temporary groupings, command and control relationships were defined on a "case-by-case" basis.[40]

2.11 For the period of July 1995, four temporary command relationships pertaining to the VRS Drina Corps are noted. These include temporary command relationships with units normally assigned to the Main Staff, the MUP Special Police, and the creation of a temporary formation which was under the command of another Corps. Each of these operated as a part of, and subordinate to the VRS Drina Corps during various times in July 1995. They are discussed in detail below.

65th Protection Regiment

2.12 The 65th Protection Regiment was one of the better-equipped and manned large formations of the VRS during the war. This unit, commanded by Lieutenant Colonel Milomir SAVČIĆ, was a direct holdover from the former JNA structure (being assigned directly to the Military District headquarters). As such, in the VRS it was directly subordinate to the Main Staff, as opposed to a specific Corps headquarters. The primary function of the Regiment was to protect important military facilities and personnel. Due to the proximity of the Muslim enclave in Žepa to the VRS Main Staff facilities in Han Pijesak and Mount Žep, most of the unit was garrisoned at or near Han Pijesak. However, the Military Police Battalion of the unit was garrisoned at Nova Kasaba in July 1995, under the command of Major Zoran MALINIĆ. This unit was involved in the assembly and detention of Muslim prisoners near Nova Kasaba (see Chapter Seven). On or about 15 July 1995, this unit is believed to have fallen under the control of the Commander of the Bratunac Brigade, and by extension, the Commander of the VRS Drina Corps.[41]

10th Sabotage Detachment

2.13 The origin of the 10th Sabotage Detachment is presently unknown. When Dražen ERDEMOVIĆ joined the unit in 1994, it consisted of two platoons, one in Vlasenica, and the other in Bijeljina. The unit was commanded by Lieutenant Milorad PELEMIŠ and fell under the direct control of the Main Staff. It was used primarily for wartime sabotage

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[39] Translated: Privremeno potčinjavanje, "temporarily resubordinated." This refers to the act of placing a military formation under the command and control of a unit or headquarters to which it is not normally subordinate.

[40] *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime*, *supra* n. 37, art. 6.

[41] *See*, Confidential Message 03-253-103-3 from Colonel Ignjat Milanović to the Command and Commander of the Drina Corps, (OTP English translation), 15 Jul. 1995 (recommending that all elements searching the terrain and sweeping the battlefield along the Kasaba and Drinjača road be placed under the command of the Commander of the 1st Bratunac Light Infantry Brigade); 1.Brlpbr Daily Combat Report 03-253-106, (OTP English translation), 16 Jul. 1995 (reflecting that the Brigade Commander visited all units involved in blocking the enemy retreat, including units of the 65th Protection Regiment, the 1st Milici Light Infantry Brigade, the 5th Engineer Battalion and the MUP, where he "defined their tasks, and organized their joint actions and communications").

missions. On 10-12 July 1995, both platoons of the 10th Sabotage Detachment participated with VRS Drina Corps units in the actual capture of Srebrenica. Later, elements of one platoon of the unit were present and participated in the executions of Muslim men at the Branjevo Military Farm.[42]

2.14 In addition to the above Army units, RS MUP police units were also present and operating under the control of the Army. These units can be broken into two specific types, the Municipal Police and the Special Police. The Municipal Police units were those units whose primary functions were related to law enforcement and public safety, and belong to the Zvornik's regional *Centar Službe Bezbednost* (hereinafter "CSB").[43]

2.15 The Special Police units of the RS MUP were organized as combat formations, and their primary role was internal security operations. They fell directly under the command of the RS Interior Minister. This Special Police unit is most often referred to as the RS Special Police Brigade, headquartered in Bijeljina area. The Brigade was further organized into battalions, garrisoned over the territory of the RS. These battalions participated in many significant combat operations over the course of the war.

2.16 According to the *RS Law on Internal Affairs during an Immediate Threat of War or a State of War*, "police units assigned to combat operations by an order of the Commander-in-Chief, shall be resubordinated to the commander of the unit in whose zone of responsibility they are performing combat tasks."[44] This authority could also be delegated to brigade commanders, who controlled the combat activities of MUP forces within their designated zone.[45] Under this legislation, it is clear that police units operating in combat zones fall under the command and control of the relevant Army commander.

2.17 Despite falling under Army command and control, the authorities over these police forces are not unlimited. First, these units can only be used for combat operations established in advance by the Commander-in-Chief or the Interior Minister.[46] Further, the assigned police units must remain under the direct command of a commander who is a member of the Ministry of Interior, and the organization cannot be split up or separated while under Army control.[47] Thus, police units under Army command cannot be compelled to perform missions not previously agreed to by the designated authorities. Further, the Army cannot significantly alter the command hierarchy or integrity of the police unit as organized.

2.18 During July 1995, Drina Corps control over MUP police units encompassed units of the uniformed police elements under the control of CSB Zvornik, including:

1) MUP Zvornik

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[42] *See also* Ch. 7.

[43] A CSB is a regional police department. The CSB in Zvornik was one of nine in RS in July 1995.

[44] RS Law on Internal Affairs During a Threat of War or a State of War, *RS Official Gazette,* vol. III, special ed. No. 1, (OTP English translation), 29 Nov. 1994, art. 14.

[45] For practical applications, see Drina Corps Order 01/5-550, (OTP English translation), 02 Nov. 1994, signed by Gen-Maj Živanović, which orders MUP elements in Skelani, Milići and Bratunac to participate in upcoming sweep operations. Further, brigade commanders had similar authority, as evidenced by a 13 Sep. 1995 order from the Bratunac Brigade for combined sweep by MP and MUP Bratunac elements. *See* Daily Combat Report 03-253-162, (OTP English translation), 13 Sep. 1995.

[46] *Law on Internal Affairs During a Threat of War or a State of War, supra* n. 44, art. 14.

[47] *Ibid.*

2) MUP Vlasenica
3) MUP Milići
4) MUP Bratunac
5) MUP Skelani
6) MUP Višegrad
7) MUP Rogatica

Within this structure, Dragomir VASIĆ was the CSB Chief in Zvornik. His deputy was Mane ĐURIĆ. In the case of the RS Special Police Brigade, at least one formation deployed in the area of Potočari was under the command of police Lieutenant Colonel Ljubiša BOROVČANIN.[48]

2.19 Finally, in June 1995, the VRS Drina Corps organized a temporary combat formation that it called the "4th Drinski Light Infantry Brigade."[49] This brigade, formed from Drina Corps assets, was operating in the zone of, and subordinate to the Command of the VRS Sarajevo-Romanjia Corps. While identified as part of the VRS Drina Corps structure in Indictment IT-98-33-PT, it was subordinate to the Sarajevo-Romanjia Corps during the period of the commission of the crimes.

D. VRS Main Staff - July 1995

2.20 Within the hierarchy of the Army of the Republika Srpska, the VRS Main Staff directed the operations of the subordinate Corps. Key personalities from this body included:

1) General-Colonel Ratko MLADIĆ, Commander of the Main Staff;

2) General-Lieutenant Colonel Milan GVERO, Assistant Commander for Moral, Religious and Legal Affairs;

3) General-Major Zdravko TOLIMIR, Assistant Commander for Security and Intelligence;

4) General-Major Radivoje MILETIĆ, Chief of Operations;

5) Colonel Radoslav JANKOVIĆ, an officer in the Intelligence Department of the Main Staff;

6) Colonel Ljubiša BEARA, Chief of the Main Staff Security Administration; and,

7) Colonel Nedo TRKULJA, Chief of Armored Units.

These officers are noted in the zone of the Drina Corps during the relevant period.

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[48] Zoran PETROVIĆ-PIROĆANAC, *Belgrade Intervju,* (OTP English translation), 21 Jul. 1995.
[49] 4.Dlpbr Order 538/01-12, (OTP English translation), 25 Jun. 1995.

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CHAPTER THREE: VRS Operation "Krivaja 95"

A. Operations Plan No. 1

3.0 On 30 June 1995, a select group of staff officers from the Command of the Drina Corps were noted in the area of the Bratunac Brigade (particularly in the area of the 3rd Battalion). This group of officers, led by the Corps Chief of Staff General-Major Radislav KRSTIĆ, probably represented the initial Corps level planning process for what would later be called Operation "Krivaja 95", the VRS military operation against the UN designated "safe area" of Srebrenica.[50]

3.1 On 02 July 1995, the actual preparations began in earnest for the military operations against the "safe area". On that day, the Command of the Drina Corps published "Preparation Order Number 1", alerting units of the Corps to pending operations relative to the enclaves.[51] This order signed by General-Major Milenko ŽIVANOVIĆ, served to prepare units for combat activities, and specifically directed select units to send reinforcements to the designated battle area. Despite the mid-June 1995 call-up of reservists, units of the Bratunac Brigade, the Milići Brigade and the Skelani Separate Battalion remained ill-equipped and unsuited for offensive combat operations.[52] Aside from the equipment shortfalls, both units were significantly populated with older reservists and conscripts who did not have the training or physical stamina to endure a major battle in the heat of summer. As such, they could not be expected to lead the operation.

3.2 The Zvornik Brigade did have the right mixture of troops, and was ordered to form a two-battalion "Tactical Group" and move towards Srebrenica by 04 July 1995.[53] This tactical group was lead by Lieutenant Colonel Vinko PANDUREVIĆ, the Brigade Commander, and his appointed deputy was Captain 1st Class Milan JOLOVIĆ, also know as "Legenda".[54] Captain JOLOVIĆ commanded the "Podrinjre Detachment", known better as the "Drina Wolves". This particular unit was comprised of young, fit, and experienced soldiers who had fought in battles throughout the territory of RS. They were well-equipped and suited to lead the assault against the Muslim military forces inside the Srebrenica enclave. In addition to two battalion-sized infantry battle groups, the tactical group contained one platoon of tanks, one platoon of armored personnel carriers, and a battery of self-propelled artillery.[55]

3.3 Other Drina Corps units which contributed forces were the Birač Brigade, the 2nd Romanija Brigade, and the Vlasenica Brigade.[56] All the units were ordered to begin movement no later that 05 July 1995, and to be prepared to begin offensive operations by 08 July 1995.[57]

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50 1.Brlpbr Reports and Meetings Journal, (OTP English translation), 26 Jun. 1995 – 08 May 1997.
51 KDK Order 01/04-156-1, (OTP English translation), 02 Jul. 1995.
52 In a series of messages back to the Drina Corps in June 1995, the Chief of Rear Services for the 1.Brlpbr requested additional support and equipment in order to bring the unit's equipment up to the required holdings. In one instance, he even requested 2000 helmets to be sent to the brigade, as the unit had none.
53 1.Zvpbr Order 01-244, (OTP English translation), 02 Jul. 1995 (ordering formation of "tactical group" for operations around Srebrenica).
54 *Ibid.*
55 *Ibid.*
56 KDK Order 01/04-156-1, *supra* n. 51.
57 *Ibid.*

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3.4 Subsequent to publishing the Preparatory Order, the Command of the Drina Corps published order 04/156-2. This order, dated 02 July 1995, was titled Order for Active Combat Operations No.1, and covered the conduct of "Krivaja-95". This order was also signed by General-Major ŽIVANOVIĆ.[58]

3.5 As a component of the order, the Commander of the Drina Corps identified his intentions to the Corps, as well as the objectives of the operations. Based on this order, it is clear that the initial objective of the VRS Drina Corps was not to capture Srebrenica; rather, theirs was the more limited goal of severing overland communications between the Muslim forces in Srebrenica and Žepa.[59] Further, it was to reduce the "safe areas" - first Srebrenica, then Žepa - to nothing more than the urban area of both towns. These were the same goals as previously defined in RS Supreme Command Directive No 7.[60] This order also assessed that the Muslim forces in the "safe area" would defend their positions in strength, and that they would be "supported" by UNPROFOR forces. In a change from the Preparatory Order, all units were to be prepared to conduct combat operations by 0400 hours on 06 July 1995.

B. VRS Drina Corps Deployments

3.6 As these subordinate Drina Corps elements began their movement towards the "safe area" of Srebrenica, the Drina Corps Command continued to plan and refine the operation against the enclave. On 03 and 04 July 1995, General-Major ŽIVANOVIĆ was in Bratunac, where the Main Headquarters of the Bratunac Brigade was located.[61] He further traveled to the Forward Command Post of the Bratunac Brigade located in the village of Pribičevac. From this location on a hill overlooking Srebrenica town, the Drina Corps Commander and Chief of Staff would later direct the military operations.[62]

3.7 On 04 July 1995, the Drina Corps Command issued an order for units to assume full combat readiness. That order (designation number unknown) was read to the Commander and Staff of the Bratunac Brigade at a meeting on 04 July 1995. At this meeting, the order was described as being issued by the Drina Corps Chief of Staff (General-Major Radislav KRSTIĆ).[63]

3.8 What is believed to be the final piece of the planning process for the beginning of the operation occurred on 05 July 1995, when the Drina Corps published a major component of the "Krivaja 95" combat plan, the air defense order, signed by General-Major Milenko ŽIVANOVIĆ. This was particularly important as NATO air intervention was expected.[64]

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58 KDK Order 04/156-2, Operations Order No.1, (OTP English translation), 02 Jul. 1995.

59 *Ibid.*

60 RS Supreme Command Directive 7, *supra* n. 15, p. 10. This same directive is referenced in Operations Order No.1, *supra* n. 58.

61 *See*, 1.Brlpbr Military Police Daily Log, (OTP English translation), 01-21 Jul. 1995 (discussing escorting Gen-Major Živanović around the brigade sector); 1.Brlpbr Daily Combat Report 03-253-93, (OTP English translation), 03 Jul. 1995 (detailing that Gen-Major Živanović and a group of commanding officers of the Drina Corps were in the sector of the 3rd Bn (Pribičevac) at the time).

62 1.Brlpbr Daily Combat Report 03-253-100, (OTP English translation), 10 Jul. 1995 (placing General Mladić, Gen-Major Živanović and Gen-Major Krstić at the Command Post in Pribičevac).

63 1.Brlpbr Reports and Meetings Journal, *supra* n. 50, 04 Jul. 1995.

64 KDK Order 08/8-68, Drina Corps Air Defense Plan, (OTP English translation), 05 Jul. 1995.

3.9 As for the Bosnian Muslim 28th Infantry Division and the Army of Bosnia and Herzegovina's (hereinafter "ABiH"), II Corps,[65] by 05 July 1995, they were aware of the upcoming VRS military operations against their forces in the "safe area". Information from the local population several days prior indicated that additional VRS units were moving in, and military reconnaissance noted these new units arriving in the Zeleni Jadar area on the afternoon of 05 July 1995.[66] The 28th Infantry Division assessed the objective of the upcoming VRS operation to be the cutting off of communications lines between Srebrenica and Žepa.[67]

C. The Attack Begins

3.10 In accordance with the published plan, military operations began early on 06 July 1995. At 0430 hours, Muslim positions manned by the 28th Infantry Division came under fire.[68] Some of this fire was also directed against the UNPROFOR Observation Posts (OPs), and reflected an overall pattern by the VRS to attempt to force the UNPROFOR troops out of the OPs while not directly shooting at the Dutch soldiers. This tactic met with success and by the 08 July 1995, UNPROFOR positions along the southern edge of the Srebrenica "safe area" were being occupied by advancing Drina Corps troops. OP Foxtrot was abandoned, and the Dutch soldiers of OP Uniform were in Serb custody (these soldiers were subsequently detained at the Hotel Fontana).[69] At the same time, the 28th the Infantry Division positions situated behind these UN positions were also captured by the Drina Corps.[70]

3.11 VRS operations continued on 09 July 1995, and during the morning hours, OP Sierra fell to advancing Drina Corps forces. Later that day, OP Kilo was overrun. As in the case of the troops from OP Uniform, the Dutch from OP Sierra and OP Kilo were allowed to depart the battlefield area, and were subsequently detained by the VRS at the Hotel Fontana.[71] OP Delta was abandoned, and the Dutch soldiers there withdrew to Srebrenica. With all the southern OPs either abandoned or captured by the Drina Corps, the road to Srebrenica town was open.[72] Muslim military units defending Srebrenica town came under increasingly heavy fire, and were being pushed back into the southern outskirts of the town. By the evening of 09 July 1995, the situation was rapidly becoming critical for the Muslim civilian and military leadership in Srebrenica.[73]

D. The New Objective

3.12 Based on the success of the VRS Drina Corps operations against the Muslim and UNPROFOR forces in the "safe area", late on 09 July 1995, the VRS Main Staff (GŠVRS) transmitted order 12/46-501/95 to the Forward Command Post of the Drina Corps, personally to the attention of General KRSTIĆ and General GVERO.[74] In this

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[65] The 28th Division of the ABiH was headquartered in Srebrenica and was subordinated to the ABiH II Corps, located in Tuzla.

[66] 28th Infantry Division Combat Report 01-161/95, (OTP English translation), 05 Jul. 1995.

[67] *Ibid.*

[68] 28th Infantry Division Interim Report 11-31/95, (OTP English translation), 06 Jul. 1995.

[69] *Debriefing on Srebrenica*, *supra* n. 20, pp. 24-25.

[70] 28th Infantry Division Combat Report 01-166/95, (OTP English translation), 08 Jul. 1995.

[71] *Debriefing on Srebrenica*, *supra* n. 20, pp. 25-26.

[72] *Ibid.*, p. 27.

[73] BH Srebrenica Presidency message 01-___/95, (OTP English translation), 09 Jul. 1995.

[74] General-Major GVERO was the Assistant Commander for Moral, Legal and Religious Affairs of the Main Staff of the VRS.

order, the President of the Republika Srpska expressed his satisfaction with the combat results to date, and authorized the VRS Drina Corps to take the town of Srebrenica, with the goal of finally disarming the Muslim "terrorists", and demilitizaring Srebrenica.[75]

3.13 By the early morning hours of 10 July, the battle for the enclave had entered this new stage. The last significant UN unit (Bravo Company) between Srebrenica town and the advancing Serbs deployed in blocking positions south and west of the town, with orders to return fire if fired upon directly. On the VRS side, General MLADIĆ, General-Major ŽIVANOVIĆ, and General-Major KRSTIĆ were at the Pribičevac Forward Command Post, directing the operations of the attacking forces.[76]

3.14 As the day wore on, the VRS forces continued to advance on Dutch blocking positions using fire and maneuver tactics to force them back without actually firing directly on Dutch troops.[77] Thus, despite the intensity of the conflict, the Dutch did not suffer casualties as a result of VRS fire. However, UN forces did request Close Air Support (CAS) during the early morning hours. NATO aircraft began orbiting the battlefield, the Serbs halted their firing and the battle subsided. With the diminishing of conflict, the trigger for CAS (under the UN Rules of engagement in effect at the time) was not tripped, and NATO aircraft departed the area by the mid-afternoon.[78] As the aircraft departed, the VRS resumed their advance, and the remaining elements of the Muslim 28th Infantry Division withdrew from the Serb forces, leaving only two Dutch blocking positions between the Serbs and the town.[79] Using the same tactics of fire and maneuver tactics, the VRS continued to force the Dutch back, until the blocking positions were in the town proper. By the end of the day, pressure eased, with the Dutch holding Srebrenica town, but the VRS holding all the key heights and poised to enter the town the next day.[80] Finally, during the evening hours, additional VRS reinforcements (specifically the 10th Sabotage Detachment) arrived just south of Srebrenica, to be used in the assault on the town the next morning. RS MUP Special Police reinforcements began arriving in the vicinity of the enclave as well, assembling in the vicinity of Bratunac.

3.15 Throughout the afternoon and evening of 10 July 1995, an estimated several thousand civilians from the southern portions of the enclave (specifically the Swedish Shelter Project) had taken refuge in Srebrenica, with a considerable number occupying the compound of Bravo Company in Srebrenica.[81] Late that evening, Dutch Battalion Commander Lieutenant Colonel KARREMANS briefed the Muslim mayor of Srebrenica on plans for major NATO airstrikes the next morning (11 July 1995). The Muslim military commanders were not convinced that such an effort would either materialize, or defeat the VRS attack. As such, during the evening of 10 July 1995, the bulk of the Muslim 28th Infantry Division units exfiltrated the town, heading for the northwest corner of the enclave to prepare for a breakout towards Tuzla.[82] Women, children, the elderly and the infirm began heading to the relative security of UN compounds in Srebrenica and Potočari.

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75 VRS Main Staff Order 12/46-501/95 (OTP English translation), 09 Jul. 1995.
76 1.Brlpbr Daily Combat Report 03-253-100, *supra* n. 62.
77 *Debriefing on Srebrenica*, *supra* n. 20, p. 30.
78 *Ibid.*, pp. 30-31.
79 *Ibid.*, p. 30.
80 *Ibid.*, pp. 30-31.
81 *Ibid.*, pp. 31-32.
82 *Ibid.*, p. 32.

E. The Fall of Srebrenica

3.16 The morning of the 11 July 1995 brought clear skies yet for a variety of reasons NATO air support did not materialize. By 1100 hours, Serb assault forces were again advancing towards the town, with Dutch peacekeepers again withdrawing before them. By noon, the last rear-guard Muslim units abandoned their positions, and the UN forces in Srebrenica withdrew to their compound on the northern side of town, still crowded with Muslim refugees. No ground forces now stood between the VRS and Srebrenica.[83]

3.17 At 1430 hours, two NATO F-16s bombed VRS tanks advancing towards the town from the south. A further two F-16s attempted to bomb VRS artillery positions overlooking the town, but were aborted when the pilots could not visually identify the targets. Subsequent strikes by NATO forces were cancelled following a threat by the VRS to kill the Dutch troops being held in VRS custody (the troops from the OPs overrun by the VRS), and to shell the UN compounds.[84]

3.18 By 1600 hours, the Dutch began evacuating the remaining 4000 - 5000 Muslim civilians from the Bravo Company compound in Srebrenica - their destination being the main UN compound two kilometers to the north at Potočari.[85] When VRS troops (primarily from the Drina Wolves, the 10th Sabotage Detachment, and smaller elements of the Zvornik Brigade, Bratunac Brigade and the 2nd Romanija Brigade) subsequently entered the town, it was almost deserted.[86]

F. Two Paths Followed - The Muslim Military Exodus

3.19 As previously mentioned (see paragraph 3.15), the refugees heading for the UN compound in Potočari by no means represented all of the Muslims remaining in the enclave. Since the evening of 10 July 1995, ABiH soldiers and Muslim men had been assembling in the area of the villages of Šušnjari and Jaglići.[87] This area, at the north-western corner of the Srebrenica "safe area", was the departure point through the VRS minefields and the most direct route towards ABiH held territory near Tuzla. Depending on the source of information used, between 10,000 and 15,000 people would ultimately be part of a "mixed" (military and civilian) column that would attempt to escape along this route.

3.20 The second option for the remaining Muslims was the UN compound in Potočari. The actual number of refugees who arrived at the compound between 11 and 12 July 1995 may never be accurately known, as the sheer numbers and circumstances at the site produced varied estimates. UN Dutch battalion estimates for the evening of 11 July placed the refugee count at 17,500 in and around the compound.[88] United Nations Military Observers (UNMOs) reporting on Srebrenica estimated the numbers to be even higher - between 30,000-35,000 refugees in and around the UNPROFOR compound.[89]

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[83] *Ibid.*, pp. 34-36.
[84] *Ibid.*, p. 35.
[85] *Ibid.*, pp. 34-36.
[86] SRNA and VRS video footage of the capture of Srebrenica support the fact that most of the Muslim civilian population abandoned the town before VRS forces entered on 11 July 1995.
[87] *Debriefing on Srebrenica, supra* n. 20, p. 37.
[88] Message from CO Dutchbat, 12 Jul. 1995. In this message, the Dutchbat Commander states that he has approx 2500 refugees inside the UN compound perimeter, and there are approx 15,000 refugees just outside of the UN compound.
[89] UN Military Observer Srebrenica fax to UNPROFOR Sector NE, 131100B, Jul. 1995. (P. Ex. 77/26).

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CHAPTER FOUR: Meetings and Decisions

4.0 With Srebrenica now under VRS control, three main issues needed to be resolved: first, the status of the Muslim population inside the former UN "safe area"; second, the restoration of Serb civil rule over the Srebrenica municipality; and third, military-to-military relations between the VRS and UNPROFOR soldiers. In this regard, three meetings were held at the Hotel Fontana in Bratunac between 11 July 1995 (at 2030 and 2300 hours) and 12 July 1995 (at 1000 hours), and two directives were issued by the RS President pertaining to civil administration and the movement of the Muslims out of the former Srebrenica enclave.

A. 11 July 1995

4.1 On 11 July 1995, Dr. Radovan KARADŽIĆ, in his capacity as RS President, issued two directives related to Srebrenica. First, RS Presidential Order 01-1340 in which Miroslav DERONJIĆ was appointed as the "Civilian Commissioner for the Serbian Municipality of Srebrenica".[90] Paragraph four directs that:

> The commissioner shall ensure that all civilian and military organs treat all citizens who participated in combat operations against the Army of the Republika Srpska as prisoners of war, and to ensure that the civilian population can freely choose where they will live or move to.[91]

Further, paragraph five specifies that "the decision of the civilian commissioner shall be binding for all civilian authority organs in the Serbian municipality of Srebrenica."[92]

4.2 The second order was RS Presidential Order 01-1341, which ordered the formation of a Public Security Station for Serb Srebrenica.[93] Like the earlier RS Presidential order (01-1340), paragraph four directed that "... citizens who engaged in combat be treated as prisoners of war, and the remainder be free to choose their place of residence or emigration." [94]

4.3 The first meeting at the Hotel Fontana took place at approximately 2030 hours, and was attended by VRS Commanders and Dutch Battalion (Dutchbat) representatives. The senior VRS commanders were General-Colonel MLADIĆ, and from the Drina Corps, General-Major ŽIVANOVIĆ. Other Serb military officers present included Colonel JANKOVIĆ (associated with the VRS Main Staff Intelligence Administration),[95] Lieutenant Colonel KOSORIĆ, Chief of Drina Corps Intelligence, and Colonel MILUTINOVIĆ, Head of the VRS Main Staff Information and Press Office who led a film crew which videotaped the meetings. Also noted on the fringes of the meeting was Captain First Class Momir NIKOLIĆ, the Assistant Commander for Intelligence and Security, Bratunac Brigade. On the Dutch side, the contingent consisted of Dutchbat Commander, Lieutenant Colonel KARREMANS, Dutchbat Deputy for Liaison, Major

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[90] RS Presidential Directive 01-1340/95, (OTP English translation), 11 Jul. 1995. Of note, the 1340 number is altered by hand to reflect the number 1350.
[91] *Ibid.*
[92] *Ibid.*
[93] RS Presidential Directive 01-1341/95, (OTP English translation), 11 Jul. 1995. Of note, the number 1341 is altered by hand to reflect the number 1351.
[94] *Ibid.*
[95] VRS Main Staff Plan for Intelligence Support, (OTP English translation), 29 Mar.-31 May 1995. Colonel Radoslav Janković is noted as the drafter of this plan, in the name of the Chief of the Intelligence Administration, Colonel Petar Salapura.

BOERING, and his assistant, Sergeant-Major RAVE. The interpreter was Petar UŠČUMLIĆ, a Serb interpreter for the United Nations Mission Observers (UNMO). Serb civilian representatives were also present, but played no active role in the meeting.[96]

4.4 The first meeting lasted approximately one hour and began with angry remarks made by General MLADIĆ towards the Dutch Commander over the NATO airstrikes against Serb forces.[97] General MLADIĆ then turned to the Dutch commander and asked him what they wanted. Lieutenant Colonel KARREMANS stated that he had communicated with General NICOLAI, UNPROFOR Chief of Staff in Sarajevo, and that there was general acknowledgement that the enclave had been lost. Lieutenant Colonel KARREMANS requested, on behalf of his superiors, a withdrawal of the Dutch battalion, the Muslim population, and MSF, an international medical non-governmental organization working in the enclave.[98] Later in the meeting General MLADIĆ asked whether buses could be provided through General NICOLAI. Lieutenant Colonel KARREMANS responded that he believed it could be arranged.[99]

4.5 The meeting proceeded with a request by General MLADIĆ to the Dutch officers to arrange for Muslim civilian and military representatives to attend a second meeting that same evening at 2300 hours. General MLADIĆ specifically requested the attendance of Zulfo TURSUNOVIĆ, a Muslim military commander.[100] Lieutenant Colonel KARREMANS stated that he did not know where the Muslim civilian and military authorities were, but that he would take it upon himself to try to arrange for representatives to attend the meeting. General MLADIĆ used menacing language throughout the meeting and at one point, while asking Lieutenant Colonel KARREMANS whether he could guarantee the presence of Muslim civilian representatives said he would "come to an agreement with them." He further noted that "from here you can, all leave, all stay, or all die... I don't want you to die."[101]

4.6 The second meeting followed at approximately 2300 hours.[102] The same three Dutch military representatives attended the meeting, and with them was one Muslim representative, Mr. Nesib MANDŽIĆ, who was a civilian.[103] The VRS was represented by General MLADIĆ, General-Major KRSTIĆ, Colonel JANKOVIĆ, Lieutenant Colonel KOSORIĆ, and Captain First Class NIKOLIĆ.[104] Also present were the civilian commissioner for Srebrenica, Mr. Miroslav DERONJIĆ and Ljubisav SIMIĆ, introduced as the mayor of Bratunac, among other civilians.[105] General-Major ŽIVANOVIĆ was not present for the second meeting.[106]

4.7 During the second meeting, General MLADIĆ stated he would begin to assemble transportation assets necessary to move the inhabitants out of the former "safe area".[107]

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96 Testimony of Witness B, (T. 870).
97 Meeting 1 at Hotel Fontana (Transcript of Video) (P.Ex. 39/a), 11 Jul. 1995, p. 7-10.
98 *Ibid.*
99 *Ibid.*
100 *Ibid.*
101 *Ibid.*
102 Testimony of Witness B, (T. 883).
103 *Ibid.*
104 *Ibid.*, Testimony of Witness B, (T. 884); *see also* (P.Ex. 40), video of Meeting 2 pans across select Serbs, including General-Major Krstić and Colonel Kosorić. Neither individual commented during the meeting, and as such, their presence is not noted in the audio transcripts, (P.Exs. 40/a, 40/b, 40/c).
105 Testimony of Witness B, (T. 884). *See also*, Pale 1 and 2 tapes from Antelope-BBC.
106 Testimony of Witness B, (T. 925).
107 *Ibid*, (T. 887).

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In addition, he stated the following, as transmitted by the UN Dutchbat Commander to relevant UN authorities:

- a cease-fire until 1000 hours, 12 July 1995;
- all ABiH troops within the former enclave to hand over their weapons; and,
- a further meeting to be held with representatives of the Muslim civilian and military authorities at 1000 hours, 12 July 1995.[108]

4.8 In more detailed and graphic form, this conversation was video-recorded by the VRS media officials. The relevant excerpt of the transcript reads as follows:

> MLADIĆ: Please write this down...Number one, you need to lay down arms...and to all those who lay down their weapons...I guarantee they will live. You have my word...as a man and a General...that I will use my influence...to help the innocent Muslim people who are not the target of the Army of the Republika Srpska. Nor are the international humanitarian organizations or UNPROFOR forces the target of our operations...although at UNPROFOR's demand NATO forces and UNPROFOR forces fired not only at the positions of the Army of the Republika Srpska, but also at the civilian population. In order to make a decision as a man and commander...I need to have a clear position....of the representatives, on whether you want to survive, stay or disappear...and I am prepared to receive a delegation tomorrow...of responsible people...from the Muslim side...here, at 1000 hours...with whom I can discuss...the salvation of your people...from the enclave, the former enclave of Srebrenica. I shall order a cessation of hostilities until 1000 hours tomorrow...if your /video scene interrupted/. [109]

Further,

> MLADIĆ: ... We will treat your fighters, your fighters who lay down their arms...in accordance with...international conventions...and we guarantee that everybody will live...even those who committed crimes against our people...Do you understand me Nesib...And the future of your people is in your hands...not only in this territory...I am finished...You are free to go. I will be waiting for you at 1000 hours tomorrow...see them off.
>
> MANDŽIĆ: I need to tell you General, I am telling you honestly that I am an accidental representative...if I cannot be responsible, there is no problem.
>
> MLADIĆ: That is your problem, bring people who can secure the surrender of weapons and save your people from destruction.[110]

The second meeting was thus concluded.

B. 12 July 1995

4.9 Aside from marshalling transportation assets (described in detail in Chapter Five), the other significant issue occurring after that second meeting was the VRS understanding of the locations and intentions of the Muslim forces in the Srebrenica enclave. By daybreak on 12 July 1995, information began arriving at various headquarters that a large column of Muslims had assembled and were attempting to exfiltrate the former enclave from the area of Jaglići. On 12 July 1995, at 0608 and 0656 hours, intercepted military

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[108] (P.Ex. 40/a), *supra* n. 104, p. 4-5. *See also*, Message from CO Dutchbat, *supra* n. 88, 12 Jul. 1995.
[109] (P.Ex. 40/a), *supra* n. 104, p. 4-5.
[110] *Ibid.*, p. 5.

telephone conversations indicate that VRS commanders had begun tracking the movement of this column.[111] By 1156 hours on 12 July 1995, the Duty Officer at the Bratunac Brigade operations center discussed the issue of the Muslim column with a subscriber identified as "Zlatar" (the telephonic code name for the Drina Corps Command).[112] In two additional intercepted conversations, one at 1440 hours and the other at 1640 hours, the Command of the Drina Corps and the Command of the Zvornik Brigade demonstrated detailed knowledge of the direction in which the column was moving.[113]

4.10 The Drina Corps Intelligence staff continued to monitor the situation, and at 1955 hours on 12 July 1995, a Captain PEĆANAC notified Major GOLIĆ, a Drina Corps Intelligence Officer, of information he had pertaining to the "armed head" of the Muslim column.[114] This was followed by a request from the Bratunac Brigade Commander to the Milići Brigade Commander, and requested information about Milići Brigade positions to ensure no "gap" existed.[115]

4.11 As this situation was developing on 12 July 1995, the third and final formal meeting between the VRS, UNPROFOR Dutchbat Command, and Muslim representatives took place at 1000 hours. Lieutenant Colonel KARREMANS and his Deputy for Liaison, Major BOERING, represented the Dutch. There were now three civilian Muslim representatives, Mr. Nesib MANDŽIĆ, Mr. Ibro NUHANOVIĆ and Ms. Čamila OMANOVIĆ. VRS military attendees included General MLADIĆ, General-Major KRSTIĆ, Colonel JANKOVIĆ, Lieutenant Colonel POPOVIĆ, Security Officer of the Drina Corps, and Lieutenant Colonel KOSORIĆ. Also in attendance were the Commissioner for Civilian Affairs, Miroslav DERONJIĆ, and the Bratunac SDS chairman Srbislav DAVIDOVIĆ.

4.12 As was the case at the first two meetings on 11 July 1995, the third meeting was dominated by General MLADIĆ, who continued to insist that the Muslim military hand over their weapons and surrender. What also stands out at this meeting was a decision articulated by General MLADIĆ that all men between the ages of 16 and 60 would be screened for war crimes.[116]

4.13 The following excepts from the transcripts of the third meeting detail other statements made:

> MLADIĆ: I want to help you, but I want absolute cooperation from the civilian population, because your army has been defeated...there is no need for your people to get

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[111] Intercepted military telephone communication between unidentified conversants "X" and "Y", 12 Jul. 1995, at 0608 hours; intercepted military telephone communication between unidentified conversants "X" and "Y", 12 Jul. 1995, at 0656 hours (conversant "X" states that they have been tracking to column since 0300 hours that morning).

[112] Intercepted military telephone communication between "X" (Duty Officer at Badem) and "Y" (Zlatar), 12 Jul. 1995, at 1156 hours.

[113] Intercepted military telephone communication between "X", "Y", "C", Krstić and Komjenović, 12 Jul. 1995, at 1440 hours; intercepted military telephone communication between Obrenović and "X", 12 Jul. 1995, at 1640 hours (discussing location of column in Bokčin potok, Lolići and the fact that civilian police are setting ambush in Konjević Polje).

[114] 1.Brlpbr Message 632/95, (OTP English translation), 12 Jul. 1995. The communications clerk notation indicates the report was sent at 1955 hours on 12 July 1995.

[115] 1.Brlpbr Order 03-253-102-1, (OTP English translation), 12 Jul. 1995.

[116] Testimony of Witness C, (T. 1175); *see also,* Testimony of Lieutenant Colonel Karremans, *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence, 3-4 Jul. 1996.

> killed, your husbands, your brothers, or your neighbors...all you have to do is say what you want. As I told the gentleman last night: you can survive or disappear....For your survival, I request that all your armed men who attacked and committed crimes- -and many did against our people, hand over their weapons to the Army of the Republika Srpska...on handing over weapons, you may...choose to stay in the territory...or, if it suits you, go where you want. The wish of every individual will be observed, no matter how many of you there are.[117]

Continuing:

> MLADIĆ: You can, if everything is ready, the rest of your army can disarm...and hand over weapons to my officers, in the presence of UNPROFOR officers...You can choose to stay, or leave if you wish...If you leave, you can go anywhere you like...when the weapons are handed over, every individual will go where they want to go. That's why it's necessary to only provide the fuel, I'll provide the vehicles. You can't provide the fuel...you can pay for it--if you have resources...if you can't pay for it, UNPROFOR should bring in four or five tanker trucks to fill up trucks, because there are a lot of people that should be...resolved. If you choose to leave...and I don't want to influence you in your choice...I have nothing against you, I have nothing against the innocent and guiltless, you can choose...[118]

The transportation of the population out of the enclave was later detailed in a "declaration" dated 17 July 1995, which outlined and asserted that the movement was carried out correctly, and that "...the Serb side has adhered to all the regulations of the Geneva Conventions and the international war law."[119]

4.14 Shortly after the third meeting concluded, VRS officers and soldiers from the Main Staff, the Drina Corps (inclusive of the Bratunac Brigade) and the RS MUP Special Police started to arrive in Potočari to search and secure the area.

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[117] Meeting 3 at Hotel Fontana (Transcript of Video) (P. Ex. 49/a), p. 9.
[118] *Ibid*, p. 10.
[119] Statement of RS Civilian Affairs Committee for Srebrenica No. 07-27/95, (Original English and OTP English translation), 17 Jul. 1995. In the English version, (translated on site by Dutchbat), Colonel Kosorić is mistakenly identified as a Colonel Krstić.

CHAPTER FIVE: Movement of Muslims from the Former Srebrenica Enclave

A. Potočari Compound

5.0 In chronological terms, the first in the series of criminal acts which are charged in the indictment against General-Major Radislav KRSTIĆ following the capture of Srebrenica, was the transportation (charged as deportation and forcible transfer) of the Muslim civilian population from Potočari. This act primarily affected those Muslim civilians who had not joined the column, but had instead assembled in and around the UN compound in Potočari, seeking the protection of Dutch forces marshaled there. These Muslim civilians began arriving through the day of 11 July 1995, and well into the morning hours of 12 July 1995.

5.1 Srebrenica, as well as Potočari, fell in the zone of the Bratunac Brigade, a unit directly subordinate to the VRS Drina Corps. As previously noted, the Commander of the Bratunac Brigade was Colonel Vidoje BLAGOJEVIĆ.[120] This officer was formerly assigned to the staff of the VRS Drina Corps, and had recently assumed command of the Brigade on 25 May 1995.[121] He remained the Brigade Commander through early 1996. The Brigade Chief of Staff and Deputy Commander was Major Novica PAJIĆ.[122] As noted previously (see paragraph 4.3), the Assistant Commander for Intelligence and Security Affairs was Captain First Class Momir NIKOLIĆ.[123]

5.2 As discussed in Chapter Four, the decision to remove the Muslim population from the enclave was discussed at the first meeting held at the Hotel Fontana in Bratunac at approximately 2030 hours on 11 July 1995. During this meeting, Lieutenant Colonel KARREMANS asked General MLADIĆ to allow Dutchbat to withdraw its troops to safety, along with the civilian population. General MLADIĆ inquired whether it would be possible for General NICOLAI from UN headquarters in Sarajevo to arrange for bus transportation supporting such a movement. In connection with General MLADIĆ's request to Lieutenant Colonel KARREMANS regarding the buses, General MLADIĆ said he would "see what the Muslims say". That evening a second meeting was arranged with a Muslim representative and during this meeting General MLADIĆ made a decision to transport the Muslim civilians out of the enclave who had gathered in and around the UN base in Potočari. General MLADIĆ stated that, "...he was able to arrange buses to transport the people where they wanted to go."[124].

5.3 By the morning of 12 July 1995, VRS and RS civilian authorities began, in earnest, to mobilize buses.

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[120] 1.Brlpbr Daily Combat Report 03-253-53, (OTP English translation), 25 May 1995 (discussing Colonel Vidoje Blagojević's assumption of command). Daily reports during the Srebrenica operation confirm that Col. Blagojević remained in command of the Bratunac Brigade throughout the operation. *See also,* 1.Brlpbr Map, *supra* n. 12. This map graphic was seized from the unit during a February 1998 search and has the authorization signature of Col Milenko Živanović, Commander of the Drina Corps.

[121] 1.Brlpbr Daily Combat Report 03-253-53, *supra* n. 120.

[122] 1.Brlpbr Daily Combat Report 03-253-103, (OTP English translation), 13 Jul. 1995; 1.Brlpbr Interim Combat Report 03-253-103/1, (OTP English translation), 13 Jul. 1995. A 92-person company under the command of the 1.Brlpbr Chief of Staff, Maj Novica Pajić, deployed to carry out assignments in that area.

[123] 1.Brlpbr Roster, Jul. 1995 (BCS).

[124] Testimony of Witness B, (T. 887).

5.4 Early on 12 July 1995, the Drina Corps Command issued one order, and the RS Ministry of Defense issued three orders pertaining to bus transportation. The Drina Corps order was addressed to all subordinate units of the Drina Corps and required that "all buses and mini-buses belonging to the VRS be secured for use by the Drina Corps".[125] It further instructed that the buses arrive at the stadium in Bratunac by 1630 hours, and gave specific instructions about locations for fuel disbursement. The order also stated that the Corps Command had sent a message to the RS Ministry of Defense requesting that buses from state and private companies be mobilized and placed under brigade commands in whose areas the buses were being sought. General-Major Milenko ŽIVANOVIĆ, Commander of the Drina Corps signed this order, and it was received by the Zvornik Brigade at 0830 hours, 12 July 1995.

5.5 The first of three orders issued by the RS Ministry of Defense was based on a Main Staff order (09/31/12-3-154). It directed the Sarajevo Secretariat of Defense to order 20 buses and drivers from the municipalities of Pale, Sokolac, Rogatica and Han Pijesak to arrive at Bratunac stadium by 1430 hours.[126] The second was directed to the Zvornik Secretariat of Defense, and ordered 30 buses and drivers from the municipalities of Zvornik, Višegrad, Vlasenica, Milići, and Bratunac municipalities to arrive at the stadium by 1430 hours.[127] The third order was identical to the second except that it increased the number of buses from 30 to 50 to be mobilized from the above municipalities under the jurisdiction of the Zvornik Secretariat of the Defense Ministry.[128]

5.6 Further on 12 July 1995, General-Major KRSTIĆ was active in organizing and directing the transportation of the Muslim civilian population. As early as 0735 hours on 12 July, General-Major KRSTIĆ ordered 50 buses from nine municipalities in eastern Bosnia.[129] He directed Drina Corps Transport Officer, Lieutenant Colonel Rajko KRSMANOVIĆ to order buses from the same municipalities as noted in orders issued by the Ministry of Defense (paragraph 5.5). The buses were to be at the Bratunac soccer stadium by 1700 hours that same afternoon. Additional conversations distinguish Lieutenant Colonel KRSMANOVIĆ as the primary Drina Corps staff officer responsible for procuring and dispatching buses.[130]

5.7 In addition to the above conversation, General-Major KRSTIĆ was noted ordering Lieutenant Colonel KRSMANOVIĆ to have the buses begin moving at 1210 hours.[131] At 1250 hours, General MLADIĆ was also noted communicating with an unidentified individual about the movement of buses. General MLADIĆ was told that the buses started moving ten minutes earlier. General MLADIĆ then told the person that: "They've

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[125] Drina Corps Order 22/226, (OTP English translation), 12 Jul. 1995 (addressed to 1st Zvornik Brigade, 1st Birač Brigade, 2nd Romanija Motorized Brigade, 1st Bratunac Brigade, 1st and 5th Podrinje Brigades and 1st Milići Brigade).

[126] RS MOD Order 02-21/3614/95, (OTP English translation), 12 Jul. 1995.

[127] RS MOD Order 02-21/3615/95, (OTP English translation), 12 Jul. 1995.

[128] RS MOD Order 02-21/3638/95, (OTP English translation), 12 Jul. 1995.

[129] Intercepted military telephone communication between Krstić and Lt. Col. Krsmanović, 12 Jul. 1995, at 0735 hours.

[130] Intercepted military telephone communication between Lt. Col. Krsmanović and unidentified person "X", 12 Jul. 1995, at 0915 hours; conversation between "X" and Krsmanović, 12 Jul. 1995, at 1212 hours; conversation between "X" and Krsmanović, 12 Jul. 1995, at 1230 hours. *See also*, conversations between Krstić and Krsmanović, 12 Jul. 1995, at 0735 hours *supra* n. 129 and intercepted military telephone communication between Krstić and Krsmanović, 12 Jul. 1995, at 1210 hours. This conversation was recorded three times by three different intercept operators.

[131] Intercepted military telephone communication between Krstić and Krsmanović, 12 Jul. 1995, at 1210 hours, *supra* n. 130.

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all capitulated and surrendered and we'll evacuate them all - those who want to and those who don't want to."[132]

5.8 At 1305 hours, General-Major KRSTIĆ was also noted communicating with Lieutenant Colonel ŠOBOT, the Personnel and Mobilization Officer for the Drina Corps Rear Services. General-Major KRSTIĆ asked him how many buses headed up from there, to which Lieutenant Colonel ŠOBOT replied, "Twenty".[133]

5.9 As this process gained momentum, a number of VRS officers began arriving at Potočari to personally observe the situation. By early afternoon of 12 July 1995, these officers included General MLADIĆ, General-Major KRSTIĆ, General-Major ŽIVANOVIĆ, and a number of other Main Staff, Drina Corps and Bratunac Brigade officers and soldiers.[134] Also present were members of the RS Municipal Police and RS Special Police units. At least two video camera teams filmed these events on 12 July 1995.

5.10 During this period General-Major KRSTIĆ participated in a taped interview that was later broadcast on RS television. In this interview, he states the following:

> "The Drina Corps is carrying out this operation successfully. We did not halt the operation. We will go all the way and liberate Srebrenica territory. We guarantee the security of the civilian population. They will be safely transported wherever they want."[135]

5.11 In the same video segment, another individual was interviewed as well. He is captioned as Zoran KOVAČEVIĆ.[136] According to the personnel register of the Bratunac Brigade for July 1995, Zoran KOVAČEVIĆ was a Lieutenant, commanding the 4th Company, 2nd Battalion of the Bratunac Brigade. [137]

5.12 In the background of both these video clips, two other VRS officers from the Drina Corps can be seen. One is Lieutenant Colonel POPOVIĆ, the Assistant Commander for Security Affairs, and the other is Lieutenant Colonel Svetozar KOSORIĆ, the Drina Corps Chief of Intelligence.[138]

5.13 Returning to the movement process, transportation of Muslims on 12 July 1995 concluded at approximately 2000 hours, with the departure of a MSF medical convoy. On the morning of 13 July 1995, the loading of bus and truck convoys leaving Potočari resumed at about 0700 hours.[139]

5.14 To support this continuing movement, the Ministry of Defense issued an order on 13 July 1995 to the local Secretariat of Defense for the Bijeljina municipality. It directed the mobilization of 50 buses.[140] That same day the Ministry of Defense issued two additional orders. [141] The first, to the Sarajevo Secretariat of Defense, and the second, to

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132 Intercepted military telephone communication between Mladić and X, 12 Jul. 1995, at 1250 hours.
133 Intercepted military telephone communication between Krstić and Šobot, 12 Jul. 1995, at 1305 hours.
134 SRNA video footage of Potočari on 12 July 1995; Testimony of Captain van Duijn, (T.1749).
135 *Ibid*, interview with Gen-Major Krstić.
136 *Ibid*, interview with Zoran Kovačević.
137 1.Brlpbr Roster, *supra* n. 123.
138 Video footage of Potočari, *supra* n. 134.
139 UN Military Observer Srebrenica fax to UNPROFOR Sector NE, 130800B Jul. 1995. (P. Ex. 77/25).
140 RS MOD Order 02/21-3655/95, (OTP English translation), 13 Jul. 1995.
141 RS MOD Order 02/21-3656/95, (OTP English translation), 13 Jul. 1995.

the Zvornik Secretariat of Defense. These orders were different from those previously issued in that they ordered the mobilization of "all available means of transportation (buses, trucks, trailer trucks, etc)" for the "transportation of personnel".

5.15 By 1500 hours on 13 July 1995, one of the last groupings of refugees was preparing to board buses. This particular series of events was observed and videotaped by a Belgrade journalist, Zoran PETROVIĆ-PIROĆANAC.[142]

5.16 At 2000 hours on 13 July 1995, the removal of the refugee population from Potočari was complete.[143] This event is reflected in a report sent by Colonel Radoslav JANKOVIĆ (a member of the VRS Main Staff Intelligence Department) from the Forward Command Post of the Drina Corps.

B. Separation of Muslim Males in Potočari

5.17 Not long after the buses for the transportation of the Muslim civilian population arrived in Potočari (shortly after 1230 hours) on 12 July 1995, VRS personnel also began separating men from the women, children and elderly. This issue was first raised during the third meeting at the Hotel Fontana on 12 July 1995. General MLADIĆ (in the presence of General-Major KRSTIĆ and others) articulated the intention to separate men between the ages of 16 - 60 in order to screen them for war crimes.[144]

5.18 It was unclear to Dutch personnel present at the meeting (Lieutenant Colonel KARREMANS and Major BOERING exactly what plans the VRS had made and what actions they would be taking that day, both relative to the movement of the Muslim population, and the screening. After returning to Potočari, Lieutenant Colonel KARREMANS sent two Dutch officers (Major BOERING and Sergeant-Major RAVE) back to Bratunac to attempt to clarify VRS intentions. These two officers had a brief conversation with both Captain First Class NIKOLIĆ and Lieutenant Colonel KOSORIĆ and were told to return to Potočari since buses were already there to begin moving the civilian population out of the enclave.[145] When the officers returned, sometime after 1230 hours, the buses had arrived and were being boarded by the Muslim population. Witness "B" and Witness "C" both stated that they saw Muslim men being separated and directed to a "white house" located across from the UN compound (refer to Chapters Six and Seven for details pertaining to the separated Muslim males).

5.19 As part of the separation and vetting process, a list was developed containing the names of Muslim men suspected of being involved in "war-crimes" against Serbs. This list contained the names of 387 Muslim men known by the Bratunac Brigade to be in the Srebrenica "safe area" and who were wanted for "war-crimes" activity. The list is dated 12 July 1995.[146] It is not known to whom this list may have been distributed, or if any of the Muslim males segregated in Potočari were vetted against the list.

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[142] Zoran Petrović video (P. Ex. 3) (showing events occurring in Potočari as well as events occurring on the Bratunac-Konjević Polje road on 13 Jul. 1995.)

[143] IKM Drina Corps Report 08-444-10, (OTP English translation), 13 Jul. 1995 (announcing that the evacuation concluded at 2000 hours on 13 Jul. 1995 and discusses the status of wounded at Potočari and Bratunac).

[144] *See* Testimony of Witness C, (T. 1174); Testimony of Col. Karremans, *supra* n. 116.

[145] Testimony of Witness B, (T. 894).

[146] 1.Brlpbr list of suspected Muslim War Criminals, (OTP English translation), 12 Jul. 1995.

Specific Observations

5.20 In relation to the identification of other Bratunac Brigade soldiers in Potočari on 12 and 13 July 1995, various individuals recognized a number of Serbs in Potočari through the period. The list of these names has been compared with the 1st Bratunac Light Infantry Brigade Roster for July 1995, revealing the following matches: [147]

NIKOLIĆ (son of Vaso) Momir[148]	Captain	1.Brlpbr Command
RAKIĆ (son of Momčilo) Goran[149]	Soldier	Artillery
MILOSAVLJEVIĆ (son of Dimitrije) Zoran[150]	Commander	DIV, 2nd Battalion
PETROVIĆ (son of Ilija) Streten[151]	Dep Cdr	3rd Battalion
SPAJIĆ (son of Radoje or Blagoje) Zoran[152]	Soldier	2nd Battalion
GRUJICIĆ Slavoljub[153]	Soldier	3rd Battalion

Many of these soldiers were noted to be involved in the separation of Muslim males of military age. In the case of Captain First Class NIKOLIĆ, he was also involved in issues pertaining to wounded Muslim prisoners in Potočari and Bratunac (Chapter Ten). Further, some of these people were also noted in Potočari in the evening of 12 July 1995.

5.21 Analysis of the PETROVIĆ video provides further evidence of Bratunac Brigade elements in Potočari on 13 July 1995. As buses were being loaded with Muslim women and children, a Serb OT-60 armored personnel carrier is seen driving up on alongside the buses. The military registration (bort) number of this vehicle is 10864. According to a Drina Corps technical service document dated 23 August 1995, that vehicle was assigned to the Command of the Bratunac Brigade.[154] The vehicle is filmed remaining in the area for approximately five minutes, and in one instance, an unidentified Muslim male is seen talking to a Serb soldier riding on the top of the vehicle.

5.22 Further, as noted by witnesses and as viewed in the PETROVIĆ video of Potočari on 13 July 1995, the VRS was manning both the separation lines, and guarding access to the buses to ensure military aged Muslim males were not boarding. VRS soldiers were also responsible for guarding the military aged Muslim men who had been separated, and were being held in various locations in Potočari before being moved to Bratunac.

C. Tišća - Luke (Luke)

5.23 Despite the efficiency of the separation process in Potočari, some Muslim males did, in fact, successfully board buses or trucks with their families, and attempt to travel with them to Kladanj. As a final safeguard against this occurring, all the vehicles were subject to a final search just before reaching the area where the Muslim refugees were dropped off and forced to continue on foot to Muslim held territory. This occurred in the area under the responsibility of the Milići Brigade.

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147 1.Brlpbr Roster, *supra* n. 123.

148 Testimony of Nesib Mandzić, (T.1002-03); Testimony of Witness H, (T.1693-94, 1699); Testimony of Witness F, (T.1525); Testimony of Joseph Kingori, (T. 1836-38, 1906).

149 Testimony of Witness H, (T.1684-85).

150 Testimony of Bego Ademović, (T.1587).

151 Testimony of Witness E, (T. 1351); Testimony of Camila Omanović, (T.1089).

152 Testimony of Mirsada Malagic, (T.1969, 1972).

153 Testimony of Hava Hajdarevic, (T. 2583-84).

154 DK Document 21/8-281, (OTP English translation), 23 Aug. 1995 (listing vehicles requiring technical support in the Command of the Drina Corps).

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5.24 On 12 July 1995, a Dutch officer accompanied one of the first bus convoys out of the former "safe area" to the area of Kladanj. Here, he saw Major SARKIĆ, whom he previously recognized from a meeting in January 1995.[155] At this January 1995 meeting, Major SARKIĆ identified himself as the Chief of Staff of the Milići Brigade. Major SARKIĆ, explained that the Serb soldiers were clearing mines off the path (road) which the refugees would take between the lines to Muslim held territory. The Dutch officer also noted that Major SARKIĆ indicated that he was receiving his orders from the Command of the Drina Corps. Bus convoys from Potočari passed through the Tišća-Luke location throughout the day.

5.25 Men who were separated from their families were then taken to a nearby school, which also served as a military barracks. [156] Witness "D" was one of those men separated at Tišća and taken to the school. Through the day, Witness "D" could see at least one soldier manning a field phone and receiving instructions.

D. Role of the VRS Drina Corps Command, Staff and Subordinates

5.26 As noted in paragraphs 5.9 through 5.12, during the afternoon of 12 July 1995, a number of Senior Drina Corps officers were identified in Potočari. These officers included the Corps Commander General-Major ŽIVANOVIĆ; the Corps Chief of Staff, General-Major KRSTIĆ; the Corps Assistant Commander for Security, Lieutenant Colonel Vujadin POPOVIĆ; the Corps Assistant Commander for Rear Services, Colonel Lazar AĆAMOVIĆ; and the Corps Chief of Intelligence, Lieutenant Colonel Svetozar KOSORIĆ. Further, on 13 July 1995, both General-Major KRSTIĆ and Colonel AĆAMOVIĆ were present in Potočari.

5.27 With regards to the leaders in subordinate units, there are multiple instances where various commanders or staff officers are noted in the area: specifically, Momir NIKOLIĆ, the Assistant Commander for Intelligence and Security of the Bratunac Brigade; Streten PETROVIĆ, the 3rd Battalion Deputy Commander, Bratunac Brigade; and Zoran KOVAČEVIĆ, commanding the 4th Company, 2nd Battalion, Bratunac Brigade. These officers were present in and around the general area of Potočari at the times when the individual criminal acts began to take place. Presumably, they were in a position to prevent, or at least report to their superiors, the criminal events that were taking place.

5.28 On 13 July 1995, the presence of Lieutenant Colonel Ljubiša BOROVČANIN, an RS MUP Special Police commander was documented in the PETROVIĆ video.[157] During this period, his unit is under the control of the Army, specifically the VRS Drina Corps.[158]

5.29 With respect to the separations and killings at Tišča-Luke, information holdings are insufficient to determine the military unit directly responsible for the killings. The identification of Major SARKIĆ as the Milići Brigade Chief of Staff at the point where

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[155] Testimony of Witness C. (T. 1187, 1193). This function was the Orthodox New Year Eve meeting where Witness C was present, as a representative of the new Dutchbat rotation.

[156] Testimony of Witness D, (T. 1262)

[157] Petrović Video, *supra* n. 142.

[158] Intercepted military telephone communication between "K" Krstić and "X" Borovčanin, 13 Jul. 1995, at 1945 hours.

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the final separations took place is only relevant to reinforcing the role of the VRS Drina Corps in the separation and transportation process.

5.30 In examining the transportation of Muslims from Potočari, fuel was disbursed and accounted for by the Bratunac Brigade. According to a handwritten fuel disbursal log, at least 42 different buses from commercial firms in the RS arrived and received fuel in Potočari on 12 July 1995.[159] A further 17 military and commercial trucks also received fuel on 12 July 1995.[160] All totalled, a minimum of 4,700 liters of diesel fuel was provided to the transportation fleet assembled on 12 July 1995. On 13 July, fuel disbursal continued, with 40 additional vehicles receiving fuel. While fuel was administered by the Bratunac Brigade, approval and accountability for such a precious commodity in July 1995 must have been approved by the VRS Drina Corps Staff, as evidenced by the involvement of Colonel AĆAMOVIĆ on 13 and 14 July 1995 in diverting fuel received by UNPROFOR in Potočari to the VRS.

[159] Fuel disbursal logsheets with license plate numbers of buses that received fuel on 12 Jul. 1995.
[160] Fuel disbursal logsheet of military and civilian vehicles.

CHAPTER SIX: Detention Sites and Executions In and Around the Bratunac Municipality

6.0 One of the adjunct issues pertaining to the Bratunac Brigade is the issue of the treatment of Muslim prisoners in and around the municipality of Bratunac from 12-15 July 1995. As survivors attest, most spent between one and three days in Bratunac awaiting movement out of the area. While at these "holding" areas, the Muslim prisoners were subject to a variety of abuses, to include beatings and summary executions. There were at least three known holding facilities in Bratunac: "the hangar", the "old school", and the "Vuk Karadžić" school. In addition, as these facilities filled to capacity, unknown hundreds of Muslim prisoners were kept in buses or trucks either in Bratunac, or in the village of Kravica. Also included in this topical area are the first large-scale killings of Muslim males; the executions in the Cerska Valley and at the Kravica Warehouse.

A. Assembly and Detention of Muslim Males in and around Bratunac

"The Hangar"

6.1 According to one survivor, Muslim men separated from Potočari on 12 July 1995 and held in the "unfinished house" were placed on buses and taken to Bratunac that day. They were taken to a large building that is described as a "hangar".[161] During the early evening on 12 July 1995, Bosnian Serb soldiers frequently entered the "hangar" and addressed some of the prisoners. Then, through the course of the evening of 12 July 1995, numerous Muslim prisoners were beaten and killed.[162]

6.2 This process continued through the day of 13 July 1995. At 1800 hours, one of the prisoners was then instructed to count the Muslims in the hangar, so transportation could be arranged. According to that count, there were 296 prisoners in the hangar.[163] Six buses arrived for the prisoners at the hangar a short time later. Those Muslim men who survived detention at "the hangar" were transported during the evening of 13 July 1995 to the Grabvci School (associated with the Orahovac mass execution site), where they arrived in the early morning hours of 14 July 1995 (see Chapter Seven, paragraph 7.6).[164]

The "Old School"

6.3 As the deportation continued in Potočari on 13 July 1995, so did the process of separating men from women, children and the elderly. As the Muslim families passed Bosnian Serb soldiers the Muslim men were directed aside, and moved into a white house across from the UN compound.[165] Once the house was full, the men were put on three or fours buses, and taken to the "old school" in Bratunac.[166] This school is located behind the "Vuk Karadžić" school. Other Muslim prisoners arrived at the school throughout the day.

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[161] Testimony of Witness N, (T. 2801). In testimony, the facility is described as an "abandoned warehouse."
[162] *Ibid.*
[163] *Ibid.*
[164] *Ibid.*
[165] Testimony of Witness I, (T. 2372-73).
[166] *Ibid.*

6.4 Muslims were held in the school from the late afternoon of 13 July 1995 through the afternoon of 15 July 1995.[167] During this period, the remaining prisoners were provided with no food, and little water. They were also frequently beaten.[168] A survivor account also notes Muslim prisoners being taken out, hearing shots fired and the prisoners not returning. On 15 July 1995, Muslim males detained in the "old school" are transported to the school in Pilica, associated with the mass execution at the Branjevo Military Farm (See Chapter Seven, paragraph 7.36).[169]

Buses in front of the "Vuk Karadžić school" and "old school"

6.5 As the designated detention facilities were filled to capacity, Muslim prisoners were held in the buses and trucks on which they arrived. One survivor, who surrendered to Bosnian Serb soldiers near Konjević Polje, in the early hours of 13 July 1995, spent the night of 13-14 July in one of the buses parked outside the "Vuk Karadžić" school. This bus, and another which accompanied the bus he was on, were filled with Muslim males who had been captured along the Bratunac-Konjević road on 13 July 1995. [170]

6.6 At around 1100 hours on 14 July 1995, these buses joined other vehicles, and this convoy arrived at the Grbavci school (associated with the Orahovac mass execution site) around mid-afternoon.[171]

Buses and Trucks at "Vihor"

6.7 Other Muslim males captured along the Konjević Polje-Bratunac Road on 13 July 1995 were held in buses and trucks in the parking lot of the "Vihor" transportation company in Bratunac.[172] They remained onboard the trucks and buses through the night of 13 July 1995. On the morning of 14 July, the trucks moved from "Vihor" to a location at the outskirts of Bratunac. After a few hours at this location, they departed. The individuals in this truck ended up at the Grabvci school (associated with the Orahovac mass execution site), arriving sometime in the mid-afternoon of 14 July 1995.[173]

Trucks at unknown locations in Bratunac

6.8 A further group of prisoners captured along the Konjević Polje-Bratunac road on 13 July 1995 was held in an unknown location in the town of Bratunac. These prisoners were captured late in the day, and were still being assembled on the Sandići meadow by 1700-1800 hours on 13 July 1995.[174] These assembled prisoners were put into five or six large "20 ton" trailer trucks. They were taken to an unknown location in Bratunac, where they spent the night in the trucks.[175] In the morning, they moved to the other side of the city, where they waited for several hours before finally departing Bratunac. Their convoy consisted of five or six buses, and some trucks. A UN Armored Personnel carrier was

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[167] *Ibid.* (T. 2375).
[168] *Ibid.* (T. 2377).
[169] *Ibid.* (T. 2379-81). Also refer to 1.Brlpbr Military Police Daily Log, *supra* n. 61. This convoy of buses may have been escorted to the school by the MP unit of the Bratunac Brigade. According to the MP orders log, a squad of military police escorted a movement of prisoners to Pilica during the day, and remained in Pilica to guard them.
[170] OTP Witness Statement of Mevludin Orić, 12 Aug. 1995. Witness G (T. 1652-53) also describes in testimony that Muslim prisoners from Potočari were brought to the "Vuk Karadžić" school.
[171] OTP Witness Statement of Mevludin Orić, 12 Aug. 1995.
[172] Testimony of Witness L, (T. 2665-66).
[173] *Ibid.* (T. 2666-74).
[174] Testimony of Witness O, (T. 2872-76).
[175] *Ibid.* (T. 2881).

also present. [176] This convoy departed Bratunac, and arrived at the school in Petkovci (associated with the Petkovci Dam execution site) around 1830 hours (See Chapter Seven, paragraph 7.28).[177]

6.9 Still another group of Muslim men were captured crossing the Konjević Polje-Milići road on 13 July 1995, and taken to the football field at Nova Kasaba. According to multiple witnesses, between 2500 and 3000 Muslim males were held at the Nova Kasaba stadium.[178] Soldiers of the Military Police Battalion of the VRS 65th Protection Regiment guarded the men at this location.[179] A group of prisoners assembled at Nova Kasaba was placed on a bus at around 1400 hours. Later that afternoon, they were driven to Bratunac. Enroute, the bus passed the Kravica warehouse, where a witness saw the building with bodies outside of it.[180] Those prisoners spent the evening of the 13-14 July 1995 at an unknown location in Bratunac and on 14 July 1995, the bus took them to a sports hall at the school in the village of Pilica (associated with the mass executions at Branjevo Farm).[181]

Trucks at Kravica

6.10 From that group of assembled prisoners at Nova Kasaba, a further 100 Muslim males were placed on a large truck and transported to Kravica. They arrived in the early evening hours, and remained on the trucks that evening. Between four and five other trucks were noted parked at that location.[182] On 14 July 1995, the truck departed Kravica, and arrived at the Petkovci school (associated with the mass executions at the Petkovci Dam) around 1830 hours.[183]

Specific Observations

6.11 As previously discussed, the area in and around the municipality of Bratunac is the zone of operations of the Bratunac Brigade. Soldiers assigned to the Bratunac Brigade would have been operating in and around the assembly and detention areas outlined above, with the exception of Nova Kasaba. However, with the currently available information, it is impossible to determine which specific unit or troops were involved in guarding the Muslim prisoners in the town of Bratunac. Of note, in many instances, it is clear from the overall pattern that many Serb soldiers knew the identities of Muslim prisoners whom they had lived with before the war. This implies that the units responsible for guarding the Muslims in the town are from the local based unit, the Bratunac Brigade.

6.12 Further, as previously noted in Chapter Five, a number Drina Corps officers were involved in coordinating transportation resources for the deportations from Potočari. As this process was winding down on 13 July 1995, these transportation assets became available and were then utilized to move the separated Muslim males from areas where

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176 *Ibid.* (T. 2882).
177 *Ibid.* (T. 2887).
178 Testimony of Witness P. (T. 2950-51).
179 Intercepted military telephone communication between unidentified conversants "X" and "Y", 13 Jul. 1995, 1602 hours. (In the conversation the two unidentified subscribers claim that, 1500 Muslim males were gathered on the football field of Nova Kasaba, where "Malinić's unit is". Major Zoran Malinić is the Commander of the Military Police Battalion of the 65th Protection Regiment.)
180 Testimony of Witness Q. (T. 3026).
181 *Ibid.* (T. 3027-31).
182 Testimony of Witness P. (T. 2959).
183 *Ibid.* (T. 2963).

they were captured and assembled to detention centers in and around Bratunac, and finally to the mass execution sites near Zvornik.

6.13 From a coordination perspective, this aspect cannot be over-emphasized, particularly when examining the capture and detention of Muslim males along the Konjević Polje-Nova Kasaba- Milići road. From Konjević Polje to Milići, units involved in capturing Muslim males would have included elements of the RS Municipal police (deployed to Konjević Polje), the 5th Engineer Battalion of the Drina Corps, the Zvornik Brigade, the Milići Brigade and the Military Police Battalion of the 65th Protection Regiment (an asset directly subordinate to the VRS Main Staff).[184] Muslim males detained from this variety of units were then collected, and transported back into the territory of the Bratunac Brigade, where starting the next day they were moved to the territory of the Zvornik Brigade.

B. Cerska Valley Execution 13 July 1995

6.14 According to witness accounts, during the afternoon of 13 July 1995, an undetermined number of Muslim males were driven in buses and trucks from the direction of Konjević Polje into the Cerska Valley, and were subsequently executed. At least one piece of earth-moving equipment was observed as part of this convoy.[185] This event represents the first known major organized killing of Muslim male prisoners captured from the column. Current information indicates that the Cerska Valley region where the killings occurred is within the zone of either the Milići Brigade or the Vlasenica Brigade the VRS Drina Corps.

6.15 In what may be a related event, intercepted VRS communications note that on 13 July 1995, at 1355 hours, a Colonel MILANOVIĆ, (believed to be Colonel Ignjat MILANOVIĆ, the Drina Corps Chief of Air Defense), talked to the "Palma" Duty Officer (Palma is the telephonic codename for the headquarters of the 1st Zvornik Infantry Brigade). He asked the Duty Officer if "your bulldozer, ...the one with the spoon..." was available, and that if it was, it should be sent to Konjević Polje for us."[186] He was apparently told that it was in the field, and could not be sent down anytime soon. Two hours later, at 1553 hours, Colonel MILANOVIĆ is noted calling for a SIMOVIĆ or AVRAMOVIĆ, again looking for a backhoe or bulldozer. He was apparently told that they were all in the field.[187] AVRAMOVIĆ is believed to be Captain First Class Milenko AVRAMOVIĆ, the Drina Corps Chief of Engineering, and the Commander of the 5th Engineer Battalion of the Drina Corps.[188] The identification of SIMOVIĆ is currently unknown.

C. Kravica Warehouse 13 July 1995

6.16 According to witness and survivor testimony, during the late afternoon-early evening hours of 13 July 1995, hundreds of male Muslims were killed at the Kravica

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[184] 1.Brlpbr Daily Combat Report 03-253-106, *supra* n. 41.
[185] Testimony of Witness M, (T. 2724).
[186] Intercepted military telephone communication between "M" Milanović and "P" Palma Duty Officer , 13 Jul. 1995, at 1355 hours.
[187] Synopsis of intercepted military telephone communication of conversation by Milanović, 13 Jul. 1995, at 1553 hours.
[188] 5.Inžb Order 9-4/94, (OTP English translation), 22 Apr. 1994; VP 7469/05 Record of Vehicle transfer, (OTP English translation), 24 Sep. 1994.

Agricultural Warehouse.[189] These Muslims were part of the column who had surrendered along the Bratunac-Kravica-Konjević Polje road during the morning of 13 July, including ones who had been assembled on the morning of the 13th on the Sandići meadow.

6.17 Analysis of the events surrounding this indicates that the assembling of Muslim men as they surrendered along the Bratunac-Kravica-Konjević Polje road was part of a well-organized operation. Prisoners were assembled in multiple areas along the road. West of Kravica, one of the collection points was the Sandići meadow. Tanks and other military vehicles were observed at that collection point, which greatly helped the VRS forces maintain security over the prisoners.[190] By the early afternoon, prisoners were starting to be assembled at the Kravica warehouse complex.

6.18 The actual execution of prisoners began around 1800 hours and lasted several hours. The accounts indicate that small arms, machine guns and grenades were used to kill the prisoners who were trapped inside the warehouse. All the exits were covered by weapons fire, and those prisoners who attempted to escape during the firing via either the doors or windows were killed.

6.19 After the shooting ended, several trucks arrived and began the process of loading bodies into trucks. This process continued until dark.[191] Bodies could be seen from the road, and one witness observed the bodies as he was driven past the warehouse.[192] The next morning, body collection activity resumed.

Specific Observations

6.20 The unit responsible for military operations in this area again belonged to the Bratunac Brigade. The units which specifically manned this sector were the units of the 1st Infantry Battalion (Magasici), commanded by Lieutenant Lazar OSTOJIĆ,[193] and the 4th Infantry Battalion commanded by Captain 1st Class Radika PETROVIĆ.[194]

6.21 The 1st Battalion had a historical responsibility for this particular area, from just west of Bratunac towards Kravica. Since mid-1993, when the lines stabilized after the declaration of the Srebrenica "safe area", this unit was responsible for this geographic area. This remained true through at least 16 July 1995.[195] However, while responsible for part of the area, Kravica and Sandići fell specifically into the zone of the 4th Infantry Battalion.

6.22 The issue of this 4th Battalion is unique, as the unit is not organizationally a part of the Bratunac Brigade structure. According to an article in the March 1995 issue of

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189 Testimony of Witness J, (T. 2463-64), and Testimony of Witness K (T. 2523-26).
190 Petrović Video, *supra* n. 142.
191 Witness J (T. 2469-70), and K (T. 2535-37).
192 Witness Q (T. 3026), *supra* n. 180.
193 1pb/1.Brlpbr request, (OTP English translation), 04 Jul. 1995 (Commander Lazar Ostojić requests ammunition and fuel for upcoming operations).
194 Drago Gajić, "Where Radika's Army Goes. Portrait of Radika Petrović," *Drinski* (OTP English translation), March 1995, p.13.
195 On 03 Jul. 1995, the 1st Battalion is identified as manning positions in the area of Vresinje . On 06 Jul. 1995, Muslim fire is identified coming from TT 413 (terrain designation point 413-Serb map reference 029939). The fire "sweeps" the outside right of the 2nd Battalion and the outside left of the 1st Battalion. This description indicates that the unit boundary between the 1st and 2nd Battalions is located at or near TT 413. As such, the 1st Battalion was responsible for the area to the west of TT413. On 09 Jul. 1995, one soldier was killed and another wounded in the area of the 1st Battalion. This area was identified as the line Lemesac-Lomovi-Perska Kosa (Serb map grid 013958 to 021946).

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"Drinski" magazine, the unit assigned to that area was the unit of Captain First Class Radika PETROVIĆ.[196] In fact, this unit is the 8th Battalion of the Zvornik Brigade.[197] This unit had been assigned to that area since September 1993 and while assigned to the Zvornik Brigade, came under the operational control of the Commander of the Bratunac Brigade for combat related activities.[198] This battalion remained under the control of the Bratunac Brigade until 19 July 1995.[199]

6.23 Regardless of the origin of the "4th Battalion", the fact remains that at the time of the Kravica Warehouse killings of 13 July 1995, the unit was still operating under the control of the Commander of the Bratunac Brigade.[200] On 14 July 1995, the Command of the Bratunac Brigade issued an order to all four battalions, detailing what their search responsibilities would be following the liberation of Srebrenica. In this order, the 4th Battalion was directed to control its positions from "Lupoglava to Ravni Buljim, and as far forward as Mratinsko Brdo and Sandići."[201] As described, the area of Kravica falls within the territory of the 4th Infantry Battalion.

6.24 The final component pertaining to Kravica is the status of MUP Special Police units, which were also operating in the zone of the Bratunac Brigade. Elements of one of these units are noted in the PETROVIĆ video and were present in the area where Muslim prisoners were assembled. [202] Highlights of the unit activity were also discussed in the article written by Zoran PETROVIĆ-PIROĆANAC. [203]

6.25 Related to the events of Kravica warehouse, several inferences can be drawn. First, as discussed in paragraph 6.17, the Kravica warehouse was a "known" collection site for VRS units holding prisoners at the Sandići meadow. Presumably, as this was the designated holding area, it would have then required specific arrangements to ensure the security of the incoming prisoners. As elements of two infantry battalions were capturing Muslims and the MUP Special Police units were also along the road during the period, one can infer that this location was designated by a higher headquarters, and transmitted to the subordinate units. This should have been a function of the Intelligence and Security Branch of the Bratunac Brigade.

6.26 Further, as trucks and buses were used to transport prisoners to the warehouse, one can infer that some authority higher than the local battalion commands had to have made them available. At a minimum, this would have had to have been at the Bratunac Brigade level, but more likely the Drina Corps level, since every asset used to transport

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196 "Where Radika's Army Goes. Portrait of Radika Petrović," *supra* n. 194.

197 VP 7469 Death Certificate 05/3-71/95, (OTP English translation), Jul. 95. (KIK Radika Petrović is identified as the Commander of the 8th Battalion, 1.Zvpbr.)

198 In addition to the above noted article, there is one specific reference in 1. Brlpbr Daily Combat Report 03-253-98, (OTP English translation), 08 Jul. 1995, that the 4th Battalion was from Zvornik, as well as further information to support this observation. In the 15 July report from the Bratunac Brigade, soldier Cvijetina Vukosavljević is reported killed in the village of Kajići (located one kilometer east of Kravica). While he is identified as a member of the 4th Battalion, he does not show up on the roster of soldiers assigned to the Bratunac Brigade between 01-31 Jul. 1995. He does, however, appear in the records of soldiers killed from the 1st Zvornik Infantry Brigade. According to these records, he was assigned to the 8th Battalion, 1st Zvornik Infantry Brigade.

199 1.Brlpbr Daily Combat Report 03-253-108, (OTP English translation), 19 Jul. 1995 (indicating that the 4th Bn returned to Zvornik).

200 1.Brlpbr Order 453-2, (OTP English translation), 14 Jul. 1995 (ordering the subordinate battalions of the 1.Brlpbr to conduct sweep operations in the area around the former Srebrenica enclave).

201 *Ibid.*

202 Petrović video, *supra* n. 142.

203 *Belgrade Intervju* article, *supra* n. 48.

prisoners would have been diverted away from the continuing deportation process in Potočari.

6.27 Perhaps one of the most revealing observations by survivors and witnesses pertains to the arrival of trucks and other equipment to remove the bodies. It is clear that some higher authority than the local battalion commander had to have authorized the movement of the vehicles to that location, as well as the purpose of them going to that location. One can infer that the presence of those vehicles in Kravica that evening was not a coincidental event. More so, body disposal operations were suspended during the evening of 13 July 1995, and would be resumed during the daylight hours of 14 July 1995. Finally, possibly related is the 19 July 1995 notation in the Bratunac Military Police Platoon orders book that discusses a military police detachment providing security to the Bratunac Public utility workers at Glogova.[204] Glogova is the site of a primary mass grave, located less than 500 meters from the former command post of the 1st Infantry Battalion of the Bratunac Brigade.

D. Role of the VRS Drina Corps Command, Staff and Subordinates

6.28 One component of the alleged crimes in and around Bratunac was the assembly and detention of Muslim men as well as the organization of transportation that would further take the men to the mass execution sites in the North. This activity can be examined in two aspects, the assembly and detention process, and the actual movement process.

6.29 First, pertaining to the assembly and detention of the Muslim males in and around Bratunac, at least three fixed facilities are positively identified by survivors: the "hangar", the "Vuk Karadžić" school and the "old school". In addition, as these locations filled to capacity, buses and trucks filled with prisoners were parked next to these locations. Presumably, the security elements of the Bratunac Brigade, the Bratunac municipality and the VRS Drina Corps would have been required to identify the holding locations in the town, and to further ensure adequate security for the prisoners in Bratunac. Lieutenant Colonel Vujadin POPOVIĆ, the Drina Corps Chief of Security, and Colonel Svetozar KOSORIĆ, the Chief of Intelligence for the Drina Corps should have both been heavily engaged in these issues dealing with the prisoner issues. So should the Bratunac Brigade Chief of Intelligence and Security, Captain First Class Momir NIKOLIĆ, particularly in the aspect of coordinating with the local civil authorities for use of the facilities. Considering the fact that prisoners remained at these locations (or near them on buses and trucks when the buildings filled to capacity) for between two to three days, an extensive security presence and guard force would have been required.

6.30 Concerns about the numbers of prisoners in and around the Bratunac area rapidly became a topic of discussion among senior security officials and senior political figures in the area. According to an intercepted radio-telephone conversation between Miroslav DERONJIĆ (the appointed Civilian Commissioner for Srebrenica) and the office of RS President KARADŽIĆ, DERONIJĆ was to deal with the Army and get the Muslim prisoners out of Bratunac.[205]

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[204] 1.Brlpbr Military Police Daily Log, *supra* n. 61, 19 Jul. 1995 entry.

[205] Intercepted military telephone communication between "D" Deronjić, "B" Badem Duty Officer and an unindentifed conversant, 13 Jul. 1995, at 2010 hours.

6.31 The movement of Muslim prisoners from the temporary holding sites in and around Bratunac to detention and execution sites in the zone of the Zvornik Brigade represents the second stage of the process. As noted from survivor accounts, the movement of the Muslim prisoners from the Bratuanc area to schools near the Zvornik area began in the early evening of 13 July 1995, consistent with the end of the deportation of the Muslim population from Potočari. Prisoners began arriving at these schools in the early morning hours of 14 July 1995, and movement continued through 15 July 1995, as prisoners were placed in schools at Grbavci, Petkovci, Pilica (both the school and Dom facility), and (probably) Ročević (see Chapter Seven).

6.32 What becomes evident is that during the latter stages of the movement of Muslims out of Potočari on 13 July 1995, a growing number of buses and trucks are detailed away from Potočari, and are sent to locations along the Bratunac-Konjević Polje-Milići road to pick up Muslim males who were being assembled at various locations. By the time the deportation is declared completed at 2000 hours on 13 July 1995, an undetermined number of buses and trucks are filled with Muslim male prisoners. Some buses with prisoners depart as early as the night of 13 July 1995, however, most spend the night of 13-14 July 1995 in or near Bratunac and move towards Zvornik on 14 or 15 July 1995.

6.33 Related to this, the Military Police log for the 1st Bratunac Light Infantry Brigade Military Police Platoon indicates that on 14 and 15 July 1995 "the police were engaged in the escort of Muslim refugees."[206] As noted earlier, the movement of the Muslims from Potočari was completed by 2000 hours on 13 July 1995. Escort activity after this time can only refer to the process of guarding the buses moving prisoners into the zone of the Zvornik Brigade.

6.34 Further, this is consistent with witness and survivor accounts pertaining to the "organization" of the movement process. Buses and trucks do not proceed individually from the Bratunac area towards Zvornik, but instead are moved in convoys. Militarily speaking, the security, route clearance, and movement functions would have had to been arranged by the VRS Drina Corps Command and Staff, as they involved the assets and territory of at least two subordinate units. Further, the fleet of buses and vehicles were also under the control of the VRS Drina Corps and not the subordinate brigade's commands.

6.35 Related to this movement process was the identification of the facilities in the zone of the Zvornik Brigade where the Muslim prisoners were to be transported and held prior to their execution. According to transportation records seized from the 1st Zvornik Infantry Brigade, an Opel "Rekord" (license plate number P-4528), assigned to the Command of the Zvornik Brigade, began a series of trips starting on 13 July 1995 to locations that were used for the holding of Muslim males from Srebrenica.[207] Further, this vehicle was under the control of three members of the Zvornik Brigade Military Police Company.[208] Travel on 13 July 1995 included two trips between Zvornik and Orahovac, as well as a trip from Zvornik-Standard (HQ of the Brigade) to Bratunac. On 14 July 1995, Orahovac was visited twice more, and the vehicle made two trips to

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[206] 1.Brlpbr Military Police Daily Log, *supra* n. 61.

[207] Vehicle Log for Opel Rekord P-4528, (OTP English translation), 01-31 Jul. 1995.

[208] Authorized vehicle operators were Milorad Birčaković, Mirko Ristić and Miško Arapović. All three individuals were members of the Military Police Company at the time. *See* 1.Zvpbr Military Police Company Unit Attendance Roster (OTP English translation), Jul. 1995.

Ročević. Travel on 15 July 1995 included Kozluk, Kula (Pilica School), Pilica and Ročević. On 16 July 1995, travel included Kozluk, Pilica, Ročević, and also Kravica.[209]

6.36 Pilica (Branjevo Military Farm) and Kozluk are known execution sites. Orahovac is both a detention site and execution site, as is the Cultural Center in Pilica. The area referred to as "Ročević" is a village complex with a school located approximately four kilometers from Pilica and Branjevo Military Farm. Investigation has identified Ročević as a possible detention site for Muslim males. The Pilica School (Kula) is a known detention site. Kravica is a known holding and execution site in the area of the Bratunac Brigade.

6.37 As Military Police organs operating under the Security Branches responsible for prisoner-security related issues, it is reasonable to infer that the Zvornik Brigade Security Branch was tasked with identifying detention and, possibly, execution sites.

[209] Vehicle Log for Opel Rekord P-4528, *supra* n. 207.

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CHAPTER SEVEN: Mass Executions and Burials in the Zone of the 1st Zvornik Infantry Brigade

7.0 The zone of the Zvornik Brigade was, to a significant degree, the scene of most of the organized mass execution activity related to the fall of the Srebrenica enclave. During this same period, the Zvornik Brigade was involved in heavy combat against the Muslim column from the former Srebrenica enclave. This column, taking the most direct geographical route to Tuzla, came into contact with the ambushes set by the Zvornik Brigade during the early evening of 14 July 1995, and by 15 July 1995, the column and the forces of the Zvornik Brigade were involved in a relatively pitched battle. Yet, despite the significant military threat to both the Zvornik Brigade and the city of Zvornik posed by the column, Muslim males transported by bus or truck from Bratunac were held in schools, moved to execution sites, killed, and buried.

7.1 Five known major execution sites are located within the zone of the Zvornik Brigade: Orahovac, the Dam (at Petkovci), the Branjevo Military Farm, the Cultural Center in Pilica, and Kozluk. Related to these execution sites are the following detention centers: the Grbavci School in Orahovac, the "new" Petkovci School (in Petkovci), the Pilica School in Kula, and the Cultural Center in Pilica. Further, investigation indicates the Muslim men may have also been held at the school in Ročević.

7.2 As in previous chapters, this chapter will develop the material pertaining to the individual crime scenes or criminal acts as charged in the indictment. At the conclusion of this chapter, the broader role and knowledge of the Command and Staff of the 1st Zvornik Infantry Brigade will be explored, while subsequent chapters examine the role of the Command of the VRS Drina Corps and the VRS Main Staff (Chapters Nine and Twelve respectively).

A. Prelude and Planning

7.3 As noted previously in Chapter Six (paragraphs 6.35 and 6.36), there is information that indicates that by 13 July 1995, elements of the Zvornik Brigade Command were active in identifying sites where Muslim males from Srebrenica were to be held. This initial activity manifests itself by tracking the movement of an Opel "Rekord" (license number P-4528), assigned to the Command of the Zvornik Brigade. Listed below is the logged itinerary for the vehicle from 13-19 July 1995:

> 13 July 1995 Standard-IKM (Fwd Command Post) -Zvornik-Loko-Orahovac-Zvornik-Orahovac-Standard-Bratunac and Zvornik. Total vehicle mileage on 13 July 1995 was 209 kilometers.
>
> 14 July 199 Standard-Orahovac-Divić-Orahovac-Ročević-Orahovac-Zvornik-Standard-Loko-Karakaj-Ročević-Loko. Total vehicle mileage on 14 July 1995 was 164 kilometers.
>
> 15 July 199 Standard-Divić-Zvornik-Standard-Kozluk-Standard-Ročević-Kozluk-Loko-Kula-Pilica-Loko. Total vehicle mileage on 15 July 1995 was 206 kilometers.
>
> 16 July 1995 Standard-Kozluk-Ročević-Pilica-Še (remainder illegible)-Kravica-Zvornik. Total vehicle mileage on 16 July 1995 was 144 kilometers.
>
> 17 July 1995 Standard-Zvornik-Cer-Zvornik. Total vehicle mileage on 17 July 1995 was 156 kilometers.

18 July 1995 Standard-Zvornik-Kar-Zvorn-Sepak. Total vehicle mileage on 18 July 1995 was 23 kilometers

19 July 1995 Standard-Zvornik-Kar-Zvorn. Total vehicle mileage was 47 kilometers.[210]

7.4 Authorized vehicle operators were Milorad BIRČAKOVIĆ, Mirko RISTIĆ and Miško ARAPOVIĆ. According to the July 1995 roster of the Zvornik Brigade Military Police Company, all three individuals are members of the Military Police Company.[211] At the same time, Milorad BIRČAKOVIĆ was a member of the protection detail assigned to the Brigade Commander.[212]

7.5 Aside from these records, there are no other indications within the Zvornik Brigade records that indicates a large number of Muslim prisoners could be expected to be arriving in the zone of the Brigade by as early as 0200 hours on 14 July 1995.

B. Orahovac and Grbavci School

7.6 The area of Orahovac was used as both a killing and primary burial site on 14 and 15 July 1995. This area falls within the zone of the 4th Battalion, 1st Zvornik Infantry Brigade.[213] Survivor testimony and documents from the Zvornik Brigade indicate that elements of the Brigade Command, the Engineer Company, the Military Police Company and elements of (at least) the 4th Infantry Battalion were all involved in the planning, detention, execution and subsequent burial of Muslim men at the Orahovac site.

7.7 The Commander of the Engineer Company was Captain Dragan JEVTIĆ.[214] The Commander of the 4th Infantry Battalion was 2nd Lieutenant Pero VIDAKOVIĆ.[215] However, according to an 18 July 1995 commendation by the Brigade Commander, the 4th Battalion was actually led during the period by the Deputy Commander, 2nd Lieutenant Lazar RISTIĆ.[216] The Commander of the Military Police Company was Miomir JASIKOVAC.[217]

7.8 Analysis of information from both documents and survivor testimony indicates the following chain of events occurred. As early as 13 July 1995, the area of Orahovac may have been scouted out as a potential site to hold the incoming Muslim prisoners. This is reflected in the visit to the area twice that day by the staff car from the brigade headquarters (license plate P-4528) logged out to Milorad BIRČAKOVIĆ, Mirko RISTIĆ and Miško ARAPOVIĆ.[218] Further, it appears that late in the evening of 13 July 1995, a detachment of military police from the Zvornik Brigade Military Police Company was detailed to remain in the area. This is supported by an entry on 13 July in a logbook of a vehicle that appears to have been primarily used for the delivery of food to select units of

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[210] *Ibid.*

[211] 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 208.

[212] Milorad Birčaković was also the former commander of the 3rd Company (Grbavci), of the 4th Battalion of the Zvornik Brigade in late 1994. In November 1992, he became a platoon commander in the 7th Battalion. Of note, Lazar Ristić and Gojko Simić also joined the 7th Battalion that same day.

[213] 1.Zvlpbr map graphic. (P. Ex. 2).

[214] 1.Zvpbr Engineer Company Daily Orders Log, (OTP English translation), 01-30 Jul. 1995.

[215] Death Certificate of Gojko Simić, (OTP English translation), 27 Jul. 1995.

[216] 1.Zvpbr Order 01-262, (OTP English translation), 18 Jul. 1995.

[217] 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 208.

[218] Vehicle Log for Opel Rekord P-4528, *supra* n. 207.

the Brigade.[219] The last entry of the day lists a trip to Orahovac, with the notation "police".[220]

7.9 In what may be a related event, on 13 July 1995, Lieutenant Drago NIKOLIĆ was the Duty Officer at the Forward Command Post of the Brigade. His normal posting in the Brigade is as the Assistant Commander (Chief) for Security. In the Duty Log of the Forward Command Post, it is noted that at 2300 hours on 13 July, a Major GALIĆ "took over duty extraordinarily from Lieutenant Drago NIKOLIĆ."[221] The log does not indicate what occurred that caused the apparently early relief of Lieutenant NIKOLIĆ from the Duty Officer position.

7.10 On 14 July 1995, Muslim males captured after the fall of Srebrenica began arriving in the zone of the Zvornik Brigade, having been transported from the area of Bratunac in either buses or trucks. The earliest known group arrived during the early morning hours of 14 July 1995, with the remainder arriving through the late morning and early afternoon of that same day. One survivor in particular, Witness "L", identifies the school in which they were being held as the school of Grbavci (located in Orahovac, less than one kilometer from the execution site).[222]

7.11 The Muslim prisoners were kept in the school sports hall for varying lengths of time, and recount a similar story of being led to a side room where they were provided with water and then blindfolded.[223] Afterwards, each was put in a military truck, and taken to the execution site at Orahovac.[224]

7.12 One of the first Muslim survivors taken to the execution site was Witness "L", who arrived sometime during the afternoon hours of the 14 July 1995. Upon arriving at the site, he and other Muslims were taken off the truck, lined up among previously executed prisoners, and shot. Witness "L" was not hit, and as he lay among the dead and dying bodies, he was in a position to first hear, and then later witness events from where he fell.

7.13 While still wearing the blindfold, Witness "L" recognized the voice of an individual named Gojko SIMIĆ, as the leader of the group of soldiers who were conducting the killings. Witness "L" had over a 15-year association with SIMIĆ from before the war, when they both worked in a Belgrade construction company.[225] Several times during the course of the day, he heard soldiers address each other by name, and heard the names "Gojko", "Risto" and "Vojo".[226]

7.14 Witness "L" also notes the presence of one yellow backhoe, which he both heard and saw during the day, and later that evening, the arrival of either a yellow bulldozer or loader. It was one of those loaders that shined the light on him during the night, causing

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[219] 1 Zvpbr Delivery Truck Log, (OTP English translation), 01-31 Jul. 1995.
[220] The last time listed is 0100 hours. Times are out of sequence and it is possible that the time may be 0100 hours on the morning of 14 Jul. 1995.
[221] 1.Zvpbr IKM Operations Log, (OTP English translation), 13 Jul. 1995. According to the Bde Command Roster for July 1995, Major Mihajlo Galić is the Assistant for Morale, Legal and Religious Affairs.
[222] Statement of Witness L (T. 2673), *supra* n. 173.
[223] Statement of Witness L (T. 2684-86); Statement of Witness N (T. 2824).
[224] *Ibid.*, (T. 2686-89).
[225] *Ibid.*, (T. 2694).
[226] *Ibid.*, (T. 2694).

him to flee the execution site.[227] The other survivors also noted the presence and activities of yellow earthmoving equipment at the execution site.[228]

Specific Observations

7.15 Personnel records of the Zvornik Brigade indicate that Gojko SIMIĆ from Orahovac was assigned to the 4th Infantry Battalion of the 1st Zvornik Infantry Brigade. He was killed in battle two days later (on 16 July 1995), while defending the 4th Battalion command post in the vicinity of Baljkovica.[229] According to documents from the Zvornik Brigade, Gojko SIMIĆ was a member and Commander of the 4th Infantry Battalion heavy weapons detachment.[230] Further, the death certificate issued by the Zvornik Brigade confirms that Gojko SIMIĆ and Witness "L" worked at the same construction firm in Belgrade.[231]

7.16 According to the personnel roster for the Zvornik Brigade Military Police Company for 14 July 1995, there was a detachment of military police present in Orahovac (referred to in paragraph 7.8).[232] Also apparent is that some effort was made to conceal this after the fact. An examination of the document indicates that a legend was written on the back to indicate where each military policeman was located. Despite being erased, visible to the eye is the writing "O- Orahovac". Further, when examining the entries for 14 and 15 July 1995, it is apparent that a number of names had "O" delineating their location, and they were subsequently erased and remarked with a "T" (to designate "in the terrain") [233] In several instances of 15 July 1995, individuals with the letter "R" delineating their location and that changed to "T" as well. In the legend, there is no discernable explanation pertaining to what "R" stands for.

7.17 Relative to the Zvornik Brigade Military Police presence, the following list of names on the altered personnel roster who were in Orahovac on 14 July 1995 are listed below: [234]

1. JASIKOVAC, Miomir Novaka 14 July, "O" changed to "T", 15 July "R" changed to "T".
4. STOJANOVIĆ, Hada Stanimira 14 July, "O" changed to "T".
5. BOGDANOVIĆ, Goran Ilije 14 July "O" changed to "T".
7. JOVIĆ, Ćedo Rade 14 July "O" changed to "T".
14. IVANOVIĆ, Dragoje Đule 14 July "O" changed to "T". 15 July "R" to "T".
27. RISTIĆ, Predrag Mojside 14 July "O" changed to "T". 15 July "R" to "T".
31. STEVANOVIĆ, Zelko Spasoja 14 July "O" changed to "T", change on 15 July as well.
37. SIMIĆ, Milomir Dragomira 14 July "O" changed to "T". 15 July "R"changed to "T".
47. BIRČAKOVIĆ, Stanoje Blagoja 14 July "O" changed to "T". 15 July "R" changed to "T"
50. JOKIĆ, Sladan Stanka 14 July "O" changed to "T". 15 July "R" changed to "T".

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227 *Ibid.* (T. 2699-2700).
228 Testimony of Witness N (T. 2827).
229 Death Certificate of Gojko Simić, *supra* n. 215.
230 1.Zvpbr Order 06-72, (OTP English translation), 08 Apr 1994; 1.Zvlpbr Appointment Order 06-72, (OTP English translation), 08 Apr. 1994.
231 Death Certificate of Gojko Simić, *supra* n. 215.
232 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 208.
233 Dutch Forensic Analysis Report (OTP English translation), 15 Nov. 1995.
234 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 208.

7.18 There are two sources of information pertaining to the engineer equipment at Orahovac. The first source is the Commander's Daily Orders Journal for the Engineer Company of the Zvornik Brigade. This journal reflects orders, instructions and work assignments that the Engineer Company was engaged in during the day. The second source is from the vehicle records of the Engineer Company for July 1995. These records indicate where the vehicles were, how many miles traveled or hours used, and how much fuel was consumed.

7.19 Relative to the Engineer Company Daily Orders Journal, there were no assignments listed pertaining to Orahovac on 14 July 1995.

7.20 On 14 July 95, the following Engineer company vehicles were listed on vehicle movement records as being at Orahovac: a TAM 75 (license plate M-5264) which made two trips back and forth between the base and Orahovac; a Mercedes 2626 (license plate M-5195) which towed an excavator on a trailer to the village of Križevići (located one kilometer from Orahovac); an excavator (rovokopać), license plate C-3117, which went from the base to Orahovac and later returned to the base after six hours of digging; and an excavator-loader (rovokopać "Torpedo") from "Birač-Holding" which went from the base to Orahovac and operated for 5 1/2 hours.[235]

7.21 On 14 July 1995, according to the fuel dispersal log of the Zvornik Brigade, a total of 200 liters of diesel fuel was disbursed from the Brigade fuel holdings. All 200 liters went to the Zvornik Brigade Engineering Company.[236]

7.22 On 15 July 1995, the following assignments were listed in the Engineer Company Daily Orders Journal relating to Orahovac: Item # 4 work with BGH-700 (excavator) in Orahovci; Item # 5 work with ULT 220 (loader) in Orahovci. [237]

7.23 Vehicle utilization records for 15 July 1995 indicate that one ULT 220 from "Birač-Holding" was operating for five hours at Orahovac, and a TAM 75 truck (license plate M-5264) made between three and four trips between the base and Orahovac. [238]

7.24 Further on 15 July 1995 the fuel disbursal log of the Zvornik Brigade indicates that 40 liters of diesel fuel was provided to elements of the Rear Services Battalion, operating out of Orahovac.[239]

7.25 On 16 July 1995, the following assignments were listed in the Engineer company journal relating to Orahovac: Item # 2 work with BGH-700 in Orahovci; Item # 3 work with ULT-220 in Orahovci.[240]

7.26 On 16 July, Engineer Company transportation records indicated the following: Mercedes 2626 truck (license plate M-5195) towed an excavator with a trailer between

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[235] Vehicle Log for TAM 75 (M-5264), (OTP English translation), 01-31 Jul. 1995; Vehicle Log for Mercedes 2626 (M-5195), (OTP English translation), 01-31 Jul. 1995; Vehicle Log for excavator (rovokopać) (C-3117), (OTP English translation), 01-31 Jul. 1995; Vehicle Log for excavator-loader (rovokopać "Torpedo" – from Birač-Holding) (OTP English translation), 01-31 Jul. 1995.

[236] 1.Zvlbpr Fuel disbursal log 7 Feb. 1994 to 14 May 1996.

[237] 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 214.

[238] Vehicle Log for ULT 220 (Birač-Holding), (OTP English translation), 01-31 Jul. 1995; Vehicle Log for TAM 75 (M-5264), *supra* n. 235.

[239] 1.Zvlbpr Fuel disbursal log 7 Feb 1994 to 14 May 96, *supra* n. 236.

[240] 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 214.

the base and Orahovac. As there is no record of excavator activity at the Orahovac site, it is unclear if the excavator was dropped off or picked up. At the same time, a TAM 75 truck (license plate M-5264) made two trips from Kozluk to Orahovac during the day, before returning to the Zvornik Brigade headquarters, located in the former "Standard" shoe factory compound.[241]

7.27 Tracking the orders and the vehicle movement together, it appears that sometime after the orders were posted in the journal of the Engineer Company on 14 July 1995, orders were received to send earth-moving equipment to Orahovac. By the afternoon of 14 July 1995, at least two pieces of earthmoving equipment were active at the execution site. This coincides with survivor testimony indicating that two excavators were working while executions were occurring well into the evening hours. At least one of these excavators returned to base that evening. On 15 July 1995, posted orders indicated that an ULT 220 and a BGH 700 were to continue working at the site. Vehicle logs indicate that one ULT 220 was continuing activity on 15 July for five hours. For whatever reason, the BGH 700 is not noted at the site, although another unidentified excavator was brought to Orahovac.[242] Throughout the day, the site was visited by one TAM truck from the Engineer Company headquarters, which provided personnel, fuel or other support to the operation. By late on the 15th, all burial activity was completed at the Orahovac site. The only activity on 16 July 1995 probably involved the retrieval of one excavator from the site, as well as a truck that moved either personnel or equipment from the Orahovac site to Kozluk.

C. The Dam ("Brana") and Petkovci School

7.28 The Dam in Petkovci was another execution and burial site in the zone of the Zvornik Brigade. This site is located in the sector of the 6th Infantry Battalion, and is less than two kilometers from the 6th Battalion command post in Baljkovica.[243] According to survivor statements, Muslim men executed at this site were held at a school in Petkovci.

7.29 In the case of Witness "P", he arrived at the Petkovci school around 1830 hours on 14 July 1995, having spent the evening of 13 July 1995 on a truck in Kravica (see earlier account on trucks at Kravica - Chapter Six).[244]

7.30 Witness "O", also captured on the afternoon of 13 July 1995, was subsequently put on a large truck, and taken to an unknown location in Bratunac, where he spent the night in the truck (see earlier account on trucks in Bratunac). The truck he was in departed Bratunac by mid-morning (14 July), and he arrived at Petkovci in the in the mid-afternoon.[245] Upon arriving at the school, he was taken to an upstairs room with other Muslim men. Throughout the course of the evening, men were taken from the classroom in small groups.[246]

7.31 Both survivors recount spending the evening in the school. In the early morning hours of 15 July 1995, both were placed aboard a large truck and taken to the execution

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[241] Vehicle Log for Mercedes 2626 (M-5195), *supra* n. 235; Vehicle Log for TAM 75 (M-5264), *supra* n. 235.
[242] There are no vehicle utilization records for a BGH-700 by the Zvornik Bde for the month of July 1995.
[243] 1.Zvlpbr map graphic, *supra* n. 213. (P.Ex. 2).
[244] Testimony of Witness P (T. 2963).
[245] Testimony of Witness O (T. 2867-88).
[246] *Ibid.*, (T. 2889-10 and 2902-03).

site. When they arrived at the execution site, it was still dark. The Muslim males were subsequently taken off the trucks in groups of 5 to 10. Soldiers shot the groups that got out of the truck.[247]

7.32 After the shooting had stopped, the two survivors crawled from among the bodies to a place of refuge close to the execution site. Both continued to hear shooting throughout the night, as well as hearing machine noises in the dark.[248] As it became light, both saw earth moving equipment that was loading bodies onto a tractor truck.[249] Both also identified their execution site as being a "gravel" area at the base of a large dam.

Specific Observations

7.33 Records from the Commander's Daily Orders for the Engineer Company of the Zvornik Brigade indicate that on 15 July, the Engineer Company had the following assignments: Assignment # 6 work with ULT in Petkovci, and Assignment # 7 work with excavator in Petkovci.[250]

7.34 A review of the vehicle records from the Engineer Company of the Zvornik Brigade does not place any of the unit's earthmoving equipment at the Petkovci execution site.[251]

7.35 Relative to involvement by the 6th Infantry Battalion, vehicle records for 15 July 1995 indicate that two vehicles were active in going back and forth between Petkovci and the Dam (Brana). One TAM 80 truck (license plate M-5300) made a total of six trips on 15 July 1995.[252] Another truck, a TAM 75 (license plate M-5329), made a total of four trips on that same day.[253] The drivers of both vehicles on that day were listed as Dragomir TOPALOVIĆ and Vlado JOSIĆ - both are listed as members of the 6th Infantry Battalion, Zvornik Brigade.[254]

D. Branjevo Military Farm / Pilica School (Kula)

7.36 The Branjevo Military Farm is located in the Zvornik Brigade sector, in the area of responsibility of the 1st Infantry Battalion.[255] On 16 July 1995, a group of seven soldiers from the 10th Sabotage Detachment were ordered to the farm, and during the course of the day executed between 15 and 20 bus loads of Muslim men.[256]

7.37 Witness "I", a survivor of this execution, was taken into VRS custody on 13 July 1995 at the separation line in Potočari.[257] From Potočari, he was taken later that day to the "old school" behind the "Vuk Karadžić" school in Bratunac. He spent a total of two nights in that location, before being put on a bus on 15 July 1995. They departed the "old

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247 Testimony of Witness O (T. 2910); Testimony of Witness P (T. 2975).
248 *Ibid.* Testimony of Witness O (T. 2918-22), and Testimony of Witness P (T. 2977-79).
249 *Ibid.* Testimony of Witness O (T. 2925), and Testimony of Witness P (T. 2981).
250 1.Zvpbr Engineer Company Daily Orders Log *supra* n. 214.
251 1.Zvpbr Vehicle Transportation Logs for July 1995 reflect no Engineer Company vehicles at the Petkovci Dam site.
252 Vehicle Log for TAM 80 (M-5300), (OTP English translation), 01-31 Jul. 1995.
253 Vehicle Log for TAM 75 (M-5329), (OTP English translation), 01-31 Jul. 1995.
254 1.Zvpbr 6th Battalion Logistics Platoon Roster – TOPALOVIĆ, (OTP English translation), Jul. 1995; 1.Zvpbr 6th Battalion Command Roster – JOSIĆ, (OTP English translation), Jul. 1995.
255 M. Pantić, "They Produce Their Own Food," *Drinski* (OTP English translation), Jun. 1995, p. 21.
256 Erdemović, Drazen
257 Testimony of Witness I (T. 2370-71).

school" about noon, and the bus was escorted by soldiers.[258] Witness "I" arrived at a school in the village of Pilica, north of Zvornik, where he was put in a classroom.

7.38 Witness "Q" was captured by Serb military forces while attempting to cross the asphalt road near Nova Kasaba during the early morning hours of 13 July 1995. He was part of a group of ten men who were captured at the time.[259] They were taken to an unknown barracks near Nova Kasaba and remained there until 1400 hours. From the barracks, they were then taken to the football field in Nova Kasaba. In the late afternoon, Witness "Q" was put on a bus, and driven to Bratunac. He spent the evening of 13 July 1995 in Bratunac on the bus, and on 14 July 1995, the bus took them to a sports hall at the Pilica school in Kula. He remained at the sports hall through the evening of 15 July 1995.[260]

7.39 On the morning of 16 July 1995, members of the 10th Sabotage Detachment made a brief stop at the Zvornik Brigade headquarters, where they met an unidentified Lieutenant Colonel. This Lieutenant Colonel, who was accompanied by two military police officers, then escorted them to the Branjevo Military Farm.[261]

7.40 Also during the morning of 16 July 1995, Muslim men from the Pilica School (Kula) were placed on civilian buses and taken to a nearby field (Branjevo Military Farm).[262]

7.41 According to Dražen ERDEMOVIĆ, the shootings took place from 1000 hours until 1500 hours on 16 July 1995. Sometime that afternoon, other soldiers whom ERDEMOVIĆ believes were from Bratunac, arrived at the site and also participated in the executions.[263] After the executions at Branjevo Military Farm, the soldiers from the 10th Sabotage Detachment went to a café in Pilica.

7.42 During the evening, Witness "I" and Witness "Q" left the execution field. On or about 25 July 1995, they were again taken into Serb custody by local police units, and subsequently taken to a prison facility called Batković in Bijeljina.[264]

Specific Observations

7.43 Vehicle records of the Zvornik Brigade indicate the following vehicles were active at the Branjevo execution and burial site on 17 July 1995: an ULT 220 from "Birac-Holding" (no license plate number) was in operation for eight and one-half hours. At the same time, a Mercedes 2626 truck (license plate M-5195) was active in towing a "BG-700" on a trailer from "base" to Standard (Zvornik Brigade headquarters) to Branjevo, and later returning to the base that same day.[265] As is the case for Orahovac, there is no utilization record for a BGH-700 excavator with the records of the Zvornik Brigade. However, on 17 July 1995, the Fuel Disbursal Log of the Zvornik Brigade notes that on 17 July 1995, 100 liters of D2 (diesel) was allocated to a "BGH-700."[266]

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[258] *Ibid.* (T. 2372-79).
[259] Testimony of Witness Q (T. 3017-18).
[260] *Ibid.* (T. 3018-39).
[261] Erdemović, Drazen.
[262] Testimony of Witness I (T. 2388); Testimony of Witness Q (T. 3040).
[263] Erdemović, Drazen.
[264] Testimony of Witness I (T. 2407-08); Testimony of Witness Q (T. 3046).
[265] Vehicle Log for ULT 220 (Birač-Holding), *supra* n. 238; Vehicle Log for Mercedes 2626 (M-5195), *supra* n. 235.
[266] 1.Zvlpbr fuel disbursal log, *supra* n. 236.

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7.44 Records from the Commander's Daily Order Journal of the Engineer Company of the Zvornik Brigade indicates the following assignments that were to be carried out that day: Assignment # 2 work with the BGH-700 in Branjevo; Assignment # 3 work with the ULT 220 in Branjevo; and Assignment # 5 transportation of BGH-700 to Branjevo on a flat trailer.[267]

7.45 Further evidence of activity at Branjevo can be seen on overhead imagery of the Branjevo site on 17 July 1995. That image shows one excavator engaged in digging a pit for the burial of bodies at the execution site. [268]

7.46 Finally, the Branjevo Military Farm is an installation operated under the control of the 1st Infantry Battalion of the Zvornik Brigade.[269] The farm operated under the direct command of the 1st Infantry Battalion Commander, Lieutenant Milan STANOJEVIĆ, and is administered by Lieutenant Radivoje LAKIĆ, also of the 1st Infantry Battalion.[270]

E. Cultural Center in Pilica

7.47 The Cultural Center in Pilica is located in the area of the 1st Battalion, Zvornik Brigade.[271] On 16 July 1995, hundreds of Muslim prisoners who were assembled in that location were executed by the VRS. There are no known survivors from this execution.

7.48 According to Dražen ERDEMOVIĆ, these executions were carried out by soldiers from Bratunac, who had earlier participated in the executions at the Branjevo Military Farm (refer to paragraph 7.41). The executions at the Cultural Center were directed by the unidentified Lieutenant Colonel whom he had met at the Branjevo Military Farm.

Specific Observations

7.49 On 16 July 1995, the Commander of the Zvornik Brigade noted the presence of other military units in the zone of the Brigade and operating under his command. In the 16 July 1995 Interim Combat Report to the Command of the Drina Corps, Lieutenant Colonel Vinko PANDUREVIĆ reported that his forces consisted of the following: "the Zvornik Infantry Brigade, a MUP company (100 people), two platoons from the Bratunac Infantry Brigade, and a part of the Military Police Platoon from the East Bosnia Corps."[272]

7.50 The issue of the troops from Bratunac is again raised on 16 July 1995, in an intercepted VRS military-telephone conversation between Lieutenant Colonel POPOVIĆ and an individual named RAŠIĆ at the "Zlatar" (Drina Corps) command post.[273] Relative to the issue of the arrival of the "men from the unit of Vidoje BLAGOJEVIĆ" (commander of the Bratunac Brigade), Lieutenant Colonel POPOVIĆ noted that,

> "...Yes it (they) arrived...it's up there. ...it's up there but it didn't arrive in time and it wasn't brought in on time. And the others who arrived, did arrive but they were late so

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267 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 214.
268 (P. Ex. 24/2 and 24/3).
269 "They Produce Their Own Food," *supra* n. 255.
270 1st Battalion Roster, July 1995.
271 1.Zvpbr map graphic, *supra* n. 213. (P. Ex. 2).
272 1.Zvpbr Interim Combat Report 06-218, (OTP English translation), 16 Jul. 1995.
273 "Zlatar" is the telephonic code name for the Drina Corps Command Post.

> they weren't brought in on time, and that's why the commander who was here had problems."[274]

(See Chapter Nine, paragraph 9.23 for additional details pertaining to this conversation)

7.51 Further, the issue of the involvement of the Bratunac Brigade Military Police is noted. The 17 July 1995 entry in the Daily Work Log of the Military Police Platoon indicates that while the Military Police continued to work on the apprehension of Muslims in the municipal areas of Bratunac and Srebrenica, "one police patrol remained in Pilica to secure and watch over the Muslims."[275]

7.52 One other possibly related event, one TAM 130 truck (license plate number ZV-369-57), registered to the Zvornik "Metalno" Company is noted making a total of five trips between Zvornik, Pilica and Kula on 17 July 1995.[276] This activity may be associated with body disposal activity occurring at the Pilica Cultural Center on 17 July 1995.

F. Kozluk

7.53 Kozluk is also located in the northern portion of the Zvornik Brigade zone. Kozluk is the Rear Base for the Zvornik Brigade, as well as the garrison area of the "Podrinje Detachment" (Drina Wolves).[277]

7.54 Kozluk was the scene of a large-scale execution and burial operation that occurred between 15 and 17 July 1995. There are no known survivors from this execution.

Specific Observations

7.55 According to vehicle utilization records of the Zvornik Brigade, on 16 July 1995, an excavator-loader (rovokopač "Torpedo") from "Birač Holding" (no license plate number) went from the base to Kozluk and returned to base. It operated for a total of 8 hours in Kozluk.[278] Also on 16 July, a TAM 75 truck (license plate M-5246) made two trips between Orahovac and Kozluk during the day.[279]

7.56 There is no listing of any engineer activity occurring in Kozluk on either 16 or 17 July 1995 according to the records from the Commander's Daily Order Book of the Engineer Company of the Zvornik Brigade.[280]

7.57 On 18 July 1995, bulldozer TG-75 operated for 1.5 hours at Kozluk. The same bulldozer operated in Kozluk for an additional hour on 19 July 1995.[281]

7.58 In the Engineer Company Orders Journal log for 18 July 1995, Assignment #3 is work on improvement of the trench in Kozluk, and Assignment #4 is the transportation of the bulldozer to Kozluk.[282]

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[274] Intercepted military telephone communication between "P" Popović and "R" Rašić at Operations Centre, 16 Jul. 1995, at 2116 hours.
[275] 1.Brlpbr Military Police Daily Log, *supra* n. 61.
[276] Vehicle Log for TAM 130 (ZV-369-57), (OTP English translation), 01-31 Jul. 1995.
[277] 1.Zvpbr Order 01-244, *supra* n. 53;1.Zvlpbr map graphic, *supra* n. 213. (P. Ex. 2).
[278] Vehicle Log for excavator-loader (rovokopač "Torpedo"), *supra* n. 235.
[279] Vehicle Log for TAM 75 (M-5246), *supra* n. 235.
[280] 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 214.
[281] Vehicle Log for Bulldozer TG-75, (OTP English translation), 01-31 Jul. 1995.

G. Role of the Zvornik Brigade

7.59 Overall, in reviewing the above material, it is evident that significant portions of the Zvornik Brigade participated in the detention, execution, and mass burials of Muslim males from 14 July 1995 through 18 July 1995. Brigade units, personnel and assets involved included those from the Brigade Command, the Military Police Company, the Engineer Company, and elements of the 1st Infantry Battalion, the 4th Infantry Battalion and the 6th Infantry Battalion. Clearly, a large number of brigade personnel were both knowledgeable and involved in these actions. However, as noted previously (paragraph 7.0), during the commission of many of these large-scale crimes, other elements of the Zvornik Brigade were heavily involved in a series of sharp battles against the column of armed Muslim males who were fighting their way towards ABiH-held territory. As such, in order to differentiate the resources that were used in the commission of criminal acts, and those used in strictly military operations, it is necessary (in part) to reconstruct the events as they present themselves in time.

7.60 As previously discussed in Chapter Three, a number of soldiers and officers from the Zvornik Brigade were deployed to the area around Srebrenica between 02 and 04 July 1995.[283] Leading them was the Commander of the Brigade, Lieutenant Colonel Vinko PANDUREVIĆ. While he did not formally relinquish command of the Brigade when he assumed command of the "tactical group" deployed to Srebrenica, he left the daily operations of the Brigade in the hands of his Chief of Staff/Brigade Deputy Commander, Major Dragan OBRENOVIĆ.[284]

7.61 After Srebrenica was successfully captured by the VRS on 11 July 1995, plans were made by the Drina Corps to shift these combat units to effect the rapid capture of the Muslim enclave and UN designated "safe area" of Žepa. Included in this plan were the deployed elements of the Zvornik Brigade.[285] Vehicle logs indicate that this movement occurred on 13 July 1995.

7.62 As this movement was occurring, the Command of the Zvornik Brigade became aware of the large column of Muslim men moving out of the former Srebrenica enclave, and towards the zone of the Zvornik Brigade. The Daily Combat Report from 13 July 1995 of the Zvornik Brigade indicates significant movement of the Brigade's remaining reserve troops in order to deal with enemy forces known to be moving up from Srebrenica towards Tuzla (multiple intervention platoons and two military police platoons). It also notes some minor combat activity with ABiH II Corps units to the front. In this combat, only one soldier was slightly wounded. There was no contact reported with the Muslim column. The report also noted that the Brigade Radio Reconnaissance unit was intercepting the communications of the column with the ABiH II Corps Command, and they were tracking the column movements and intentions. Overall, the situation was reported as stable, under control and with no unexpected events. The report was drafted by "SM" (Captain First Class Streten MILOSEVIĆ), with the typed signature block of Lieutenant Colonel PANDUREVIĆ, Brigade Commander.[286]

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[282] 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 214.

[283] 1.Zvpbr Order 01-244, *supra* n. 53.

[284] Brigade handbook quote on Deputy Commander. Brigade Rules (for Infantry, Motorized, Mountain, Naval Infantry and Light Brigades), 1984, para 116.

[285] KDK Order 02/04-158-1, (OTP English translation), 13 Jul. 1995.

[286] Of note, it is normally within the purview of the Brigade Duty Officer to draft and if required, sign the Daily Combat report in the name of the Commander, or other authorized official. That does not relieve the commander or other authorized official from being aware of the material in the report sent to the Superior

7.63 The 14 July 1995 Daily Combat Report for the Zvornik Brigade indicates that the ABiH II Corps forces were not only continuing minor attacks, but as of 1800 hours, the Muslim column was encountered.[287] In this report, the column is reported as being "crushed", and dispersing in several different directions. There is no mention of any combat activities in or near the Orahovac area. This report was written by DJ (Major Dragan JOKIĆ, the Brigade Duty Officer), under the signature block of Major Dragan OBRENOVIĆ, Chief of Staff of the Brigade. Later that evening, the command issued an Interim Combat Report, indicating that as of 2030 hours, the main Muslim column had broken through brigade defenses, and would be moving into the rear zones of the 4th, 6th and 7th Infantry Battalions the next day. This report was also written by Major Dragan JOKIĆ, under the signature block of Major Dragan OBRENOVIĆ, Chief of Staff.[288]

7.64 At about the same time on 14 July 1995 (2102 hours), ABiH II Corps Radio Reconnaissance units intercepted a VRS radio-telephone conversation where Major JOKIĆ attempted to reach Colonel BEARA (VRS Main Security Administration) in Bratunac.[289] In the course of the call, he is connected to Colonel BEARA, and tells him that "Superior Command" urgently needs him.[290] Major JOKIĆ further states that there are "big problems with the people, I mean, with the parcel." [291]

7.65 One and ahalf hours later that evening, ABiH II Corps intercepted a call from a "General VILOTIĆ" for "OBRENOVIĆ".[292] After being informed that Major OBRENOVIĆ was in the field, he was connected to the Duty Officer, Major Dragan JOKIĆ. In the course of this conversation, Major JOKIĆ noted that,

> "...OBRENOVIĆ is really maxed out, we're all used to the max, believe me. The thing that destroyed us the most was the parcel...and since this morning, we've been reporting on the number of people..."[293]

General VILOTIĆ cuts Major JOKIĆ off at that point, noting he "doesn't want to discuss that".[294]

7.66 In sequencing out the combat and criminal acts, survivor testimony has the executions on the Orahovac fields starting in the early afternoon of 14 July 1995. At this time, the Zvornik Brigade has yet to make contact with the head of the Muslim column, approaching from the south. The column is reported encountered around 1800 hours, and dispersed without difficulty approximately nine kilometers south of Orahovac. By 2030 hours, the Muslim column (now reformed and described as between two and three kilometers long) has broken through the ambush positions. At this point, executions are

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Headquarters.

[287] 1.Zvpbr Daily Combat Report 06-216, (OTP English translation), 14 Jul. 1995.

[288] 1.Zvpbr Interim Combat Report 06-216/2, (OTP English translation), 14 Jul. 1995.

[289] "Badem" is the telephonic code name for the 1st Bratunac Light Infantry Brigade Command Post.

[290] Intercepted military telephone communication between "J" Jokić (Palma Duty Officer) and "X" Beara, (OTP English translation), 14 Jul. 1995, at 2102 hours.

[291] As noted in various other telephonic communications, the phrase "parcel or package" refers in general to prisoners or people.

[292] Intercepted military telephone communication between "V" Vilotić and "J" Jokić (Palma Duty Officer), 14 Jul. 1995, at 2227 hours.

[293] Presently, the identification and role of "General Vilotić" is unknown. One possibility is that he may be misidentified by the intercept operators, and is instead General Miletić, the Chief of Operations of the VRS Main Staff.

[294] *Ibid.*

still occurring in Orahovac, five kilometers to the north. The column (as tracked on VRS maps) gets no closer than three kilometers from Orahovac.[295] Further, prior to midnight, the executions at Orahovac are completed, and burial operations are suspended. Burial activity recommences the next morning.

7.67 As the execution related activity ended at Orahovac, it began at Petkovci, a further six kilometers (straight-line distance) to the north. Early in the evening, the two known survivors of the Petkovci Dam executions arrived at the school. In the early morning hours of 15 July 1995, both survivors were removed from the school and taken to the execution site at the foot of the Dam. At about the same time further to the north, in the 1st Infantry Battalion sector, Muslim prisoners were at the Pilica school (Kula), the Cultural Center in Pilica, and possibly the school in Ročević.

7.68 On 15 July 1995 (as noted in an ABiH II Corps intercepted conversation) at 0740 hours, the Duty officer from "Palma" called and talked to a Colonel MILANOVIĆ (Drina Corps Chief of Anti-Air Defense). The Duty Officer asked if "they" (presumably the Drina Corps Command) were aware of how bad the situation was up in the Zvornik Brigade area. A further conversation at 0740 hours indicates that MUP reinforcements were being sent to the Brigade area. At 0855 hours, Lieutenant Colonel PANDUREVIĆ called the Zvornik Brigade command post. He was unable to speak with Major OBRENOVIĆ directly, however, he received a full accounting from two subordinate officers.[296] At 0910 hours, Lieutenant Colonel PANDUREVIĆ was again in contact with the Zvornik Brigade command post. In the time between the first and second calls, the command post had established communications with Major OBRENOVIĆ, and he reported a column of "4000 – 5000" in the Brigade area. The Chief of Staff also recommended that "our guys" (presumably the deployed units) return if they can.[297]

7.69 During the morning of 15 July 1995, burial activity had recommenced at the Orahovac execution fields and was also continuing at the Petkovci Dam. None of this activity was related to the significant combat occurring in the rear of the 4th and 7th Infantry Battalion sectors, despite the fact that it is less than three kilometers southwest of the Orahovac area.

7.70 The Daily Combat Report from the Zvornik Brigade indicates that the Brigade was in heavy combat, with not only elements of the Muslim column retreating from Srebrenica, but along the front lines with Muslim forces attempting to create a breach which the column could pass through to safety. This report also details the fact that Zvornik Brigade units recently returned from the area of Srebrenica were then engaged against the Muslim column. This report was sent under the signature block of Lieutenant Colonel PANDUREVIĆ, the Brigade Commander, and was transmitted at 1911 hours on 15 July 1995.[298]

7.71 Less than half an hour later (at 1925 hours on 15 July 1995), Lieutenant Colonel PANDUREVIĆ sent an Interim Combat Report to the Command of the Drina Corps. In

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[295] (P. Ex. 2).
[296] Intercepted military telephone communication between Pandurević and Milosević, 15 Jul. 1995 at 0855 hours.
[297] Intercepted military telephone communication between Pandurević and Mijatović, 15 Jul. 1995 at 0910 hours.
[298] 1.Zvpbr Daily Combat Report 06-217, (OTP English translation), 15 Jul. 1995.

this hand-written report, he discussed the fact that his unit was completely engaged by enemy forces, and he had no reserves left.[299] Further, in this report he indicated:

> "An additional burden for us is the large numbers of prisoners distributed throughout schools in the brigade area, as well as obligations of security and restoration of the terrain (sic)."[300]

> "This command cannot take care of these problems any longer, as it has neither the material nor other resources. If no one takes on this responsibility, I will be forced to let them go." [301]

It should be noted that when Lieutenant Colonel PANDUREVIĆ sent this Interim Combat Report, the Muslim prisoners previously held at Orahovac and Petkovci were already dead, and for the most part, buried. Only the Muslims still held at the Pilica school, the Cultural Center, and those who would later be killed at Kozluk (possibly held at Ročević), well away from the combat activity, remained alive under VRS custody.

7.72 On 16 July 1995, Lieutenant Colonel Vinko PANDUREVIĆ reported that his forces consisted of the following: "the Zvornik Infantry Brigade, a MUP company (100 people), two platoons from the Bratunac Infantry Brigade, and a part of the Military Police Platoon from the East Bosnia Corps."[302] These reinforcements reflected the arrival of outside units into the zone of the Brigade, and his acknowledgement that they were then under his command and control. Also in this report, he notified the Command of the Drina Corps of the following:

> "In view of the great pressure on the brigade's area of responsibility, the losses sustained, the inability of the surrounded forces to hold out for long, the abandonment of the Zvornik pbr Command to deal as best it could with the Srebrenica Turks (and served it right, when it was the brigade that forced them out of Srebrenica into its own area), coupled with the absolute determination of the Turks to save at least some lives, regardless of the losses, and in order to prevent losses in our own ranks, I have decided, in view of the situation, to open a corridor along the line of the three lost trenches, for the civilian population - about 5000 of them. I have agreed on a method of evacuation with the enemy side and this is now going forward. I have requested the release of a captured policeman and my own missing soldiers. This procedure is in progress and I think I will succeed. It is likely that a certain number of soldiers got out among the civilians, but all who passed, passed through unarmed.[303]

7.73 During the day of 16 July 1995, Muslim male prisoners transported from Srebrenica remain in VRS custody. Despite the temporary cease-fire, they are not released. Instead, they are transported to the Branjevo Military Farm, and possibly Kozluk (date unclear), where they are executed. Further, Muslim prisoners held in the Pilica Cultural Center are killed.

7.74 Through 17 July and 18 July 1995, Zvornik Brigade units continue sweeping the zone in their sector, and were engaging in combat activities against isolated Muslims groups trapped in VRS controlled territory.

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299 1.Zvpbr Interim Combat Report 06-217-1, (OTP English translation), 15 Jul. 1995.

300 As translated, the phrase "asanacija" or terrain restoration is defined in the SFRJ Military Lexicon as, "...sanitary hygiene or sanitary-technical measures taken in order to remove anything conductive to the emergence and spread of infectious diseases and other health hazards. In wartime (or during natural disasters), this process includes finding and burying the dead." Vojni Leksikon, *Vojnoizdavacki zavod*, (1981).

301 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 299.

302 1.Zvpbr Interim Combat Report 06-218, *supra* n. 272.

303 *Ibid.*, para. 3.

7.75 Also on 18 July 1995, Lieutenant Colonel PANDUREVIĆ noted in an Interim Combat Report to the Command of the Drina Corps that the Zvornik Brigade was currently reinforced with: a company of the 16th Krajina Brigade, a company from the Bratunac Brigade, two platoons from the Bijeljina Military Police, and one platoon from the Vlasenica Brigade.[304] Further, this report also critically examined the conduct of the recent battle and the impact on his Brigade. In addition to casualty figures and local reactions to the attacks, he reiterated the situation concerning the issue of Muslim prisoners in the Brigade zone:

> "During the past ten days or so, the municipality of Zvornik has been swamped with Srebrenica Turks. It is inconceivable to me that someone brought in 3,000 Turks of military age and placed them in schools in the municipality, besides about 7,000 or so who have fled into the forests. This has created an extremely complex situation and the possibility of the total occupation of Zvornik in conjunction with forces at the front. These actions have stirred up great discontent among the people and the general opinion is that Zvornik is to pay the price for the taking of Srebrenica."[305]

In this report, Lieutenant Colonel PANDUREVIĆ acknowledged that during the operation, the Zvornik Brigade had approximately 3,000 military aged Muslim men in custody at schools within his zone. He used this number in addition to the 7,000 who were part of the column moving from Srebrenica to Tuzla. Also of interest is his comment that he did not understand how "someone" could place the 3,000 prisoners in the schools in his zone. This comment implies that the decision to move the prisoners into his zone was made by the higher headquarters and not his Brigade Headquarters, despite the fact that his Security Branch identified the specific locations.

7.76 Based on the above information it is fair to conclude that elements of the Command of the Zvornik Brigade were aware that the Drina Corps was planning to move a large number of Muslim prisoners into the area of the Brigade by 13 July 1995 based on the "Opel" vehicle log. This coincides with the fact that select members of the Brigade Staff from the Security Branch and Military Police were active that day in scouting out facilities to store the prisoners. Other activity that would have been necessary relative to the identification of the facilities for the detention would have been the detailing of soldiers to guard the prisoners. Prisoners were present at Orahovac from 0200 hours on 14 July 1995 to approximately 2100 hours that same day. The facility at Petkovci was occupied by Muslim prisoners from the mid-morning hours of the 14 July 1995 through probably dawn on 15 July 1995. Muslim prisoners also occupied facilities in Pilica and (possibly) Ročević from mid-14 July 1995 through at least mid-16 July 1995. With the exception of Orahovac, which was covered by elements of the Military Police Company, these other locations would have required multiple shifts of soldiers over the extended period. Further, these guards would have required food and other support, which would have been arranged by their parent battalion headquarters.

7.77 In examining prisoner and support issues, there appears to have been no significant activity by the Brigade Rear Services Staff over the pending arrival of at least 3,000 Muslim prisoners (this number reflects over two-thirds of the total personnel strength of the Zvornik Infantry Brigade).[306] Reflections of such activity should have been apparent in the Rear Service logs, as the Rear Service Branch would have been

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[304] 1.Zvpbr Interim Combat Report 06-222, (OTP English translation), 18 Jul. 1995, para. 2.
[305] *Ibid.*, para. 4.
[306] Based on reconstructed records (minus the 4th Infantry Battalion records destroyed in Jul. 1995), the active strength of the 1st Zvornik Brigade in Jul. 1995 comes to approximately 4300-4700 personnel.

responsible for coordinating life support (food / water) as well as sanitation and medical support for the prisoners. None of the survivors from Orahovac or Petkovci received food (or saw other prisoners receiving food), some only "token" drinks of water, nor were any aware of medical treatment for sick, wounded or injured prisoners at these locations. This indicates that there were no orders from the Drina Corps Staff to make such life-support arrangements. However, as demonstrated by the food delivery to the Military Police on the early morning of 14 July 1995 (paragraph 7.8) the Rear Services Branch was aware that there were Military Police forces in Orahovac that did require support.

7.78 Finally by 15 July 1995, the Commander of the Zvornik Brigade had been fully informed of the situation, enough so that his handwritten reports to the Command of the Drina Corps detailed the Brigade's role in "security and burial operations". As noted previously (paragraph 7.68), Lieutenant Colonel PANDUREVIĆ was not physically present in the Brigade zone unit the late morning of 15 July 1995. Yet, within a few hours, he was made completely aware of the situation in his entire zone, to include combat and prisoner issues.

CHAPTER EIGHT: General-Major Radislav KRSTIĆ as the Chief of Staff and Later Commander of the VRS Drina Corps

8.0 From the organization of the VRS Drina Corps on 01 November 1992, (then) Colonel Radislav KRSTIĆ has been affiliated with the Corps. As discussed in Chapter Two (paragraph 2.1), from mid-1992 through 15 August 1994, he was the Commander of the 2nd Romanjia Motorized Brigade.[307] This unit, formerly subordinate to the VRS Sarajevo-Romanjia Corps, was re-subordinated to the Drina Corps when the latter was organized. In August 1994, he was appointed as the Chief of Staff of the VRS Drina Corps, and he held this position during the beginning of "Krivaja 95." This Chapter will review (in chronological order) the specific instances of the involvement of General-Major KRSTIĆ as first the Chief of Staff, and later the Commander of the Drina Corps during the period of the criminal acts as charged. It will also briefly review the relevant roles in which both the Chief of Staff and the Commander play in the conduct of operation by a VRS Corps.[308]

A. Role of the Chief of Staff/Deputy Corps Commander

8.1 In the performance of his military duties as the Drina Corps Chief of Staff (under the relevant former JNA regulations), General-Major KRSTIĆ played a significant role within the structure of the Corps.[309] He was the principal advisor to the Corps Commander, and the primary facilitator through which the Commander's intent, orders and directives were organized and processed for execution by the Corps Staff and subordinate units. He was responsible for reviewing and understanding the assigned directives received by the Superior Command or the Corps Commander, developing the work plan or the basic concept of the operation, planning the operation and other forms of combat actions.[310] As such, he functions as the primary coordinator of the Corps' activities. He accomplished this by directing the Corps Staff, the body of officers that plan and manage the operational activities and technical aspects of the Corps. In directing the Corps Staff, he remained accountable to the Corps Commander.

8.2 In addition to these responsibilities, the Chief of Staff is concurrently the Corps Deputy Commander, capable of directing the operations of the Corps in the event the Commander is absent, unavailable, or otherwise occupied.[311]

Colonel (later General-Major) KRSTIĆ as Chief of Staff: Pre- "Krivaja 95"[312]

8.3 On 08 August 1994, Colonel KRSTIĆ was appointed as the Chief of Staff and Deputy Commander of the VRS Drina Corps by the RS Minister of Defense.[313] The appointment became effective 15 August 1994. The relevant hand-over report indicates that Colonel KRSTIĆ assumed the duty as the Drina Corps Chief of Staff from General-

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[307] Vuk Kovačić, "The Youngest, But An Elite Corps Already," *Drinski* (OTP English translation), Nov. 1995, p. 7-9.

[308] For a detailed accounting of both positions, see *VRS Corps Command Responsibility Report*, *supra* n. 33, s. 2.

[309] General Staff of the Armed Forces, SFRY, *Rules for Land Forces Corps (Provisional)*, (OTP English translation), 11 Apr. 1990.

[310] *Ibid.*, para. 84.

[311] *VRS Corps Command Responsibility Report*, *supra* n. 33, s. 2.

[312] Chronology list for the Pre-Krivaja 95 period is not all inclusive of materials held by the OTP. Material deemed not relevant to the overall aspect of his presence as the Drina Corps Chief of Staff during the period has been excluded for the sake of brevity.

[313] RS MOD Order 01-21-50, (OTP English translation), 08 Aug. 1994.

Major SKOČAJIĆ on 29 September 1994; however, the actual report is dated 10 September 1994.[314]

8.4 On 02 October 1994, Colonel KRSTIĆ was noted in Drina Corps order 05/1-326, from the Command of the Drina Corps to the Command of the Zvornik Brigade. In this order, his position is identified as that of the Corps Deputy Commander.[315] Colonel KRSTIĆ continued to function as the Drina Corps Chief of Staff/Deputy Commander through at least 26 December 1994.

8.5 On 26 December 1994, Colonel KRSTIĆ was injured by a landmine explosion near Olovo. He was subsequently evacuated to the Belgrade Military Medical Center, where on 05 January 1995, his foot and lower leg were amputated. He remained in rehabilitation and on convalescent leave through at least 03 April 1995.[316] By 26 April 1995, Colonel KRSTIĆ was back with the VRS Drina Corps, and signed Drina Corps order 05/03-11.[317] He is identified in the order as the Drina Corps Deputy Commander.

8.6 On 02 May 1995, Colonel KRSTIĆ was recommended for early promotion to the rank of General-Major by the VRS Drina Corps commander, General-Major Milenko ŽIVANOVIĆ.[318] This event was followed by the public announcement on 23 June 1995 that Colonel Radislav KRSTIĆ had been promoted to the rank of General-Major. He retained his duty position as the Chief of Staff/ Deputy Commander of the VRS Drina Corps.

General-Major KRSTIĆ as Chief of Staff: 1-13 July 1995

8.7 Specific to his role in the planning and execution of the VRS operation against the Srebrenica "safe area" ("Krivaja 95"),[319] it appears that the initial staff planning process for the operation was underway by 30 June 1995. On that day, the Command of the Bratunac Brigade noted the Drina Corps Chief of Staff and other staff members were "in the area of the 3rd Infantry Battalion."[320] Presumably, they were active in conducting the necessary reconnaissance and liaison prior to the formulation of the plan.

8.8 On 04 July 1995, the Commander of the Bratunac Brigade reviewed an order from the Command of the Drina Corps for full combat readiness.[321] It was noted that this order was issued by "the Drina Corps Chief of Staff".[322] Also on 04 July 1995, General-Major ŽIVANOVIĆ was in the zone of the Bratunac Brigade.[323]

8.9 On 08 July 1995, General-Major ŽIVANOVIĆ sent a message to General-Major KRSTIĆ, located at the Drina Corps Forward Command Post. This message pertained to an UNPROFOR protest lodged against the VRS over military operations against a

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314 KDK Order 575-1, (OTP English translation), 10 Sep. 1994.
315 KDK Order 05/1-326, (OTP English translation), 02 Oct. 1994.
316 Medical records of Radislav Krstić in his possession at the time of his apprehension by SFOR.
317 KDK Order 05/3-11, (OTP English translation), 26 Apr. 1995.
318 KDK Order 05/2-151, (OTP English translation), 02 May 1995.
319 1.Zvpbr Interim Combat Report 06-218, *supra* n. 272.
320 1.Brlpbr Reports and Meetings Journal, *supra* n. 50.
321 1.Brlpbr Combat Report 03-253-94, (OTP English translation), 04 Jul. 1995.
322 1.Brlpbr Reports and Meetings Journal, *supra* n. 50. On 04 Jul. 1995, Corps Commander Gen-Major Živanović was identified in the sector of the 1.Brlpbr. His presence in the field, probably conducting the Commander's Reconnaissance, may indicate why the order was issued by Krstić as opposed to Živanović. *See* 1.Brlpbr Military Police Daily Log, *supra* n. 61.
323 1.Brlpbr Military Police Daily Log, *supra* n. 61.

UNPROFOR observation post. The message outlines the complaint and also provides the text of the Main Staff response. Further, it notes that the Main Staff has ordered "you" to "not attack UNPROFOR, but to prevent any surprises and stop Muslim intentions to join Srebrenica and Žepa."[324] A copy of this message was also forwarded to the Main Staff, personally for General-Major TOLIMIR.

8.10 On 09 July 1995, VRS Main Staff order 12/46-501/95 was sent from General-Major TOLIMIR to the Drina Corps Command, with instructions to pass "personally to General GVERO and to General KRSTIĆ".[325] This order reiterates RS Presidential support for the continuing VRS military operation against the "safe area" and expands the objective of the operation to include the capture of Srebrenica. This order, issued in the name of the RS President, further orders that civilians and prisoners of war be treated in accordance with the Geneva Convention of 1949, and that the destruction of civilian property and residences be held as low as possible, consistent with military necessity.

8.11 On both 10 July 1995 and 11 July 1995, General-Major KRSTIĆ is noted in military reports and in videotape footage broadcast by the Serbian Republic News Agency (SRNA) as being present with General MLADIĆ and General-Major ŽIVANOVIĆ at the capture of Srebrenica by the VRS.[326]

8.12 Starting the evening of 11 July 1995, General-Major KRSTIĆ was involved in the status of the Muslims from the former Srebrenica enclave. First, he was present at an 11 July 1995 meeting between UNPROFOR Dutch Battalion representatives, the VRS and the designated Muslim representative, Nesib MANDŽIĆ, held at the Hotel Fontana (refer to Chapter Four).[327] He was also in attendance at the 12 July 1995 meeting with the UNPROFOR and Muslim representatives.[328] The attendees of this 12 July 1995 meeting are noted in the 17 July 1995 document signed by Miroslav DERONJIĆ, Dutch Army Major FRANKEN and Nesib MANDŽIĆ.[329]

8.13 On 12 July, General-Major KRSTIĆ was active in directing and coordinating transportation assets required for the deportation of the Muslim population from Potočari (refer to Chapter Five, paragraphs 5.6 through 5.8).

8.14 Further on 12 July 1995 (time unknown) General-Major KRSTIĆ was interviewed outside the UN compound of Potočari. In this interview, General-Major KRSTIĆ, indicated that the Drina Corps is continuing the liberation of the Srebrenica territory, and that "...we guarantee the safety of the civilian population. They can go wherever they want."[330] He also noted that they are not afraid of NATO air-strikes, and that they are "going all the way."[331]

8.15 During the morning and afternoon hours of 13 July 1995, General-Major KRSTIĆ continued to function as the Drina Corps Chief of Staff/Deputy Commander. During this period, he signed Drina Corps Order 02/04-158-1, pertaining to the attack on the Žepa

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[324] KDK Order 04/156-5, (OTP English translation), 08 Jul. 1995.
[325] VRS Main Staff Order 12/46-501/95, *supra* n. 75.
[326] 1.Brlpbr Daily Combat Report 03-253-100, *supra* n. 62; (P.Ex. 39).
[327] (P.Ex. 39, with associated transcripts P.Exs. 39/a, 39/b).
[328] *Ibid.*
[329] Statement of RS Civilian Affairs Committee for Srebrenica No. 07-27/95, *supra* n. 119.
[330] (P.Ex. 67/a).
[331] *Ibid.*

enclave.[332] This operations order, personally signed by General-Major KRSTIĆ as the Chief of Staff, directs the movement of select forces towards the Žepa area. Of note, the order directs the Forward Command Post at Krivače to be operational by 1800 hours on 13 July 1995, and for the combat formations to be prepared to begin operations by 0800 hours on 14 July 1995.

8.16 On 13 July 1995, General-Major ŽIVANOVIĆ also signed what is believed to be his last written order as the Commander of the Drina Corps. The order is dated 13 July 1995, and stamps on the messages indicate that the relevant communication center received the order at 1600 hours, and was sent out by 1730 hours.[333]

B. Role of the Commander of the VRS Drina Corps

8.17 The single most important position within the structure of a VRS Corps in terms of responsibility, authority and accountability is that of the Corps Commander.[334] As defined in the Rules for Land Forces Corps (Provisional), the Corps Commander:

> Bears the responsibility for the accomplishment of a mission. He takes decisions, gives assignments to his subordinates, organizes coordination and cooperation, and controls the implementation of decisions. He is responsible for harmonizing the activities of his command, subordinated commands and headquarters and appropriate socio-political communities and organizations in integrating combat actions and all other forms of struggle and popular resistance in the assigned zone.[335]

As such, he is personally, directly, and legally empowered to "lead the operations of the Corps Command, assign tasks to his subordinate officers, ensure they are carried out, and bear full responsibility for their completion."[336] The Corps Commander accomplishes this by exercising military command and control, either directly, or through the body of subordinates, assistants and branch specialists referred to as the Corps Staff.[337]

8.18 Specific to the individual responsibility of Corps Command, the following definition applies:

> The right to command units and institutions of the organic Corps (formation) is under the exclusive responsibility of the Commander. Units and institutions outside the organic Corps (formation), those temporarily resubordinated, are commanded and controlled by the Commander only within the limits of stipulated authorities.
>
> The Commander may authorize certain officers from the (Corps) command to command units and institutions of branches or services, but the Commander continues to bear responsibility for the situation in those units, and for the work of the officers to whom he has transferred some of his rights.[338]

Under this provision, the Corps Commander is vested with the authority to command his staff, subordinate units, institutions, and personnel which comprise these bodies. It also

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[332] KDK order 02/04-158-1, *supra* n. 285.
[333] KDK Order 03/156-12, (OTP English translation), 13 Jul. 1995.
[334] For additional details, see *VRS Corps Command Responsibility Report*, *supra* n. 33, s. 2.
[335] *Rules for Land Forces Corps (Provisional)*, *supra* n. 309, para. 65.
[336] JNA 4th Corps, *Instructions on how the 4th Corps Command is to Operate when carrying out Priority Assignments in Peacetime and Wartime*, (OTP English translation), Doc. No. 01/15-62 (Copy 2), 29 Aug. 1991, p. 14.
[337] *See, VRS Corps Command Responsibility Report*, *supra* n. 33, s. 3.
[338] *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime*, *supra* n. 37, art. 6.

establishes the responsibility of a Commander, reiterating the concept that while a Commander can delegate authority to subordinate officers, he remains responsible for the actions of those subordinates.

General-Major KRSTIĆ as the VRS Drina Corps Commander: 13 - 31 July 1995

8.19 The first indication that General-Major KRSTIĆ had assumed command of the VRS Drina Corps is on 13 July 1995, with the publishing of Drina Corps Order 01/4-157-5.[339] This order identifies General-Major KRSTIĆ as the Commander of the Drina Corps and is personally signed by him. This order directs units of the Bratunac Brigade, the Milići Brigade and the Skelani Separate Battalion to begin sweeping the terrain of the "newly liberated area". The communications center stamp indicates that the order was dispatched at approximately 2030 hours on 13 July 1995.

8.20 Also in the early evening hours of 13 July 1995, General-Major KRSTIĆ is noted communicating with Police Lieutenant Colonel Ljubiša BOROVČANIN, the commander of a formation of RS Ministry of Interior Special Police Forces deployed in the zone of the Drina Corps.[340] In this conversation, General-Major KRSTIĆ and Lieutenant Colonel BOROVČANIN discuss the general situation, and if any additional support (unspecified) is required.[341]

8.21 In the morning hours of 14 July 1995, a series of telephone conversations (intercepted by the ABiH II Corps) involving General ŽIVANOVIĆ provides further indications that he was no longer exercising command of the Drina Corps. At 0910 hours, Major JOKIĆ, the duty officer of the Zvornik Brigade called and spoke to General-Major ŽIVANOVIĆ.[342] Major JOKIĆ informed General ŽIVANOVIĆ that "...Dusko Vukotić has informed him that there are thousands near Velja Glava, and he does not believe it." General ŽIVANOVIĆ told JOKIĆ that he should inform "Mane" who has police in Zvornik and Konjević Polje to handle things, as the numbers (of Muslims) are not so large, and that the "Army is busy." At 0935 hours, General-Major ŽIVANOVIĆ is called by an individual named Slavko.[343] General-Major ŽIVANOVIĆ tells Slavko that "...he is at the Headquarters, but that he is *slowly packing his rucksack, they have already asked me to go somewhere else...*"

8.22 Also on 14 July 1995, another major indicator of a recognized change of command in the Drina Corps having occurred is the Bratunac Brigade response to Drina Corps order 05/2-295, dated 14 July 1995.[344] This response by the Bratunac Brigade

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339 KDK Order 01/4-157-5, (OTP English translation), 13 Jul. 1995.

340 Intercepted military telephone communiction between "K" Krstić and "X" Borovčanin, 13 Jul. 1995, at 1945 hours, *supra* n. 158; Zoran Petrović-Piroćamac, *Belgrade Intervju, supra* n. 48, 21 Jul. 1995 (identifying Ljubiša Borovčanin as the MUP commander along the Žuti List-Potočari line).

341 Intercepted military telephone communication between"K" Krstić and "X" Borovčanin, 13 Jul. 1995, at 2040 hours.

342 Intercepted military telephone communication between "M" Živanović and "J" Jokić, 14 Jul. 1995, at 0910 hours.

343 Intercepted military telephone communication of "Z" Živanović's conversation with "Slavko", 14 Jul. 1995, at 0935 hours. "Slavko" is probably Colonel Slavko Ognjenović, an operations officer of the Drina Corps and former Commander of the 1st Bratunac Light Infantry Brigade.

344 1.Brlpbr Report 23-253-103-2, (OTP English translation), 14 Jul. 1995. Due to what is clearly a typographical error, the typed version of the message notes the date of the response as 17 July 1995. Both the handwritten draft and the communications center annotation both reflect the message being completed on 14 Jul. 1995.

Commander sets a date for the farewell ceremony of General-Major ŽIVANOVIĆ, who had been the Commander of the Drina Corps.[345]

8.23 Further recognizing the change of command, on 14 July 1995, the Bratunac Brigade published order 435-2, which directs the four subordinate battalions of the Brigade to initiate search operations in the "newly liberated area."[346] This order directly references Drina Corps Order 01/ 4-157-5 (see paragraph 8.19 above).

8.24 On 14 July 1994, RS Presidential Decree 01-1369/95 was published and signed by RS President and Supreme Commander Dr. Radovan KARADŽIĆ.[347] Citing the authority based on the RS *Law of the Army*, he appointed General-Major Radislav KRSTIĆ as the Commander of the VRS Drina Corps. The order was effective as of 15 July 1995. Further, in the same order, he appointed Colonel Svetozar ANDRIĆ, the current commander of the Birač Brigade, to the post as Chief of Staff and Deputy Commander of the VRS Drina Corps (also effective 15 July 1995).

8.25 The last two known direct conversations (ABiH II Corps intercepts) involving General-Major ŽIVANOVIĆ during the relevant period occurred at 2038 and 2056 hours on 14 July 1995. In the first conversation, General-Major ŽIVANOVIĆ gave an order to the duty officer of the Zvornik Brigade, Major Dragan JOKIĆ. He informed JOKIĆ that reinforcements would be arriving in the morning, and that OBRENOVIĆ (Major Dragan OBRENOVIĆ, the Chief of Staff of the Zvornik Brigade) should maintain pressure and reconnaissance activities against the Muslim column.[348] In the second conversation, General-Major ŽIVANOVIĆ is noted talking to a Colonel VUKOVIĆ (Commander of the Skelani Separate Battalion). In this conversation, General-Major ŽIVANOVIĆ noted that he had received a paper which BLAGOJEVIĆ sent pertaining to him, and that Colonel VUKOVIĆ should read his conclusions.[349]

8.26 Finally, at 2236 hours on 14 July 1995, ABiH II Corps received a partial intercept of a conversation between an unidentified individual and a correspondent named MALINIĆ (probably Major Zoran MALINIĆ, the Commander of the Military Police Battalion of the 65th Protection Regiment located in Nova Kasaba).[350] The unidentified individual noted that KRSTIĆ had "just come up here...he went back there...he'll call me later." The one-sided conversation also noted that the unidentified individual was "up to speed...ŽIVANOVIĆ told me." Also the unidentified individual noted that he "introduced Krle (a known nickname for General-Major KRSTIĆ) to that one...suggested what he should do, so he'll take some action here." While this conversation is clearly incomplete, it implies the physical presence of General-Major KRSTIĆ, and activities related to gaining an awareness of an unidentified situation which will require the issuing of orders by General-Major KRSTIĆ.

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345 *Ibid.*
346 1.Brlpbr Order 453-2, *supra* n. 200.
347 RS Presidential Decree 01-1369/95, (OTP English translation), 14 Jul. 1995.
348 Intercepted military telephone communciation between "Ž" Živanović and "J" Jokić, 14 Jul. 1995, at 2038 hours; intercepted military telephone communication between "M" Vukotić and "Ž" Živanović, 14. Jul. 1995, at 2056 hours.
349 Intercepted military telephone communication between unidentified conversants "X" and "Y", 14 July 1995, at 2048 hours.
350 Intercepted military telephone communication between "X" an unidentified conversant and Malinić, 14 Jul. 1995, at 2236 hours.

8.27 On 15 July 1995, RS Presidential Decree 01-1419/5 is published. This decree, signed by RS President KARADŽIĆ, is the relief and re-assignment of General-Major Milenko ŽIVANOVIĆ from command of the VRS Drina Corps, effective 15 July 1995.[351]

8.28 A series of VRS communications intercepted by ABiH II Corps on 15 July 1995 further serves to confirm that General-Major KRSTIĆ had assumed command of the VRS Drina Corps. At 0952 hours, a Colonel BEARA (the Chief of the Main Security Administration) called an unidentified location looking for General ŽIVANOVIĆ.[352] Colonel BEARA was unsuccessful in reaching him, and left a message that he could be reached at extension 139. At 0954 hours, Colonel BEARA reached General ŽIVANOVIĆ at an unspecified location, and noted that "FURTULA didn't follow orders and send the intervention platoon of LUKIĆ."[353] In the course of the conversation, Colonel BEARA asked General ŽIVANOVIĆ to direct FURTULA to send at least half the platoon, to which General ŽIVANOVIĆ replied that he "can't arrange for that anymore..." General-Major ŽIVANOVIĆ directed Colonel BEARA to call the "Zlatar" switchboard, extension 385 (see Chapter Nine, paragraph 9.13 for complete transcript).

8.29 Within five minutes (between 0957 and 1000 hours) on that same day, Colonel BEARA is noted in a discussion with a General he refers to as "Krle" .[354] In the course of this conversation, Colonel BEARA noted again that "FURTULA did not follow the boss's order, and that he needs 30 men just like it was ordered." Colonel BEARA complained that "he can't do anything without 15 to 30 men and Boban INĐIĆ."[355] General-Major KRSTIĆ replied that he could not pull them out from this "axis" without disturbing things. He further directs Colonel BEARA to check with "NASTIĆ" and "BLAGOJEVIĆ".[356] Finally, in the course of the conversation, Colonel BEARA noted that he "still has 3500 parcels to distribute, and he has no solution." The conversation ended with General-Major KRSTIĆ saying he would see what he could do (see Chapter Nine, paragraph 9.14 for complete transcripts).

8.30 Additional (ABiH II Corps intercepted) conversations on 17 July 1995 further serve to demonstrate General-Major KRSTIĆ in command and being fully apprised of the situation in the zone of the VRS Drina Corps; specifically the situation of the Zvornik Brigade. At 0615 hours, General-Major KRSTIĆ is noted in communications with Captain TRBIĆ, who is the duty officer of the Zvornik Brigade that day, and also with Lieutenant Colonel Vinko PANDUREVIĆ, the Brigade Commander.[357] In the course of this conversation, General-Major KRSTIĆ acknowledges that he has received reports sent

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[351] RS Presidential Decree 01-1419/95, (OTP English translation), 15 Jul. 1995.

[352] Synopsis of intercepted military telephone communication in which Beara tries to contact Živanović, 15 Jul. 1995, at 0952 hours.; 1.Brlpbr Order 08-45/95, (OTP English translation), 17 Aug. 1995 (identifying Colonel Beara as the Chief of Security Administration of the VRS Main Staff).

[353] Intercepted military telephone communication between"B" Beara and "Ž" Živanović, 15 Jul. 1995, at 0954 hours.

[354] Intercepted military telephone communication between "B" Beara and "K" Krstić, 15 Jul. 1995, at 0957 hours; intercepted military telephone communication between "B" Beara and "K" Krstić, 15 Jul. 1995, at 1000 hours.

[355] The individual referred to as Furtula is most probably Major Radomir Furtula, the Commander of the 5th Pondrinje Light Infantry Brigade, also known as the Višegrad-Goradže Brigade. The individual referred to as Lukić is probably Milan Lukić, who is associated with Boban Indić.

[356] Most probably Major Milomir Nastić, the Commander of the 1st Milići Light Infantry Brigade and Colonel Vidoje Blagojević, Commander of the 1st Bratunac Light Infantry Brigade.

[357] Intercepted military telephone communication between "K" Krstić, "T" Trbić and "P" Pandurević, 17 Jul. 1995, at 0615 hours.

by the Zvornik Brigade and personally received an update on the situation in the zone from the Brigade Commander.

8.31 At 0910 hours that same morning, General-Major KRSTIĆ was noted attempting to reach Colonel VELETIĆ, who was the Commander of the 4th Drinski Brigade, a temporary formation operating in the zone of the Sarajevo-Romanjia Corps.[358] In this intercepted conversation, General-Major KRSTIĆ instructed Colonel VELETIĆ to have Lieutenant Colonel VLAČIĆ return to his unit by 1300 hours.[359] He was also noted in four other conversations that day, giving orders, and in one case, receiving directions from an individual (probably General MLADIĆ – see paragraph 12.7).[360]

8.32 Also on 17 July 1995, Drina Corps order 05/1-245 was published.[361] This order, pertaining to mobilization issues, was personally signed by General-Major KRSTIĆ as the Commander of the Drina Corps.

8.33 ABiH II Corps intercepts of VRS communications on both 18 and 19 July 1995 further put General-Major KRSTIĆ in command of the VRS Drina Corps and issuing orders to subordinates.[362]

8.34 On 20 July 1995, RS television aired the public announcement from RS President KARADŽIĆ on the appointment of General-Major KRSTIĆ as the Commander of the VRS Drina Corps.[363]

8.35 On 25 July 1995, Drina Corps Order 05/2-362 was published.[364] This order is personally signed by General-Major Radislav KRSTIĆ, Commander of the Drina Corps. It appoints Reserve Private Petko MILOŠEVIĆ as the Chief of Financial Services for the Zvornik Brigade.

8.36 On 29 July 1995, Drina Corps orders 01/158-1 and 01/159-1 were published.[365] Both orders identify General-Major Radislav KRSTIĆ as the Commander of the Drina Corps.

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[358] 4.Dlpbr Order 538/10-12, (OTP English translation), 25 Jun. 1995. *See also*, 4.Dlpbr Order 02-50, (OTP English translation), 14 Jul. 1995 (indicating LTC Ljubomir Vlačić as the Chief of Staff of the 4.Dlpbr).

[359] Intercepted military telephone communication between "X" Krstić and Veletić, 17 Jul. 1995, at 0910 hours.

[360] Intercepted military telephone communication between unidentified conversant "X" and "K" Krstić, 17 Jul. 1995, at 0925 hours; intercepted military telephone communication between two unidentified conversants "X" and "?", 17 Jul. 1995 at 1201 hours; intercepted military telephone communication between "K" Krstić and "M" Mladić, 17 Jul. 1995, at 1950 hours; intercepted military communication between "K" Krstić and unidentified conversant "X", 17 Jul. 1995, at 2030 hours.

[361] Drina Corps Order 05/1-245, (OTP English translation), 17 Jul. 1995.

[362] Intercepted military communication between "K" Krstić and "C" Cerović, 18 Jul. 1995, at 0716 hours; intercepted military telephone communication between "K" Krstić and "A" Andrić, 18 Jul. 1995, at 2014 hours; intercepted military telephone communication bewteen "K" Krstić and "Č" Čedo, 18 Jul. 1995, at 2341 hours; intercepted military telephone communication between "K" Krstić and "M" Milanković, 19 Jul. 1995, at 1513 hours; intercepted military telephone communication between "K" Krstić and "J" Jevđević, 19 Jul. 1995, at 2157 hours.

[363] News of Republika Srpska Broadcast identifying Krstić as the former Chief of Staff and notes him and General-Major Živanović to be the "chief architects" of the Serb victories of Srebrenica and Žepa.

[364] KDK Order 05/2-362, (OTP English translation), 25 Jul. 1995.

[365] KDK Order 01/158-1, (OTP English translation), 29 Jul. 1995; KDK Order 01/159-2 (OTP English translation), 29 Jul. 1995.

General-Major KRSTIĆ as the VRS Drina Corps Commander: Post-July 1995

8.37 On 04 August 1995, RS President KARADŽIĆ and the Commander of the VRS Drina Corps (General-Major KRSTIĆ) were noted in Srebrenica, and within the zone of responsibility of the Bratunac Infantry Brigade.[366]

8.38 Later on 04 August 1995, RS television broadcast an interview with RS President Radovan KARADŽIĆ (2230 hours). The main focus of the interview pertains to the announcement that General-Colonel Ratko MLADIĆ was being removed as the Commander of the Main Staff of the VRS, and was then appointed as the "Special Advisor to the Supreme Commander for coordinating the joint defense of the RS and RSK." Part of this interview contains a short excerpt pertaining to Srebrenica, and the role of General-Major KRSTIĆ. As stated by President KARADŽIĆ,

> "We wanted to turn MLADIĆ into a legend and we did for we know that our people want legends. We failed, however, to bring up the successes of individual Corps Commanders. Now KRSTIĆ, for instance, who planned it in front of me and I approved that task for Srebrenica, who did it exceptionally well. Of course, the Main Staff, MLADIĆ and all others help, but it should be known that KRSTIĆ is a great army commander." [367]

8.39 In response to the removal of General MLADIĆ, General-Major KRSTIĆ, and 17 other VRS Generals signed a joint declaration to the leadership of the RS, declaring their "support" to General MLADIĆ, and indicating that they will only follow his orders.[368] This declaration is signed on 05 August 1995.

8.40 On 25 August 1995, "*Srpska Vojska*" magazine (the official magazine of the Army of the Republika Srpska) published an interview with General-Major KRSTIĆ. In this article, interviewer Borislav Đurđević indicates that both the Srebrenica and Žepa operations were led by General-Major Radislav KRSTIĆ, who assumed command of the Drina Corps just prior to the beginning of the operation.[369]

8.41 Finally, on 28 Dec 1995, "*Srpska Vojska*" magazine discussed a speech and appearance made by General-Colonel Ratko MLADIĆ at the activation of the "First Professional Brigade of the Drina Corps".[370] The article notes General-Major KRSTIĆ as the Commander of the Drina Corps. Further, the article discusses the role in the VRS Drina Corps and General-Major KRSTIĆ (who was present on the podium with General MLADIĆ) at both Srebrenica and Žepa. Addressing the assembled Drina Corps units, MLADIĆ stated,

> "...You fought heroically under the leadership of your Chief of Staff or your Corps Commander, who although severely wounded, made a tremendous contribution to the victory of the Serbian arms and the Serbian Army, not only against the Muslim gladiators in Srebrenica and Žepa, but against those who helped them, now by land, now by air, and now from behind the conference table, or through the media. They could not be saved because they did not deserve to be saved. All of those who obeyed the agreement, and came to the UNPROFOR base were saved and transported, we are sorry to say, in modern as well as older buses, unlike the weak ones from Benkovac, Knin Glamoc, Grahovo and Petrovac..."

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366 1.Brlpbr Daily Combat Report 03-253-125, (OTP English translation), 04 Aug. 1995.
367 (P.Ex. 99/a).
368 VRS Main Staff Document 04-12/973, *republished in, Krajiški Vojnik*, (OTP English translation) Aug. 1995.
369 Borislav Đurđević, "Podrinje Is Free At Last," *Srpska Vojska*, 25 Aug. 1995, p. 10-12.
370 D. Radan, "Turning Towards Peace," *Srpska Vojska*, 28 Dec. 1995, p. 7.

C. Summary

8.42 To summarize, the above-listed material demonstrates a long and detailed relationship between General-Major KRSTIĆ and the Command of the VRS Drina Corps; first as a subordinate Brigade Commander, then as the Corps Chief of Staff/Deputy Commander, and finally as the Corps Commander. He was involved in the planning and execution of the military operation against the Srebrenica "safe area", as well as the actual capture of Srebrenica town. He was physically present in both Bratunac and Potočari on 12 July 1995. By the evening of 13 July 1995, as a result of circumstances that are still unclear, he took command of the VRS Drina Corps. Orders issued under his name as the "Commander" were sent to various Corps formations, and they were duly implemented.

8.43 In reviewing the period prior to 13 July 1995, it is clear that General-Major KRSTIĆ was not only functioning as the Drina Corps Chief of Staff, but he was probably also functioning as the "operational commander" for the military forces grouped together for operation "Krivaja-95". His continuing presence at the Drina Corps Forward Command Post prior to the noted arrival of both General-Major ŽIVANOVIĆ and General MLADIĆ on 10 July 1995 tends to support this, as do various statements made by General MLADIĆ and RS President KARADŽIĆ after the fact.

8.44 Pertaining to the function of exercising command of the VRS Drina Corps by General-Major KRSTIĆ, an inconsistency bears pointing out. This relates to the RS Presidential Decree(s) that relieved General-Major ŽIVANOVIĆ effective 15 July 1995, and appointed General-Major KRSTIĆ was the Commander of the VRS Drina Corps (effective that same day). In time sequence, it creates a one day period of "ambiguity" between the time when General-Major KRSTIĆ is noted exercising command of the Drina Corps (the evening of 13 July 1995), and his appointment as the Drina Corps Commander by the RS President. While several factors may account for this, without knowing the circumstances behind the relief and reassignment of General-Major ŽIVANOVIĆ, any attempt to define this period would be speculation.

8.45 Having said this, it is just as important to note that this "ambiguity" as identified is a reflection of gaps in information currently in the possession of the Office of the Prosecutor, and my resulting analysis of that information. It does not mean (and should not be taken as to even imply) that the staff or subordinate commanders of the VRS Drina Corps were in any way unclear as to who was exercising command of the Drina Corps during the period in question. As noted above (paragraph 8.19), on the evening of 13 July 1995, General-Major KRSTIĆ personally signs an order as the "Commander of the VRS Drina Corps". The fact that this order identifies him as the Commander, and not as the Chief of Staff, Deputy Commander, or even "Acting Commander", clearly demonstrates both knowledge and acceptance on the part of General-Major KRSTIĆ and the Drina Corps Staff that he was the Corps Commander.[371] Further, by 14 July 1995, subordinate Drina Corps formations were aware of this change of command, and were responding accordingly. Along similar lines, the continuing presence of the previous Corps Commander (General-Major ŽIVANOVIĆ), as well as his continuing involvement in select aspects of the activity of the Drina Corps serves to confirm that he accepted the exercise of command by General-Major KRSTIĆ under the circumstances which it occurred. Finally, the official ratification of this event by RS President KARADŽIĆ

[371] Acting Commander - "Zastupa Komandanta", as translated, "standing in for the commander".

clearly indicates that this change of command was proper, reflected the desires of the Supreme Commander of the Armed Forces, and was within the framework of RS Law.

CHAPTER NINE: Role of the VRS Drina Corps in the Mass Executions in the Zone of the 1st Zvornik Infantry Brigade

9.0 As in the case of the acts detailed in Chapters Five, Six and Seven, there are few documents and orders relative to the involvement of the VRS Drina Corps in the commission of the criminal acts (as charged) pertaining to the mass executions in the zone of the Zvornik Brigade. However, various reports from the Zvornik Brigade, as well as ABiH II Corps intercepts of VRS military telecommunications details a high degree of involvement and coordination between the Zvornik Brigade, the VRS Drina Corps, and the VRS Main Staff. While some of this material has already been noted in previous chapters, it bears repeating so that the relevant issues can be examined in both complete context and proper chronology.

9.1 Reviewing the issues in a chronological order, there are three main areas that will be examined. First, the issue of information which was available within the framework of orders and directives prior to the charged criminal acts under which the Commander and Staff of the VRS Drina Corps received instructions from the Superior Command, and (in turn) issued instructions to subordinate formations. This information will be reviewed specifically as it pertains to prisoner related issues. Next, the issue of the role of the VRS Drina Corps and how it relates to the period of the commission of the criminal acts (as charged). Finally, the issue of information that was acquired after the fact, and what actions (if any) the VRS Drina Corps Command and Staff took based on that information.

A. Prior Instructions and Directives[372]

9.2 With respect to the "safe area" of Srebrenica, in the *Agreement on the Demilitarization of Srebrenica and Žepa*, concluded by Lieutenant General Ratko MLADIĆ and General Sefer HALILOVIĆ on 08 May 1993, both parties affirmed:

> "The Geneva Conventions of 12 August 1949 and the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) are fully applicable in the conflict in Bosnia and Herzegovina (sic)." [373]

Further, Article 2 of that agreement specifically defines the protection of the demilitarized zones as being accorded under "Article 60, Protocol 1 Additional to the Geneva Conventions."

9.3 The VRS Drina Corps operations plan for Srebrenica (Command of the Drina Corps Order 04/156-2, "Krivaja-95"), paragraph 10, Combat Security, subparagraph (b) deals with the issue of prisoners of war. As quoted:

> "Security organs and the military police will indicate the areas for gathering and securing prisoners of war and war booty. In dealing with prisoners of war and the civilian population, behave in every way in accordance with the Geneva Conventions."[374]

9.4 Prior to the capture of Srebrenica by VRS forces, the Main Staff of the VRS published order 12/46-501/95, dated 09 July 1995. This document, pertaining to the

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[372] For a broad examination of the RS Laws and VRS regulations pertaining to "War-Crimes" and "Crimes against Humanity," see *VRS Corps Command Responsibility Report*, *supra* n. 33, s.7.

[373] *Agreement on a Ceasefire in the Territory of Bosnia and Hercegovina*, 08 May 1993, *supra* n. 10.

[374] KDK Order 04/156-2, Operations Order No.1, 02 Jul. 1995, *supra* n. 58, p. 7.

conduct of combat operations around Srebrenica, was sent by General-Major TOLIMIR to both the President of the RS, and the Drina Corps (specifically to General-Majors KRSTIĆ and GVERO).[375] This message outlined the context of the RS President's support to the ongoing Srebrenica operation. With respect to the prevention of potential violations of the "laws of war", paragraph four specifically directs the following:

> "Pursuant to (the) Order of the President of the Republika Srpska, order all combat formations, which participate in combat operations around Srebrenica, to offer their full protection to all UNPROFOR members and Muslim civilians. Order the subordinated units to stop destroying civilian objects unless forced to do so, due to strong enemy resistance. Do not allow the burning of residential objects and treat civilians and prisoners of war in accordance with the Geneva Convention dated 12 August 1949." [376]

9.5 On 11 July 1995, RS President KARADŽIĆ issued an order to the Ministry of the Interior, Republic of Srpska, pertaining to the police returning to Srebrenica. Paragraph four of that order specifies that:

> "All citizens who participated in combat activities against the Serb Army will be treated as prisoners of war and in accordance with the law and international conventions. Others will be free to choose their place of residence or place of emigration." [377]

9.6 In conjunction with established RS Laws and VRS regulations in effect at the time, the above listed material demonstrates that the Drina Corps Command and Staff were fully cognizant of procedures and expectations related to the proper handling of Muslim prisoners and civilians in their custody.

B. VRS Drina Corps Activities during the Relevant Period

9.7 On 13 July 1995, the Main Staff of the VRS published order 03/ 4-1638. This order specifically dealt with the issue of preventing the leakage of "confidential military secrets in the area of combat".[378] This order, directed to the Command of the Drina Corps (information copy to other Drina Corps formations), specifically closed the road segment of Konjević Polje-Kravica-Bratunac, as well as the Rogatica-Borike-Višegrad road. Pertaining to the Konjević Polje-Kravica-Bratunac road, the Command of the Drina Corps was instructed to set up traffic regulation points at Konjević Polje and Bratunac and to restrict the traffic on the roads to military vehicles and MUP vehicles engaged in combat operations. Further, paragraph five specifically directed that no information was to be provided to the "...media regarding the course, situation and results of combat operations in the area, and the overall activities in this area, particularly on prisoners of war, evacuated civilians, escapees and similar."[379]

9.8 It is during this same period that an element of the Military Police of the Zvornik Infantry Brigade was traveling to locations that would later become detention sites or execution sites for Muslim males captured at Srebrenica. Later, this same element travels to Bratuanc on 13 July 1995 (refer to Chapter Seven, paragraph 7.3).

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[375] VRS Main Staff Order 12/46-501/95, *supra* n. 75. (General Gvero is in fact Lieutenant Colonel-General Milan Gvero, the Assistant Commander for Morale, Legal and Religious Affairs of the Main Staff of the VRS.)
[376] VRS Main Staff Order 12/46-501/95, *supra* n. 75, para. 4.
[377] RS Presidential Directive 01-1341/95, *supra* n. 93.
[378] VRS Main Staff Order 3/4-1638, (OTP English translation), 13 Jul. 1995.
[379] *Ibid.*

9.9 Also on 13 July 1995, at least one Drina Corps Staff Officer attempted to locate earth-moving equipment and have it sent to Konjević Polje (refer to Chapter Six, paragraph 6.15).[380] The time period of these efforts roughly coincides with the executions in the Cerska Valley and later the Kravica Warehouse.

9.10 In the early evening hours of 13 July 1995, the Command of the Drina Corps issued order 03/156-11.[381] Paragraph 3 of this order instructed all commands of the Drina Corps to "put captured and disarmed Muslims in suitable buildings that can be secured by small forces and immediately inform the superior command." Further, paragraph 7 instructed the commands to:

> "Transmit information on captured and cut-off groups through secure means of communication. Vigorously prevent all unnecessary and needless conversations that could lead to a leak of confidential information and indicate to the enemy what our intentions and activities are."[382]

9.11 Also on the evening of 13 July 1995, bus and truck convoys of Muslim males were enroute from the zone of the Bratuanc Brigade to the zone of the Zvornik Brigade. This process continued through the day of 14 July 1995. Further, starting the afternoon of 14 July 1995, the process of executing Muslim males at Orahovac begins.

9.12 On 15 July 1995, at 0952 hours, Colonel BEARA, called an unspecified extension looking for General-Major ŽIVANOVIĆ. Colonel BEARA was told he was not there. Colonel BEARA left a message that he could be reached at "extension 139", which possibly belonged to the Zvornik Brigade Chief of Security, Lieutenant Drago NIKOLIĆ.[383]

9.13 Less than five minutes later, at 0954 hours, Colonel BEARA reached General-Major ŽIVANOVIĆ. This conversation went as follows:

(B=BEARA / Ž = ŽIVANOVIĆ):

B Hello General, Sir,
Ž: Hello, this is ŽIVANOVIĆ.
B: Hello?
Ž: Hello!
B: No, that's postponed (he is laughing)
Ž: It can't be postponed as long as there are .....
B: OK that, but that's new position, new day, new...
Ž: .....
B: OK then, listen bro,
Ž: Yes.
B: You know that day, I informed the commander about, FURTULA didn't send LUKIĆ's intervention platoon.
Ž: And LUKIĆ is waiting at BLAGOJEVIĆ.
B: LUKIĆ is here with me and his driver and we urged them on that.
Ž: Yes.
B: And yesterday FURTULA sent one soldier without an arm, and another one that LUKIĆ knows as (a) drunkard, fuck him.

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[380] Intercepted military telephone communicaiton between "M" Milanović and "P" Palma Duty Officers, 13 Jul. 1995, at 1355 hours, *supra* n. 186.
[381] Drina Corps order 03/156-11, (OTP English translation), 13 Jul. 1995. Of note, the order number is typed as 03/156-11, but the "11" is hand-crossed over and written as "12".
[382] *Ibid.*
[383] According to three different phone listings of the 1st Zvornik Brigade, extension 139 belongs to the Brigade "Chief of Security".

Ž: Yes.
B: Instead of platoon.
Ž: Oh dear.
B: Simply, he doesn't give a damn about the commander's order. Well now, that platoon has 60 men.
Ž: .....
B: Have him send at least half.
Ž: Yes, yes.
B: Say again?
Ž: To send them immediately /?./
B: Yes.
Ž: I can't arrange for that anymore.....
B: Uh-huh.
Ž: 385.
B: 385.
Ž: .....
B: 385.
Ž: That's right.
B: And that is, what telephone exchange is 385?
Ž: Zlatar and 385.
B: Uh-huh, Zlatar.
Ž: And stay on the line.
B: Uh-huh.
Ž: And ask for extension 385.
B: OK, thank you.
Ž: And we should have a drink.
B: Oh, yes of course. Take care and give my regards. (End of transcript) [384]

"FURTULA" is presumably Major Radomir FURTULA, the Commander of the 5th Podrinje Brigade (Višegrad Brigade), who has not followed the "boss' orders". As previously discussed, "Zlatar" is the telephonic code name for the Command of the Drina Corps. Analysis of "extension 385" indicates that it is associated with the Command Post of the Drina Corps, possibly a temporary extension which was linked to the Drina Corps Forward Command Post.

9.14 Almost immediately following the above conversation, the following conversation (noted by three separate intercept operators) occurred between Colonel Ljubo BEARA and General-Major Radislav KRSTIĆ:

(B= BEARA / K =KRSTIĆ)

B: General, FURTULA didn't carry out the boss's order.
K: Listen, he ordered him to lead out a tank, not a train.
B: But I need 30 men just like it was ordered.
K: Take them from NASTIĆ or BLAGOJEVIĆ, I can't pull anybody out of here for you.
B: But I don't have any here. I need them today and I'll give them back tonight. Krle, you have to understand. I can't explain it like this to you.
K: I'll disturb everything on this axis if I pull them out, and a lot depends on him.
B: But I can't do anything without 15 to 30 men with Boban INĐIĆ.
K: Ljubo, this /line/ is not secure.
B: I know, I know.
K: I'll see what I can do, but I'll disturb a lot. Check down with NASTIĆ and BLAGOJEVIĆ.
B: But I don't have any. If I did, I wouldn't still be asking for the third day.
K: Check with BLAGOJEVIĆ, take his Red Berets.
B: They're not there, only four of them are still there. They took off, fuck 'em, they're not there anymore.
K: I'll see what I can do.

[384] Intercepted military telephone communication between "B" Beara and "Ž" Živanović, 15 Jul. 1995, at 0954 hours, *supra* n. 353.

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B: Check it out and have them go to Drago's.
K: I can't guarantee anything.
B: Krle, I don't know what to do anymore.
K: Ljubo, then take those MUP /Ministry of Interior/ guys from up there.
B: No, they won't do anything. I talked to them and there's no other solution but for those 15-30 men with INĐIĆ. That (they) were supposed to arrive on the 13th but didn't.
K: Ljubo, you have to understand me, you guys fucked me up so much.
B: I understand, but you have to understand me too, had this been done then, we wouldn't be arguing over it now.
K: Fuck it, now I'll be to one to blame.
B: I don't know what to do. I mean it Krle. There are still 3,500 "parcels" that I have to distribute and I have no solution.
K: Fuck it, I'll see what I can do. (End of transcript).[385]

Two other versions of this discussion exist, one a partial transcript that reflects the very beginning of the conversation, and the second, a full transcript that differs in minor aspects. In the partial transcript, both Colonel BEARA and General KRSTIĆ compromise their identities as they attempt to identify each other over the connection.[386] In the other complete version, the individual identified as "INĐIĆ" is identified as "Boban INĐIC", and is noted as "LUKIĆ's deputy".[387] Both full versions identify the issue of sending the men to "Drago's" and both reflect that Colonel BEARA still has 3,500 "parcels to distribute."

9.15 Reviewing the conversations listed in paragraphs 9.12, 9.13 and 9.14, it is apparent that both the outgoing Commander of the Drina Corps, General-Major ŽIVANOVIĆ, and the incoming Commander, General-Major KRSTIĆ, were fully aware of the "plan of the boss", and the role which the Drina Corps was to play. Both knew that soldiers from the "Intervention Unit or Platoon " of Major FURTULA were to be sent to Colonel BEARA, and that it was supposed to arrive sometime on 13 July 1995. Further, as General ŽIVANOVIĆ acknowledged that he was no longer authorized to give orders pertaining troop issues, he passed Colonel BEARA to Major-General KRSTIĆ, who in fact instructed BEARA to coordinate directly with two subordinate Brigade Commanders. Colonel BEARA was instructed to call either "BLAGOJEVIĆ" (Colonel Vidoje BLAGOJEVIĆ, the Commander of the Bratunac Brigade, of which the "Red Beret" unit is a part of), and "NASTIĆ (Major Milomir NASTIĆ, the Commander of the Milići Brigade).

9.16 At the time this conversation took place, Colonel BEARA may have been physically present in the zone of the Zvornik Brigade. The prior reference to the fact that BEARA can be reached by calling "extension 139" (see paragraph 9.12), and his comment that people should be "sent to Drago's" (possibly referring to Lieutenant Drago NIKOLIĆ the Chief of Security of the Zvornik Infantry Brigade) support this.

9.17 Finally, by the morning of 15 July 1995, with the exception of the Muslim males held in Pilica and possibly Ročević, there were no other known large concentrations of prisoners in the custody of the Drina Corps.

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[385] Intercepted military telephone communication between "K" Krstić and "B" Beara, 15 Jul. 1995, at 1000 hours, *supra* n. 354.
[386] Intercepted military telephone communication between "K" Krstić and "P" Beara, 15 Jul. 1995, at 0955 hours.
[387] Intercepted military telephone communication between "B" Beara and Krstić, 15 Jul. 1995, at 0957 hours, supra n. 354.

9.18 Later on 15 July 1995, the Commander of the Zvornik Infantry Brigade sent an Interim Combat Report to the Command of the Drina Corps.[388] In this report, Lieutenant Colonel Vinko PANDUREVIĆ detailed the situation in his Brigade's zone of operations. In paragraphs four and five (unnumbered) of this report, he specifically noted the following:

> "An additional burden for us is the large numbers of prisoners distributed throughout schools in the brigade area, as well as obligations of security and *restoration of the terrain* (asanacija)." [389]
>
> "This command cannot take care of these problems any longer, as it has neither the material nor other resources. If no one takes on this responsibility, I will be forced to let them go."

This report was sent to the Command of the Drina Corps at 1925 hours on 15 July 1995.[390] As noted in Chapter Seven, when this report was sent, the Muslim males held at Orahovac and Petkovci were already dead for the most part buried.

9.19 Turning to 16 July 1995, the involvement of key personnel on the VRS Drina Corps Staff, as well as the VRS Main Staff continues. First, at 1111 hours on 16 July, Colonel BEARA was intercepted (by ABiH II Corps) discussing prisoner-related issues with a "CEROVIĆ". As transcribed:

> (C=CEROVIĆ / B=BEARA /X=unidentified)
>
> C: Hey, listen to me. Triage has to be done today...? ...taken prisoners. /as printed/
> X: Yes.
> C: ..... (distorted modulation).
> X: To do triage.
> C: Triage has to be done on the prisoners.
> X: Colonel BEARA is right here by me.
> C: Give me BEARA.
> X: Go ahead.
> B: Yes?
> C: Ljubo.
> B: I hear you.
> C: Hello! CEROVIĆ speaking.
> B: I hear you.
> C: TRKULJA was here with me just now and he was looking for you. I don't know.
> B: Yes.
> C: So, he told me...? ...he got instructions from above.
> B: Yes.
> C: To do triage on those (he is interrupted).
> B: I don't want to talk about it over the phone.
> C: OK.
> B: OK, take care. (End of transcript)[391]

The individual identified as "CEROVIĆ" is almost certainly Colonel Slobodan CEROVIĆ, the Drina Corps Assistant Commander for Moral, Legal and Religious

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[388] 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 299.
[389] Vojni Leksikon, *supra* n. 300.
[390] 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 299; see 1.Zvpbr communications centre processing stamp.
[391] Intercepted military telephone communication between "C" Cerović and "B" Beara, 16 Jul. 1995, at 1111 hours.

Affairs.[392] The individual identified as "TRKULJA" is probably Colonel Neđo TRKULA, from the VRS Main Staff.[393]

9.20 Later that day, starting at 1356 hours, another series of conversations occurred between "Palma" and "Zlatar", dealing with issues of fuel at a location where executions were known to have been occurring at the time. These conversations followed in sequence:

Conversation One - 16 July 1995: 1358 hours (P=Palma / Z-Zlatar)

P: Hello Zlatar. Give me the duty officer.
Z: Yes?
P: Palma duty officer speaking, 500 liters of D2 /diesel fuel/ for Lieutenant Colonel POPOVIĆ.
Z: For LTC POPOVIĆ?
P: Yes

Line disconnects. The switchboard operation asks "who's there." (End transcript).[394]

Conversation Two - 16 July 1995: 1358 hours (P=Palma / G= Major GOLIĆ / C= Unknown)

P: Is Major GOLIĆ there?
C: Yes.
P: Let me talk to him.
P: GOLIĆ, Pop just called me and told me to contact you. 500 liters of D2 have to be sent to him immediately, otherwise his work will stop.
G: Yeah, man
P: Yeah, 500 liters or else his work will stop.
P: Go on, right away.
G: Bye. (End of transcript).[395]

Conversation Three - 16 July 1995: 1358 hours

(P=Palma / Z=Zlatar / B=BAŠEVIĆ / C=Unknown / X=Unknown)

P: The Duty officer at Palma
C: Who do you want?
P: I want to talk to the Zlatar Duty Officer.
X: Hello! How did you get connected here?
P: Hello, is that BAŠEVIĆ?
X: What?
P: Is that BAŠEVIĆ?
X: Just a moment.
P: Hello! Is that BAŠEVIĆ?
B: Yes it is.
P: The guys at Zlatar didn't understand well, I asked for the duty officer, you know?
B: Yes.
P: Lieutenant Colonel POPOVIĆ is here at Palma, you know?
B: What?
P: POPOVIĆ is at Palma.
B: Yes.

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[392] Colonel CEROVIĆ is identified in other intercepts on both 16 and 17 July 1995.
[393] VRS Main Staff Order 03/4-1670, (OTP English translation), 17 Jul. 1995. Other intercepts identify him as the Chief of the Armor and Mechanized Forces Department of the VRS Main Staff.
[394] Intercepted military telephone communication between "Palma" and "Zlatar"; "G" Golić and "C" unknown; "B" Basević, "X" unknown and "P" Palma Duty Officer, 16 Jul. 1995, at 1358 hours.
[395] Intercepted military telephone communication between "G" Golić and "C" unknown, 16 Jul. 1995, at 1358 hours.

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P: 500 liters of D2 are urgently being asked for him or else the work he's doing will stop.
B: Well fuck him, don't you have 500 liters of oil? They're asking for 2 tons loaded.
P: Well, I don't know. He just called me from the field and told me to pass you the message over there.
B: Two tons are arriving now at your place/?brought by two men/ you can't find oil /as printed/. Should I deliver it by helicopter?
P: Well, then get in touch with ROŠEVIĆ.
(line disconnects) (End of transcript)[396]

Conversation Four - 16 July 1995: 1358 hours (P=Palma X=Unknown)

P: A bus loaded with oil is to go to Pilica village. That's it.
X: 500 liters.
P: No, it should go with its fuel tank from the vehicle battalion.
X: So it's separate.
P: Yes, yes, it should be separate.
X: .....
P: There is, but LTC KRSMANOVIĆ over at your place has to call the vehicle battalion here.
X: .....
P: Do it please. Bye. (End of transcript)[397]

As previously noted, Lieutenant Colonel POPOVIĆ is the Drina Corps Assistant Commander for Security Affairs. Major GOLIĆ is an Intelligence Officer on the Drina Corps Staff, and Lieutenant Colonel KRSMANOVIĆ is the Chief of Drina Corps Transportation branch. Major BAŠEVIĆ is the Chief of Technical Services of the Drina Corps (Rear Services).

9.21 Related to this series of conversations, the technical service records of the Zvornik Brigade contain two references to this fuel. The first document is a form "MP-20" (Material List for Dispatch) dated 16 July 1995.[398] It reflects that 500 liters of D2 (diesel) fuel were disbursed to the "KDK" (Command of the Drina Corps), for Lieutenant Colonel POPOVIĆ on 16 July 1995. The form also notes that 140 liters of D2 were returned. Item 1 of this form reflects this transaction listed as 21/1-2140. The second is the corresponding technical material disbursal logbook, which reflects this transaction as under item 2140. In this log, it reflects 500 liters of D-2 to the KDK on 16 July 1995. [399]

9.22 During the period these conversations were occurring relative to fuel, Muslim males were being transported from detention center(s) at Pilica to the Branjevo Military Farm, where they were executed.

9.23 Later on 16 July 1995 (at 2116 hours), Lieutenant Colonel POPOVIĆ called "Zlatar", looking for General-Major KRSTIĆ. On finding him unavailable, he spoke to an unidentified individual whose last name is RAŠIĆ.[400] In the context of this discussion, POPOVIĆ told RAŠIĆ that he has "...finished the job, and that he will come there tomorrow, so tell the General." He also noted that:

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[396] Intercepted military telephone communication between "B" Basević, "X" unknown and "P" Palma Duty Officer, 16 Jul. 1995, at 1358 hours.
[397] Intercepted military telephone communication between "P" Palma Duty Officer and "X" unknown, 16 Jul. 1995, at 1358 hours.
[398] 1.Zvpbr Dispatch Order 21/1-2140, (OTP English translation), 16 Jul. 1995.
[399] Technical Material Disbursal Logbook, 11 May 1994.
[400] Intercepted military telephone communication between "P" Popović and "R" Rašić at Operations Centre, at 2116 hours, *supra* n. 274.

> "...in general, there weren't any major problems, but up there (location unspecified), their were horrible problems and that thing the commander sent, it was just the right thing."[401]

Further, in reaction to a question pertaining to the arrival of the men from the unit of Vidoje BLAGOJEVIĆ, Lieutenant Colonel POPOVIĆ noted:

> "...Yes it (they) arrived...it's up there. ...it's up there but it didn't arrive in time and it wasn't brought in on time. And the others who arrived, did arrive but they were late so they weren't brought in on time, and that's why the commander who was here had problems.[402]

Lieutenant Colonel POPOVIĆ finished the conversation by telling RAŠIĆ that he would be staying here (presumably at Palma) until he was sure that "all has been taken care of...he will come there tomorrow." From the context of the conversation, it is clear that Lieutenant Colonel POPOVIĆ was calling from the "Palma" headquarters.

9.24 Finally on 16 July 1995, the Command of the Zvornik Brigade noted the presence of other military units in the zone of the Brigade, and operating under his command. In the 16 July 1995 Interim Combat Report to the Command of the Drina Corps, Lieutenant Colonel Vinko PANDUREVIĆ reported that his forces consisted of the following: "the Zvornik Infantry Brigade, a MUP company (100 people), two platoons from the Bratunac Infantry Brigade, and a part of the Military Police Platoon from the East Bosnia Corps."[403] These reinforcements (as described) could only have been made available by the Command of the VRS Drina Corps and the VRS Main Staff.

9.25 By the evening of 16 July 1995, Muslim males from the Pilica area had been executed at the Branjevo Military Farm, and at the Cultural Centre in Pilica. Earthmoving equipment from the Zvornik Brigade was enroute from Orahovac to the Branjevo Military Farm to bury the dead. Executions may have also been completed at the Kozluk site by the evening of 16 July 1995.

9.26 Turning to 17 July 1995, communications between the 1st Zvornik Infantry Brigade and the VRS Drina Corps continued to be monitored by ABiH II Corps intercept sites. At 0615 hours, General-Major KRSTIĆ was noted talking with Captain TRBIĆ, who was the duty officer of the Zvornik Brigade that day, and also with Lieutenant Colonel Vinko PANDUREVIĆ.[404] In the course of this conversation, General-Major KRSTIĆ acknowledged that he had received reports sent by the Zvornik Brigade, and personally received an update on the situation in the zone from the Brigade Commander. There was no discussion of Muslim prisoner related issues.

9.27 At 1242 hours on 17 July 1995, a subscriber identified as "Zlatar 01" called Major GOLIĆ, looking for POPOVIĆ. In the course of the conversation, Major GOLIĆ told "Zlatar 01" that "POPOVIĆ is still in Zvornik, but will be back in the afternoon". Major GOLIĆ also identified "Zlatar 01" as a "General". "Zlatar 01" finished the conversation by instructing Major GOLIĆ to "find POPOVIĆ, and have him call the Forward Command Post immediately".[405]

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401 *Ibid.*
402 *Ibid.*
403 1 Zvpbr Interim Combat Report 06-218, *supra* n. 272.
404 Intercepted military telephone communication between "K" Krstić, "T" Trbić and "P" Pandurević, 17 Jul. 1995, at 0615 hours, *supra* n. 357.
405 Intercepted military telephone communication between "MG" Major Golić and "G" General at Zlatar

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9.28 Reacting to this conversation, at 1244 and 1249 hours, the following two conversations occurred:

Conversation One - 17 July 1995: 1244 hours. (T=TRBIĆ / X=Unknown)

T: Can I help you?
X: Tell me, is Pop there?
T: No.
X: You don't know where he is?
T: Well, he went there, to, towards that task.
X: North of you?
T: Yes.
X: Listen.
T: Yes?
X: Please do your very best, they won't....across your units.
T: Yeah.
X: That they leave right away for here, for Zlatar 01 he says.
T: OK
X: Right away and (they stay?) and this....get in touch with him please.
T: But it is hard for me to do that.
X: I know, Drago told me, but...don't think of it that way.
T: Hello! Hello!
X: Don't think that it's hard.
T: I'll try to have /him?/ go up directly.
X: Yes, but before /he?/ leaves /he?/ should come to see me.
T: Yes, yes, yes, yes.
X: But right away.
T: OK
X: It's not (a small thing?).
T: OK
X: That's all my friend.
T: All right, take care.
X: Please, try and get in touch with him.
T: OK. (End of transcript)[406]

Conversation Two - 17 July 1995: 1249 hours.

T: Hello
X: Hey, TRBIĆ!
T: Yes?
X: Listen.
T: Yes?
X: It's changed again.
T: Yes.
X: If you get in touch with him, let him finish that work.
T: Yes.
X: and have him come /here/ immediately.
T: OK
X: So, let him finish that work he's doing, and have him report immediately here at (GOLAC's) /GOLIĆ's/.
T: OK, then, I'll let him work, I won't disturb him. And then he'll stop by over here.
X: Unless you have the possibility for him to (in a hurry?) like that /as printed/.
T: It's very hard for me to reach him, that's the problem, but he will for sure, he's working on that, you know /as printed/. The preparation is mainly finished.
X: Good.

01, 17 Jul. 1995, at 1242 hours.
[406] Intercepted military telephone communication between "T" Trbić and "X" unknown, 17 Jul. 1995, at 1244 hours.

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T: That's it.
X: But if he comes from your place, call me immediately from there.
T: OK
X: That's it.
T: Bye. (End of transcript)[407]

9.29 In reviewing the material of paragraphs 9.27 and 9.28, "Zlatar 01" is General-Major KRSTIĆ, who was looking for Lieutenant Colonel POPOVIĆ.[408] Major GOLIĆ (or a subordinate of GOLIĆ's) then called the PALMA (Zvornik Brigade) headquarters, looking to see if POPOVIĆ was present. TRBIĆ, is Captain Milorad TRBIĆ, a security officer in the Zvornik Infantry Brigade.[409]

9.30 At 1622 hours on 17 July 1995, Lieutenant Colonel POPOVIĆ was noted in a conversation with an unidentified individual, whom he refers to as "boss". Only one side of the conversation (POPOVIĆ as the transmitter) was intercepted. As transcribed:

> P: Hello, it's POPOVIĆ...boss...everything's OK, that job is done...everything's OK...everything has been brought to an end, no problems...I'm here at the place...I'm here at the place where I was before, you know...I'm at the base...at the base, the base... Can I just take a little break, little break, take a shower and then I'll think again later...basically, that all gets an "A"...an "A"...the grade is "A", everything's OK...that's it, bye, take care. (end of transcript). [410]

9.31 By the evening of 17 July 1995, all large-scale execution activity was completed. Most of the burial activity related to the executions was also completed.

C. Information Acquired by the Drina Corps After the Mass Executions

9.32 Following the completion of the mass executions in the zone of the 1st Zvornik Infantry Brigade, the Command and Staff of the VRS Drina Corps continued to receive information pertaining to the events that occurred relative to the Muslim prisoners. During the morning of 18 July 1995, ABiH II Corps intercepted a conversation between General-Major KRSTIĆ and Colonel CEROVIĆ. In the course of this discussion, Colonel CEROVIĆ noted that "Vinko has stabilized the situation and that he will send an additional report." [411]

9.33 Later that day, the Zvornik Brigade Commander, Lieutenant Colonel Vinko PANDUREVIĆ, wrote and sent Interim Combat Report 06-222 to the Command of the Drina Corps.[412] In paragraph four of this report, PANDUREVIĆ critically noted that:

> "During the last 10 days or so, the municipality of Zvornik has been swamped with Srebrenica Turks. It is inconceivable to me that someone brought in 3,000 Turks of military age and placed them in schools in the municipality, in addition to the 7,000 or so who have fled into the forests. This has created an extremely complex situation and the

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[407] Intercepted military telephone communication between "T" Trbić and "X" unknown, 17 Jul. 1995, at 1249 hours.
[408] Refer to intercepted miltary telephone communication, 17 Jul. 1995, at 0910 hours for an additional reference to General Krstić being identified as "Zlatar 01", *supra* n. 359.
[409] Roster of the "Command of the 1st Zvornik Infantry Brigade Headquarters", (OTP English translation), Jul. 1995.
[410] Intercepted military telephone communication between"P" Popović and and unidentified individual, 17 Jul. 1995, at 1622 hours.
[411] Intercepted military telephone communication between "K" Krstić and "C" Cerović, 18 Jul. 1995, at 0716 hours, *supra* n. 362.
[412] 1.Zvpbr Interim Combat Report 06-222, *supra* n. 304.

> possibility of the total occupation of Zvornik in conjunction with the forces at the front. These actions have stirred up great discontent among the people, and the general opinion is that Zvornik is to pay the price for the taking of Srebrenica." [413]

As previously stated, this establishes the number of Muslim males known to have been held in schools in the zone of the Zvornik Brigade at (at least) 3,000.

9.34 Following up this Interim Report, on 19 July 1995, Lieutenant Colonel PANDUREVIĆ discussed this issue with Colonel CEROVIĆ. Colonel CEROVIĆ informed PANDUREVIĆ that the "Interim Report" was received, and that he (CEROVIĆ) "...presented it to KRSTIĆ, along with his own report..." [414]

9.35 In summarizing the above information pertaining to the role of the VRS Drina Corps, several points can be made. First, as established in Chapter Seven, elements of the Zvornik Brigade participated in various aspects of the crimes as charged from 14 July 1995 through 17 July 1995. This includes the aspect of securing the Muslim males in various schools (with the attendant abuses that occurred at the detention facilities). It also includes (in the case of the killings at Orahovac) the actual participation in the execution phase. Further, elements of the Zvornik Brigade were involved in the mass burials that followed at the locations of Orahovac, Petkovci Dam, Branjevo Military Farm, and Kozluk.

9.36 Second, during this period, there was extensive coordination between the Command of the Drina Corps and the Command of the Zvornik Brigade, in many cases directly related to Muslim prisoner issues. There was also the physical presence of at least the Drina Corps Assistant Commander for Security Affairs, Lieutenant Colonel Vujadin POPOVIĆ, as well as possibly Colonel Ljuba BEARA of the VRS Main Staff Security Administration.

9.37 Finally, on several occasions, General-Major KRSTIĆ directly coordinated, discussed and was informed of prisoner related issues by members of his own staff, his subordinate commander(s), and even a member of the VRS Main Staff, all during the period which the executions were known to be occurring.

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[413] *Ibid.*, para. 4.

[414] Intercepted military telephone communication between Col. Cerović and Maj. Eškić, 19 Jul. 1995, at 0807 hours; intercepted military telephone communication between "C" Cerović and "V" Vinko Pandurević, 19 Jul. 1995, at 0812 hours.

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CHAPTER TEN: Known Prisoner of War/Detainee Issues

10.0 Within the framework of the various military activities that occurred within the zone of the VRS Drina Corps resulting from "Krivaja 95" (and the aftermath), a large number of Muslim males were taken into custody. In most cases, these individuals were broadly funneled through a process that ultimately led to the executions that occurred between 13 and 18 July 1995. In passing though this process, most of the Muslim males were never registered, interrogated, or noted in any format. However, due to either chance or circumstances, some Muslims were in fact identified and questioned by the VRS soldiers who captured them, and this data, as well as information obtained from them, was passed to the various brigade headquarters and was maintained there. This Chapter discusses, as much as is known, the fate of these specific prisoners

A. Wounded and Prisoners in the Bratunac Brigade Zone

10.1 The first group of individuals which were tracked were the injured and wounded Muslims who were in VRS custody in the Bratunac Health Clinic, and the injured and wounded from the UNPROFOR hospital in Potočari as of 13 July 1995. According to Colonel Radoslav JANKOVIĆ (associated with the VRS Main Staff Intelligence Sector), following the deportation of Muslims from Potočari, there were a total of 57 wounded at the Bratunac Clinic and a further 54 at the UNPROFOR base.[415] On 17 July 1995, the issue of the wounded was again raised by the Commander of the Bratunac Brigade, Colonel Vidoje BLAGOJEVIĆ, where he noted that they still have 23 wounded Muslim prisoners, and they had no transportation to get them to Bijeljina.[416] The next day, in a report to both the VRS Drina Corps Intelligence Department and the Intelligence Sector of the VRS Main Staff, Captain First Class Momir NIKOLIĆ noted that 22 wounded Muslim prisoners from the ABiH 28th Division were "evacuated" under police escort provided by the Drina Corps. He further noted that one enemy soldier, Osman HALILOVIĆ, was turned over to the Zvornik CSB, due to information where he admitted to participating in the "massacre of civilians".[417]

10.2 As far as can be determined, with the exception of the above listed 23 Muslim prisoners, all of the wounded Muslim prisoners were evacuated out of Bratunac-Potočari by the relevant humanitarian authorities by 18 July 1995.[418] There is no evidence to suggest sick or wounded Muslim prisoners from the Bratunac Health Clinic or the UN hospital at Potočari are among the missing.

10.3 Pertaining to captured Muslims either from the woods or from Potočari, four handwritten notes pertaining to identities of Muslim prisonerswere obtained by the Office of the Prosecutor. A total of six names are contained on these notes. These names are:

1. Zazif AVDIĆ, son of Ramo, date of birth: 15 September 1954.
2. Munib DEDIĆ, son of Emin, date of birth: 26 April 1956.
3. Aziz HUSIĆ, son of Osman, date of birth: 08 April 1966.[419]
4. Rešid SINANOVIĆ, son of Rahman, date of birth: 15 October 1949.[420]

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[415] IKM Drina Corps Report 08-444-10, *supra* n. 143.
[416] 1.Brlpbr Message 03-253-106/2, (OTP English translation), 17 Jul. 1995.
[417] Osman Halilović survived the war and was released from VRS custody in early 1996.
[418] ICRC Press Release, 18 Jul. 1995 (noting that 88 prisoners were evacuated to Tuzla on 17 Jul. 1995, and identifying the 23 remaining prisoners in VRS custody).
[419] 1. Brlpbr notes, (OTP English translation), o/a 13 Jul. 1995.
[420] *Ibid.*

5. Mujo HUSIĆ, son of Osman, date of birth: 27 August 1961.[421]
6. Hasib IBIŠEVIĆ, son of Ibrahim, date of birth: 27 February 1964.[422]

Of these six individuals in the custody of the VRS, three were specifically identified as soldiers, one a police officer, and one a civilian (refugee). The status of one was not discerned. In the case of Rešid SINANOVIĆ, his capture was further noted by another witness in Konjević Polje on 13 July 1995.[423]

10.4 A review of the International Committee for the Red Cross (ICRC) missing list for the Bosnian war lists all six individuals as missing from Srebrenica.[424]

1. Zazif AVDIĆ, son of Ramo, ICRC registration number BAZ-905480, missing from the forest on 12 July 1995.
2. Munib DEDIĆ, son of Emin, ICRC registration number BAZ-911347, missing from Kamenica on 14 July 1995.
3. Aziz HUSIĆ, son of Osman, ICRC registration number BAZ900847, missing from the forest on 11 July 1995.
4. Rešid SINANOVIĆ, son of Rahman, ICRC registration number BAZ 915791, missing from Srebrenica on 12 July 1995.
5. Mujo HUSIĆ, son of Osman, ICRC registration number BAZ 900694, missing from Bratunac on 14 July 1995.
6. Hasib IBIŠEVIĆ, son of Ibrahim, ICRC registration number BAZ 906810, missing from Pobuđe on 14 July 1995.

10.5 While no other specific names are known, it should be noted that the 16 July 1995 Daily Combat report from the Bratunac Brigade does note that statements taken from enemy soldiers indicate the presence of about 2,000 people in the wider area of the village of Pobuđe.[425] This indicates that through at least 16 July 1995, the combat formations of the Brigade were actively taking prisoners, and receiving information from them.

B. Prisoners in the Zvornik Brigade Zone

10.6 The status of the prisoners taken by the Zvornik Brigade falls into a different pattern than those of Bratunac. Depending on date or circumstance, these prisoners were either spared or killed on an individual basis or is small groups. Again despite limited information, several select incidents unfold.

10.7 Related to the fall of the Srebrenica enclave in July 1995, one of the first references to prisoners taken by the Zvornik Brigade is on 18 July 1995. In this report from the Intelligence Organ of the Zvornik Brigade to the Intelligence Department of the VRS Drina Corps, a Muslim soldier is identified. This individual, Nedžad AHMETOVIĆ, son of Avdo and Mula, is said to be the person who maintained the digital communications equipment in the headquarters of the ABiH 28th Infantry Division.[426] It was also noted in this report that he was turned over to the Intelligence Department of the Main Staff of VRS.[427] Of note, this individual is not on the ICRC missing list.

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[421] *Ibid.*
[422] *Ibid.*
[423] OTP Witness Statement "Jadar River Survivor", 16 Aug. 1995.
[424] *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), 30 Jun. 1998.
[425] 1. Brlpbr Daily Combat Report 03-253-106, *supra* n. 41, 16 Jul. 1995.
[426] 1. Zvpbr Intelligence Organ Report 17/104, (OTP English translation), 18 Jul. 1995.
[427] Intercepted military telephone communication between "M" Mirko and "X" unknown, 17 Jul. 1995 at 1815 hours. (This individual may be the topic of an intercepted telephone discussion between an unidentified subscriber and an individual named "Mirko" (believed to be Lt Mirko Petrović, the Commander of the Drina Corps Radio Reconnaissance Platoon)).

10.8 On or about 19 July 1995, a trial witness (known by the prosecution as the "Nezuk" survivor) was part of a group of approximately 10 persons attempting to pass through the VRS lines near the village of Nezuk, near Baljkovica mountain. His group was captured by VRS soldiers, one (which he believed was the commander) of whom was wearing a yellow armband with the phrase "Krajisnci" on it (from the Krajina). They were questioned quickly and then most of them (including the witness) were shot at close range and left for dead. Of the Muslims in this group, eight were shot. Two others were led away by the VRS soldiers.[428]

10.9 Related to this, on 19 July 1995, the Daily Combat Report for the 1st Zvornik Infantry Brigade notes the presence of a company formation of the 16th Krajina Brigade active in the zone of the 1st Zvornik Infantry Brigade.[429] In addition, paragraph 2 of this report indicates that "...during search operations, two Muslim soldiers were captured, and 13 eliminated."

10.10 The presence of a company-size formation from the 1st Krajina Corps operating in the zone of the 1st Zvornik Infantry Brigade is noted as early as 16 July 1995, where a unit was directed by 1st Krajina Corps Commander General-Lieutenant Colonel Momir TALIĆ, in response to VRS Main Staff order 03/4-1645, dated 15 July 1995.[430] Paragraph five of this order directs the "16th Krajina Brigade to send an officer to the Command of the 1st Light Infantry Brigade (sic) in Zvornik and obtain the necessary instructions and orders from the Brigade Commander."[431] On 22 July 1995, General TALIĆ requested the return of this unit from the Drina Corps.[432]

10.11 Perhaps the most compelling evidence pertaining to the status of known Muslim prisoners in the zone of the Zvornik Brigade relates to the documentation pertaining to criminal charges levied against two VRS soldiers for "collaboration with the enemy."[433] As noted in the military police documentation, two VRS soldiers from the 1st Infantry Battalion of the Zvornik Brigade were held for aiding four enemy soldiers who were attempting to reach Muslim lines. As supporting evidence against the two Zvornik Brigade soldiers, between 23 and 26 July 1995, signed statements were taken from all four Muslim prisoners by the Military Police. In the four statements, the men claim to have fled the Srebrenica area as part of the column, and after the column was attacked by the VRS, they chose to try and cross into BiH territory at Teočak instead of near Baljkovica. On 25 July 1995, a "line-up" was conducted and all four Muslim soldiers were noted to have successfully identified the two accused VRS soldiers from a line-up of 10 soldiers. Based on this evidence, both VRS soldiers confessed to providing aid to the four Muslim males.

10.12 Regarding the status of the four Muslim males who were interviewed by the Zvornik Military Police, all four are currently on the ICRC missing list. Emin MUSTAFIĆ (son of Rifet) was noted missing from Potočari on 13 July 1995.[434] Faud

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428 OTP Witness Statement of "Nezuk Survivor", 26 Aug. 1995..
429 1.Zvpbr Daily Combat Report 06-244, (OTP English translation), 19 Jul. 1995.
430 1.KK Order 264-1/95, (OTP English translation), 16 Jul. 1995.
431 *Ibid.*
432 1.KK Order 270-1/95, (OTP English translation), 22 Jul. 1995.
433 1.Zvpbr Military-Legal Proceedings, (OTP English translation), 26 Jul. 1995.
434 *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 424, listing number BAZ 901050.

ĐOZIĆ (son of Senusija) was noted missing from Konjević Polje on 13 July 1995.[435] Almir HALILOVIĆ (son of Suljo) was noted missing from the forest on 11 July 1995.[436] Sakib KIVERIĆ (son of Salko) was noted missing from Sučeska on 11 July 1995.[437] As noted above, all four signed statements between 23 and 26 July 1995, and all four identified the accused VRS soldiers on 25 July 1995.

10.13 Beyond even this, analysis of the available information indicates that these four Muslim males may have been survivors of mass executions which occurred at the Branjevo Military Farm on 16 July 1995 and who were then taken back into VRS custody after escaping.

10.14 Supporting this argument is the fact that the location where the four Muslims were first assisted on 18 July 1995 was the village of D. Lokanj, in the zone of the 1st Battalion, 1st Zvornik Infantry Brigade. This battalion is the northern-most battalion in the Zvornik Brigade, and the location where they were first noted by Neško ĐOKIĆ in his statement to the Zvornik Military Police. This puts the four men 16-20 kilometers away from the area of Baljkovica-Nežuk where most of the Muslim column tried to cross towards ABiH-held territory. Further, rather than being along the front-lines, moving from Nežuk to D. Lokanj takes the four further away from BiH territory (and away from Teočak). However, the village complex of D. Lokanj is very close to known execution sites of Pilica Dom, and the Branjevo Military Farm. It would be very surprising for any Muslims to have moved (on foot) that far to the north in an effort to cross the VRS lines into ABiH held territory.

10.15 Second, the fact that all four were noted missing (based on ICRC data), on two different days and in four different locations questions the validity of the story as recounted by the four Muslim men in their statements to the Zvornik Brigade Military Police (that all four fled as a group from Srebrenica, and were attempting to cross the enemy lines near Teočak). Further, two of the four statements are almost verbatim text matches.

10.16 In addition, in his statement to the Zvornik Military Police, one of the accused Serbs, Neško ĐOKIĆ notes that he "...knew immediately that they were Muslims, since they were covered in blood and also by their clothes, because they had been fleeing from Srebrenica towards their territory at that time."[438]

10.17 Finally, one of the Branjevo Farm survivors, Witness "I" recounts that four other survivors left the execution site at the same time he did. The five gathered in the nearby bushes hiding from the VRS soldiers. In talking with the other four men, Witness "I" recalled that one of the four told him that he was from "Jagonje." According to the ICRC record on Sakib KIVERIĆ, he was from Jagonje village, in the Bratunac municipality.

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[435] *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 424, listing number BAZ 906271.
[436] *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 424, listing number BAZ 914374.
[437] *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 424, listing number BAZ 914421. (This particular listing reflects a probable printing error in the missing date, reading 110995 as opposed to 110795.)
[438] Zvornik Military Police VP 7469 Statement of Neško Đokić, (OTP English translation), 25 Jul. 1995.

10.18 Even while the above referenced investigation is taking place, the Zvornik Brigade continues to note the capturing of Muslim prisoners in its zone, and reports this to the Command of the Drina Corps.

10.19 On 22 July 1995, the Command of the Zvornik Brigade sent Interim Combat Report 06-229 to the Drina Corps Command.[439] Paragraph 1 of this report informed the Drina Corps Command that 10 enemy soldiers were "liquidated", and that "23 Muslim soldiers were captured". Paragraph one also notes, that "the Osmaci TG" (Tactical Group) captured an additional 17 Muslims. Further, paragraph three of this report specifically requests instructions from the Drina Corps Command, "as to what to do with the prisoners, where to put them, and to whom to hand them over."[440] Subsequent daily Combat Reports from the Zvornik Brigade note additional Muslims being captured by the Brigade.[441]

10.20 On 25 July 1995, the Daily Combat Report of the Zvornik Brigade reflected that another 25 Muslim soldiers were captured by the Brigade, and that all were "...duly transferred to the Batkovići-Bijeljina Collection Center."[442] This is the first indication of Muslims males from Srebrenica (captured or held by the Zvornik Brigade) being transferred to this facility. Related to this, the 26 July 1995 Daily Combat Report from the Zvornik Brigade reflects an additional 34 members of the "BH Army being captured, and sent to Batkovići."[443]

10.21 Daily Combat Reports submitted by the Zvornik Brigade to the Command of the Drina Corps for the period 27 July 1995 through 31 July 1995 reflected continuing sweep operations and a small number of Muslim males captured.[444]

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[439] 1.Zvpbr Interim Combat Report 06-229, (OTP English translation), 22 Jul. 1995.
[440] *Ibid.*, para. 3.
[441] 1.Zvpbr Daily Combat Report 06-230/1, (OTP English translation), 23 Jul. 1995; 1.Zvpbr Daily Combat Report 06-231/1, (OTP English translation), 24 Jul. 1995.
[442] 1.Zvpbr Daily Combat Report 06-232, (OTP English translation), 25 Jul. 1995.
[443] 1.Zvpbr Daily Combat Report 06-233, (OTP English translation), 26 Jul. 1995.
[444] 1.Zvpbr Daily Combat Report 06-234, (OTP English translations), 27 Jul. 1995; 1.Zvpbr Daily Combat Report 06-235, (OTP English translation), 28 Jul. 1995; 1.Zvpbr Daily Combat Report 06-237, (OTP English translation), 29 Jul. 1995; 1.Zvpbr Daily Combat Report 06-238, (OTP English translation), 30 Jul. 1995; and 1.Zvpbr Daily Combat Report 06-238 (sic), (OTP English translation), 31 Jul. 1995.

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CHAPTER ELEVEN: Concealment and Reburial

11.0 In contrast to the pattern of normal military accountability procedures followed by the VRS Drina Corps and subordinate formations during the actual commission of the criminal acts, the concealment aspects of the crime took place under a much greater cloak of secrecy. As a result, there are few documents or orders that can be used to track the commission of the concealment and reburial in the same manner as the commission of the actual crime. However, some material and notations do exist and, while not conclusive, in conjunction with the investigative components of this aspect of the crime, it demonstrates the knowledge of the VRS Main Staff, the Drina Corps, and both the Zvornik Brigade, and the Bratunac Brigade.

11.1 Investigation of the crime scene in the zone of the 1st Zvornik Infantry Brigade indicates that the following disturbances occurred:

- between an undetermined start date (prior to 27 September) and 02 October 1995, the primary burial site known as Lazete 2 (Orahovac) was disturbed and remains reburied in secondary sites near Hodžiči;

- between 07 September and 02 October 1995, the primary burial site known as Petkovci was disturbed and the remains reburied in a secondary site near Liplje; and,

- between an undetermined start date (prior to 27 September) and 02 October 1995, the primary burial site known as Kozluk was disturbed and the remains reburied in a secondary site near Čančari.

11.2 On 14 September 1995, the VRS Main Staff issued Main Staff order 03/4-2341. This order, under the signature block of General-Colonel MLADIĆ, authorizes the allocation of "five tons" of D2 diesel fuel for the "carrying out of engineering works in the zone of the responsibility of the Drina Corps."[445] This order is addressed to the Command of the Drina Corps, and to the Logistics Sector of the Main Staff. A copy is forwarded to the Zvornik Brigade for information. Of note, the order specifies that the fuel is to be delivered to the Standard Barracks in Zvornik, to a Captain Milorad TRPIĆ, and that he is to be responsible for the proper accounting of machine hours (usage) and fuel consumption. Related to this order, the Main Staff Technical Service Division issued order 10/34/2-3-701, releasing the fuel to the Drina Corps.[446]

11.3 According to the personnel roster of the Zvornik Brigade for September 1995, there is no Captain Milorad TRPIĆ assigned to the unit. However, a Captain Milorad TRBIĆ is assigned to the Security and Intelligence Branch of the Zvornik Brigade.[447]

11.4 Investigation of the crime scene in the zone of the Bratunac Brigade indicates that the following disturbances occurred:

- between an undetermined date and 18 October 1995, the primary site known as Glogova 2 was disturbed, and the remains being reburied near Zeleni Jadar.

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[445] VRS Main Staff Order 03/ 4-2341, (OTP English translation), 14 Sep. 1995.
[446] VRS Main Staff Order 10/34/2-3-701, (OTP English translation), 14 Sep. 1995.
[447] Zvornik Brigade Command and Staff Roster (OTP English translation), 1994-1995.

11.5 On 16 October 1995, in the Bratunac Brigade notebook that tracks the Command's meetings, a note attributed to "NIKOLIĆ" (presumably KIK Momir NIKOLIĆ, the Bratunac Brigade Assistant Commander for Intelligence and Security, reads, "We are engaged in tasks issued by the Army of the Republika Srpska Main Staff (asanicija)."[448] Of note, since "Krajava 95" in July 1995, there had not been significant combat activity in the zone of the Bratunac Brigade.

[448] 1.Brlpbr Command Notebook, 16 Oct 1995. As previously discussed the phrase "asanicija" refers to the burial of bodies of other biological waste products.

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CHAPTER TWELVE: The Role of the VRS Main Staff

12.0 As noted in previous chapters, the members of the Main Staff of the VRS were present at the capture of Srebrenica and were also present or involved in many of the criminal acts as charged in the indictment. This chapter will examine that role and how it relates to the actions of both the VRS Drina Corps and the subordinate formations of the Corps.

12.1 Clearly, the most recognizable figure of the VRS Main Staff was that of its Commander, Colonel-General Ratko MLADIĆ. His physical presence is established on 10 July 1995, when he is noted present at the Forward Command Post in Pribičevac with General-Major KRSTIĆ and General-Major ŽIVANOVIĆ.[449]

12.2 Further, General MLADIĆ was seen in various pieces of video footage shot on 11 July 1995. First, he accompanied General-Major KRSTIĆ and General-Major ŽIVANOVIĆ through Srebrenica in the afternoon of 11 July 1995. Later that evening and the next day he dictated terms to UN Dutch representatives and Muslim representatives during three meetings held at the Hotel Fontana (refer to Chapter Four for meeting details). As noted previously, General-Major ŽIVANOVIĆ was present for the first of these meetings, and General-Major KRSTIĆ was present at the second and third meetings. At all three meetings, General MLADIĆ was accompanied by Colonel Radoslav JANKOVIĆ, an Intelligence Officer from the VRS Main Staff.

12.3 During the second meeting, the decision was made to assemble the transportation necessary to transport the Muslim population out of the former enclave. The VRS Main Staff issued order 09/31/12-3-154. While the text of this order is currently unknown, it is certain that it relates to the assembly of transportation assets for Srebrenica because it was referenced in subsequent orders issued by the RS Ministry of Defense. These orders were sent to regional Secretariats of Defense in order to mobilize buses from municipalities in eastern Bosnia.[450] These buses (and later trucks) began arriving in the morning hours of 12 July, and became the vehicles which the VRS Drina Corps used to transport the civilian population out of Potočari on 12 and 13 July 1995. Many of these same vehicles were probably then used to move Muslim males from detention sites near Bratunac to detention and execution sites near Zvornik between 13 July and 16 July 1995.

12.4 On 12 July 1995, after the third meeting, General MLADIĆ was seen on video footage in Potočari personally observing the events occurring there.

12.5 On 13 July 1995, the physical presence of General-Colonel MLADIĆ was again noted at various locations in and around the area where Muslim males were being assembled. This includes the meadow at Sandići and the football field at Nova Kasaba.

12.6 At 1009 hours on 13 July 1995 a telephone conversation between Colonel Ljubo BEARA and an individual named LUČIĆ was intercepted. In the course of this conversation, Colonel BEARA (previously identified as the Chief of the VRS Main

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[449] 1.Brlpbr Daily Combat Report 03-253-100, *supra* n. 62, 10 Jul. 1995.

[450] RS MOD Order 02-21-3640/95, (OTP English translation), 13 Jul. 1995, (directing the Zvornik MOD office to mobilize at least 50 buses from the Zvornik, Višegrad, Vlasenica, Milići and Bratunac municipalities, following GŠVRS Order 09/31/12-3/154, 12 Jul. 1995); RS MOD Order 02-21/3614/95, *supra* n. 126, 12 Jul. 1995, (directing the mobilization of a minimum of 20 additional buses in the Pale, Sokolac, Rogatica and Han Pijesak municipalities).

Security Administration), told LUČIĆ that 400 Muslims had come out at Konjević Polje and they needed to be taken to the football field at Nova Kasaba.[451] As discussed in Chapter Six (paragraphs 6.9 and 6.10), individuals held at this football field were later transported to detention sites near Bratunac, and then to execution sites in the zone of the Zvornik Brigade.

12.7 Also on 13 July 1995, the Main Staff of the VRS issued order 03/4-1629, to the Command of the Drina Corps, the Forward Command Post of the Drina Corps and three subordinate formations of the Drina Corps; the (Milići Brigade, the Vlasenica Brigade and the Zvornik Brigade).[452] This order, signed by General-Lieutenant Colonel Milan GVERO, directed that the units take all measures necessary to prevent the escape of Muslim groups from the fallen enclave. This order was subsequently retransmitted at 1720 hours on 13 July 1995 from the Command of the VRS Drina Corps to all Drina Corps subordinated units and the Forward Command Post under the signature of General-Major ŽIVANOVIĆ.[453]

12.8 Shortly after Main Staff order 03/4-1629 was issued, order 03/4-1638 was issued. This order specifically dealt with the issue of preventing the leakage of "confidential military secrets in the area of combat".[454] This order, directed to the Command of the Drina Corps (information copy to other Drina Corps formations), closed the road segment of Konjević Polje-Kravica-Bratunac, as well as the Rogatica-Borike-Višegrad road segment. Further, paragraph five specifically directs that no information was to be provided to the "...media regarding the course, situation and results of combat operations in the area, and the overall activities in this area, particularly on prisoners of war, evacuated civilians, escapees and similar" (refer to paragraph 9.7). This order was released under the signature of General-Colonel Ratko MLADIĆ.

12.9 Later on 13 July 1995, Colonel Radoslav JANKOVIĆ released a report through the Forward Command Post of the Drina Corps to both the Intelligence Sector of the Main Staff and the Intelligence Department of the Drina Corps. In this report, he discussed the completion of the "evacuation of the entire Muslim population from the former enclave of Srebrenica..."[455]

12.10 On the evening of 14 July 1995, at 2102 hours a radio-telephone conversation was intercepted in which Major JOKIĆ attempted to reach Colonel BEARA.[456] In the course of the call, he was connected to Colonel BEARA, and told him that there were "big problems with the people, I mean, with the parcel." [457] (Chapter Seven, paragraph 7.64).

12.11 On 15 July 1995, Colonel BEARA was noted discussing prisoner issues with first General-Major ŽIVANOVIĆ, and then with General-Major KRSTIĆ (refer to Chapter Nine, paragraphs 9.12 through 9.15 for complete transcripts and details).

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[451] Intercepted military telephone communication between "B" Beara and Lućić, 13 Jul. 1995, at 1009 hours.
[452] VRS Main Staff Order 03/4-1629, (OTP English translation), 13 Jul. 1995.
[453] KDK Order 03/156-12, *supra* n. 333.
[454] VRS Main Staff Order 3/4-1638, *supra* n. 378.
[455] IKM DK Message 08-444-10, *supra* n. 143.
[456] "Badem" is the telephonic code name for the 1st Bratunac Light Infantry Brigade Command Post.
[457] As noted in various other telephonic communications, the phrase "parcel or package" refers in general to prisoners or people.

12.12 Turning to 16 July 1995, the involvement of other VRS Main Staff officers with members of the VRS Drina Corps Staff continues. At 1111 hours on 16 July, Colonel BEARA was discussing prisoner-related issues with Colonel CEROVIĆ of the Drina Corps. Colonel CEROVIĆ noted that Colonel TRKULJA had been with him, and Colonel TRKULJA had indicated "he had instructions from above, and that triage had to be done today on the prisoners" (see Chapter Nine, paragraph 9.19 for full transcripts).[458] In response to the comment about "triage," BEARA stated, "I don't want to talk about it on the phone."

12.13 Later on 16 July 1995, there was a telephone conversation between the Main Staff Duty officer and a General (identified as General-Colonel MLADIĆ). This conversation related to a report received from the RS President stating that Lieutenant Colonel PANDUREVIĆ had opened a passage for the Muslim column (refer to Chapter Seven, paragraph 7.72). The Main Staff Duty Officer reported to the General that he is waiting for the duty officer (presumably the Drina Corps duty officer), to call him back. He also reports to the General that he talked to "Krsto" down there, and that it is going well.[459]

12.14 On 17 July 1995, the VRS Main Staff issued an order pertaining to military operations in the zone of the VRS Drina Corps. Main Staff order 03/4-1670, pertains to the integration of operations "to crush lagging Muslim forces."[460] This order directed two separate actions to occur. First, it directed three officers from the Main Staff, Colonel Nedo TRKULJA, a Colonel Milovan STANKOVIĆ and a Colonel SLADOJEVIĆ to the Command of the Zvornik Brigade. These officers were directed to

> "...assist in the planning and joining of VRS and MUP forces, and the planning and coordination of combat operations to block, crush and destroy lagging Muslim forces in the wider area of Kamenica and Cerska."
>
> "The team from the Main Staff of the VRS shall assess the situation on the Brigade's front line and in the rear, the available forces, and hear out the proposal and opinion of the Commander of the 1.Zvpbr [1st Zvornik Infantry Brigade]. On this basis, they are to draw up a plan together with the Brigade Commander to comb the terrain, block crush and destroy the straggling parts of the wider areas of Kamenica, Cerska and Udrić."[461]

The second action was directed against Muslim actions in the areas of Bratunac, Milići and Drinjača. This part of the order reads as follows:

> "As of 17 July, the forces of the 1. Brlpbr [Bratunac Light Infantry Brigade], the 1. Mlpbr [Milići Light Infantry Brigade], the 67. PV [Communications Regiment], the VP Battalion of the 65.Zmpt [Military Police Battalion of the 65th Protection Regiment] and MUP forces engaged in the wider areas of Bratunac, Milići and Drinjača will comb the territory in the zone Bratunac-Drinjača-Milići-Bešići village with the aim of discovering and destroying lagging Muslim groups. I appoint Lieutenant Colonel KESEROVIĆ, the officer for Military Police in the GŠVRS [VRS Main Staff] Security Administration, as the commander of all the aforementioned forces during the conduct of the aforementioned task. The deadline for the completion of this work shall be 19 July 1995 at 2000 hours. As order for further engagement towards Cerska shall be proposed to me by Lieutenant

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458 Intercepted military telephone communication between "C" Cerović and "B" Beara, 16 Jul. 1995, at 1111 hours, *supra* n. 391.

459 Intercepted military telephone communication between "M" Mladić and "D" Duty Officer, 16 Jul. 1995, at 1615 hours.

460 VRS Main Staff Order 03/4-1670, *supra* 393.

461 *Ibid.*

Colonel KESEROVIĆ on 19 July 1995. Control of military operations must be carried out from the Command Post of the VP [Military Police] Battalion of the 65. Zmpt." [462]

As a component of this order, the commanders of the Zvornik Brigade, and the other brigades engaged in combing the terrain, shall through the competent municipal organs provide the manpower from the "civilian protection" to "restore the terrain" (asanacija).[463] This task must be carried out at the same time that the terrain is being swept.[464]

12.15 This order, signed by Colonel-General Ratko MLADIĆ as Commander of the Main Staff, does two things. First, from the period of 17 July 1995 through 2000 hours on 19 July 1995, it places the forces of the Military Police Battalion of the 65th Protection Regiment, elements of the Bratunac Brigade, and elements of the Milići Brigade under the temporary command of Lieutenant Colonel KESEROVIĆ of the VRS Main Staff. This applies to the forces from those units which are operating within the designated area bounded by the towns of Bratunac, Drinjača, Milići, and the village of Bešiči. While such a command move is not unprecedented, it is somewhat unusual, given that the majority of units (as well as the terrain) are in the zone of the VRS Drina Corps, and that these units were operating under the control of the Commander of the Bratunac Brigade.[465] The most probable explanation for this move was the fact that sometime during the period between 17 and 19 July 1995, the Commander of the Bratunac Brigade was no longer able to exercise command of those combined formations as a result of being ordered to join the Bratunac Brigade forces deployed at Žepa.[466]

12.16 As noted above (paragraph 12.14) the second thing the order directed was that the three VRS Main Staff colonels go to the Command of the Zvornik Brigade, to assist in planning and coordinating the ongoing combat activities. Unlike the case of Lieutenant Colonel KESEROVIĆ, these three officers were not specifically directed to take command of either the units of the Zvornik Brigade, or the MUP units. Their function was to assist the Brigade Commander in developing the best plan to ensure the "destruction of the armed Muslim groups". While Colonel TRKULJA was already noted as present at the Drina Corps Command Post on 16 July 1995, (paragraph 12.12), the dispatch of the other two officers was probably related to the 16 July 1995 Interim Combat Report sent by Lieutenant Colonel PANDUREVIĆ.[467] In this Interim Report, Lieutenant Colonel PANDUREVIĆ noted he had opened a corridor for the Muslim column to move out of his territory. Of note, the presence of these three colonels is not reflected in either the Daily or Interim Combat Reports of the Zvornik Brigade.

12.17 Another intercept of VRS communications notes that on 17 July 1995, General-Major KRSTIĆ probably had a discussion with General-Colonel MLADIĆ. In the course of the conversation, General-Major KRSTIĆ was told that he should proceed at "full

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[462] *Ibid.*
[463] Vojni Leksikon, *supra* n. 300.
[464] VRS Main Staff Order 03/4-1670, *supra* n. 393.
[465] 1.Brlpbr Daily Combat Report 03-253-106, *supra* n. 41. This report reflects that during the day, "the Commander of the Brigade visited all units blocking the enemy retreat (1st Milici Brigade, the 5th Engineer Battalion, the MUP and the units of the 65th Protection Regiment), and he defined their tasks, and organized their joint actions and communications."
[466] 1.Brlpbr Order 468-2, (OTP English translation), 16 Jul. 1995 (directing the 1st Infantry Battalion to withdraw from its current deployment area and to be prepared to deploy for Žepa by 0700 hours on 17 July 1995); 1.Brlpbr Daily Combat Report 03-253-108, *supra* n. 199, (indicating the 1st Infantry Battalion leadership as the Brigade Commander).
[467] 1.Zvpbr Interim Combat Report 06-218, *supra* n. 272.

steam ahead". Further, MLADIĆ told KRSTIĆ that, "I didn't accept the Muslim conditions," and he should "keep going."[468]

12.18 In summary, as detailed in this and previous chapters, the VRS Main Staff was a significant participant in the planning, decisions and execution of the events surrounding the criminal acts as charged. This presence is personified at the beginning by the physical presence and direction of the Commander of the VRS Main Staff, General-Colonel Ratko MLADIĆ. Further, subordinate officers of the VRS Main Staff were frequently noted directly coordinating with both the Drina Corps Commander and members of his staff, particularly during the commission of the criminal acts as charged. Operating within the framework of the established military hierarchy, the Commander of the Main Staff (either directly or through his staff) provided direction and guidance to the Command of the VRS Drina Corps. This in turn, was acted on, and responded to, either directly by the Corps Commander, or through his staff or subordinate commanders. This military hierarchy was maintained for both the prosecution of combat activities, and the execution of the criminal acts during the relevant period.

[468] Intercepted military telephone communication between "K" Krstić and "M" Mladić, 17 Jul. 1995, at 1950 hours, *supra* n. 360.

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CHAPTER THIRTEEN: Conclusions

13.0 In keeping with the goals and scope of this report, the conclusions drawn in this report will focus primarily on the issues of military command and control relative to General-Major Radislav KRSTIĆ and the VRS Drina Corps during the period of the criminal acts as charged in the indictment. As such, three specific issues will be addressed. First, the issue of when and under what circumstances General-Major Radislav KRSTIĆ became the commander of the VRS Drina Corps. Second, his direct knowledge and involvement during the relevant period charged in the indictment. And finally, the command and control he exercised (as the designated senior officer) over subordinate soldiers and formations of the VRS Drina Corps during the relevant period.

13.1 In examining these issues, the authorities and responsibilities of General-Major KRSTIĆ are reviewed within the framework of applicable RS laws and VRS military regulations that were in effect during the period.[469] Using these as the applicable standards of his military service, his position as both a VRS "Superior Officer" as well as a "Commander" in the VRS will be discussed.

A. General-Major KRSTIĆ as First the Chief of Staff, and on 13 July 1995, the Commander of the VRS Drina Corps

13.2 As detailed in Chapter Eight of this report, during the period between August 1994 and the late afternoon-early evening hours of 13 July 1995, General-Major Radislav KRSTIĆ functioned as the Chief of Staff of the VRS Drina Corps. During the evening of 13 July 1995, for reasons that are currently not clear, General-Major KRSTIĆ began exercising full command of the VRS Drina Corps. This assumption of command by General-Major KRSTIĆ occurred with the knowledge of the VRS Drina Corps Staff, and the former Corps Commander, General-Major ŽIVANOVIĆ. Written orders were signed by General-Major KRSTIĆ as the Drina Corps Commander and were issued by the Corps Staff during the evening of 13 July 1995. They were duly followed by the relevant Drina Corps subordinate formations. By 14 July 1995, RS President KARADŽIĆ personally codified this change of command in the VRS Drina Corps, by issuing the appropriate appointment orders.

13.3 Despite the fact that the reasons for this change of Corps Command remain unclear to this analyst, there was no ambiguity as to the authority of General-Major KRSTIĆ to exercise command of the Drina Corps within the Corps itself during that period. The orders of General-Major KRSTIĆ (as the Corps Commander) were issued, and followed by his subordinate commanders. They were also issued with the knowledge of his superior command, the Main Staff of the VRS. There is no known information that indicates the assumption of command of the Drina Corps by General-Major KRSTIĆ was anything other than a legally or militarily proper change in the command structure of the Corps.

13.4 Further, under the regulations in effect during the period, it is a change in command that did not necessarily need to occur. As the Drina Corps Chief of Staff and Corps Deputy Commander, General-Major Radislav KRSTIĆ was fully empowered to issue relevant orders in that capacity, at least for a period of time. Written orders signed by General-Major KRSTIĆ as the "Commander of the Drina Corps" could have just as

[469] These are outlined in the *VRS Corps Command Responsibility Report*, *supra* n. 33.

easily been issued by the Corps Staff under the signature heading of General-Major KRSTIĆ, "Corps Deputy Commander", or under the signature heading of General-Major ŽIVANOVIĆ as the "Commander" (being then signed in his name by General-Major KRSTIĆ as the authorizing official). The fact that Drina Corps order 01/4-157-5 was issued and signed on 13 July 1995 under the signature block of General-Major KRSTIĆ as the Corps Commander underscores the knowledge that this assumption of command by General-Major KRSTIĆ was official, proper, and permanent. This was even recognized as such when on 14 July 1995, the Command of the Bratunac Brigade responded to a Drina Corps order pertaining to a "farewell ceremony" being arranged for the former Corps Commander, General-Major ŽIVANOVIĆ.

13.5 In performing his military responsibilities as the Drina Corps Chief of Staff and Deputy Commander (under the relevant regulations), General-Major KRSTIĆ had a unique role within the structure of the Corps.[470] He was the principal advisor to the Corps Commander, and the primary facilitator through which the Commander's intent, orders and directives are organized and processed for execution by the Corps Staff and subordinate units. In directing the Corps Staff, he remained accountable to the Corps Commander.

13.6 When General-Major Radislav KRSTIĆ became the VRS Drina Corps Commander on the evening of 13 July 1995, he assumed the full responsibilities of that position. As previously referred to in Chapter Eight, he:

> Bears responsibility for the accomplishment of a mission. He takes decisions, gives assignments to his subordinates, organizes coordination and cooperation, and controls the implementation of decisions. He is responsible for harmonizing the activities of his command, subordinated commands and headquarters and appropriate socio-political communities and organizations in integrating combat actions and all other forms of struggle and popular resistance in the assigned zone.[471]

As such, he was personally, directly, and legally empowered to "lead the operations of the Corps Command, assign tasks to his subordinate officers, ensure they are carried out, and bear full responsibility for their completion."[472]

13.7 Further, despite the fact that the Corps Commander can delegate some of his authorities to subordinate commands, commanders and staff officers, he continues to "bear responsibility for the situation in those units, and for the work of the officers to whom he has transferred those authorities."[473]

B. The Direct Involvement and Knowledge of General-Major KRSTIĆ During the Relevant Period

13.8 As examined through the course of this narrative, General-Major Radislav KRSTIĆ was an active and knowledgeable participant in the actions occurring relative to the criminal acts as charged in the indictment.

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[470] *Rules for Land Forces Corps (Provisional)*, *supra* n. 309.
[471] *Ibid.*, para. 65.
[472] *Instructions on How the 4th Corps Command is to Operate when carrying out Priority Assignments in Peacetime and Wartime*, *supra* n. 336, p. 14.
[473] *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime*, *supra* n. 37, art. 6.

13.9 As the Drina Corps Chief of Staff, he took an active role in coordinating the arrival and later the departure of the buses carrying the Muslim civilians out of Potočari. During this time, he visited Potočari, where he gave an interview "guaranteeing the safety of the (Muslim) civilian population."

13.10 By the morning of 13 July 1995, not only were the separations still occurring in Potočari, but hundreds of Muslim males were surrendering to Drina Corps and other VRS forces along the road from Bratunac to Konjević Polje to Nova Kasaba. These prisoners were assembled, and by the late afternoon many were on their way to detention sites in and around Bratunac. However, there were two major exceptions - the Cerska Valley and Kravica Warehouse. At these locations, hundreds of Muslim males were executed. At about this same time, General-Major Radislav KRSTIĆ became the Commander of the VRS Drina Corps.

13.11 On 14 July 1995, General-Major Radislav KRSTIĆ was engaged in the process of assembling the necessary military forces to capture the UN "safe area" of Žepa. He also remained in contact with other units and commanders of the VRS Drina Corps. By the afternoon and evening of 14 July 1995, the mass executions of Muslim males in the zone of the Zvornik Brigade (Orahovac and Petkovci Dam) were underway.

13.12 In the morning 15 July 1995, General-Major KRSTIĆ was noted directly discussing the issue of prisoners with Colonel BEARA of the VRS Main Staff Security Administration. Colonel BEARA underscored that without the promised soldiers, he would not be able to "distribute the 3,500 remaining parcels." Colonel BEARA also noted that the soldiers were to come from Drina Corps units and they were supposed to have arrived. While General-Major KRSTIĆ was clearly concerned about this, to the point of directing Colonel BEARA to talk to the Commanders of the Bratunac Brigade and the Milići Brigade, he also noted that he could not pull any more forces from "here" without disturbing this axis (presumably the attack on Žepa). However, he ended the conversation by telling Colonel BEARA that he "will see what [he] can do." Later that same day, Lieutenant Colonel Vinko PANDUREVIĆ, the Commander of the Zvornik Brigade sent his written report to the Command of the Drina Corps, where he noted that there were "large numbers of prisoners distributed in schools in the brigade area." He also noted that in addition to having to fight the Muslim column, his forces were also involved in "security operations" and the burial of the bodies (asanacija). Finally, he made it clear that his unit could no longer deal with these issues, and that if "no one" takes responsibility, he would be forced to "let the prisoners go".

13.13 These reinforcements begin to arrive on 16 July 1995 and the executions in the zone of the Zvornik Brigade resumed (Branjevo Military Farm, Pilica Cultural Center and Kozluk). Some of these reinforcements arrived from other units of the VRS Drina Corps, and some came from outside the Corps (e.g., the 10th Sabotage Detachment). Lieutenant Colonel Vujadin POPOVIĆ, the Drina Corps Assistant Commander for Security Affairs was also personally present to assist in the process.

13.14 By the next day (17 July 1995), Lieutenant Colonel POPOVIĆ was reporting back through the Drina Corps Command (he tried specifically to reach the "General") and stated that everything had been finished, and the job should get a "Grade A".

13.15 Despite his involvement (and even his physical presence in or near the Drina Corps Forward Command Post) for the Žepa operation, General-Major KRSTIĆ remained fully aware and actively involved in both the engagement of the Muslim

column by the VRS forces and the mass execution of Muslim males. As the actions of the Muslim column against the units of the Zvornik Brigade disrupted the mass execution process, additional units had to be found to finish the job. In many cases, the problems arose because troops that were to come from the Višegrad area did not arrive, either through a mechanical breakdown of their transport, or as a result of the local commander employing them for combat duty near Žepa. At the same time, all the remaining combat assets of the Zvornik Brigade were engaged in a pitched battle against the Muslim column and were not available either. This prompted the call from Colonel BEARA and the report from Lieutenant Colonel PANDUREVIĆ. Either by his own actions, or by the actions of his staff, General-Major KRSTIĆ dealt with these issues. Additional units were found, and at least two of his principal Assistant Commanders (Lieutenant Colonel POPOVIĆ and Colonel CEROVIĆ) became directly involved in the executions that occurred on 16 July 1995. General-Major KRSTIĆ frequently called back through the Corps Duty Officer (and on occasion directly to the Brigade Commander or Duty Officer) to make sure the situation was under control. Finally, on 18 July 1995, Lieutenant Colonel PANDUREVIĆ forwarded a detailed report on the events which had occurred, to include the numbers of Muslim males at one time held within his zone.

13.16 With respect to his associated responsibility as an officer of the VRS under the relevant military regulations (specifically the former *Regulations on the Application of the International Laws of War on the Armed Forces of the SFRY*),[474] Paragraph 20, Personal Responsibility for Violations of the Laws of War applies:

> Every individual (military or civilian) shall be personally accountable for breaches of the rules of the law of war if he/she commits a violation him/herself, or orders one to be committed. Ignorance of the provisions of the rules of the law of war does not exonerate the transgressors of responsibility. [475]

Further under existing VRS guidelines pertaining to the prevention and prosecution of War Crimes,

> If officers merely find out that units of the Armed Forces of the Army of the Republika Srpska or their members have committed or are committing such acts and take no measures to prevent the consequences or the acts themselves and expose perpetrators to criminal prosecution, this in itself makes them answerable for these criminal offenses. [476]

13.17 As the Commander of the Drina Corps, General-Major Radislav KRSTIĆ further assumed an additional responsibility under the relevant military regulations, those responsibilities related to his holding a position of "command" over subordinates. Paragraph 21 of the former *Regulations on the Application of the International Laws of War on the Armed Forces of the SFRY* details this responsibility for the actions of subordinates:

> An officer shall be personally liable for violations of the rules of the law of war if he knew or could have known that units subordinate to him or other units or individuals were planning the commission of such violations, and, at the time when it was still possible to prevent their commission, failed to take the measures to prevent such violations. That officer shall also be held personally liable who, aware that violations of

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[474] *See, VRS Corps Command Responsibility Report, supra* n. 33, s. 7 (detailing the applicability of these regulations to the officers and soldiers of the VRS).

[475] *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY*, (OTP English translation), 1988, para. 20.

[476] Military Prosecutor's Office, Main Staff of the Armed Forces of Republika Srpska, *Guidelines for Determining the Criteria for Criminal Punishment*, (OTP English translation), Oct. 1992, p. 8.

> the rules of the law of war have been committed, fails to institute disciplinary or criminal proceedings against the offender, or if instituting of proceedings does not fall into his jurisdiction, fails to report the violation to his superior officer.[477]

Further, paragraph 21 states that, "An officer shall be answerable as an accomplice or instigator if, by failure to take action against his subordinates who violates the laws of war, he contributes to the repeated commission of such acts by units or individuals subordinate to him." [478]

13.18 Clearly within the framework of these regulations as well as other relevant RS Laws and VRS Regulations (described elsewhere), General-Major KRSTIĆ was aware of the obligations incurred relating to his individual role and knowledge of the criminal acts as charged in the indictment.[479]

C. The Control of General-Major KRSTIĆ Over the Subordinate Formations of the VRS Drina Corps During the Relevant Period

13.19 During much of the relevant period of the criminal acts as charged, General-Major Radislav KRSTIĆ was the Commander of the Drina Corps. In this position he assumed specific rights and obligations derived from the exercise of "command". The act of exercising "command", (as defined in the SFRJ Military Lexicon) is noted as:

> "Commanding- whereas the commander has the individual (or unique) right to take decisions concerning the use and activities of the unit, to give orders and to organize controls." [480]

13.20 The most fundamental right of General-Major KRSTIĆ as a "Commander" was the "exclusive" right to command the units of the formation of which he was in command. As described in the *Regulations regarding the Responsibility of Corps Command of the Ground Forces in Peacetime*, the Commander has:

> The right to command units and institutions of the organic Corps (formation) is under the exclusive responsibility of the Commander. Units and institutions outside the organic Corps (formation), those temporarily resubordinated, are commanded and controlled by the Commander only within the limits of stipulated authorities. [481]

The Commander is vested with the authority to command his staff, subordinate units, institutions, and personnel which comprise these bodies. Further, he has the right to exercise command over formations that have been temporarily resubordinated to him, within the stated parameters of that subordination.

13.21 Tied directly to this right is the fundamental obligation of the Commander. As stated:

> The Commander may authorize certain officers from the command to command units and institutions of branches or services, but the Commander continues to bear responsibility

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[477] *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the* *supra* n. 475, para. 21.
[478] *Ibid.*
[479] For a complete detailing of relevant RS Laws and VRS regulations pertaining to "War Crimes and Crimes against Humanity" see *VRS Corps Command Responsibility Report, supra* n. 33, ch. 7.
[480] Vojni Leksikon, *Vojnoizdavacki zavod*, p. 222.
[481] *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime, supra* n. 37, art. 6.

> for the situation in those units, and for the work of the officers to whom he has transferred some of his rights.[482]

It establishes the responsibility of a Commander, reiterating the concept that while a Commander can delegate authority to subordinate officers, he remains responsible for the actions of those subordinates.[483]

13.22 Within this established regulatory framework and the VRS military hierarchy, General-Major KRSTIĆ exercised command of his subordinate staff, commanders and units.

13.23 Relative to the presence and influence of Colonel-General Ratko MLADIĆ (as well as other officers of the Main Staff), it should be noted that within the established military hierarchy of the VRS, orders and directives to the VRS Drina Corps are exercised through the Commander, not independent of him. As demonstrated in the body of the narrative, the VRS Drina Corps was an active participant in the planning and execution of the criminal acts as charged.

13.24 During this same period, it is also clear that the VRS Drina Corps military hierarchy was maintained and functioned in accordance with the relevant VRS military regulations. The "chain of command" functioned, with orders being passed from the Corps Command (either directly or through his staff), to subordinate units. At the same time, compliance with these orders was duly reported. Despite the operation occurring against Žepa, the combat occurring in the zone of the Zvornik Brigade, and the criminal acts taking place (as charged), the command and control system of the VRS Drina Corps functioned as envisioned in the relevant regulations. Until 17 July 1995, there were no indications that any Drina Corps formation(s) (except the previously noted 4th Drinski Brigade) operated outside the control of the Drina Corps Command (refer to paragraph 12.14). Further, this noted temporary resubordination of select Drina Corps units was conditional, limited in duration and occurred in chronological sequence *after* the last of the mass executions.

13.25 Finally, with respect to the subordinate Brigade Commanders and Brigade Commands of the VRS Drina Corps, there are no indications that outside or external entities (command or security) assumed command and control of the units for the commission of criminal acts. The physical presence of staff officers from the VRS Drina Corps, as well as the VRS Main Staff, did not alter the command chain in this regard. The relevant commanders were aware of their physical presence in the zones, and (as detailed by the Commander of the Zvornik Brigade on two separate occasions), the activities that these staff officers were coordinating.

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[482] *Ibid.*

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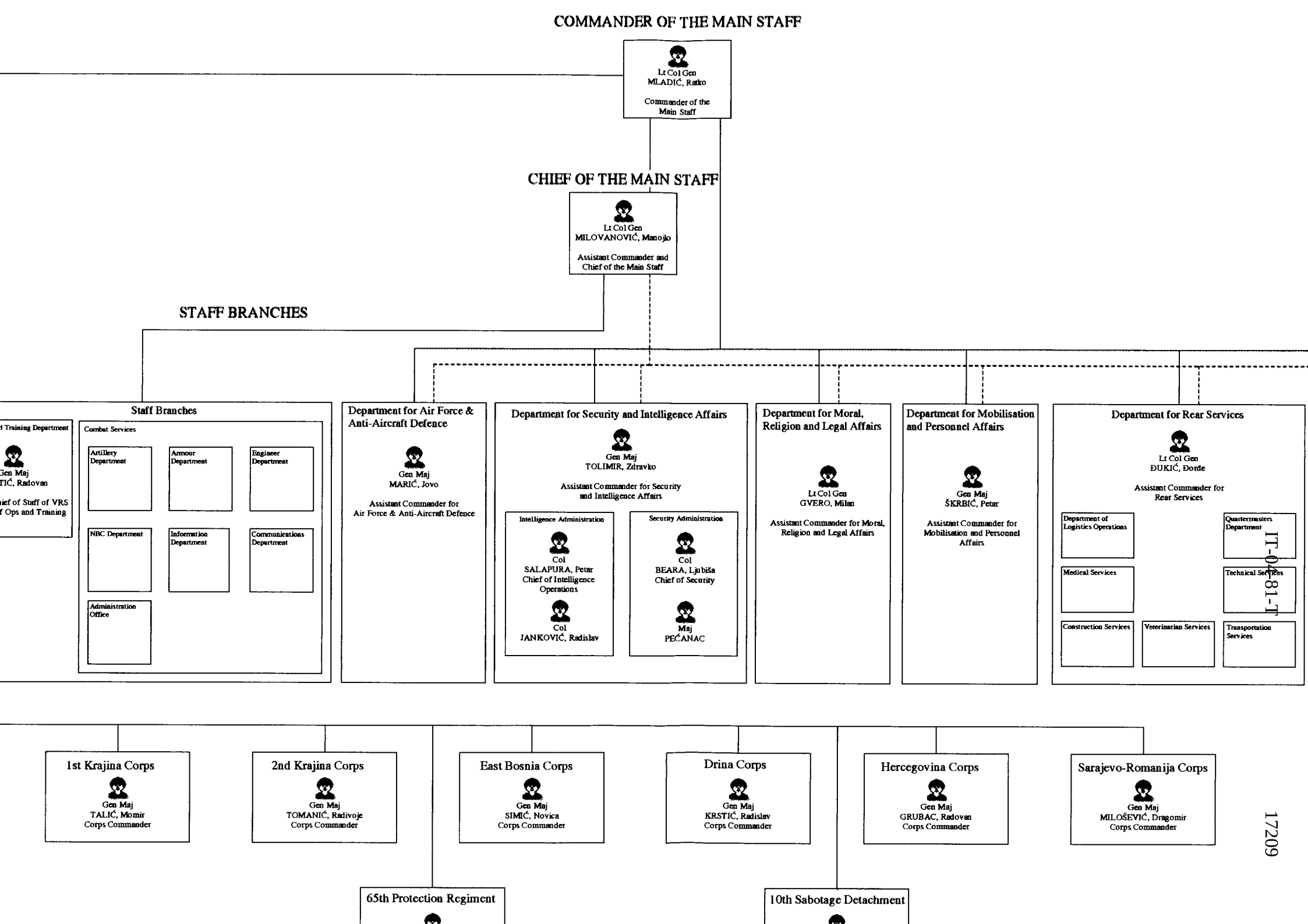
15. Document collection seized by the Office of the Prosecutor from the VRS 503rd Motorized Brigade, formerly the 1st Zvornik Infantry Brigade (1.Zvpbr) of the Drina

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Corps, VRS.

16. Document collection seized by the Office of the Prosecutor from the VRS 513th Infantry Brigade, formerly the 1st Bratunac Light Infantry Brigade (1.Brlpbr) of the Drina Corps, VRS.

17. Document collection seized by the Office of the Prosecutor from the VRS 1st Corps, formerly the 1st Krajina Corps of the Army of the Republika Srpska.


COMMANDER OF THE MAIN STAFF
Lt Col Gen
MLADIĆ, Ratko
Commander of the Main Staff
CHIEF OF THE MAIN STAFF
Lt Col Gen
MILOVANOVIĆ, Manojlo
Assistant Commander and Chief of the Main Staff
STAFF BRANCHES
Staff Branches
Training Department
Gen Maj
TIĆ, Radovan
ief of Staff of VRS
f Ops and Training
Combat Services
Artillery Department
Armour Department
Engineer Department
NBC Department
Information Department
Communications Department
Administration Office
Department for Air Force & Anti-Aircraft Defence
Gen Maj
MARIĆ, Jovo
Assistant Commander for Air Force & Anti-Aircraft Defence
Department for Security and Intelligence Affairs
Gen Maj
TOLIMIR, Zdravko
Assistant Commander for Security and Intelligence Affairs
Intelligence Administration
Col
SALAPURA, Petar
Chief of Intelligence Operations
Col
JANKOVIĆ, Radislav
Security Administration
Col
BEARA, Ljubiša
Chief of Security
Maj
PEĆANAC
Department for Moral, Religion and Legal Affairs
Lt Col Gen
GVERO, Milan
Assistant Commander for Moral, Religion and Legal Affairs
Department for Mobilisation and Personnel Affairs
Gen Maj
ŠKRBIĆ, Petar
Assistant Commander for Mobilisation and Personnel Affairs
Department for Rear Services
Lt Col Gen
ĐUKIĆ, Đorđe
Assistant Commander for Rear Services
Department of Logistics Operations
Quartermasters Department
Medical Services
Technical Services
Construction Services
Veterinarian Services
Transportation Services
1st Krajina Corps
Gen Maj
TALIĆ, Momir
Corps Commander
2nd Krajina Corps
Gen Maj
TOMANIĆ, Radivoje
Corps Commander
East Bosnia Corps
Gen Maj
SIMIĆ, Novica
Corps Commander
Drina Corps
Gen Maj
KRSTIĆ, Radislav
Corps Commander
Hercegovina Corps
Gen Maj
GRUBAC, Radovan
Corps Commander
Sarajevo-Romanija Corps
Gen Maj
MILOŠEVIĆ, Dragomir
Corps Commander
65th Protection Regiment
10th Sabotage Detachment

IT-04-81-T

Co-ordinat

NOTE: Co-ordination funct
Staff personnel have n

CORPS COMMANDER

Drina Corps Commander

Gen-Maj
KRSTIĆ, Radislav

CHIEF OF STAFF DEPUTY COMMANDER

Chief of Staff/ Deputy Commander

Deputy Chief of Staff is the Chief of Operations and Training Section

CORPS STAFF

CORPS BRANCHES

Corps Staff

ations and Training Section

Col
LAZIĆ, Milenko

Col
OGNJENOVIĆ, Slavko

Section for Reinforcement and Personnel Matters

Lt Col
JOVIČIĆ, Radenko
Chief of Reinforcement and Personnel

Intelligence Section

Lt Col
KOSORIĆ, Svetozar
Chief of Intelligence

Maj
GOLIĆ, Pavle

4th Radio Recconnaissance Platoon

Lt
PETROVIĆ, Mirko

Lt Col
BLAGOJEVIĆ, Nedo
Chief of Communications and Electronic Security

Capt 1st Class
AVRAMOVIĆ, Milenko
Chief of Engineering

Col
MILANOVIĆ, Ignjat
Chief of Anti-Aircraft Defence.

Currently Unidentified

Chief of Armoured and Mechanised Forces

Department for Security

Lt Col
POPOVIĆ, Vujadin

Assistant Commander for Security

Department for Moral Guidance and Legal Affairs

Col
CEROVIĆ, Slobodan

Assistant Commander for Moral Guidance and Legal Affairs

Body for Moral Guidance

Body for Legal Affairs

Political Section

Military Club

Department for Rear Services

Quartermaster Service

Transportation Service

Lt Col
KRSMANOVIĆ, Rajko

Col
AĆAMOVIĆ, Lazar

Assistant Commander for Rear Services

Technical Service

Maj
BAŠEVIĆ, Tomisav

Rear Operations

Lt Col
ŠOBOT, Ljubo

Veterinarian Service

Body for Develop Planning and Fin

IT-04-81-T

RDINATE UNITS

17208

Bde (1.Vlpbr)

1st Zvornik Bde (1.Zvlpbr) Commander
Lt Col

1st Milici Bde (1.Mlpbr) Commander
Lt Col

1st Bratunac Bde (1.Brlpbr) Commander
Col

Skelani Separate Bn Commander
Col

1st Rogatica Bde (1.Plbpr) Commander
Maj

5th Visegrad-Gorazde Bde (5.Plbpr) Commander
Maj

2nd Romanija Motorized Bde (2. Rmbtr), Commander
Col

5th Engineer Bn (5.inžz) Commander
Capt 1st Class

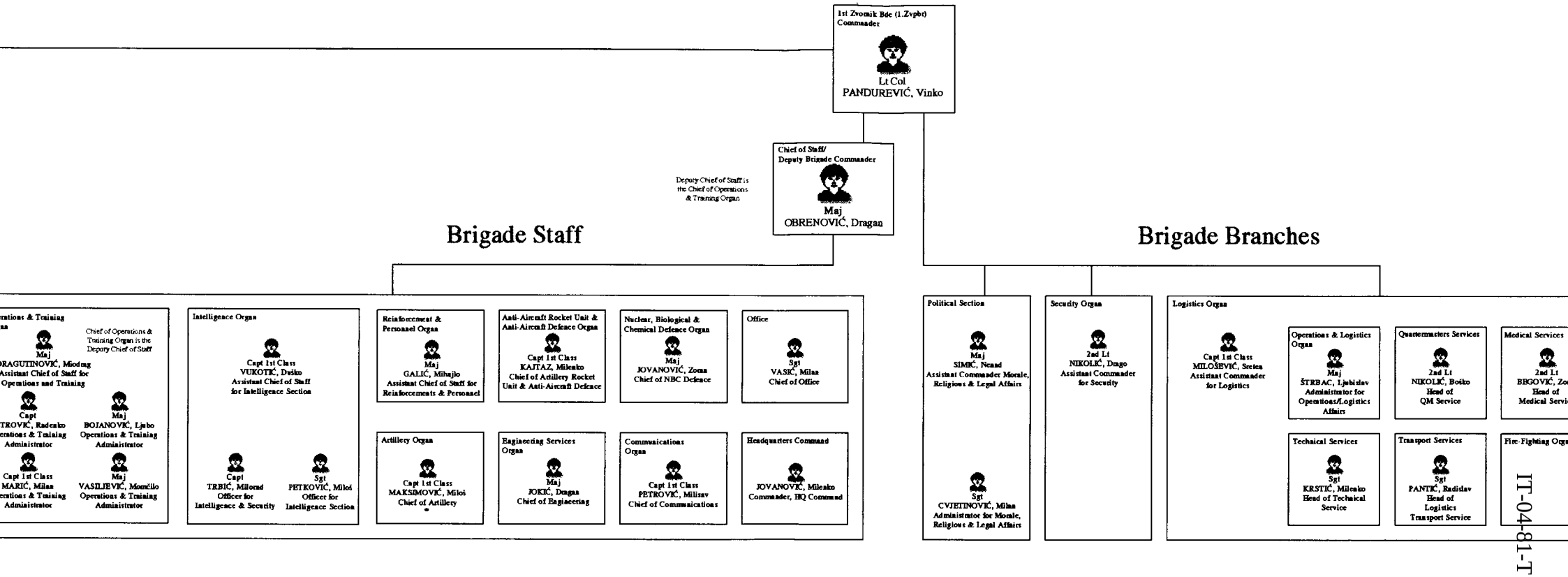
5th Mixed Artillery Regt (5. MAP), Commander

5th Military Police Bn (5. bvp) Commander
Maj

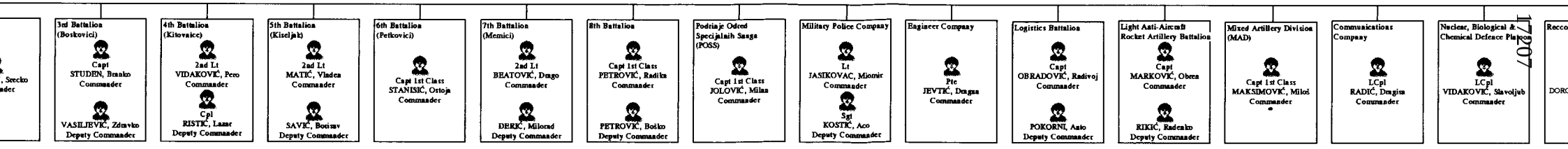
5th Communications Bn (5. bv) Commander
Maj

4th Drinski Bde (Trnovo) Commander
Col

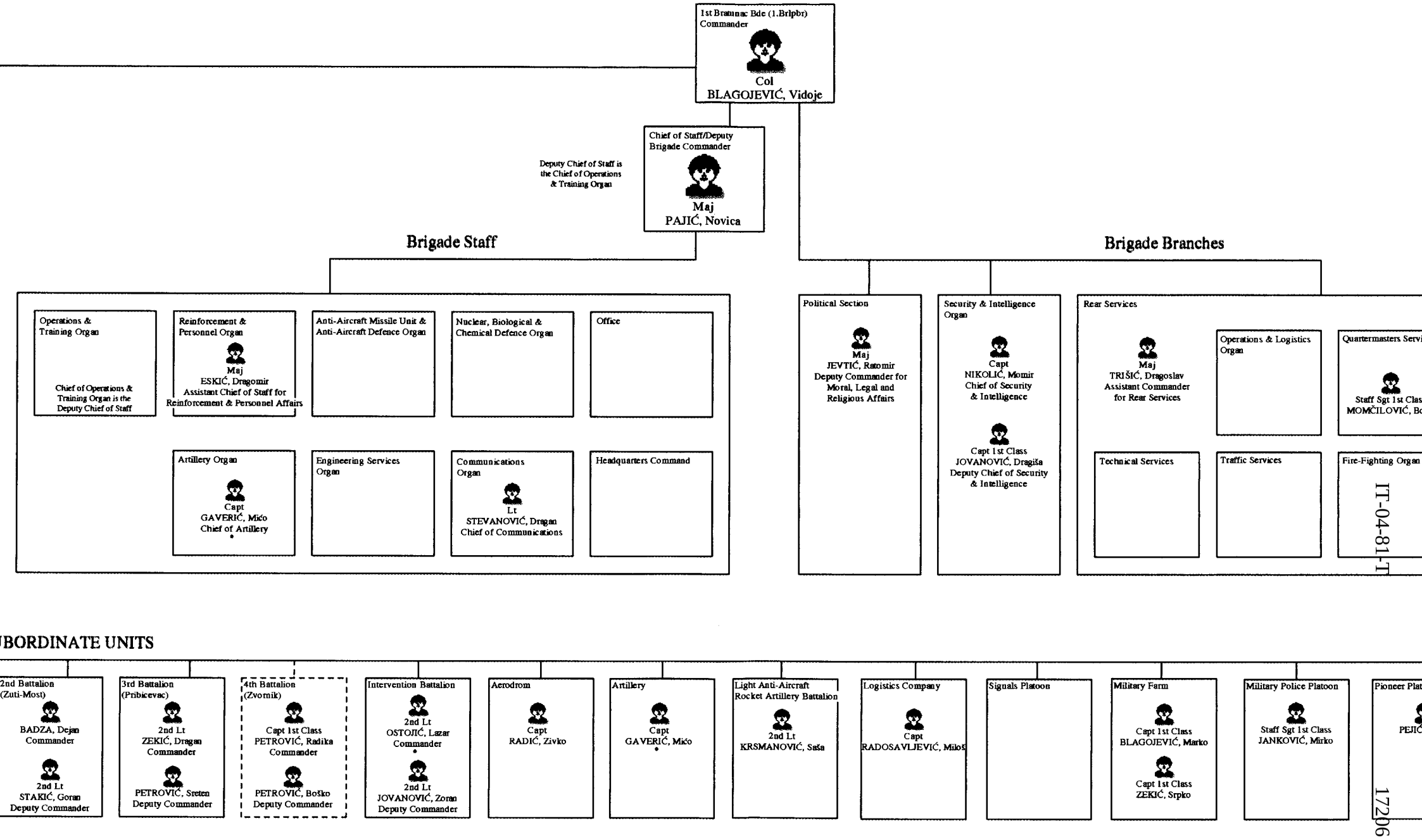
RNIK INFANTRY BRIGADE STRUCTURE



BORDINATE UNITS



ATUNAC LIGHT INFANTRY BRIGADE STRUCTURE



UBORDINATE UNITS

IT-04-81-T
17206

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-04-81-T

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC ANNEX 3 TO

SUBMISSION OF EXPERT REPORTS BY RICHARD BUTLER:

Srebrenica Military Narrative (Revised) Operation Krivaja 95

01134290

01 November 2002

SREBRENICA MILITARY NARRATIVE (Revised)

OPERATION "KRIVAJA 95"

Introduction

As a result of the continuing investigation by the Office of the Prosecutor into the crimes (as charged) related to the Srebrenica 1995, there is a requirement to revise and update the "Srebrenica Military Narrative" to reflect information gained since the original Srebrenica Military Narrative was published on 15 May 2000.[I] As such, this revised narrative is published.[II]

Unlike the original version of the "Narrative", which dealt exclusively with the case of the *Prosecution v. Radislav Krstić,* this revised edition is designed to service two related issues. First, to examine the information which links the Army of the Republika Srpska (VRS) to the multitude of criminal acts which occurred relative to the capture of the Srebrenica "safe area" in July 1995, as charged by the Office of the Prosecutor in Indictment IT-02-60 PT (as amended), the *Prosecutor v. Vidoje Blagojević, Dragan Obrenović, Dragan Jokić and Momir Nikolić.* Second, to maintain (in context) relevant information with respect to the ongoing appeal of Radislav Krstić (IT-98-33 A).

Keeping these two goals in mind, this edition of the "Srebrenica Military Narrative" will follow the same general format and analytical processes as the original version. However, it is tailored to some degree with respect to the accused Blagojević, Obrenović, Jokić and Nikolić. Thus, while much of the information may remain as before, it will be viewed in the context of "Brigade" level as opposed to the "Corps" level of command. In this respect, this narrative should be read in conjunction with the *VRS Brigade Command Responsibility Report,*[III] which defines the roles and functions of a VRS Brigade and the relevant Brigade Staff.

With respect to the second objective, this edition of the "Narrative" will detail and analyze the relevant material that fixes the specific time frame that General-Major Radislav Krstić assumed and began exercising command of the Drina Corps. This has a direct bearing on his authorities and responsibilities as a "Corps Commander" relative to the criminal acts as charged, and is an issue on appeal. Moreover, as subordinates of General-Major Krstić at the time of the commission of the crimes, each of the current accused, Blagojević, Obrenović, Jokić and Nikolić had direct or indirect dealings with respect to General-Major Krstić and the Drina Corps Command. Given the chain of command, and issues arising from it during the commission of the crimes, this version also examines the linkage between the accused and the Drina Corps Commander, his staff, and the VRS Main Staff.

[I] Tendered as Prosecution Exhibit 403 in the *Prosecutor v. Radislav Krstić.*

[II] IT-02-60 PT Status conference, dated 19 July 2002.

[III] *VRS Brigade Command Responsibility Report*; dated 31 October 2002.

In order to accomplish these objectives in the most effective way possible, this revised edition has been divided into thirteen complimentary chapters.

Chapter One consists of a limited historical background, pertaining to the history of the VRS Drina Corps from its creation on 01 November 1992 and its activities related to the UN designated "safe area". It also serves to establish the historical association that the various accused maintained with the region and events. As before, this historical overview is not designed to be a fully definitive history of the events from 1992 through 1995, but is limited to that information necessary to subsequent events and issues into context. As such, many details of the battles between the Bosnian Serbs and the Bosnian Muslims over the region are not addressed. For the same reason, this historical overview does not address the history of the various UN units operating inside the "safe areas", or the policies of the United Nations in creating or administering the Srebrenica "safe area". Detailed historical accounts of the conflicts and the policies related to Srebrenica are available in various public reports, books and documents.

Chapter Two consists of a description of the various units and personalities who are fundamental to the criminal acts as charged. Coupled with the *VRS Brigade Command Responsibility Report*, it defines the legal, functional, and personal relationships within the RS Army and the chain of command. It also outlines the legal and functional relationship between the VRS and the RS Police (MUP) related to military operations.

Chapter Three details the VRS operation against the UN designated Srebrenica "safe area". This chapter will examine the relevant operations plans and orders of the VRS, as well as the actual attack (through the capture of Srebrenica town). Further, the actions of the Muslims in relation to the capture of Srebrenica are outlined. This includes the decision for most of the Muslim men to attempt to escape towards "friendly" territory (referred to as "the column"), and for others, to seek the protection of the UN at Potočari.

Chapter Four is titled "Meetings and Decisions." This section pertains to the series of meetings that occurred at the Hotel Fontana between Commanders of the VRS, the Bosnian Serb civilian authority, the Dutch UNPROFOR Battalion, and the hastily designated Muslim civilian representatives. These meetings took place on the evening of 11 July 1995 and the morning of 12 July 1995. The events that transpired at these meetings are of importance (particularly in relation to the movement of the Muslims from the "safe area"), and set the stage for the criminal acts which follow the VRS capture of the Srebrenica "safe area".

Chapter Five deals with the first series of charged criminal events, those pertaining to the area of Potočari and the movement of Bosnian Muslims out of the former enclave. The specific involvement of the Main Staff of the VRS, the Drina Corps Command, the 1st Bratunac Light Infantry Brigade, and other units (inclusive of the MUP) in this process are examined.

Chapter Six deals with the series of charged crimes related to the assembly, detention, and in select cases, execution of Bosnian Muslim men who were captured or surrendered from the column. Related to this is the detention of the Muslim males separated at Potočari. In constructing these events, the specific linkage between the crime scenes and the military units of the Drina Corps, and specifically the 1st Bratunac

Light Infantry Brigade will be examined. This particular chapter represents a significant revision from the original version, in part due to a great deal of new information obtained by the Office of the Prosecutor since June 2002. As such, the activities and the knowledge of the Republika MUP (Ministry of the Interior) Special Police Forces, and their relationship with the local VRS forces is this area is detailed to a much greater degree than was possible in the original "Narrative". Chapter Six is sub-divided based on the known crimes scenes, and not necessarily in chronological order. Further, relevant witness and survivor experiences (as related in court testimony) are included, to the limited extent necessary, to put each event in the required context.

Chapter Seven details the five known large-scale, organized mass executions that occurred in the 1st Zvornik Infantry Brigade zone which began on 14 July 1995 and ended by 18 July 1995. These are collectively referred to as (1) the executions at Orahovac; (2) the executions at the Petkovci Dam; (3) the executions at the Branjevo Military Farm; (4) the executions at the Pilica Cultural Center; (5) and the executions at Kozluk. As in Chapters Five and Six, the specific linkage between the crime scenes and the military units will be examined, particularly with respect to the 1st Zvornik Infantry Brigade. Witness or survivor accounts (as related in court testimony) are again included only as necessary for context.

Chapter Eight encompasses one select aspect of the criminal acts - the information pertaining to Bosnian Muslim males known to be in the custody of the VRS Drina Corps (specifically the 1st Zvornik Infantry Brigade and the 1st Bratunac Light Infantry Brigade) and who are now listed as missing. Many of these references are based on notes from field interrogations of captured Bosnian Muslim soldiers and, in one unique case, formal witness statements taken from four Bosnian Muslim men that were used in legal proceedings against two VRS soldiers (charged with aiding the enemy).

Chapter Nine breaks the broader chronological chain of events and examines two related issues pertaining to the General-Major KRSTIĆ. First, it examines the issue of his role as the Drina Corps Chief of Staff. Second, it examines his role and functions relevant to his position as the Commander of the Drina Corps. In examining this second issue, the timeframe and circumstances under which he became the Drina Corps Commander are addressed.

Chapter Ten examines the broader role which the Drina Corps Command and Staff played in relation to the crimes that occurred in the zone of the 1st Zvornik Infantry Brigade (and detailed in Chapter Seven). By detailing the specific parts played by the principal staff deputies and assistants of General-Major Krstić, this chapter will demonstrate the wide scope of knowledge and participation of the Drina Corps Command in the process.

Chapter Eleven deals with the VRS operation to conceal the results of the criminal acts by engaging in a large-scale campaign to secretly exhume and re-bury the remains of the Bosnian Muslim males executed by the VRS. For this chapter, only the military related activity is examined. As in the case of the previous "Narrative", the considerable body of forensics and other evidence developed by the Investigation Team pertaining to this issue is beyond the scope of this report and is addressed elsewhere.

Chapter Twelve examines the role of the Main Staff of the VRS in the criminal acts as charged. While this military echelon is two above that which the current accused were functioning within, the role played by the Main Staff is important in understanding how the overall plan was executed through the Drina Corps, and how it involved the units and personnel of the 1st Zvornik Infantry Brigade, and the 1st Bratunac Light Infantry Brigade.

The final chapter (Chapter Thirteen) deals with the overall conclusions which I forward as a result of my analysis. These conclusions are limited to the military aspects of this report, particularly with respect to the knowledge or involvement of the accused within the context of the units they commanded (or served in), and the specific units' relationship to the crimes as charged.

In seeking to accomplish the above-noted objectives of this report, a detailed (and sometimes redundant) examination of the military fact base is tendered. This approach serves two purposes. First, in many cases, these facts place a unit (or units) at a specific location and involved in criminal acts as charged. Second, these same facts serve to establish the issue of command, control or knowledge of each of the accused. As such, they are reviewed in each relevant aspect in the respective chapter.

Further, in an effort to maintain both clarity and technical accuracy in the analytical methodology, I have attempted to incorporate as much material as possible from the original version of this report, even in cases where such material may not be directly relevant to the present accused.

In the same manner, I also continue to rely primarily on a document-based analytical approach, and have only incorporated witness (to include suspect) interviews and testimony to the limited extent necessary to place events or observations into the required military context. Moreover, the incorporation, or non-incorporation of witness testimony (or statements) into this "Narrative" should not be taken or implied to represent my "value judgement" or analytical opinion of the accuracy, reliability or truthfulness of any particular witness or testimony.

With respect to the ongoing investigation, and the continuing analysis of material, I note several collections of documents and other material which have only recently been obtained by the Office of the Prosecutor, and which are still undergoing detailed cataloging, translation and analysis. Specifically this includes material obtained in June 2002 from the RS MUP, material obtained from the Federation II Corps (formerly the ABiH II Corps), and a variety of "tactical-level" intercepts from the former ABiH II Corps. While I have attempted to incorporate documents from the RS MUP and ABiH II Corps, the processing of this material remains ongoing. It may be necessary to incorporate additional relevant material from these collections into future updated version of this narrative. Along the same vein, I have presently not included as a part of this analysis the ABiH II Corps "tactical" intercepts, primarily as the investigation has yet to establish the specific circumstances of collection and handling of this material. Should this material be both authentic, and relevant, it too may be included in a future update.

Finally, as noted previously, this Narrative Report is designed to be read in conjunction with the *VRS Brigade Command Responsibility Report*. That report establishes the specific authorities and responsibilities of a VRS Brigade Commander

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and the Brigade Staff, as well as detailing the relevant legal and regulatory basis under which a VRS Brigade Command operates. I also recommend reading the previously published *VRS Corps Command Responsibility Report*[IV] as well. Coupled with this revised "Srebrenica Military Narrative", these reports form the foundations of VRS military command, and the specific linkage to the crimes as charged.

I base this report and its conclusions on my comprehensive analysis of documents, statements, manuals and other relevant material currently in the possession of the Office of the Prosecutor. Both the report and conclusions reflect my knowledge and understanding of this material, as well as the respective unit's structure, organization, and role within the Army of the Republika Srpska as defined by applicable RS laws and military regulations in effect during the conflict in Bosnia and Herzegovina.

References and analytical judgements are noted accordingly.



Richard J. Butler

[IV] Tendered as Prosecution Exhibit 401 in the *Prosecutor v. Radislav Krstić*.

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Srebrenica Military Narrative (revised) – Operation "Krivaja 95"

EXECUTIVE SUMMARY

1. The Drina Corps was formed on 01 November 1992 and became the last of six Corps formations of the Army of the Republika Srpska (VRS). The Drina Corps main headquarters was established in the town of Vlasenica. Previously, this region of Eastern Bosnia operated under a patchwork of Bosnian Serb Territorial Defense (TO), municipal and later VRS units and commands that attempted to expand Bosnian Serb control of the region against the rapidly organizing Bosnian Muslim resistance forces. In this context, two of the more significant units to later play a role in the 1995 VRS capture of Srebrenica were the Zvornik Infantry Brigade and the Bratunac Light Infantry Brigade.

2. From the beginning of the of the Bosnian-Serb takeovers in the Zvornik and Bratunac Municipalities (April 1992), Dragan OBRENOVIĆ and Momir NIKOLIĆ and Vidoje BLAGOJEVIĆ had some form of involvement, either with the former JNA, the Bosnian Serb Territorial Defense, or the newly established VRS. By November 1992, shortly after the establishment of the Drina Corps, the VRS embarked on a campaign to force the Bosnian Muslim population from the Podrinje region, inclusive of the Birač, Žepa and Goradže areas.

3. In April 1993, the United Nations Security Council (Resolutions 819 and 824) created three "safe areas" in the zone of the Drina Corps. These "safe areas" surrounded the primarily Muslim inhabited enclaves of Srebrenica, Žepa and Goražde. With the establishment of the UNSC designated "safe areas", the military confrontation lines around Srebrenica stabilized. Yet, in spite of a UN peacekeeping presence, the continued activities of armed Bosnian Muslim military units inside the Srebrenica enclave required the VRS to maintain a defensive perimeter opposite the "safe-area".

4. In early 1995, the Republika Srpska leadership initiated an effort to make the "Eastern enclaves" (inclusive of Srebrenica) untenable. Part of this effort was to limit the amount of fuel and provisions necessary to support the local population, or the UN forces within the enclaves. Another part of this effort was to physically reduce the size of the enclaves. Minor military operations by the Drina Corps in May and June of 1995 (along the southern edge of the Srebrenica "safe area") set the stage for a major military operation, code-named "Krivaja-95".

5. Operation "Krivaja-95" was the VRS plan to reduce the physical area of the Srebrenica enclave and to isolate it from the nearby Muslim enclave of Žepa. This plan was developed, and for the most part executed, by the Command, Staff and subordinate units of the VRS Drina Corps. At the time the operation commenced, General-Major Milenko ŽIVANOVIĆ was the Commander of the Drina Corps. His Chief of Staff and Deputy Commander was General-Major Radislav KRSTIĆ. The 1st Zvornik Infantry Brigade, under the command of Lieutenant Colonel Vinko PANDUREVIĆ, and the 1st Bratunac Light Infantry Brigade, under the command of Colonel Vidoje BLAGOJEVIĆ, were slated to play significant roles in this operation.

6. The attack against the enclave began on 06 July 1995. As a result of the successful advance of the Drina Corps against the Muslim military and UN (Dutch Battalion) forces, the scope of the operation was expanded on 09 July 1995 to now include the "liberation"

of the town of Srebrenica. This was successfully accomplished by the late afternoon of 11 July 1995.

7. Muslims from the fallen enclave took two courses of action. Starting the evening of 10 July 1995, between 10,000 -15,000 mostly Muslim men began assembling in the north-western corner of the enclave, between the villages of Sušnjari and Jaglići. From here, they formed a long column and began a trek towards Muslim-held territory in the direction of Tuzla. A second, larger group of mostly older men, women and children began assembling outside the UN Dutchbat compound at Potočari.

8. Following the capture of Srebrenica by the VRS, a series of three meetings took place at the Hotel Fontana in Bratunac. Two meetings were held on the evening of 11 July 1995, the third was held on the morning of 12 July 1995. At these meetings, VRS Commander General-Colonel Ratko MLADIĆ dictated to the UN Dutch Battalion Commander, and later to hastily designated Muslim civilian representatives, the planned conditions related to the transportation of Muslims out of the former enclave, and the surrender of Muslim military units. In the company of General-Colonel MLADIĆ during two of these meetings was General-Major KRSTIĆ. Also present was the Assistant Commander for Intelligence and Security of the 1st Bratunac Light Infantry Brigade, Captain First Class Momir NIKOLIĆ.

9. Functioning as the Drina Corps Chief of Staff, General-Major KRSTIĆ was significantly involved in the planning and execution of the transportation of Muslims from the Potočari area. He was observed in Potočari on both 12 and 13 July 1995. While Muslim women, children and some elderly men were being removed, most Muslim males were being physically separated, and were later moved to detention facilities in and around the town of Bratunac. The 1st Bratunac Light Infantry Brigade was heavily involved in this process, again including the physical presence of Captain First Class NIKOLIĆ.

10. At the same time, the Drina Corps became involved in the process of assembling the military units for the next VRS operation against the Muslim enclave around Žepa. These preparations were made more difficult by the size and the intensity of combat occurring as Army units and RS Police units (operating under military control) attempted to prevent the Muslim column from escaping. On 13 July, several thousand Muslim males from the column were captured by (or surrendered to) these units. In many cases, these Muslim men were moved to detention facilities already occupied by men from Potočari. As these facilities filled to capacity, Muslim men were detained on the buses and trucks that brought them.

11. In the afternoon and early evening hours of 13 July 1995, three significant events occurred. First, hundreds of Muslim men from the column were assembled and transported to two separate locations. One of these locations is the Cerska Valley and the other is the Kravica Warehouse. The Cerska Valley was in the zone of either the 1st Milići Light Infantry Brigade or the zone of the 1st Vlasenica Infantry Brigade. The Kravica Warehouse was in the zone of the 1st Bratunac Light Infantry Brigade. All three units are subordinate formations of the VRS Drina Corps. Once the Muslim men were assembled at these locations, they were executed.

12. The second significant event is that General-Major Radislav KRSTIĆ becomes the Commander of the VRS Drina Corps. He personally signs a Drina Corps order directing three subordinate units to begin sweep operations through the former Srebrenica enclave.

In this order, he is identified as the Commander of the Drina Corps. Additional information indicates that (for currently unknown reasons), the former Drina Corps Commander, General-Major Milenko ŽIVANOVIĆ, was relieved, and re-assigned (on disposal) to the Main Staff. This change in command was formally codified by the President of the Republika Srpska on 14 July 1995.

13. The third significant event is that during the evening of 13 July 1995, buses and trucks began the process of moving the Muslim men (those separated at Potočari and those from the column) from the Bratunac area to detention facilities in the zone of the 1st Zvornik Infantry Brigade. By mid-afternoon on 14 July 1995, several thousand Muslim men were being held at the Grbavci School in Orahovac, the "new" Petkovci School (in Petkovci), the Pilica School in Kula, and the Cultural Center in Pilica, and probably the school in Ročević. At the time this occurs, Major Dragan OBRENOVIĆ is the Chief of Staff of the 1st Zvornik Infantry Brigade. Moreover, due to the continuing absence of the Brigade Commander, he is concurrently the Brigade Deputy Commander. Major Dragan JOKIĆ, the 1st Zvornik Infantry Brigade Engineering Officer, is also present, and functioning as the Duty Operations Officer on 14-15 July 1995.

14. In the mid-afternoon hours of 14 July 1995, the first of five large-scale mass executions occur. In a systematic process, Muslim men were removed from the school, transported to the nearby execution site, and executed by personnel of the 4th Infantry Battalion of the 1st Zvornik Infantry Brigade. Engineer equipment from the Zvornik Brigade Engineer Company is used to bury the dead. This process continued after darkness fell on 14 July 1995.

15. Shortly after the Orahovac killings were completed, Muslim males were systematically removed from the school in Petkovci, transported to the nearby Petkovci Dam and executed. This process was completed as the sun comes up on 15 July 1995. Earthmoving equipment under the control of the Engineer Company of the Zvornik Brigade bury the dead.

16. As these first two mass executions are underway, the head of the Muslim column comes into contact with Zvornik Brigade assets attempting to ambush them. In the confused fighting that follows, the Zvornik Brigade forces were pushed aside and the Muslim column began to envelope the rear areas of three battalions of the Zvornik Brigade.

17. Based on these dangerous military developments in the Zvornik Brigade sector, deployed forces near Žepa, (under the command of Lieutenant Colonel Vinko PANDUREVIĆ) quickly returned to the Zvornik area. All Zvornik Brigade reserve assets were also engaged in the battle, so much so that the execution process was apparently delayed. In an effort to keep the process going, Colonel Ljubo BEARA of the Main Staff Security Administration calls Major-General KRSTIĆ and requests that additional troops be sent. He notes in the conversation to Major-General KRSTIĆ that he still has "3,500 parcels to distribute."

18. Further on 15 July 1995, upon arriving back into the zone of his Brigade, Lieutenant Colonel PANDUREVIĆ quickly assessed the situation, and sent an "Interim Combat Report" to the Command of the Drina Corps. In this report, he noted that in addition to the combat activities, his Brigade was burdened with the "large numbers of prisoners distributed throughout schools in the Brigade area, as well as obligations of

security and asanacija" (burial of the bodies). He further noted that if "no one" takes responsibility, he would be forced to let the prisoners go.

19. By the morning of 16 July 1995, despite the continuing combat in the zone of the Zvornik Brigade, mass execution-related activity resumed. In (again) a systematic process, Muslim men were transported from the Pilica School and taken to the Branjevo Military Farm, where they were executed. In this case, the troops conducting the execution were from the 10th Sabotage Detachment and from a deployed unit of the Bratunac Brigade. Later that same day, Muslim men held in the Pilica Cultural Center were executed at that site. Muslim men from an undetermined location were also killed at Kozluk. Engineer equipment from the Zvornik Brigade Engineer Company buried the bodies on 16 and 17 July 1995.

20. Overseeing this execution process on 16 July 1995 was Lieutenant Colonel Vujadin POPOVIĆ, the Drina Corps Assistant Commander for Security. He was involved in ensuring fuel was made available so that the "work" could continue. Further, he reported back through the Command of the Drina Corps when the work was completed. Also involved from the Drina Corps was Colonel Slobodan CEROVIĆ, the Assistant Commander for Moral, Legal and Religious Affairs. On the morning of 16 July 1995, he was noted telling Colonel BEARA that he had "instructions from above" and that the "triage" needed to be done on the prisoners.

21. By 18 July 1995, both the primary "mass executions" and the burial activities associated with them were completed. Further, detailed reports were again forwarded to the Drina Corps Command. In one such report, Zvornik Brigade Commander Vinko PANDUREVIĆ openly questioned to wisdom of the decision to place 3000 military-aged "Turks" into schools in his zone.

22. Despite significant combat activity that occurred during the relevant period, the Drina Corps Command, as well as the 1st Zvornik Infantry Brigade and the 1st Bratunac Light Infantry Brigade maintained a fully functioning system of positive command and control over the activities of their subordinate formations. The Drina Corps Commander maintained the means, either personally or via the oversight activities of the Drina Corps Staff, to be aware of the criminal acts being committed by units and soldiers under his command. Further, he actively exercised those means. Analysis of intercepted or seized VRS military communications indicates that General-Major Radislav KRSTIĆ, as well as members of Drina Corps Staff, the 1st Zvornik Infantry Brigade and the 1st Bratunac Light Infantry Brigade all had knowledge and played a role in the criminal acts as charged.

23. After 18 July 1995, additional, smaller-scale executions took place in the zone of the Zvornik Brigade. For the most part, these were associated with the capturing and summary executions of Muslim men from the column who were now trapped in the zone of the Zvornik Brigade. However, in one case, it involved the execution of four Muslim men who had apparently survived one of the larger mass executions (Branjevo Military Farm).

24. Relative to the process of concealing the mass executions and reburying the bodies, available information notes that both the 1st Zvornik Infantry Brigade and the 1st Bratunac Light Infantry Brigade were aware of, and participated in, this activity. Required resources were provided through the VRS Drina Corps, and the VRS Main Staff.

25. Finally, following the commission of the criminal acts (as charged), the VRS Drina Corps Command, and the Commands of both the 1st Zvornik Infantry Brigade, and the 1st Bratunac Light Infantry Brigade, had continual references to the occurrence of these acts. There is currently no information that indicates either Colonel BLAGOJEVIĆ or Major OBRENOVIĆ undertook any measures available to them as VRS Brigade Commanders or Deputy Commander (at the time) to bring any of their subordinates to account under the RS Laws and/or VRS Military Regulations in effect at the time.

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Srebrenica Military Narrative (revised) – Operation "Krivaja 95"

CHAPTER ONE: Historical Background

1.0 The Drina Corps was formed on 01 November 1992, and became the last of six Corps formations of the Army of the Republika Srpska[1] (hereinafter "VRS"). It was formed in response to the growing security threat posed along the western regions of the Drina River by Muslim strongholds in the mountainous regions of Cerska, Srebrenica, Žepa, Goradže, and the outlying areas of Višegrad[2]. The Drina Corps was organized by combining and enlarging existing units from the already existing East Bosnia Corps and Sarajevo-Romanjia Corps.[3] The Drina Corps' main headquarters was established in the town of Vlasenica. Colonel (later General-Major) Milenko ŽIVANOVIĆ was appointed to command the Drina Corps.

1.1 Previously, this region of Eastern Bosnia operated under a patchwork of Bosnian Serb TO, municipal and later VRS units and commands that attempted to expand Bosnian Serb control of the region against the rapidly organizing Bosnian Muslim resistance forces. In this context, two of the more significant units to later play a role in the 1995 VRS capture of Srebrenica were the Zvornik Infantry Brigade and the Bratunac Light Infantry Brigade.

A. Zvornik Municipality and the Zvornik Infantry Brigade

1.2 The Zvornik Infantry Brigade of the (then) Serbian Republic of Bosnia and Herzegovina (SRBH) was organized on 02 June 1992, in the Serbian Municipality of Zvornik. The first commander was former JNA Lieutenant Colonel Vidoje BLAGOJEVIĆ.[4] Specifically, the area of the Zvornik municipality fell into the zone of the newly organized Eastern Bosnia Corps Command, headquartered in Bijeljina.[5] This represented the first effort to consolidate the units in this municipality under the unified control of the Army from a collection of JNA remnants, Bosnian Serb Territorial Defense (TO) units, and volunteer (para-military) formations that had played a role in the Zvornik area since the beginning of the conflict.

1.3 With respect to the town of Zvornik, the conflict erupted in the early evening hours of 08 April 1992, when elements of the JNA 336th Motorized Brigade, Arkan's Serbian Volunteer Guards (SDG) and local SDS backed TO units seized control of the predominately Muslim populated town. This attack was preceded by an ultimatum issued several hours earlier to Zvornik SDA representatives at the Hotel Jezero in Mali Zvornik.[6]

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1 Translated *Vojska Republika Srpska.*

2 "Two Years of the Drina Corps," article by *Srpska Vojska*, (CLSS English translation), 15 Nov. 1994, p. 31.

3 Documents from Bratunac and Zvornik indicate the following: Prior to Nov. 92, the Zvornik Brigade and the Birač Brigades were subordinate to the East Bosnia Corps. What was later to become the Bratunac Brigade was a subordinate battalion of the Birač Brigade (as were what was later to become the Vlasenica and Milići Brigades). The 2nd Romanjia Motorized Brigade was subordinate to the Sarajevo-Romanjia Corps, as was the Rogatica Brigade.

4 "On the Road to Victory, the third anniversary of the Zvornik Brigade," as published in *Drinski Magazine*, (CLSS English translation), June 1995.

5 Main Staff of the Army of the SR BH order 02/5-31, Areas of Responsibility and forthcoming tasks of the Army of the SRBH, (CLSS English translation), 04 Jun. 1992.

6 MILITARY SAR 513 message 44233 DPZTZ YU, (CLSS English translation), received at 1540 hours

As reflected in a message sent by SDA representative Izet MEHINAGIĆ to both General-Major Savo JANKOVIĆ, the JNA 17th Corps Commander, and Colonel-General KUKANJAC, the Commander of the 2nd Military District, ARKAN and local SDS officials demanded the surrender the town. Also noted present at this meeting was JNA Captain Dragan OBRENOVIĆ, then commanding a battalion of the 336th Motorized Brigade, garrisoned in and around Zvornik.[7]

1.4 By 18 April 1992, the JNA 17th Corps was reflecting the 1st Armored Battalion of the 336th Motorized Brigade and the Zvornik SRBiH TO engaging in operations against Muslim defenses established on the Kula Grad heights overlooking the village of Divić.[8] At the same time, the local SDS municipal leaders further organized the coordination of the local defense. While it appears that despite the presence of a Bosnian Serb "TO Staff" at the Zvornik municipal level by 10 April 1992,[9] (coordinated by a Major Marko PAVLOVIĆ)[10] the actual organization and composition of the Zvornik TO Staff was not formally established until 19 April 1992.[11] At that time, Ljubomir TAŠANOVIĆ was appointed as the TO Staff Commander, and Momčilo VASILJEVIĆ was appointed as the TO Staff Deputy Commander. Under the umbrella of this municipal TO Staff, units and personnel of the JNA,[12] and numerous para-military groups, including the *Panteri* (Panther) unit,[13] the *Igor Marković* unit-also known as "*Žućo's*" special purpose volunteer

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08 Apr. 1992. This report, from Muslim SDA representative Mr. Izet Mehinagić to both General Savo Janković, the JNA 17th Corps Commander, and General Kukanjac, the Commander of the 2nd Military District, details the people attending the meeting, and his view of the events that transpired.

7 "We are a Young and Strong Army," as published in *Drinski Magazine*, (CLSS English translation), Feb. 1995, pertaining to the interview of Captain First Class (KIK) Dragan Obrenović. In his accounting that 08 April 1992 meeting, he notes the following: "...I [Obrenović] finally arrived at the Hotel Jezero. All the elite was there, headed by Pasić, Juzbašić and Izet Mehinagić. Mehinagić pulled many strings behind the scenes. He was quite eloquent and a close friend of the then commander of the 17th Corps, General Sava Janković. I suddenly became aware that things were far from clear because at that meeting, the SDA leadership agreed that the Muslims should join the JNA and the JNA should protect Zvornik. They realised that things were serious. One of the conditions that I placed before them was to return the tank unit, which had been sent to Bijeljina under the order of General Janković and at the insistence of Izet Mehinagić. The situation became completely clear to me and I openly said that Mehinagić should use his friendship with Janković in order to return the unit. And it was returned. The following day, I was told to go to Šepak to bring it back. This was a company that played quite an important role because it was at the crossroads at Caparde. Many people do not know that at the time of the fighting around Zvornik, on that very day, this unit stopped a convoy of about ten police buses that were driving from Tuzla to Zvornik. Without even realising, Mehinagić made one of the crucial moves against himself /as printed/. We took advantage of his friendship with General Janković who was quite hesitant and did not understand all the relationships that existed at that time. I had already realised back in Croatia that this was not a war for ideology but for the people..."

8 Ibid.

9 Zvornik Crisis Staff decision 01-1/92, (draft English translation), 10 Apr. 1992, establishing the Provisional Government of the Serbian Municipality of Zvornik.

10 Zvornik Provisional Government decision 03-203-19/92, (draft English translation), 15 Apr. 1992.

11 Zvornik Provisional Government Decision 01-13/92, (draft English translation), 19 Apr. 1992.

12 Two lists of Payment for members of the TO of Zvornik for April 1992 (draft English translations), including Dragan Obrenovic, noting 30 days in combat for April 1992.

13 On 20 April 1992, in relation to the establishment of a "Committee for Negotiations" with the Muslim Democratic Action Party (SDA), a Ljubiša Mauzer was identified as a member. See Zvornik Provisional Government decision 01-12/92, (draft English translation), 20 Apr. 1992.

unit from Loznica (aka the Yellow Wasps), [14] the *Pivarski* special purpose unit[15] the *Beli Orlovi* (White Eagles) group,[16] and the *Vukovi sa Drine* (Drina Wolves).[17]

1.5 Concurrent with the announced withdrawal of the JNA from Bosnia on 19-20 May 1992, there was a general reorganization of the Provisional Government of the Zvornik Municipality, where a Wartime Staff of that body was created. Members of that Wartime Staff were identified Branko GRUJIĆ, Marko PAVLOVIĆ, Dragan OBRENOVIĆ, Miloš PANTELIĆ and Stevan IVANOVIĆ.[18] As specified in the document, at the time, Branko Grujić was the President of the Zvornik Provisional Government. Of the other personalities, at that same time; Marko PAVLOVIĆ was the TO Staff Commander[19]; Dragan OBRENOVIĆ was the Commander of the JNA 1st Armor Battalion of the 336th Motorized Brigade[20]; Miloš PANTELIĆ was the Chief of the Public Security Station in Zvornik[21]; and Stevan IVANOVIĆ the Secretary for the Municipal Secretariat for National Defense.[22]

1.6 The decision to unify the military forces in Zvornik under the Army on 02 June 1992 initially meet some resistance form the local municipal (provisional government) authorities.[23] In fact, in an attempt to directly undermine this effort, the Zvornik Provisional Government published a decision on 16 June 1992 that established a single military and territorial command in the municipality, and placed it under the command of the former Zvornik TO commander, Marko PAVLOVIĆ.[24] While not specifically articulating that the TO take control of the Zvornik Brigade *per se*, it did reserve under the command of Marko PAVLOVIĆ the various "independent formations" then operating throughout the Zvornik municipality.[25]

1.7 Despite this initial resistance, over time, the Command of the Zvornik Brigade made inroads over the influence of the Provisional Government and TO with respect to military operations and related activities. On 22 June 1992, the Provisional Government places the authority for disbursing fuel and oil for the Army and TO under the control of the Commander of the Zvornik Brigade.[26] On 29 June 1992, the issue of military uniforms is restricted to individuals authorized by the Zvornik Brigade Command.[27] And

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[14] Zvornik Provisional Government Decision 01-22/92, (draft English translation), 27 Apr. 1992 and Zvornik Provisional Government document, (draft Englsih translation), 4 May 1992, authorizing the payment of 10,000 dinar to Žuća for reimbursement of unit expenses.

[15] *Pivarski* Unit Payment List (draft English translation), Apr. 1992.

[16] Payroll for 32 members of the "White Eagles", (draft English translation), May 1992 and Listing of members of the *Beli Orlovi* Unit (CLSS English translation), May 1992.

[17] "War Diary of a Unit, History of the Drina Wolves," as published in the Special Edition of the *Drinski Magazine*, (CLSS Draft English translation), Oct. 1995.

[18] Zvornik Provisional Government Decision 01-023-42/92, (draft English translation), 20 May 1992.

[19] Zvornik Provision Government Decisions 01-023-44/92, (draft English translation), 1992.

[20] Payment for engagement of Dragan Obrenovic in May 1992, signed by Marko Pavlovic, (draft English translation), 19 Jun. 1992. See also *Drinski Magazine* article, "We are a Young and Strong Army," pertaining to the interview of KIK Dragan Obrenović, *supra* n. 7.

[21] Zvornik Municipality Pay Records (draft English translation), 22 May 1992.

[22] Zvornik Provisional Government decision 01-16/92, (draft English translation), 1992.

[23] SRBH Main Staff (Department for OB), Report on paramilitary formations in the territory of the Serbian Republic of BH, (CLSS English translation), 28 Jul. 1992. As described by the SRBH Main Staff Intelligence and Security Department, "In the area of Zvornik things have even reached the stage where an illegal TO staff which already has some paramilitary units under it's command, is demanding that the Zvornik Brigade of the SR BH Army be placed under its command." See Page 6.

[24] Zvornik Provisional Government document 03-023-72/92, (draft English translation), 16 Jun. 1992.

[25] Ibid.

[26] Zvornik Provisional Government document 01-023-89/92, (draft English translation), 22 Jun. 1992.

[27] Zvornik Provisional Government document 01-023-106/92, (draft English translation), 29 Jun. 1992.

on 06 July 1992, the Command of the Zvornik Brigade is given the authority to determine the criteria for the distribution of June 1992 salaries for soldiers and policemen engaged in the territory of the Serbian Municipality of Zvornik.[28] Yet, the overall consolidation of TO units and the Zvornik Infantry Brigade proceeded slowly, in part due to the decentralized nature of the TO structure. In this regard, many individual units and villages had not only their own TO units, but local "Crisis Staffs" as well. [29] At the same time, poor disciple and a lack of effective officers and leaders hindered the Zvornik Infantry Brigade.[30] Finally, the large presence of Bosnian Muslims remaining in the Zvornik municipality contributes to the general insecurity of the region.[31]

1.8 Further discussing the chaotic situation on the Zvornik municipality during the month of July 1992, the SRBH Army Main Staff Intelligence and Security Department notes the following significant problems, particularly one with what turns out to be the *Igor Marković-Yellow Wasp* paramilitary unit. As described in its report:

> "-A paramilitary unit with about 170 members is located in the area of Zvornik, under the command of a certain self-styled Major Žuća, Vojin Vučković from Umka near Belgrade. This paramilitary unit was for some time located at Crni Vrh, a very important military feature, and Žućo negotiated with the Zelene beretke /Green Berets/ to sell it to them for 500,000 German marks giving them access into the area of Zvornik without implement. On 24 July 1992, Vučković personally forced one wounded soldier who was being transported to the VMA /military medical academy/ for an operation, out of a Renault 5 car and drove it away. On the night of 25 July 1995, his group attacked an SERB Army unit in Zvornik intending to steal a large amount of copper."[32]

1.9 However, by late summer 1992, the Army made considerable progress in gaining firmer military control. First off, sometime during the month of August 1992, LTC Vidoje BLAGOJEVIĆ is replaced as the Commander of the Zvornik Infantry Brigade by a LTC Slobodan VASILIĆ.[33] He in turn, is replaced in late September 1992 by Major Dragan PETKOVIĆ (noted as a JNA Infantry Officer by specialty).[34] Further, on 12 October 1992, former JNA Captain Dragan OBRENOVIĆ was noted in documents as the Chief of Staff of the Zvornik Brigade.[35]

1.10 By mid-October 1992, significant combat operations had engulfed the broader Kamenica region of the Zvornik municipality, resulting in the wounding of Major

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[28] Zvornik Provisional Government document 01-023-108/92, (draft English translation), 06 Jul. 1992.

[29] This included local Bosnian Serb TO units in Trišić (Tršić Crisis Staff number 204/92 (draft English translation), 03 Jun. 1992), Čelopek (Listing of soldiers (also bio-data given) of TO unit "Celopek" (CLSS English translation), 01 May 1992), and Kozluk (List of TO members for securing Kozluk Power Station (CLSS English translation), 1992).

[30] Zvornik Brigade Command Order 18/92 (CLSS English translation), 02 Jul. 1992.

[31] This hand-sketched map of the Zvornik area depicts Muslim villages and areas which remain "uncleaned".

[32] SRBH Main Staff (Department for OB), Report on paramilitary formations in the territory of the Serbian Republic of BH, dated 28 July 1992, *supra* n. 23, page 5.

[33] VP 7469 order 511/2, (CLSS draft English translation), 23 Aug. 1992, reflecting that the Commander of VP 7469 (Zvornik Infantry Brigade Military Post Number) be LTC Slobodan Vasilić.

[34] RS MOD order 01-21-175/92, (CLSS English translation), 22 Sep. 1992, appointing Major Dragan Petković as the Commander of the 1st Zvornik Light Infantry Brigade.

[35] Hand-altered call-up Order 996-2 for STAFF SERG Radivoje Peric as 1pb deputy battalion commander (CLSS English translation), 12 Oct. 1992. This order is typesigned by Chief of Staff CAPT Dragan Obrenovic.

PETKOVIĆ on 30 October 1992.[36] Moreover, coupled with compelling issues occurring in other areas of the Republika Srpska, it further demonstrated that the East Bosnia Corps could no longer adequately manage combat operations over an area that stretched from Birač to the critical Posavina Corridor.[37]

B. Bratunac Municipality and the Bratunac Infantry Brigade

1.11 The Bratuanc Light Infantry Brigade was formally organized as a separate formation on 14 November 1992, two weeks after the establishment of the VRS Drina Corps. Former JNA Lieutenant Colonel Borivoje TEŠIĆ was appointed the first Commander of the Bratunac Light Infantry Brigade.[38] In much the same manner as the Zvornik Infantry Brigade, this unit traces it origin back to the various SDS backed Bosnian Serb TO units organized in the municipality by early 1992.

1.12 With respect to the Bratunac municipality in April 1992, there was no permanent JNA barracks in the Bratunac area, and it remains somewhat unclear from former JNA documents as to which Corps of the 2nd Military District was responsible for the area. It is possible that the area was under the broad control of the JNA 17th Corps, however throughout the month of April 1992, the Bratunac-Srebrenica situation is referred to only one time by the 17th Corps Command, on 18 April 1992 (one day after the take-over). In this reference, it was noted that there was an "absence of Corps formations in that area" and that the 17th Corps was receiving their information on the area from a "Drina" Operational Group (OG) Command.[39]

1.13 Regardless, by early April 1992, it was noted by both SDA and SDS leaders in Bratunac that JNA military equipment was deployed in the Serbian town of Ljubovija, just across the Drina River from Bratunac.[40] This, in turn, led to a 08 April 1992 meeting between the two parties. At this meeting, the SDS demanded that the municipality should be divided into Serbian and non-Serbian areas, and that a Serbian public security station be established in Bratunac. Agreements and conclusions with respect to these concepts were reached by the representatives of the SDA and SDS, to include specific references to no para-military formations of any kind being allowed into the area.[41] These conclusions were reiterated at the meeting of the Bratunac SDS Municipal Board held on 9 April 1992, chaired by Miroslav DERONJIĆ.[42]

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[36] "On the Road to Victory, the Third Anniversary of the Zvornik Infantry Brigade,"*Drinski Magazine* June 1995, *supra* n. 4, pages 8 to 9.

[37] Main Staff of the SRBH Army Directive for Further Operations 3 (5-92), (CLSS English translation), 03 Aug. 1992. Further, see "We know the Enemy Well", (CLSS English translation), an interview with Drina Corps Chief of Staff, General-Major Milutin Skočajić, Feb 1995 *Drinski Magazine* article, Page 6.

[38] War history of the Bratunac Light Infantry Brigade 1992-1995, (CLSS English translation).

[39] JNA 17th Corps document 11/5-3, (CLSS English translation), 18 Apr. 1992, regarding the explanations on "ultimatums". It may be well have been that the "Drina" Operational Group was a subordinate command element of the 1st Military District Headquarters, Belgrade. In January 1993, during VJ (Federal Yugoslav Army) operations in support of the VRS in Bratunac, it was noted by the VRS Drina Corps Chief of Staff that the KM (Main Command Post) of the "Drina OG" from Valjevo had been deployed to the area of Ljubovija. See Bratunac Light Infantry Brigade report 2-1942-24, (CLSS English translation), 24 Jan. 1993.

[40] These may have been deployed from the JNA 2nd Mechanized Brigade, garrisoned at Valjevo.

[41] Handwritten agreement and conclusions agreed between the SDA and SDS on the division of the Bratunac municipality into the Serbian and Muslim part, (draft English translation), 08 Apr. 1992.

[42] Minutes of the Bratunac SDS Municipal Board meeting held on 9 April 1992, (draft English translation).

1.14 On 12 April 1992 the Bratunac Crisis Staff issued an order that the TO and the police were in charge of defense in the municipality. It also stated that the MUP and the local SJB would handle all matters of state and public security and that the Crisis Staff would take all decisions relating to the use of the TO.[43]

1.15 On 17 April 1992, the town of Bratunac was taken over by local TO and Serbian paramilitary forces. On the 19 April 1992 the Bratunac Crisis Staff issued a decision on disarming citizens who own weapons in the territory of Bratunac Municipality. The decision states that the Bratunac SJB and the Bratunac municipality TO are authorized to disarm citizens who own weapons in order to guarantee the security of citizens in Bratunac municipality and the weapons shall be handed over to authorized officials in the Bratunac SJB and the Bratunac municipality TO.[44]

1.16 Despite the general lack of Muslim resistance to the seizure of the town of Bratunac, it was clear that the local Bosnian Muslim population was itself organizing itself for resistance activities. On 20 April 1992, the first ambush of local Serbs occurred in Potočari, where six Serbs were killed, and four were wounded.[45] On 07-08 May 1992, Bosnian Muslim forces recaptured the nearby town of Srebrenica, killing a number of Bosnian Serbs, allegedly including Goran ZEKIĆ, a deputy in the SRBH Assembly.[46]

1.17 This setback, in turn, was followed by a period of stepped up military activities by the Bratunac Crisis Staff and the Bratunac TO Staff, both led by Miroslav DERONIĆ.[47] Other listed members of the TO Staff who were on the Crisis Staff are Dragoslav TRIŠIĆ (TO Chief of Staff)[48], Dragiša LONČAREVIĆ[49], Rade SUDAR[50], Dr Veljko MAČEŠIĆ[51], Jovan ŽIVANOVIĆ[52] and Momir NIKOLIĆ[53]. At the same time, a number of Serbian volunteer and para-military units reportedly returned to Bratunac. Ultimately, by the end of May 1992, the payment records indicate local TO unit detachments and minimum strengths in the Bratunac municipality (for May 1992) as numbering over 1200 persons.[54]

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[43] Order of the Crisis Staff of the Serbian municipality Bratunac no. 01-6-92, (draft English translation), 13 Apr. 1992; Decision of the Crisis Staff of the Serbian municipality Bratunac, no. 01-I-92, (CLSS draft English translation), 1992.

[44] Order of the Crisis Staff of Bratunac municipality, no. 01.09/92, (draft English translation), 19 Apr. 1992.

[45] *The Situation in Bosnia and Herzegovina Before the War and the History of the Bratunac Municipality,* (CLSS English translation), 1992-199. See page 7.

[46] Ibid. See page 6.

[47] See pages 58, 106 & 109 of Territorial Defence payment records, (draft English translation), for May 1992. This document indicates the TO Staff being comprised of 16 personnel, with Miroslav DERONJIĆ, President of the Crisis Staff and SDS leader, listed as #1. Further, in a statement made to an investigative judge of the Military Court in Sarajevo, Miroslav DERONJIĆ states that at the time of the murder of Goran ZEKIĆ (8 May 1992)[47], he, DERONJIĆ, held the position of President of the War Staff of the Municipality of Bratunac and was also in command of the TO of the Municipality of Bratunac (see Witness statement of DERONJIĆ, Miroslav (CLSS English translation), 30 May 1994, re: killing of ZEKIć, Goran. Source ref.: 24; 39; 3240/93)

[48] Ibid. Listed as #2 on this list.

[49] Ibid. Listed as #3 on this list.

[50] Ibid. Listed as #4 on this list.

[51] Ibid. Listed as #9 on this list.

[52] Ibid. Listed as #11 on this list.

[53] Ibid. Listed as #12 on this list.

[54] Territorial Defence payment records for May 1992, *supra* n. 47.

1.18 Despite the TO numbers and direction, the local Bosnian Muslim operating from the Srebrenica area began mounting a series of raids and attacks which caused a significant number of Serb casualties, particularly among village and even Municipal Defense commanders.[55] By the end of May 1992, large scale and effective ambushes were being successfully orchestrated by the Bosnian Muslims.

1.19 In first dealing with this complex situation, the Army of the SRBH first organized the Birać Infantry Brigade on 19 May 1992, commanded by former JNA Lieutenant Colonel Svetozar ANDRIĆ.[56] The unit maintained its headquarters in Šekovići.[57] In an odd command situation, it appears that while the zone in which most of the Brigade functioned was in the area of responsibility of the Sarajevo-Romanija Corps, the Birač Infantry Brigade was subordinate to the Eastern Bosnia Corps.[58] At the time it was organized, it was responsible for the municipalities of Zvornik, Kalesija, Šekovići. Vlasenica, and Bratunac (inclusive of the newly created Serbian municipalities of Milići and Skelani).[59] However, as previously noted, by early June 1992, the Zvornik Infantry Brigade had been established as a separate command entity.

1.20 With respect to the Bratunac municipality, that area remained with the 1st Birač Brigade, and the local TO units in the municipality were organized into the 5th Infantry Battalion of the Birač Infantry Brigade. [60] The July 92 payment records for Military Post number 2465/5 (5th Bratunac Battalion, Birač Brigade) reveal a total unit strength of 2,687 personnel.[61]

1.21 However, from a military perspective, the situation in the Bratuanc municipality deteriorated as the local Bosnian Muslim resistance grew increasingly effective. From early June through the end of October 1992, a number of Bosnian Serb villages were captured and torched by Bosnian Muslim fighters, and the Army defense ring gradually shrunk to no more than the area protecting the town of Bratunac and the predominately Serb village complex of Kravica.[62]

C. The VRS Drina Corps and Operational Directive Four

1.22 Within the month of the formation of the Drina Corps, it was faced with a major crisis, as Muslim forces operating from the Srebrenica area began a two stage military campaign. Their first objective was to link up with another group of Muslim forces in Cerska, thus isolating the Serbian forces holding the towns of Bratunac and Skelani, and second, the actual capture of Bratunac itself. In response, the military and political leadership of the VRS devised a plan to secure the vital Podrinje region, as a component

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[55] *The Situation in Bosnia and Herzegovina before the war-History of Bratunac Municipality*, *supra* n. 45, page 7. On 26 May 92, the Commander of the Kravica Defense area was severely wounded. On 29 May 1992, the Secretary of the Bratunac MUP was killed. On 31 May the Deputy Commander of the Kravica Defense TO Staff was killed in an ambush near Glogova.

[56] Birčani Brigade Order 14-78, (draft English translation), 29 Jul. 1992, re infiltration and other sabotage acts issued by VRS Birać Bde based on a VRS Eastern Bosnia Corps order, signed by Lt Col Svetozar Andrić, Brigade Commander.

[57] "First among equals", (CLSS English translation), Dec. 1995, as published in *Drinski Magazine*, reflects that the 1st Birać Infantry Brigade was formed on 19 May 1992.

[58] Birčani Brigade Order 14-78, dated 29 July 1992, *supra* n. 56.

[59] "First among equals," *Drinski Magazine, supra* n. 57.

[60] War history of the Bratunac Light Infantry Brigade 1992-1995, *supra* n. 38.

[61] Computer printout payment records of VP 2465/5 for July 1992, (draft English translation).

[62] War history of the Bratunac Light Infantry Brigade 1992-1995, *supra* n. 38. Ultimately, the village complex of Kravica was captured and looted by Bosnian Muslim forces on 07 January 1993.

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of Operational Directive Four (dated 19 November 1992).[63] Specific to the Drina Corps, they were directed that:

> "From its present positions, it main forces shall persistently defend Višegrad (the dam), Zvornik and the corridor, while the rest of its forces in the wider Podrinje region shall exhaust the enemy, inflict the heaviest possible losses on him and force him to leave the Birač, Žepa and Goražde areas together with the Muslim population. First, offer the able-bodied and armed men to surrender, and if they refuse, destroy them. After that, unblock and repair the Konjević Polje-Zvornik road, make it fit for traffic, and stand by for intensive combat against infiltrated sabotage, terrorist, surprise and ambush attacks and paramilitary groups. Set up Command Post in Vlasenica and a Forward Command Post as decided by the Corps Commander."[64]

1.23 Despite this directive, the Drina Corps situation grew increasing complex, and by 07 December 1992, additional units from outside the Drina Corps area were committed in an effort to defend key areas and facilities from capture by Bosnian Muslim forces.[65] At around this same time, former JNA Captain First Class (KIK) Vinko PANDURUEVIĆ was assigned to command the Zvornik Infantry Brigade.[66]

D. 1993 and the establishment of the "safe areas"

1.24 By January 1993, the Bosnian Muslim military operations had successfully isolated the Bratunac area from the rest of the Drina Corps. This was accomplished, in part, by the capture of the Bosnian Serb village of Kravica on Orthodox Christmas by Bosnian Muslim military forces.[67] Later that month, the military situation was so critical around Bratunac that Yugoslav Army[68] (hereinafter "VJ") units were introduced west of the Drina river to assist in the defense of the town, and stem a major refugee crisis into Serbia proper.[69]

1.25 In response, the Main Staff of the VRS (hereinafter "the Main Staff") and the Drina Corps initiated a major winter counter-offensive in late January 1993 to eliminate the Bosnian Muslim strongholds of Cerska and Srebrenica. By March, the Bosnian Muslim forces in Cerska had been routed, and thousands of refugees were fleeing southeast towards Srebrenica or west to Tuzla. Bosnian Serb forces continued to attack through the spring, and by early April, VRS forces were within two kilometers of Srebrenica.

1.26 The success of these VRS operations was the catalyst for United Nations Security Council resolution 819 (1993)[70], which created the Srebrenica "safe area". Shortly thereafter, Security Council resolution 824 (1993)[71] designated Žepa and Goražde (also within the territory of the Drina Corps) as "safe areas".[72]

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[63] GŠVRS order 02/5-210, Operational Directive Four, (CLSS English translation), 19 Nov. 1992.
[64] GŠVRS order 02/5-210, Operational Directive Four, paragraph 5 (d).
[65] GŠVRS order 02/5-210/1, Order to Amend Directive Four, (CLSS English translation), 07 Dec.1992, paragraph 3.
[66] PVL (Professional Military File) detail sheet for for Vinko (Jovan) Pandurević, (CLSS English translation). This sheet reflects that he was the Brigade Commander (VP 7469) since 15 December 1992.
[67] 1.Zvlpbr Order 01-21, (CLSS English translation), 22 Jan. 1993.
[68] Translated *Vojska Jugoslavije.*
[69] Bratunac Brigade Command Report 2-1942/26 (CLSS English translation), 26 Jan. 1993; Bratunac Brigade Command Report 201, (CLSS English translation), 25 Jan. 1993.
[70] S.C. Res. 819, U.N.SCOR, 48th Year, U.N. Doc. S/INF/49 (1993). (P.Ex. 31)
[71] S.C. Res. 824, U.N.SCOR, 48th Year, U.N. Doc. S/INF/49 (1993).
[72] For details pertaining to the events of this period, see *Report of the Secretary-General Pursuant to*

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E. May 1993- December 1994

1.27 With the establishment of the Security Council designated "safe areas", and the subsequent 08 May 1993 agreements, the military confrontation lines around Srebrenica stabilized.[73] However, despite the "safe area" designation, small scale fighting continually flared up along the boundary of the enclave from mid-1993 through mid-1995. Notwithstanding the UN peacekeeping presence, the continued activities of armed ABiH military units inside the Srebrenica enclave required the VRS to maintain a defensive perimeter, which ran opposite the designated enclave boundary.

1.28 Like all other VRS units, the Drina Corps had a shortage of manpower to deal with the frontage assigned to it. Not only was the Corps responsible for maintaining the de facto "border" or confrontation line from Tuzla to just north of Sarajevo, but it was also responsible for securing perimeters around the established enclaves of Srebrenica, Žepa and the eastern side of Goradže.[74] As a result, the Corps underwent several reorganizations in 1993 and 1994. Ultimately for the Drina Corps, maintaining a defensive perimeter around the Muslim enclave at Srebrenica alone required the resources of two infantry brigades, and one separate infantry battalion.[75] These units were the 1st Bratunac Light Infantry Brigade, the 1st Milići Light Infantry Brigade and the Skelani Separate Battalion.

1.29 The 1st Bratunac Brigade was responsible for the northern and eastern perimeter of the "safe area". The 1st Milići Light Infantry Brigade was responsible for maintaining the western perimeter, and the southern perimeter was maintained by the "Skelani" separate battalion.[76] For the most part, these forces were under the operational control of "Tactical Group One" (TG-1), headquartered in the village of Pribičevać. TG-1 was commanded by Colonel Vukota VUKOVIĆ,[77] who also served as a liaison officer between the United Nations Protection Force (hereinafter "UNPROFOR") forces and the VRS. This grouping of forces remained in place through early 1995.

F. 1995 Republika Srpska Scene Setter

1.30 As the beginning of 1995 took hold, political and military leaders in Republika Srpska (hereinafter "RS") began what could only be described as a candid look into their future. It is clear that as early as March 1995, the realization had been made that the RS had to either militarily end the conflict or set the stages for a negotiated settlement favorable to them by the end of the year. Indications were that the Croatian-Muslim alliance would not continue the current cease-fire, and that the alliance was preparing a series of major offensives against both the RS and their neighbor, the Republika Srpska Krajina (hereinafter "RSK"). Reflecting this assessment, the RS Supreme Command published Directive No. 7, on 08 March 1995.[78]

General Assembly Resolution 53/35: The Fall of Srebrenica, UN GA Doc. A/54/549, 15 Nov. 1999.

73 *See, Agreement on a Ceasefire in the Territory of Bosnia and Hercegovina*, 08 May 1993.

74 "Two Years of the Drina Corps," *supra* n. 2, p. 31.

75 Map depicting brigade boundaries for 1.Brlpbr and adjoining units, signed by Col Milenko Živanović, Commander of the Drina Corps (hereinafter, 1.Brlpbr Map).

76 *Ibid.*

77 See, TG-1 (Pribicevac) Report 320, (CLSS English translation), 19 Apr. 1994.

78 RS Supreme Command Directive 7, (CLSS English translation), 08 Mar. 1995.

1.31 In this directive, the RS Supreme Command of the Armed Forces outlined their view of the strategic political objectives of nations allied against the RS, as well as the military objectives. Further, it outlined the four main priorities of the Armed Forces for the upcoming period: (1) through resolute offensive and defensive military operations, impose a military situation which the international community would be compelled to accept; (2) improve the operational and strategic position of the VRS; (3) reduce the front-line, and create conditions for the economic revival of the RS by sending a number of military conscripts home; and, (4) create the conditions for the state and political leadership to negotiate a peace agreement and accomplish the strategic objectives of the war.[79]

1.32 Additional warnings as to the overall threat came in April 1995, at the 50th RS National Assembly meeting, when General MLADIĆ reportedly warned the assembled members of the significant "Croatian-Muslim" offensives which would be directed against both the RS and RSK later that year.[80] Less than three weeks later, Croatian Military and Police forces inflicted a major defeat on RSK military forces by recapturing the Serb occupied portion of western Slavonia in Operation Flash.[81]

1.33 Pressure on the RS continued later that spring, when in response to VRS military operations within the "Exclusion Zone" surrounding Sarajevo, NATO aircraft bombed VRS installations, and the VRS retaliated by taking UNPROFOR troops as hostages. Further, on 16 June 1995, Muslim forces initiated a major offensive to relieve Sarajevo. Despite a full mobilization and a declaration of a "threat of war", VRS manpower and resources were stretched to the limit.[82]

G. Srebrenica "Safe Area" - 1995

1.34 By early January, the decision had already been made by the RS government to apply pressure to the eastern "safe areas". Part of this pressure was the restriction of movement by UN forces in Eastern Bosnia, particularly for supply convoys to the three "safe areas".[83] The limitations on fuel, ammunition and provisions that could be sent to the UN forces seriously degraded their ability to effectively monitor the activities in the "safe area". At the same time, Muslim military forces inside the Srebrenica "safe area" were also restricting the movement of the Dutch Battalion (hereinafter "Dutchbat") forces, particularly in the area known as the "Bandera Triangle."[84]

1.35 In the same vein, RS political and military leaders began to press for a substantial reduction in the actual physical area of the enclaves.

1.36 The first indication came at a reception organized to celebrate the Orthodox New Year in Bratunac. UN Military Observers (hereinafter "UNMO") from Srebrenica, as well as the new UN Dutchbat Commander, Lieutenant Colonel KARREMANS, attended. At this meeting, General-Major ŽIVANOVIĆ offered the UNMOs the opportunity to

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[79] *Ibid.*, p. 8.

[80] Col Milovan Milutinović, "How General Mladić was Dismissed," *Belgrade NIN*, (CLSS English translation), 21 Feb. 1997.

[81] Operation Flash 01-05 May 1995.

[82] Declaration of "Immediate Threat of War," RS Order 01-1118/95, (CLSS English translation), 16 Jun. 1995.

[83] Dutch Ministry of Defense, *Debriefing on Srebrenica*, 04 Oct. 1995, p.14 (discussing cumulative effects of RS restrictions of movement).

[84] *Ibid.*, p.14.

"define" the enclave border with cooperation with his representatives. Further, General-Major ŽIVANOVIĆ took personal credit for the fact that UNPROFOR was provided with the territory in the "Jadar" area (Zeleni Jadar). In the comment to this by the Dutch Liaison officer in attendance, General-Major ŽIVANOVIĆ noted that "should hostilities start around the enclave, this will be one of the first (Serb) objectives".[85]

1.37 On 08 March 1995, RS Supreme Command Directive No. 7 clearly spelled out the RS strategy concerning the Eastern "safe areas". The role of the VRS Drina Corps was to:

> "...complete the physical separation of Srebrenica from Žepa as soon as possible, preventing even communication between individuals in the two enclaves. By planned and well-thought out combat operations, create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica." [86]

Further,

> "In the case that UNPROFOR forces leave Srebrenica and Žepa, the Drina Corps Command shall plan an operation named *Jadar* with the task of breaking up and destroying the Muslim forces in these enclaves and definitively liberating the Drina Valley region."[87]

Also, with respect to supporting this effort,

> "The relevant State and military organs responsible for work with UNPROFOR and humanitarian organizations shall, through planned and unobtrusively restrictive issuing of permits, reduce and limit the logistics support of UNPROFOR to the enclaves and the supply of material resources to the Muslim population, making them dependant on our good will while at the same time avoiding condemnation by the international community and international public opinion." [88]

1.38 With the political stage set, initial military operations against the Srebrenica "safe area" began on 31 May 1995. VRS Drina Corps forces launched operation "Jadar-95".[89] This operation forced Dutchbat troops to abandon Observation Post (hereinafter "OP") Echo south of Srebrenica.[90] The UN abandonment of this checkpoint ultimately led to the fall of the village of Zeleni Jadar, a key junction that the VRS needed as a jumping off point for future operations.[91] By 05 June 1995, the initial military goals of "Jadar-95" were realized, and the VRS ceased offensive operations along the Zeleni Jadar road. Dutch UN forces hastily erected two new OPs, Sierra and Tango, to monitor the southern approach into the "safe area".[92] The military stage was then set for "Krivaja 95", the code name for the battle plan for the reduction of the UN designated "safe area" of Srebrenica.

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85 HQ Dutchbat Sitrep, 07 Jan. 1995.
86 RS Supreme Command Directive 7, *supra* n. 78, p. 10.
87 *Ibid.*, p. 11.
88 *Ibid.*, p. 14.
89 1.Brlpbr Report 433-1, (CLSS English translation), 04 Jul. 1995 (analyzing the combat readiness of the 1.Brlpbr from January 1 – June 30, 1995).
90 *Debriefing on Srebrenica, supra* n. 83, p. 16.
91 1.Brlpbr Order 01-1/95, (CLSS English translation), 04 Jun. 1995.
92 *Debriefing on Srebrenica, supra* n. 83, p. 15.

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CHAPTER TWO: Units and Personalities - July 1995

2.0 This chapter examines the specific units and key personalities which were involved in the capture of the Srebrenica "safe area", and the commission of subsequent criminal acts as charged in the Indictment. They include the VRS Drina Corps, the subordinate formations (including the brigades where significant acts occurred), the VRS Main Staff, and the police units of the RS Ministry of the Interior[93] (hereinafter "MUP") known to have been in the area.

A. Key Personalities: VRS Drina Corps - July 1995

2.1 On 13 July 1995, General-Major Radislav KRSTIĆ assumed commander of the VRS Drina Corps.[94] Prior to this appointment, General-Major KRSTIĆ was the Corps Chief of Staff, a position he was appointed to in August 1994.[95]

2.2 Prior to General-Major KRSTIĆ, the Drina Corps Commander was General-Major Milenko ŽIVANOVIĆ. He assumed command of the Drina Corps when the Corps was formed in November 1992, and was the Corps Commander until 13 July 1995. He was born in 1946, in the village of Ratkovići (Srebrenica municipality). He rose to the rank of Colonel in the JNA, prior to the outbreak of the war in Bosnia. In 1991, he commanded the 180th Motorized Rifle Brigade, garrisoned in Zadar, Croatia. At that time, that Brigade belonged to the JNA 9th Corps in Knin, under the command of then JNA Colonel (later General-Major) Ratko MLADIĆ. When the VRS was organized, General-Major ZIVANOVIĆ served as a member of the Main Staff until he assumed command of the Drina Corps. Following the handover of this command to General-Major KRSTIĆ on 13 July 1995, Drina Corps Order 05/2-293 outlines that General-Major ŽIVANOVIĆ was appointed to new duties in the VJ-VRS, although these were not specified. [96] On 20 July 1995, the Republika Srpska media reported that Milenko ŽIVANOVIĆ was extraordinarily promoted to the rank of General-Lieutenant Colonel, and retired from active military service.

2.3 With the assumption of the Drina Corps Command by General-Major KRSTIĆ, Colonel Svetozar ANDRIĆ was appointed by the RS President as the new Chief of Staff of the Drina Corps.[97] Prior to this, Colonel ANDRIĆ was the Commander of the Birač (or Šekovići) Brigade, a position he held since May 1992. As the brigade commander, in July 1995, he led a combat group from his brigade and participated in the in the capture of Srebrenica. He served as the Chief of Staff of the Drina Corps from July 1995 until the Drina Corps was deactivated in early-1996. When the VRS 5th Corps (Sokolac) was organized in 1997, he was appointed the Corps Chief of Staff, (under the command of then General-Lieutenant Colonel KRSTIĆ). Upon the arrest of General-Lieutenant Colonel KRSTIĆ in December 1998, then General-Major ANDRIĆ assumed command of the VRS 5th Corps.

2.4 In addition to the Chief of Staff, the Drina Corps had three Assistant Commanders who were responsible for managing the activities of the more specialized branch bodies of the Corps Staff on behalf of the Commander. Specifically, they were responsible for

[93] Translated *Ministarstvo Unutrašnih Poslova.*
[94] Drina Corps Order 05/2-293, (CLSS English translation), 13 Jul. 1995.
[95] *See also* Ch. 3.
[96] Drina Corps Order 05/2-293, *supra* n. 94.
[97] RS Presidential Decree 01-1369/95, (CLSS English translation), 14 Jul. 1995

the areas of Security; Moral, Legal and Religious Affairs; and Rear Services.[98] They were (during the relevant period of July 1995 through November 1995) as listed:

(i) Lieutenant Colonel Vujadin POPOVIĆ, was the Drina Corp's Assistant Commander for Security in July 1995.

(ii) Colonel Slobodan CEROVIĆ, was the Assistant Commander for Moral, Legal and Religious Affairs of the Drina Corps.

(iii) Colonel Lazar AĆAMOVIĆ, was the Assistant Commander for Rear Services (or Logistics) of the Drina Corps.

2.5 The remainder of the Corps Staff (under the Chief of Staff and the Assistant Commanders) comprised an organized body of experienced military professionals and was a fundamental component in the process under which the Commander's guidance and orders were processed for execution, and through which compliance was monitored. Select key personalities within that staff during the relevant period included the following:

i. Lieutenant Colonel Svetozar KOSORIĆ, Chief of Intelligence;

ii. Major Pavle GOLIĆ, Intelligence Officer;

iii. Lieutenant Colonel Rajko KRSMANOVIĆ, Chief of the Drina Corps Transportation Service;

iv. Colonel Ignjat MILANOVIĆ, Chief of Anti-Aircraft Defense; and,

v. Chief of Engineering, Captain First Class Milenko AVRAMOVIĆ.

(For a more comprehensive listing, refer to Annex A: Drina Corps Line and Block Chart.)

B. Structure of the VRS Drina Corps - July 1995

2.6 Listed below is the organization of the VRS Drina Corps[99] as organized in July 1995:

- 1st Zvornik Infantry Brigade (hereinafter "Zvornik Brigade")
- 1st Vlasenica Light Infantry Brigade (hereinafter "Vlasenica Brigade")
- 1st Sekovići (or Birač) Infantry Brigade (hereinafter "Birač Brigade")
- 1st Milići Light Infantry Brigade (hereinafter "Milići Brigade")
- 1st Bratunac Light Infantry Brigade (hereinafter "Bratunac Brigade")
- 2nd Romanija Motorized Brigade (hereinafter "2nd Romanija Brigade")
- 1st Podrinje Light Infantry Brigade (hereinafter "Rogatica Brigade")
- 5th Podrinje Light Infantry Brigade (hereinafter "Višegrad / Goražde Brigade")

[98] Refer to the VRS Corps Command Report, dated 05 April 2000, for details pertaining to roles and functions of the Corps Assistant Commanders.
[99] See Annex A: Line and Block Chart of the Drina Corps.

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- 5th Mixed Artillery Regiment
- 5th Military Police Battalion
- 5th Engineer Battalion
- 5th Communications Battalion
- 1st Skelani Separate Infantry Battalion (hereinafter "Skelani Battalion")

2.7 These units represented the permanent or organic formations that were subordinate to the Command of the VRS Drina Corps in July 1995. As such, they fell under the direct command and control of the Commander of the Drina Corps.[100] Of these, the principal units which were involved in the criminal acts as charged were the Zvornik Brigade, the Bratunac Brigade, and the Milići Brigades. Further, elements of several other Drina Corps formations became involved in these acts. The specific linkage between Drina Corps units and crime scenes and/or criminal events will be examined in detail in Chapters Five through Eleven.

2.8 Of the relevant brigades, the key personalities of the units were:

Zvornik Brigade[101]

- Lieutenant Colonel Vinko PANDUREVIĆ, Brigade Commander.

In early 1992, he held a rank of Captain First Class, and became Commander of the VRS forces in Višegrad, later named the 1st Višegrad Light Infantry Brigade. On 12 December 1992, he became the Commander of the 1st Zvornik Light Infantry Brigade, and remained in this position until November 1996. In June 1997, he received promotion to the rank of General-Major and was a member of the VRS General Staff. His military career in the Republika Srpska appears to have ended in April 1998 when he was relieved of his post and retired.

- Major Dragan OBRENOVIĆ, Brigade Chief of Staff and Deputy Commander.

In early 1992, Captain Dragan OBRENOVIĆ commanded the JNA 1st Armour Battalion of the 336th Motorized Brigade in the Zvornik area.[102] In October 1992 he became the Chief of Staff/Deputy Commander of the 1st Zvornik Infantry Brigade, a position he held until November 1996. In December 1995, he was promoted to the rank of Lieutenant Colonel and maintained his position as Chief of Staff of the Zvornik Brigade. On 29 April 1996, he became Acting Commander of the 303rd Motorised Brigade (formerly the Zvornik Brigade), and in August 1998, he was appointed Commander of the 503rd Motorised Brigade (formerly the 303rd Motorised Brigade) in Zvornik. He held this position until his arrest by SFOR troops on 15 April 2001.

- Lieutenant Drago NIKOLIĆ, Assistant Commander for Security.

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[100] Federal Secretariat for National Defense, General Staff of the SFRY, *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime*,1990, (CLSS English translation), art. 6 (noting that "the right to command units and institutions of the organic Corps (formation) is under the exclusive responsibility of the Commander"). Refer toVRS Brigade Command Report dated 31 October 2002

[101] See Annex B: Line and Block Chart of the 1st Zvornik Infantry Brigade.

[102] "We are a Young and Strong Army," *Drinski Magazine* Article, pertaining to the interview of KIK Dragan Obrenović, *supra* n. 7, page 2.

Lieutenant NIKOLIĆ joined the JNA in 1976 and then became a member of the VRS on 6th April 1992. He was appointed to the post of Assistant Commander for Security with the Zvornik Brigade on 27th March 1993.[103] By July 1995, he held the rank of 2nd Lieutenant and his post was titled Chief of Security of the Zvornik Brigade.[104]

- Captain 1st Class Duško VUKOTIĆ, Chief of Intelligence.
Duško VUKOTIĆ joined the VRS on 19th August 1992. He was appointed as Assistant Chief of the Intelligence Section with the Zvornik Brigade on 5th September 1994.[105] He continued to hold this post through July 1995.[106]

- Captain Milorad TRBIĆ, Administrator for Security.
Milorad TRBIĆ was appointed as Assistant for Security Matters in the Security-Intelligence Section of the Zvornik Brigade on 17th March 1994. He held the rank of Lieutenant.[107] On 5th September 1994 he was promotted as a Captain to the position of Administrator in Intelligence and Security Section.[108]

- Major Dragan JOKIĆ, Chief of Engineering/Duty Officer
Dragan JOKIĆ joined the Zvornik Brigade on 16th May 1992 and became Chief of Engineering later that same year on 6th December.[109] He continued to hold this position with the Zvornik Brigade through 1995 and held the rank of Major. At the time of his surrender to the ICTY in August 2001, he was a Lieutenant Colonel in the Operations Department of the VRS 5th Corps located in Sokolac, Bosnia and Herzegovina.

- Lieutenant Miomir JASIKOVAC, Military Police Company Commander.
Miomir JASIKOVAC joined the VRS on 22nd February 1993. From 4th June 1993, he held the post of Military Police Company Commander of the Zvornik Brigade as a 2nd Lieutenant.[110] He was appointed as the Military Police Company Commander with the rank of Lieutenant on 6th September 1994.[111] He continued in this role during the period relevant to the Srebrenica investigation.

- Captain 1st Class Dragan JEVTIĆ, Commander of Engineer Company.
Private Dragan JEVTIĆ was appointed as acting Company Commander rank Capt 1st for Zvornik Bde Engineering Company on 20 June 1995. This position had an establishment rank of Captain 1st Class.[112]

Zvornik Brigade Battalion Commanders/Deputy Commanders.

1st Battalion, Zvornik Brigade
- Lieutenant Milan STANOJEVIĆ, Commander[113]

2nd Battalion, Zvornik Brigade

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[103] PVL (Professional Military File) detail sheet for Drago Nikolić, (CLSS English translation).
[104] Zvornik Brigade Report on Confession of Đokić, Nesko, (CLSS English translation), 29 Jul. 1995.
[105] PVL (Professional Military File) detail sheet for Duško Vukotić, (CLSS English translation).
[106] Zvornik Brigade Intelligence Report 19/38 dated 3rd July 1995.
[107] Zvornik Brigade Appointment Order 06-53, (CLSS English translation), 17 Mar.1994.
[108] Zvornik Brigade Appointment Order 06-138, (CLSS English translation), 5 Sep. 1994.
[109] PVL (Professional Military File) detail sheet for Dragan Jokić, (CLSS English translation).
[110] PVL (Professional Military File) detail sheet for Miomir Jasikovac, (CLSS English translation).
[111] Zvornik Brigade Appointment Order 06-143, (CLSS English translation), 6 Sep. 1994.
[112] Zvornik Brigade Appointment Order 06-55, (CLSS English translation), 20 Jun. 1995.
[113] 1st Battalion Command Zvornik Brigade Command Attendance for July 1995, (CLSS English translation), lists Milan Stanojević as the Commander.

- Srecko AĆIMOVIĆ, Commander[114]

3rd Battalion, Zvornik Brigade
- Captain Branko STUDEN, Commander
- Zdravko VASILJEVIĆ, Deputy Commander[115]

4th Battalion, Zvornik Brigade
- 2nd Lieutenant Pero VIDAKOVIĆ, Commander
- Corporal Lazar RISTIĆ, Deputy Commander[116]

5th Battalion, Zvornik Brigade
- 2nd Lieutenant Vladen MATIĆ, Commander
- Borisav SAVIĆ, Deputy Commander[117]

6th Battalion, Zvornik Brigade
- Captain 1st Class Osotja STANIŠIĆ, Commander
- Marko Milošević, Deputy Commander[118]

7th Battalion, Zvornik Brigade
- 2nd Lieutenant Drago BEATOVIĆ, Commander
- Milorad DERIĆ, Deputy Commander[119]

8th Battalion, Zvornik Brigade
- Captain 1st Class Radika PETROVIĆ, Commander
- Boško PETROVIĆ, Deputy Commander[120]

Bratunac Brigade[121]

- Colonel Vidoje BLAGOJEVIĆ, Brigade Commander.

As a JNA Engineer Officer, he was a Lieutenant Colonel in April 1992. By June 1992, he was the Commander of the newly formed Zvornik Infantry Brigade which joined together the TO, para-military and volunteer units within the Zvornik municipality, within the formal VRS structure.[122] He held this position until August 1992 and was later a member of the Drina Corps Staff. In 1993, he served for several months as the acting Chief of Staff/Deputy Commander of the 1st Bratunac Light Infantry Brigade. In May 1995, he

[114] 2nd Battalion Command Zvornik Brigade Attendance for July 1995, (CLSS English translation), lists Srecko Aćimović as the Commander.
[115] 3rd Battalion Command Zvornik Brigade Attendance for July 1995, (CLSS English translation), lists Branko Studen as the Commander and Zdravko Vasiljević as the Deputy Commander.
[116] 4th Battalion Zvornik Brigade Command Attendance for August 1995, (CLSS English translation), lists Pero Vidaković as the Commander and Lazar Ristić as the Deputy Commander.
[117] 5th Battalion Command Zvornik Brigade Attendance for July 1995, (CLSS English translation), lists Vladen Matić as the Commander and Borisav Savić as the Deputy Commander.
[118] 6th Battalion Command Zvornik Brigade Attendance for July 1995, (CLSS English translation), lists Ostoja Stanišić as the Commander and Marko Milosević as the Deputy Commander.
[119] 7th Battalion Command Zvornik Brigade Attendance for July 1995, (CLSS English translation), lists Drago Beatović as the Commander and Milorad Derić as the Deputy Commander.
[120] 8th Battalion Command Zvornik Brigade Attendance for July 1995, (CLSS English translation), lists Radika Petrović as the Commander and Boško Petrović as the Deputy Commander.
[121] See Annex C: 1st Bratunac Light Infantry Brigade Line and Block Chart.
[122] "On the Road to Victory", the Third Anniversary of the Zvornik Brigade, as published in *Drinski Magazine*, June 1995, *supra* n. 4.

became the Commander of the Bratunac Brigade. At the time of his arrest by SFOR on 10 August 2001, he was the Chief of the Engineering Branch of the General Staff of the Army of Republika Srpska.

- Major Novica PAJIĆ, Chief of Staff/Deputy Commander[123]

- Captain First Class Momir NIKOLIĆ, Assistant Commander for Security and Intelligence.

JNA Reserve Captain Momir NIKOLIĆ was born on 20 February 1955 in Bratunac. He worked as a teacher until he was first mobilised in the army on 18 April 1992, and was a member of the municipal Crisis Staff and the TO Staff in Bratunac.[124] He remained an officer in the unit as it transitioned from a municipal level TO unit through its organization as a VRS Light Infantry Brigade in November 1992. During July 1995, Captain First Class NIKOLIĆ was the brigade Assistant Commander for Security and Intelligence, a position he held throughout most of the war. He was demobilized from the VRS in 1996, and arrested on 1st April 2002.

- Major Dragoslav TRIŠIĆ, Assistant Commander for Rear Services[125]

- Major Ratomir JEVTIĆ, Deputy Commander for Morale, Legal and Religious Affairs[126]

- Major Dragomir ESKIĆ, Assistant Chief of Staff for Reinforcement and Personnel Affairs[127]

Bratunac Brigade Battalion Commanders/Deputy Commanders.

1st Battalion, Bratunac Brigade
- 2nd Lieutenant Lazar OSTOJIĆ, Commander[128]

2nd Battalion, Bratunac Brigade
- Captain 1st Class Lieutenant Goran STAKIĆ, Deputy Commander[129]

2nd Battalion Intervention Platoon
- Staff Sergeant 1st Class Zoran MILOSAVLJEVIĆ[130]

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[123] Bratunac Brigade Work Plan for the Command for the month of July 1995, (CLSS English translation), Signed by Col BLAGOJEVIĆ, Vidoje, Commander and Maj PAJIĆ, Novica, Chief of Staff.
[124] Listed as #12 on the May 1992 list of payment of salaries for the TO Staff, *supra* n. 47, page 58.
[125] Message from 1.Brlpbr DK, (CLSS English translation), 02 Jul. 1995. See also Request for material and equipment IAW DK Prep order 01/04-156-1, (CLSS English translation), 02 Jul. 1995.
[126] Bratunac Brigade order 04-1890-2/94, (CLSS English translation), 22 Aug. 1994, which is signed by Major Ratomir Jevtić, Deputy Commander for Moral, Legal and Religious Affairs. See also Bratunac Brigade Personnel Roster for July 1995, (BCS only).
[127] Bratunac Bde message to Command of 2nd Romanija Motorized Bde re. rotation of personnel, (CLSS English translation), 21 Jul. 1995. Typesigned by Maj ESKIĆ, Dragomir, Assistant Chief of Staff for Recruitment & Personnel Affairs.
[128] Bratunac Brigade Appointment Order 69, (CLSS English translation), 03 May 1995, lists members of the newly formed Intervention Battalion, including 2nd Lieutenant Lazar Ristić the Commander of the 1st Battalion of the Bratunac Brigade.
[129] Bratunac Brigade Personnel Roster for July 1995, *supra* n. 126, which lists Captain 1st Class Goran Stakić as acting for the Commander of the 2nd Battalion of the Bratunac Brigade.
[130] *Ibid.* This document lists Staff Sergeant 1st Class Goran Milosavljević as the Commander of the 2nd Battalion Intervention Platoon.

3rd Battalion, Bratunac Brigade
- Major Lieutenant Dragomir ZEKIĆ, Commander
- Captain Streten PETROVIĆ, Deputy Commander[131]

3rd Battalion Red Berets Intervention Platoon
- Staff Sergeant 1st Class Rade PETROVIĆ, Commander until 16 July 1995[132]

4th Battlion, Bratunac Brigade / 8th Battalion Zvornik Brigade
- Captain 1st Class Radika PETROVIĆ, Commander
- Boško PETROVIĆ, Deputy Commander[133]

Military Police Platoon
- Staff Seargant 1st Class Mirko JANKOVIĆ, Commander[134]

Pioneer Platoon
- Đorđe PEJIĆ, Pioneer Platoon Commander[135]

Milići Light Infantry Brigade

- Major Milomir NASTIĆ, Brigade Commander[136]

- Ivan STOJANOVIĆ, Brigade Chief of Staff and Deputy Commander

Vlasenica Light Infantry Brigade

- Major Mile KOSORIĆ, Commander

- Major Boško SARGIĆ, Chief of Staff/Deputy Commander

Višegrad / Goražde Brigade

- Major Ratomir FURTULA, Brigade Commander

5th Engineering Battalion

- Major Milenko AVRAMOVIĆ, Commander

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[131] *Ibid.* This document which lists Major Dragomir Zekić as the 3rd Battalion Commander and Captain Sreten Petrović as the 3rd Battalion Deputy Commander.
[132] *Ibid.* This document lists Staff Sergeant 1st Class Rade Petrović as Commander of the Red Berets Intervention Platoon until 16 July 1995.
[133] Bratunac Brigade Daily Combat Report, (CLSS English translation), 8 Jul. 1995, referring to the 4th Battalion, which was sent from the Zvornik Brigade. Radika Petrović, of the 8th Battalion Zvornik Brigade was the 4th Battalion Commander, and Boško Petrović was the Deputy Commander.
[134] Bratunac Brigade Personnel Roster for July 1995, *supra* n. 126, lists Staff Sergeant 1st Class Mirko Janković as the Military Police Platoon Commander.
[135] Bratunac Brigade Order 73, Appointing Lieutenant Pejić as the Commander of the Pioneer Platoon on 01 July 1995, (CLSS English translation).
[136] Milići Brigade document number 720/95, (CLSS English translation), 14 Jul. 1995, from the Commander, Captain 1st Class Milokir *(Milomir)* Nastić.

Captain Milenko AVRAMOVIĆ was the Commander of the 5th Engineer Battalion of the Drina Corps. In April 1994, he was acting in this capacity, but by September of 1994, he had assumed the position of Commander.[137]

- Major Mile SIMANIĆ, Deputy Commander

The Deputy Commander of the 5th Engineering Battalion, at least during July 1995, was Major Mile SIMANIĆ.[138]

C. Units temporarily resubordinated to the VRS Drina Corps - July 1995

2.9 In addition to the above listed organic formations, it was not uncommon for the VRS to create temporary units or formations.[139] Within the context of the former JNA, and by extension the VRS, there was an inherent flexibility to tailor command and control of specific units between organizations in order to effectively achieve the optimum military force required to deal with a situation in a given geographical area. This tailoring was accomplished through the practice of resubordinating units on a temporary basis (privremeno potčinjavanje).[140] In most cases, this involved either the creation of "tactical" or "battle" groups, consisting of multiple formations under unified command, or simply the temporary resubordination of a formation from one headquarters to another.

2.10 Under these circumstances, the overall commander controlled the activities of these units, at least for the duration of the time, and in the circumstances under which control was granted. Under these temporary groupings, command and control relationships were defined on a "case-by-case" basis.[141]

2.11 For the period of July 1995, four temporary command relationships pertaining to the VRS Drina Corps are noted. These include temporary command relationships with units normally assigned to the Main Staff, the MUP Special Police, and the creation of a temporary formation that was under the command of another Corps. Each of these operated as a part of, and subordinate to the VRS Drina Corps during various times in July 1995. They are discussed in detail below.

65th Protection Regiment

2.12 The 65th Protection Regiment was one of the better-equipped and manned large formations of the VRS during the war. This unit, commanded by Lieutenant Colonel Milomir SAVČIĆ, was a direct holdover from the former JNA structure (being assigned directly to the Military District headquarters). As such, in the VRS it was directly subordinate to the Main Staff, as opposed to a specific Corps headquarters. The primary function of the Regiment was to protect important military facilities and personnel. Due to the proximity of the Muslim enclave in Žepa to the VRS Main Staff facilities in Han Pijesak and Mount Žep, most of the unit was garrisoned at or near Han Pijesak.

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[137] 5th Engineers' Battalion document number 9-4/94, (CLSS English translation), 22 Apr. 1994 and Zvornik Brigade VP 7469/05 Record of Vehicle transfer, (CLSS English translation), 24 Sep. 1994.

[138] Krstić Defence Exhibit 99 - 5th Engineering Battalion Interim Report 107-1, (CLSS English translation), 13 Jul. 1995, which is signed by Major Mile Simanić.

[139] JNA Military Lexicon, *Privremeni Sastav*, p. 452.

[140] Translated: Privremeno potčinjavanje, "temporarily resubordinated." This refers to the act of placing a military formation under the command and control of a unit or headquarters to which it is not normally subordinate.

[141] *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime*, *supra* n. 100, art. 6., refer to VRS Brigade Command Report dated 31 October 2002.

However, the Military Police Battalion of the unit was garrisoned at Nova Kasaba in July 1995, under the command of Major Zoran MALINIĆ. This unit was involved in the assembly and detention of Muslim prisoners near Nova Kasaba (see Chapter Six). On or about 15 July 1995, this unit is believed to have fallen under the control of the Commander of the Bratunac Brigade, and by extension, the Commander of the VRS Drina Corps.[142]

10th Sabotage Detachment

2.13 The 10th Sabotage Detachment was organized on 14 October 1994, as a VRS Main Staff asset for wartime sabotage and reconnassiance missions.[143] In July 1995, the unit was commanded by Lieutenant Milorad PELEMIŠ. On 10-12 July 1995, both platoons of the 10th Sabotage Detachment participated with VRS Drina Corps units in the actual capture of Srebrenica. Later, elements of one platoon of the unit were present and participated in the executions of Muslim men at the Branjevo Military Farm.[144]

Republika Srpska Special Police (MUP)

2.14 In addition to the above Army units, various RS Police units were also present and operating under the control of the Army. These units can be broken into two specific types, the Municipal Police (PJP-Special Police Forces) companies and the Special Police detachments of the RS Special Police brigade.

2.15 The Special Police units of the RS Special Police Brigade were organized as combat formations, and their primary role was internal security operations. They fell directly under the command of the RS Interior Minister. This Special Police unit was headquartered in Bijeljina (Janja) area. The Brigade was further organized into battalions or detachments, and garrisoned over the territory of the RS.[145] These battalions participated in many significant combat operations over the course of the war. In July 1995, General Goran SARIĆ was the Brigade Commander, and Lieutenant Colonel Ljubiša BOROVČANIN was the Brigade Deputy Commander.[146]

2.16 The Municipal Police units were those units whose primary functions were related to law enforcement and public safety, and belong to the Zvornik's regional Center for

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[142] *See*, Confidential Message 03-253-103-3 from Colonel Ignjat Milanović to the Command and Commander of the Drina Corps, (CLSS English translation), 15 Jul. 1995 (recommending that all elements searching the terrain and sweeping the battlefield along the Kasaba and Drinjača road be placed under the command of the Commander of the 1st Bratunac Light Infantry Brigade); 1.Brlpbr Daily Combat Report 03-253-106, (CLSS English translation), 16 Jul. 1995 (reflecting that the Brigade Commander visited all units involved in blocking the enemy retreat, including units of the 65th Protection Regiment, the 1st Milici Light Infantry Brigade, the 5th Engineer Battalion and the MUP, where he "defined their tasks, and organized their joint actions and communications").

[143] See 14 October 1995 video, Drina Corps Commander General-Major Radislav Krstić (on behalf of General Mladić) presided over a ceremony marking the unit's one-year anniversary. In addition to Lieutenant Pelemiš (10SD Commander) and other assembled unit personnel, various Drina Corps officers were present, to include Lieutenant Colonel Popović (Drina Corps Assistant Commander of Security) and Lieutenant Colonel Kosorić, (Drina Corsp Chief of Intelligence).

[144] *See also* Ch. 7.

[145] MUP Special Police Brigade document 01/1-1-100/95, (CLSS English translation), 20 Feb. 1995, showing the structure of nine Special Police detachments.

[146] MUP Special Brigade Dispatch Number 113/95, (CLSS English translation), 30 Jun. 1995, from Deputy Commander Ljubiša Borovčanin. Also see MUP Special Police Brigade document 01/1-1-275/95, (CLSS English translation), 09 May 1995, in which Commander Sarić desigates Ljubiša Borovčanin as the Special Police Brigade Deputy Commander.

Public Security-*Centar Javne Bezbjednosti* (hereinafter "CJB").[147] Within the Zvornik CJB structure, Dragomir VASIĆ was the CJB Chief and his deputy was Mane ĐURIĆ.

2.17 Within the framework of the Zvornik regional CJB, the municipal police force could also be mobilized for combat related operations. In July 1995, under the auspice of the CJB, there were nominally six police companies organized which were organized when necessary to supplement military forces or to conduct security sweeps in the rear areas of the Drina Corps.[148] The organization of these units of the PJP was under the direct command of Danilo ZOLJIĆ.[149] However, in practice, the companies were resubordinated to upon their deployment on mission. These companies were not constantly manned, but were comprised of regular police officers who were released from law enforcement duties when required. These companies drew members from the subordinate municipal stations, and were directly lead by police officers, even when operating in combat zones under the command and control of the Army. As noted in the VRS Brigade Command Report, this system is fully consistent with provisions of RS Law.[150]

2.18 As will be detailed in upcoming chapters, select elements of the RS Special Police and significant elements of the Zvornik municipal police were involved in activities related to the VRS capture of Srebrenica.[151]

2.19 Finally, in June 1995, the VRS Drina Corps organized a temporary combat formation that it called the "4th Drinski Light Infantry Brigade."[152] This brigade, formed from Drina Corps assets, was operating in the zone of, and subordinate to the Command of the VRS Sarajevo-Romanjia Corps. While identified as part of the VRS Drina Corps structure, it was subordinate to the Sarajevo-Romanjia Corps during the period of the commission of the crimes.

D. VRS Main Staff - July 1995

2.20 Within the hierarchy of the Army of the Republika Srpska, the VRS Main Staff directed the operations of the subordinate Corps. Key personalities (with respect to the relevant Srebrenica 1995 issues) from this body included:

1) General-Colonel Ratko MLADIĆ, Commander of the Main Staff;

2) General-Lieutenant Colonel Manojlo MILOVANOVIĆ, Chief of the Main Staff;

3) General-Lieutenant Colonel Milan GVERO, Assistant Commander for Moral, Religious and Legal Affairs;

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[147] The CJB in Zvornik was one of nine in RS in July 1995.

[148] CJB Zvornik document 01-16-02/1-232/95, (draft English translation), 28 Jul. 1995. This document, reflecting the engagement of PJP /Special Police Forces/ and current problems notes that while the CJB Zvornik normally has six companies, only the 1st through 4th Companies are adequately manned. The 5th Company was manned with a few officers not yet assigned to other posts, and the 6th Company was disbanded to provide manpower for the remaining four operational companies.

[149] CJB Zvornik report 01-16-02/1-243/95, (draft English translation), 01 Aug. 1995, describing the situation in the CJB area.

[150] See VRS Brigade Command Report, Section 6.

[151] See Annex D: Line and Block Chart, RS Police Structure in the Drina Corps zone, July 1995.

[152] 4.Dlpbr Order 538/01-12, (CLSS English transation), 25 Jun. 1995.

4) General-Major Zdravko TOLIMIR, Assistant Commander for Security and Intelligence;

5) General-Major Radivoje MILETIĆ, Deputy Chief of the Main Staff and Chief of Operations;

6) Colonel Ljubiša BEARA, Chief of the Main Staff Security Administration;

7) Colonel Radoslav JANKOVIĆ, Main Staff Intelligence Administration;

8) Colonel Milovan STAKOVIĆ, Main Staff Intelligence Administration;

9) Lieutenant Colonel Dragomir KESEROVIĆ, Main Staff Security Administration;

10) Colonel Bogdan SLADOJEVIĆ, Main Staff Operations Department Officer;

11) Colonel Nedo TRKULJA, Main Staff Operations Department, Chief of Armored Units.

These officers are noted in the zone of the Drina Corps during the relevant period.

CHAPTER THREE: VRS Operation "Krivaja 95"

01134322

A. Operations Plan No. 1

3.0 On 30 June 1995, a select group of staff officers from the Command of the Drina Corps were noted in the area of the Bratunac Brigade (particularly in the area of the 3rd Battalion). This group of officers, led by the Corps Chief of Staff General-Major Radislav KRSTIĆ, probably represented the initial Corps level planning process for what would later be called Operation "Krivaja 95", the VRS military operation against the UN designated "safe area" of Srebrenica.[153]

3.1 On 02 July 1995, the actual preparations began in earnest for the military operations against the "safe area". On that day, the Command of the Drina Corps published "Preparation Order Number 1", alerting units of the Corps to pending operations relative to the enclaves.[154] This order signed by General-Major Milenko ŽIVANOVIĆ, served to prepare units for combat activities, and specifically directed select units to send reinforcements to the designated battle area. Despite the mid-June 1995 call-up of reservists, units of the Bratunac Brigade, the Milići Brigade and the Skelani Separate Battalion remained ill-equipped and unsuited for offensive combat operations.[155] Aside from the equipment shortfalls, both units were significantly populated with older reservists and conscripts who did not have the training or physical stamina to endure a major battle in the heat of summer. As such, they could not be expected to lead the operation.

3.2 The Zvornik Brigade did have the right mixture of troops, and was ordered to form a two-battalion "Tactical Group" and move towards Srebrenica by 04 July 1995.[156] This tactical group was lead by Lieutenant Colonel Vinko PANDUREVIĆ, the Brigade Commander, and his appointed deputy was Captain 1st Class Milan JOLOVIĆ, also know as "Legenda".[157] Captain JOLOVIĆ commanded the "Podrinjre Detachment", known better as the "Drina Wolves". This particular unit was comprised of young, fit, and experienced soldiers who had fought in battles throughout the territory of RS. They were well-equipped and suited to lead the assault against the Muslim military forces inside the Srebrenica enclave. In addition to two battalion-sized infantry battle groups, the tactical group contained one platoon of tanks, one platoon of armored personnel carriers, and a battery of self-propelled artillery.[158]

3.3 Other Drina Corps units which contributed forces were the Birač Brigade, the 2nd Romanija Brigade, and the Vlasenica Brigade.[159] All the units were ordered to begin movement no later that 05 July 1995, and to be prepared to begin offensive operations by 08 July 1995.[160]

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[153] 1.Brlpbr Reports and Meetings Journal, (CLSS English translation), 26 Jun. 1995 – 08 May 1997.
[154] KDK Order 01/04-156-1, 02 Jul. 1995, *supra* n. 125.
[155] In a series of messages back to the Drina Corps in June 1995, the Chief of Rear Services for the 1.Brlpbr requested additional support and equipment in order to bring the unit's equipment up to the required holdings. In one instance, he requested 2000 helmets be sent to the brigade as the unit had none.
[156] 1.Zvpbr Order 01-244, (CLSS English translation), 02 Jul. 1995 (ordering formation of "tactical group" for operations around Srebrenica).
[157] *Ibid.*
[158] *Ibid.*
[159] KDK Order 01/04-156-1, *supra* n. 125.
[160] *Ibid.*

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3.4 Subsequent to publishing the Preparatory Order, the Command of the Drina Corps published order 04/156-2. This order, dated 02 July 1995, was titled Order for Active Combat Operations No.1, and covered the conduct of "Krivaja-95". This order was also signed by General-Major ŽIVANOVIĆ.[161]

3.5 As a component of the order, the Commander of the Drina Corps identified his intentions to the Corps, as well as the objectives of the operations. Based on this order, it is clear that the initial objective of the VRS Drina Corps was not to capture Srebrenica; rather, theirs was the more limited goal of severing overland communications between the Muslim forces in Srebrenica and Žepa.[162] Further, it was to reduce the "safe areas" - first Srebrenica, then Žepa - to nothing more than the urban area of both towns. These were the same goals as previously defined in RS Supreme Command Directive No 7.[163] This order also assessed that the Muslim forces in the "safe area" would defend their positions in strength, and that they would be "supported" by UNPROFOR forces. In a change from the Preparatory Order, all units were to be prepared to conduct combat operations by 0400 hours on 06 July 1995. Also reflecting a change from the Preparatory Order, at least "two or three companies of MUP" were designated as part of the Corps reserve.[164]

B. VRS Drina Corps Deployments

3.6 As these subordinate Drina Corps elements began their movement towards the "safe area" of Srebrenica, the Drina Corps Command continued to plan and refine the operation against the enclave. On 03 and 04 July 1995, General-Major ŽIVANOVIĆ was in Bratunac, where the Main Headquarters of the Bratunac Brigade was located.[165] He further traveled to the Forward Command Post of the Bratunac Brigade located in the village of Pribičevac. From this location on a hill overlooking Srebrenica town, the Drina Corps Commander and Chief of Staff would later direct the military operations.[166]

3.7 On 04 July 1995, the Drina Corps Command issued an order for units to assume full combat readiness. That order (designation number unknown) was read to the Commander and Staff of the Bratunac Brigade at a meeting on 04 July 1995. At this meeting, the order was described as being issued by the Drina Corps Chief of Staff (General-Major Radislav KRSTIĆ).[167] At 1115 hours that same day, in an intercepted telephone communication between Zvornik Brigade Chief of Staff Major OBRENOVIĆ and General KRSTIĆ, the Zvornik Brigade Chief of Staff was informed that "the boss has signed the documents, and that we are being engaged on that assignment."[168] As a further

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[161] KDK Order 04/156-2, Operations Order No.1, (CLSS English translation), 02 Jul. 1995.
[162] *Ibid.*
[163] RS Supreme Command Directive 7, *supra* n. 78, p. 10. This same directive is referenced in Operations Order No.1, *supra* n. 161.
[164] KDK Order 04/156-2, *supra* n. 161.
[165] *See*, 1.Brlpbr Military Police Daily Log, (CLSS English translation), 01-21 Jul. 1995 (discussing escorting Gen-Major Živanović around the brigade sector); CLSS English translation of 1.Brlpbr Daily Combat Report 03-253-93, (CLSS English translation), 03 Jul. 1995 (detailing that Gen-Major Živanović and a group of commanding officers of the Drina Corps were in the sector of the 3rd Bn (Pribičevac) at the time).
[166] 1.Brlpbr Daily Combat Report 03-253-100, (CLSS English translation), 10 Jul. 1995 (placing General Mladić, Gen-Major Živanović and Gen-Major Krstić at the Command Post in Pribičevac).
[167] 1.Brlpbr Reports and Meetings Journal, 04 Jul. 1995, *supra* n. 153.
[168] Intercepted military telephone communication between conversants "General Krstić" and "Obrenović", 04 Jul. 1995, at 11:15 hours.

component of that conversation, General KRSTIĆ indicated that he had "something to take care of at the MUP."[169]

3.8 What is believed to be the final piece of the planning process for the beginning of the operation occurred on 05 July 1995, when the Drina Corps published a major component of the "Krivaja 95" combat plan, the air defense order, signed by General-Major Milenko ŽIVANOVIĆ. This was particularly important as NATO air intervention was expected.[170]

3.9 As for the Bosnian Muslim 28th Infantry Division and the Army of Bosnia and Herzegovina's (hereinafter "ABiH"), II Corps,[171] by 05 July 1995, they were aware of the upcoming VRS military operations against their forces in the "safe area". Information from the local population several days prior indicated that additional VRS units were moving in, and military reconnaissance noted these new units arriving in the Zeleni Jadar area on the afternoon of 05 July 1995.[172] The 28th Infantry Division assessed the objective of the upcoming VRS operation to be the cutting off of communications lines between Srebrenica and Žepa.[173]

C. The Attack Begins

3.10 In accordance with the published plan, military operations began early on 06 July 1995. At 0430 hours, Muslim positions manned by the 28th Infantry Division came under fire.[174] Some of this fire was also directed against the UNPROFOR Observation Posts (OPs), and reflected an overall pattern by the VRS to attempt to force the UNPROFOR troops out of the OPs while not directly shooting at the Dutch soldiers. This tactic met with success and by the 08 July 1995, UNPROFOR positions along the southern edge of the Srebrenica "safe area" were being occupied by advancing Drina Corps troops. OP Foxtrot was abandoned, and the Dutch soldiers of OP Uniform were in Serb custody (these soldiers were subsequently detained at the Hotel Fontana).[175] At the same time, the 28th the Infantry Division positions situated behind these UN positions were also captured by the Drina Corps.[176]

3.11 Of note, one day after active combat commenced at Srebrenica, a vehicle protection log from the Zvornik CSB states that "Frenki from the "Serbian State Security", was escorted by a MUP security detail during a trip from Zvornik to Vlasenica on 07 July 1995. The log indicates that he returned to Zvornik, and then went back to Serbia that same day.[177] The purpose of his visit to Vlasenica is presently unknown.

3.12 VRS operations continued on 09 July 1995, and during the morning hours, OP Sierra fell to advancing Drina Corps forces. Later that day, OP Kilo was overrun. As in the case of the troops from OP Uniform, the Dutch from OP Sierra and OP Kilo were

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[169] *Ibid.*
[170] KDK Order 08/8-68, Drina Corps Air Defense Plan, (CLSS English translation), 05 Jul. 1995.
[171] The 28th Division of the ABiH was headquartered in Srebrenica and was subordinated to the ABiH II Corps, located in Tuzla.
[172] 28th Infantry Division Combat Report 01-161/95, (CLSS English translation), 05 Jul. 1995.
[173] *Ibid.*
[174] 28th Infantry Division Interim Report 11-31/95, (CLSS English translation), 06 Jul. 1995.
[175] *Debriefing on Srebrenica, supra* n. 83, pp. 24-25.
[176] 28th Infantry Division Combat Report 01-166/95, (CLSS English translation), 08 Jul. 1995.
[177] MUP Logbook of escorts provided for people, bulky loads and other specific cargo, (CLSS English translation), 07 Jul. 1995.

allowed to depart the battlefield area, and were subsequently detained by the VRS at the Hotel Fontana.[178] OP Delta was abandoned, and the Dutch soldiers there withdrew to Srebrenica. With all the southern OPs either abandoned or captured by the Drina Corps, the road to Srebrenica town was open.[179] Muslim military units defending Srebrenica town came under increasingly heavy fire, and were being pushed back into the southern outskirts of the town. By the evening of 09 July 1995, the situation was rapidly becoming critical for the Muslim civilian and military leadership in Srebrenica.[180]

D. The New Objective

3.13 Based on the success of the VRS Drina Corps operations against the Muslim and UNPROFOR forces in the "safe area", late on 09 July 1995, the VRS Main Staff (GŠVRS) transmitted order 12/46-501/95 to the Forward Command Post of the Drina Corps, personally to the attention of General KRSTIĆ and General GVERO.[181] In this order, the President of the Republika Srpska expressed his satisfaction with the combat results to date, and authorized the VRS Drina Corps to take the town of Srebrenica, with the goal of finally disarming the Muslim "terrorists", and demilitizaring Srebrenica.[182]

3.14 By the early morning hours of 10 July, the battle for the enclave had entered this new stage. The last significant UN unit (Bravo Company) between Srebrenica town and the advancing Serbs deployed in blocking positions south and west of the town, with orders to return fire if fired upon directly. On the VRS side, General MLADIĆ, General-Major ŽIVANOVIĆ, and General-Major KRSTIĆ were at the Pribičevac Forward Command Post, directing the operations of the attacking forces.[183]

3.15 As the day wore on, the VRS forces continued to advance on Dutch blocking positions using fire and maneuver tactics to force them back without actually firing directly on Dutch troops.[184] Thus, despite the intensity of the conflict, the Dutch did not suffer casualties as a result of VRS fire. However, UN forces did request Close Air Support (CAS) during the early morning hours. NATO aircraft began orbiting the battlefield, the Serbs halted their firing and the battle subsided. With the diminishing of conflict, the trigger for CAS (under the UN Rules of engagement in effect at the time) was not tripped, and NATO aircraft departed the area by the mid-afternoon.[185] As the aircraft departed, the VRS resumed their advance, and the remaining elements of the Muslim 28th Infantry Division withdrew from the Serb forces, leaving only two Dutch blocking positions between the Serbs and the town.[186] Using the same tactics of fire and maneuver tactics, the VRS continued to force the Dutch back, until the blocking positions were in the town proper. By the end of the day, pressure eased, with the Dutch holding Srebrenica town, but the VRS holding all the key heights and poised to enter the town the next day.[187] Finally, during the evening hours of 10 July 1995, additional VRS

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178 *Debriefing on Srebrenica, supra* n. 83, pp. 25-26.
179 *Ibid.*, p. 27.
180 BH Srebrenica Presidency message 01-___/95, (CLSS Englsih translation), 09 Jul. 1995.
181 General-Major GVERO was the Assistant Commander for Moral, Legal and Religious Affairs of the Main Staff of the VRS.
182 VRS Main Staff Order 12/46-501/95, (CLSS English translation), 09 Jul. 1995.
183 1.Brlpbr Daily Combat Report 03-253-100, *supra* n. 166.
184 *Debriefing on Srebrenica, supra* n. 83, p. 30.
185 *Ibid.*, pp. 30-31.
186 *Ibid.*, p. 30.
187 *Ibid.*, pp. 30-31.

reinforcements (specifically the 10th Sabotage Detachment) arrived just south of Srebrenica, to be used in the assault on the town the next morning.

3.16 Throughout the afternoon and evening of 10 July 1995, an estimated several thousand civilians from the southern portions of the enclave (specifically the Swedish Shelter Project) had taken refuge in Srebrenica, with a considerable number occupying the compound of Bravo Company in Srebrenica.[188] Late that evening, Dutch Battalion Commander Lieutenant Colonel KARREMANS briefed the Muslim mayor of Srebrenica on plans for major NATO airstrikes the next morning (11 July 1995). The Muslim military commanders were not convinced that such an effort would either materialize, or defeat the VRS attack. As such, during the evening of 10 July 1995, the bulk of the Muslim 28th Infantry Division units exfiltrated the town, heading for the northwest corner of the enclave to prepare for a breakout towards Tuzla.[189] Women, children, the elderly and the infirm began heading to the relative security of UN compounds in Srebrenica and Potočari.

E. The Fall of Srebrenica

3.17 The morning of the 11 July 1995 brought clear skies yet for a variety of reasons NATO air support did not materialize. By 1100 hours, Serb assault forces were again advancing towards the town, with Dutch peacekeepers again withdrawing before them. By noon, the last rear-guard Muslim units abandoned their positions, and the UN forces in Srebrenica withdrew to their compound on the northern side of town, still crowded with Muslim refugees. No ground forces now stood between the VRS and Srebrenica.[190]

3.18 At 1430 hours, two NATO F-16s bombed VRS tanks advancing towards the town from the south. A further two F-16s attempted to bomb VRS artillery positions overlooking the town, but were aborted when the pilots could not visually identify the targets. Subsequent strikes by NATO forces were cancelled following a threat by the VRS to kill the Dutch troops being held in VRS custody (the troops from the OPs overrun by the VRS), and to shell the UN compounds.[191]

3.19 By 1600 hours, the Dutch began evacuating the remaining 4000 - 5000 Muslim civilians from the Bravo Company compound in Srebrenica - their destination being the main UN compound two kilometers to the north at Potočari.[192] When VRS troops (primarily from the Drina Wolves, the 10th Sabotage Detachment, and smaller elements of the Zvornik Brigade, Bratunac Brigade, Birač Brigade and the 2nd Romanija Brigade) subsequently entered the town, it was almost deserted.[193]

3.20 That same day, RS MUP Special Police units began arriving in the vicinity of the enclave as well, assembling in Bratunac. These MUP reinforcements, previously engaged in combat operations near Trnovo, began arriving in the afternoon hours of 11 July 1995. Under the command of Ljubiša BOROVČANIN (the deputy commander of the RS Special Police Brigade), this force consisted of a company of the 2nd Special Police

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188 *Ibid.*, pp. 31-32.
189 *Ibid.*, p. 32.
190 *Ibid.*, pp. 34-36.
191 *Ibid.*, p. 35.
192 *Ibid.*, pp. 34-36.
193 SRNA and VRS video footage of the capture of Srebrenica support the fact that most of the Muslim civilian population abandoned the town before VRS forces entered on 11 July 1995.

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Detachment (Šekovići), the 1st Company of PJB police (drawn from the Zvornik CSB), a mixed company of police drawn from Serbia proper and the Republika Srpska Krajina (RSK), and finally a company of police from the RS Police training camp in Jahorina.[194] As a component of this order, Special Police Commander BOROVČANIN was directed that when his unit arrived in Bratunac, he was "...obliged to make contact with the Corps Chief of Staff, General KRSTIĆ."[195]

F. Two Paths Followed - The Muslim Military Exodus

3.21 As previously mentioned (see paragraph 3.16), the refugees heading for the UN compound in Potočari by no means represented all of the Muslims remaining in the enclave. Since the evening of 10 July 1995, ABiH soldiers and Muslim men had been assembling in the area of the villages of Šušnjari and Jaglići.[196] This area, at the north-western corner of the Srebrenica "safe area", was the departure point through the VRS minefields and the most direct route towards ABiH held territory near Tuzla. Depending on the source of information used, between 10,000 and 15,000 people would ultimately be part of a "mixed" (military and civilian) column that would attempt to escape along this route.

3.22 The second option for the remaining Muslims was the UN compound in Potočari. The actual number of refugees who arrived at the compound between 11 and 12 July 1995 may never be accurately known, as the sheer numbers and circumstances at the site produced varied estimates. UN Dutch battalion estimates for the evening of 11 July placed the refugee count at 17,500 in and around the compound.[197] United Nations Military Observers (UNMOs) reporting on Srebrenica estimated the numbers to be even higher - between 30,000-35,000 refugees in and around the UNPROFOR compound.[198]

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[194] RS MUP order 64/95, (CLSS English translation), dated 10 July 1995. Order signed by Tomislav Kovač, who was then the Deputy Minister of the Interior.

[195] *Ibid*, Paragraph Five.

[196] *Debriefing on Srebrenica, supra* n. 83, p. 37.

[197] Message from CO Dutchbat, 12 Jul. 1995. In this message, the Dutchbat Commander states that he has approx 2500 refugees inside the UN compound perimeter, and there are approx 15,000 refugees just outside of the UN compound.

[198] UN Military Observer Srebrenica fax to UNPROFOR Sector NE, 131100B, Jul. 1995.

CHAPTER FOUR: Meetings and Decisions

4.0 With Srebrenica now under VRS control, three main issues needed to be resolved: first, the status of the Muslim population inside the former UN "safe area"; second, the restoration of Serb civil rule over the Srebrenica municipality; and third, military-to-military relations between the VRS and UNPROFOR soldiers. In this regard, three meetings were held at the Hotel Fontana in Bratunac between 11 July 1995 (at 2030 and 2300 hours) and 12 July 1995 (at 1000 hours), and two directives were issued by the RS President pertaining to civil administration and the movement of the Muslims out of the former Srebrenica enclave.

A. 11 July 1995

4.1 On 11 July 1995, Dr. Radovan KARADŽIĆ, in his capacity as RS President, issued two directives related to Srebrenica. First, RS Presidential Order 01-1340 in which Miroslav DERONJIĆ was appointed as the "Civilian Commissioner for the Serbian Municipality of Srebrenica".[199] Paragraph four directs that:

> The commissioner shall ensure that all civilian and military organs treat all citizens who participated in combat operations against the Army of the Republika Srpska as prisoners of war, and to ensure that the civilian population can freely choose where they will live or move to.[200]

Further, paragraph five specifies that "the decision of the civilian commissioner shall be binding for all civilian authority organs in the Serbian municipality of Srebrenica."[201]

4.2 The second order was RS Presidential Order 01-1341, which ordered the formation of a Public Security Station for Serb Srebrenica.[202] Like the earlier RS Presidential order (01-1340), paragraph four directed that "... citizens who engaged in combat be treated as prisoners of war, and the remainder be free to choose their place of residence or emigration." [203] This same order was forwarded on 12 July 1995 by the RS MUP, with additional instructions on establishing the SJB in Srebrenica. This order was signed by Deputy Interior Minister Tomislav KOVAĆ.[204]

4.3 The first meeting at the Hotel Fontana took place at approximately 2030 hours, and was attended by VRS Commanders and Dutch Battalion (Dutchbat) representatives. The senior VRS commanders were General-Colonel MLADIĆ, and from the Drina Corps, General-Major ŽIVANOVIĆ. Other Serb military officers present included Colonel JANKOVIĆ (associated with the VRS Main Staff Intelligence Administration),[205] Lieutenant Colonel KOSORIĆ, Chief of Drina Corps Intelligence, and Colonel

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[199] RS Presidential Directive 01-1340/95, (CLSS English translation), 11 Jul. 1995. Of note, the 1340 number is altered by hand to reflect the number 1350.
[200] *Ibid.*
[201] *Ibid.*
[202] RS Presidential Directive 01-1341/95, (CLSS English translation), 11 Jul. 1995. Of note, the number 1341 is altered by hand to reflect the number 1351.
[203] *Ibid.*
[204] RS MUP order k/p-1-407/95 (draft English translation), 12 Jul. 1995 to CJB Zvornik (attention Chief of the CJB).
[205] VRS Main Staff Plan for Intelligence Support, (CLSS English translation), 29 Mar.-31 May 1995. Colonel Radoslav Janković is noted as the drafter of this plan, in the name of the Chief of the Intelligence Administration, Colonel Petar Salapura.

MILUTINOVIĆ, Head of the VRS Main Staff Information and Press Office who led a film crew which videotaped the meetings. Also noted on the fringes of the meeting was Captain First Class Momir NIKOLIĆ, the Assistant Commander for Intelligence and Security, Bratunac Brigade. On the Dutch side, the contingent consisted of Dutchbat Commander, Lieutenant Colonel KARREMANS, Dutchbat Deputy for Liaison, Major BOERING, and his assistant, Sergeant-Major RAVE. The interpreter was Petar UŠČUMLIĆ, a Serb interpreter for the United Nations Mission Observers (UNMO). Serb civilian representatives were also present, but played no active role in the meeting.[206]

4.4 The first meeting lasted approximately one hour and began with angry remarks made by General MLADIĆ towards the Dutch Commander over the NATO airstrikes against Serb forces.[207] General MLADIĆ then turned to the Dutch commander and asked him what they wanted. Lieutenant Colonel KARREMANS stated that he had communicated with General NICOLAI, UNPROFOR Chief of Staff in Sarajevo, and that there was general acknowledgement that the enclave had been lost. Lieutenant Colonel KARREMANS requested, on behalf of his superiors, a withdrawal of the Dutch battalion, the Muslim population, and MSF, an international medical non-governmental organization working in the enclave.[208] Later in the meeting General MLADIĆ asked whether buses could be provided through General NICOLAI. Lieutenant Colonel KARREMANS responded that he believed it could be arranged.[209]

4.5 The meeting proceeded with a request by General MLADIĆ to the Dutch officers to arrange for Muslim civilian and military representatives to attend a second meeting that same evening at 2300 hours. General MLADIĆ specifically requested the attendance of Zulfo TURSUNOVIĆ, a Muslim military commander.[210] Lieutenant Colonel KARREMANS stated that he did not know where the Muslim civilian and military authorities were, but that he would take it upon himself to try to arrange for representatives to attend the meeting. General MLADIĆ used menacing language throughout the meeting and at one point, while asking Lieutenant Colonel KARREMANS whether he could guarantee the presence of Muslim civilian representatives said he would "come to an agreement with them." He further noted that "from here you can, all leave, all stay, or all die... I don't want you to die."[211]

4.6 The second meeting followed at approximately 2300 hours.[212] The same three Dutch military representatives attended the meeting, and with them was one Muslim representative, Mr. Nesib MANDŽIĆ, who was a civilian.[213] The VRS was represented by General MLADIĆ, General-Major KRSTIĆ, Colonel JANKOVIĆ, Lieutenant Colonel KOSORIĆ, and Captain First Class NIKOLIĆ.[214] Also present were the civilian commissioner for Srebrenica, Mr. Miroslav DERONJIĆ and Ljubisav SIMIĆ, introduced

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206 Krstić Trial Testimony of Witness B, (T. 870).
207 Meeting 1 at Hotel Fontana (Transcript of Video), 11 Jul. 1995, p. 7-10.
208 *Ibid.*
209 *Ibid.*
210 *Ibid.*
211 *Ibid.*
212 Krstić Trial testimony of Witness B, (T. 883).
213 *Ibid.*
214 *Ibid*, Witness B, (T. 884); *see also* video of Meeting 2, which pans across select Serbs, including General-Major Krstić and Colonel Kosorić. Neither individual commented during the meeting, and as such, their presence is not noted in the audio transcripts, (Krstic Prosecution Exhibits 40/a, 40/b, 40/c).

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as the mayor of Bratunac, among other civilians. [215] General-Major ŽIVANOVIĆ was not present for the second meeting.[216]

4.7 During the second meeting, General MLADIĆ stated he would begin to assemble transportation assets necessary to move the inhabitants out of the former "safe area".[217] In addition, he stated the following, as transmitted by the UN Dutchbat Commander to relevant UN authorities:

- a cease-fire until 1000 hours, 12 July 1995;
- all ABiH troops within the former enclave to hand over their weapons; and,
- a further meeting to be held with representatives of the Muslim civilian and military authorities at 1000 hours, 12 July 1995.[218]

4.8 In more detailed and graphic form, this conversation was video-recorded by the VRS media officials. The relevant excerpt of the transcript reads as follows:

> MLADIĆ: Please write this down...Number one, you need to lay down arms...and to all those who lay down their weapons...I guarantee they will live. You have my word...as a man and a General...that I will use my influence...to help the innocent Muslim people who are not the target of the Army of the Republika Srpska. Nor are the international humanitarian organizations or UNPROFOR forces the target of our operations...although at UNPROFOR's demand NATO forces and UNPROFOR forces fired not only at the positions of the Army of the Republika Srpska, but also at the civilian population. In order to make a decision as a man and commander...I need to have a clear position....of the representatives, on whether you want to survive, stay or disappear...and I am prepared to receive a delegation tomorrow...of responsible people...from the Muslim side...here, at 1000 hours...with whom I can discuss...the salvation of your people...from the enclave, the former enclave of Srebrenica. I shall order a cessation of hostilities until 1000 hours tomorrow...if your /video scene interrupted/. [219]

Further,

> MLADIĆ: ... We will treat your fighters, your fighters who lay down their arms...in accordance with...international conventions...and we guarantee that everybody will live...even those who committed crimes against our people...Do you understand me Nesib...And the future of your people is in your hands...not only in this territory...I am finished...You are free to go. I will be waiting for you at 1000 hours tomorrow...see them off.
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> MANDŽIĆ: I need to tell you General, I am telling you honestly that I am an accidental representative...if I cannot be responsible, there is no problem.

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[215] Krstić Trial testimony of Witness B, (T. 884). *See also*, Pale 1 and 2 tapes from Antelope-BBC.
[216] *Ibid*, (T. 925).
[217] *Ibid*, (T. 887).
[218] (Krstić Prosecution Exhibit 40/a), *supra* n. 214, p. 4-5. *See also*, Message from CO Dutchbat, *supra* n. 197, 12 Jul. 1995.
[219] (Krstić Prosecution Exhibit 40/a), *supra* n. 214, p. 4-5.

MLADIĆ: That is your problem, bring people who can secure the surrender of weapons and save your people from destruction.[220]

The second meeting was thus concluded.

B. 12 July 1995

4.9 Aside from marshalling transportation assets (described in detail in Chapter Five), the other significant issue occurring after that second meeting was the VRS understanding of the locations and intentions of the Muslim forces in the Srebrenica enclave. By daybreak on 12 July 1995, information began arriving at various headquarters that a large column of Muslims had assembled and were attempting to exfiltrate the former enclave from the area of Jaglići. On 12 July 1995, at 0608 and 0656 hours, intercepted military telephone conversations indicate that VRS commanders had begun tracking the movement of this column.[221] By 1156 hours on 12 July 1995, the Duty Officer at the Bratunac Brigade operations center discussed the issue of the Muslim column with a subscriber identified as "Zlatar" (the telephonic code name for the Drina Corps Command).[222] In two additional intercepted conversations, one at 1440 hours and the other at 1640 hours, the Command of the Drina Corps and the Command of the Zvornik Brigade demonstrated detailed knowledge of the direction in which the column was moving.[223]

4.10 By 0800 hours on 12 July 1995, the VRS military commanders were aware of this issue, and were taking steps accordingly. In a written report to the MUP, the Cabinet of the Minister (in Pale) and the HQ of the Police Forces in Bijeljina, Zvornik CJB Chief Dragomir VASIĆ noted that a meeting was held at the command of the Bratunac Infantry Brigade, where these issues and other tasking was discussed.[224] The report reflects that "...Generals MLADIĆ and KRSTIĆ were present, and that tasks were assigned to all participants."[225] Further, it notes that military operations are resuming as planned, and that the "Turks are running away towards Sućeska while the civilian population is gathering in Potočari (around 1500 hours)."[226] These military operations were to secure the road network from Srebrenica towards Skelani, Bratunac and Vlasenica.

4.11 The Drina Corps Intelligence staff continued to monitor the military situation, and at 1955 hours on 12 July 1995, a Captain PEĆANAC notified Major GOLIĆ, a Drina Corps Intelligence Officer, of information he had pertaining to the "armed head" of the Muslim column.[227] This was followed by a request from the Bratunac Brigade

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[220] *Ibid*, p. 5.

[221] Intercepted military telephone communication between unidentified conversants "X" and "Y", 12 Jul. 1995, at 0608 hours; intercepted military telephone communication between unidentified conversants "X" and "Y", 12 Jul. 1995, at 0656 hours (conversant "X" states that they have been tracking to column since 0300 hours that morning).

[222] Intercepted military telephone communication between "X" (Duty Officer at Badem) and "Y" (Zlatar), 12 Jul. 1995, at 1156 hours.

[223] Intercepted military telephone communication between "X", "Y", "C", Krstić and Komjenović, 12 Jul. 1995, at 1440 hours; intercepted military telephone communication between Obrenović and "X", 12 Jul. 1995, at 1640 hours (discussing location of column in Bokčin potok, Lolići and the fact that civilian police are setting ambush in Konjević Polje).

[224] CJB Zvornik Report 227/95, (draft English translation), 12 Jul. 1995, signed by CJB Chief Dragomir Vasić.

[225] *Ibid*, Para 2.

[226] *Ibid*, Para 3.

[227] 1.Brlpbr Message 632/95, (CLSS English translation), 12 Jul. 1995. The communications clerk

Commander to the Milići Brigade Commander, and requested information about Milići Brigade positions to ensure no "gap" existed.[228]

4.12 With regards to the issue of the civilian population gathering at Potočari, CJB Chief VASIĆ noted in his report that "...there would be a meeting at 1000 hours with representatives of UNPROFOR and International Red Cross as well as Muslim representatives of Srebrenica who shall reach agreement on evacuation of all civilian population from Potočari to Kladanj."[229] He also noted that the "Joint forces of the police are already advancing towards Potočari with the objective to capture UNPROFOR and surround the entire civilian population and to clean the terrain of enemy troops."[230]

4.13 As noted above, on 12 July 1995, the third and final formal meeting between the VRS, UNPROFOR Dutchbat Command, and Muslim representatives took place at 1000 hours. Lieutenant Colonel KARREMANS and his Deputy for Liaison, Major BOERING, represented the Dutch. There were now three civilian Muslim representatives, Mr. Nesib MANDŽIĆ, Mr. Ibro NUHANOVIĆ and Ms. Čamila OMANOVIĆ. VRS military attendees included General MLADIĆ, General-Major KRSTIĆ, Colonel JANKOVIĆ, Lieutenant Colonel POPOVIĆ, Security Officer of the Drina Corps, and Lieutenant Colonel KOSORIĆ. Also in attendance were the Commissioner for Civilian Affairs, Miroslav DERONJIĆ, and the Bratunac SDS chairman Srbislav DAVIDOVIĆ.[231]

4.14 As was the case at the first two meetings on 11 July 1995, the third meeting was dominated by General MLADIĆ, who continued to insist that the Muslim military hand over their weapons and surrender. What also stands out at this meeting was a decision articulated by General MLADIĆ that all men between the ages of 16 and 60 would be screened for war crimes.[232]

4.15 The following excepts from the transcripts of the third meeting detail other statements made:

> MLADIĆ: I want to help you, but I want absolute cooperation from the civilian population, because your army has been defeated...there is no need for your people to get killed, your husbands, your brothers, or your neighbors...all you have to do is say what you want. As I told the gentleman last night: you can survive or disappear....For your survival, I request that all your armed men who attacked and committed crimes- -and many did against our people, hand over their weapons to the Army of the Republika Srpska...on handing over weapons, you may...choose to stay in the territory...or, if it suits you, go where you want. The wish of every individual will be observed, no matter how many of you there are.[233]

Continuing:

> MLADIĆ: You can, if everything is ready, the rest of your army can disarm...and hand over weapons to my officers, in the presence of

notation indicates the report was sent at 1955 hours on 12 July 1995.

[228] 1.Brlpbr Order 03-253-102-1, (CLSS English translation), 12 Jul. 1995.

[229] CJB Zvornik Report 227/95, *supra* n. 224.

[230] *Ibid*, Para 6.

[231] Krstić Prosecution Exhibit 49. Video of Meeting 3.

[232] Krstić Trial testimony of Witness C, (T. 1174-75); *see also,* Testimony of Lieutenant Colonel Karremans, Pros Ex. 122, p. 13.

[233] Meeting 3 at Hotel Fontana (Transcript of Video) (P. Ex. 49/a), p. 9.

> UNPROFOR officers...You can choose to stay, or leave if you wish...If you leave, you can go anywhere you like...when the weapons are handed over, every individual will go where they want to go. That's why it's necessary to only provide the fuel, I'll provide the vehicles. You can't provide the fuel...you can pay for it--if you have resources...if you can't pay for it, UNPROFOR should bring in four or five tanker trucks to fill up trucks, because there are a lot of people that should be...resolved. If you choose to leave...and I don't want to influence you in your choice...I have nothing against you, I have nothing against the innocent and guiltless, you can choose...[234]

The transportation of the population out of the enclave was later detailed in a "declaration" dated 17 July 1995, which outlined and asserted that the movement was carried out correctly, and that "...the Serb side has adhered to all the regulations of the Geneva Conventions and the international war law."[235]

4.16. Shortly after the third meeting concluded, VRS officers and soldiers from the Main Staff, the Drina Corps (inclusive of the Bratunac Brigade) and the RS MUP Special Police started to arrive in Potočari to search and secure the area.

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[234] *Ibid*, p. 10.

[235] Statement of RS Civilian Affairs Committee for Srebrenica No. 07-27/95, (Original English and CLSS English translation), 17 Jul. 1995. In the English version, (translated on site by Dutchbat), Colonel Kosorić is mistakenly identified as a Colonel Krstić.

CHAPTER FIVE: Movement of Muslims from the Former Srebrenica Enclave

A. Potočari Compound

5.0 In chronological terms, the first in the series of criminal acts which are charged in the joined indictment (IT-02-60PT) following the capture of Srebrenica, was the transportation (charged as forcible transfer) of the Muslim civilian population from Potočari. This act primarily affected those Muslim civilians who had not joined the column, but had instead assembled in and around the UN compound in Potočari, seeking the protection of Dutch forces located there. These Muslim civilians began arriving through the day of 11 July 1995, and well into the morning hours of 12 July 1995.

5.1 Srebrenica, as well as Potočari, fell in the zone of the Bratunac Brigade, a unit directly subordinate to the VRS Drina Corps. As previously noted, the Commander of the Bratunac Brigade was Colonel Vidoje BLAGOJEVIĆ.[236] This officer was formerly assigned to the staff of the VRS Drina Corps, and had recently assumed command of the Brigade on 25 May 1995.[237] He remained the Brigade Commander through early 1996. The Brigade Chief of Staff and Deputy Commander was Major Novica PAJIĆ.[238] As noted previously (see paragraph 2.8), the Assistant Commander for Intelligence and Security Affairs was Captain First Class (KIK) Momir NIKOLIĆ.[239]

5.2 As discussed in Chapter Four, the decision to remove the Muslim population from Potočari was made in connection with the second meeting which occurred at 2300 hours on 11 July 1995. By the morning of 12 July 1995, VRS and RS civilian authorities began, in earnest, to mobilize buses.

5.3 Early on 12 July 1995, the Drina Corps Command issued one order, and the RS Ministry of Defense issued three orders pertaining to bus transportation. The Drina Corps order was addressed to all subordinate units of the Drina Corps and required that "all buses and mini-buses belonging to the VRS be secured for use by the Drina Corps".[240] It further instructed that the buses arrive at the stadium in Bratunac by 1630 hours, and gave specific instructions about locations for fuel disbursement.

5.4 The order also stated that the Corps Command had sent a message to the RS Ministry of Defense requesting that buses from state and private companies be mobilized and placed under brigade commands in whose areas the buses were being sought. General-Major Milenko ŽIVANOVIĆ, Commander of the Drina Corps signed this order, and it was received by the Zvornik Brigade at 0830 hours, 12 July 1995.

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[236] 1.Brlpbr Daily Combat Report 03-253-53, (CLSS English translation), 25 May 1995 (discussing Colonel Vidoje Blagojević's assumption of command). Daily reports during the Srebrenica operation confirm that Col. Blagojević remained in command of the Bratunac Brigade throughout the operation. *See also,* 1.Brlpbr Map, *supra* n. 75. This map graphic was seized from the unit during a February 1998 search and has the authorization signature of Col Milenko Živanović, Commander of the Drina Corps.

[237] *Ibid.*

[238] 1.Brlpbr Daily Combat Report 03-253-103, (CLSS English translation), 13 Jul. 1995; 1.Brlpbr Interim Combat Report 03-253-103/1, (CLSS English translation), 13 Jul. 1995. A 92-person company under the command of the 1.Brlpbr Chief of Staff, Maj Novica Pajić, deployed to carry out assignments in that area.

[239] 1.Brlpbr Roster, Jul. 1995, *supra* n 126.

[240] Drina Corps Order 22/226, (CLSS English translation), 12 Jul. 1995 (addressed to 1st Zvornik Brigade, 1st Birač Brigade, 2nd Romanija Motorized Brigade, 1st Bratunac Brigade, 1st and 5th Podrinje Brigades and 1st Milići Brigade).

5.5 The first of three orders issued by the RS Ministry of Defense (MOD) were based on Main Staff order (09/31/12-3-154). It directed the Sarajevo Secretariat of Defense to order 20 buses and drivers from the municipalities of Pale, Sokolac, Rogatica and Han Pijesak to arrive at Bratunac stadium by 1430 hours.[241] The second was directed to the Zvornik Secretariat of Defense, and ordered 30 buses and drivers from the municipalities of Zvornik, Višegrad, Vlasenica, Milići, and Bratunac municipalities to arrive at the stadium by 1430 hours.[242] The third order was identical to the second except that it increased the number of buses from 30 to 50 to be mobilized from the above municipalities under the jurisdiction of the Zvornik Secretariat of the Defense Ministry.[243]

5.6 Further on 12 July 1995, General-Major KRSTIĆ was active in organizing and directing the transportation of the Muslim civilian population. As early as 0735 hours on 12 July, General-Major KRSTIĆ ordered 50 buses from nine municipalities in eastern Bosnia.[244] He directed Drina Corps Transport Officer, Lieutenant Colonel Rajko KRSMANOVIĆ to order buses from the same municipalities as noted in orders issued by the Ministry of Defense (paragraph 5.5). The buses were to be at the Bratunac soccer stadium by 1700 hours that same afternoon. Additional conversations distinguish Lieutenant Colonel KRSMANOVIĆ as the primary Drina Corps staff officer responsible for procuring and dispatching buses.[245]

5.7 By 0800 hours on 12 July 1995, the scale of this marshalling of transportation assets became apparent to even non-VRS or MOD participants, when CJB Chief VASIĆ reported to his superiors that "over 100 trailer trucks have already been provided."[246]

5.8 At approximately 1200 hours on 12 July 1995, the first bus convoys began departing the UN Compound at Potočari, under the direction and supervision of the Drina Corps Command.[247] Logistically supporting this effort, the Bratunac Brigade Command began disbursing and accounting for fuel. According to a hand-written fuel disbursal log, at least 42 different buses from commercial firms in the RS arrived and received fuel in Potočari on 12 July 1995.[248] A further 17 military and commercial trucks also received fuel on 12 July 1995.[249] All totalled, a minimum of 4,700 liters of diesel fuel was provided to the transportation fleet assembled on 12 July 1995. On 13 July, fuel disbursal continued, with 40 additional vehicles receiving fuel.

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[241] RS MOD Order 02-21/3614/95, (CLSS English translation), 12 Jul. 1995.
[242] RS MOD Order 02-21/3615/95, (CLSS English translation), 12 Jul. 1995.
[243] RS MOD Order 02-21/3638/95, (CLSS English translation), 12 Jul. 1995.
[244] Intercepted military telephone communication between Krstić and Lt. Col. Krsmanović, 12 Jul. 1995, at 0735 hours.
[245] Intercepted military telephone communication between Lt. Col. Krsmanović and unidentified person "X", 12 Jul. 1995, at 0915 hours; conversation between "X" and Krsmanović, 12 Jul. 1995, at 1212 hours; conversation between "X" and Krsmanović, 12 Jul. 1995, at 1230 hours. *See also*, conversations between Krstić and Krsmanović, 12 Jul. 1995, at 0735 hours *supra* n. 244 and intercepted military telephone communication between Krstić and Krsmanović, 12 Jul. 1995, at 1210 hours. This conversation was recorded three times by three different intercept operators.
[246] CJB Zvornik Report 227/95, *supra* n. 224, para 5.
[247] Intercepted military telephone communication between Krstić and Krsmanović, 12 Jul. 1995, at 1210 hours to have the busses start moving, *supra* n. 245; Intercepted military telephone communication between Mladić and X, 12 Jul. 1995, at 1250 hours, noting the busses started moving 10 minutes earlier; and Intercepted military telephone communication between Krstić and Šobot, 12 Jul. 1995, at 1305 hours, inquiring about bus transportation.
[248] Fuel disbursal logsheets with license plate numbers of buses that received fuel on 12 Jul. 1995.
[249] Fuel disbursal logsheet of military and civilian vehicles.

5.9 As this process gained momentum, a number of VRS officers began arriving at Potočari to personally observe the situation. By early afternoon of 12 July 1995, these officers included General MLADIĆ, General-Major ŽIVANOVIĆ, General-Major KRSTIĆ, and a number of other Main Staff, and Drina Corps officers and soldiers.[250] Also present were members of the RS Municipal Police and RS Special Police units. At least two video camera teams filmed these events on 12 July 1995.

5.10 During this period then Drina Corps Chief of Staff General-Major KRSTIĆ participated in a taped interview that was later broadcast on RS television. In this interview, he states the following:

> "The Drina Corps is carrying out this operation successfully. We did not halt the operation. We will go all the way and liberate Srebrenica territory. We guarantee the security of the civilian population. They will be safely transported wherever they want."[251]

5.11 In the same video segment, another individual was interviewed as well. He is captioned as Zoran KOVAČEVIĆ.[252] According to the personnel register of the Bratunac Brigade for July 1995, Zoran KOVAČEVIĆ was a Lieutenant, commanding the 4th Company, 2nd Battalion of the Bratunac Brigade. [253]

5.12 Another prominent Bratunac Brigade officer noted present in Potočari on both 12 and 13 July 1995 was KIK Momir NIKOLIĆ. Given his previous role as a "liaison officer" between the VRS and UNPROFOR, he was readily identified by a number of UN witnesses.[254]

5.13 Returning to the movement process, transportation of Muslims on 12 July 1995 concluded at approximately 2000 hours, with the departure of a MSF medical convoy. On the morning of 13 July 1995, the loading of bus and truck convoys leaving Potočari resumed at about 0700 hours.[255]

5.14 To support this continuing movement, the Ministry of Defense issued an order on 13 July 1995 to the local Secretariat of Defense for the Bijeljina municipality. It directed the mobilization of 50 buses.[256] That same day the Ministry of Defense issued two additional orders. [257] The first, to the Sarajevo Secretariat of Defense, and the second, to the Zvornik Secretariat of Defense. These orders were different from those previously issued in that they ordered the mobilization of "all available means of transportation (buses, trucks, trailer trucks, etc)" for the "transportation of personnel".

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[250] SRNA video footage of Potočari on 12 July 1995; *See also* Krstić Trial testimony of Captain van Duijn, (T.1749).

[251] *Ibid*, SRNA interview with Gen-Major Krstić. In the background of both these video clips, two other VRS officers from the Drina Corps can be seen. One is Lieutenant Colonel POPOVIĆ, the Drina Corps Assistant Commander for Security Affairs, and the other is Lieutenant Colonel Svetozar KOSORIĆ, the Drina Corps Chief of Intelligence.

[252] *Ibid*, interview with Zoran Kovačević.

[253] 1.Brlpbr Roster, *supra* n. 126.

[254] *See* Krstić Trial testimony, of UN Military Observer (UNMO) Major Kingori (T. 1836-37 and 1874), Dutchbat Commander LTC Kerremans (T. 3356), Koster (T. 3403), Rutten, (T. 2119-2121) and Witness F (T. 1525).

[255] UN Military Observer Srebrenica fax to UNPROFOR Sector NE, 130800B Jul. 1995.

[256] RS MOD Order 02/21-3655/95, (CLSS English translation), 13 Jul. 1995.

[257] RS MOD Order 02/21-3656/95, (CLSS English translation), 13 Jul. 1995.

5.15 While this mustering of additional resources was occurring, it appears that the RS MUP was given the mission (by the VRS) to complete the movement of the remaining Muslim civilian population from Potočari. As previously noted (paragraph 5.9), RS Special Police units and other municipal police forces were also present in Potočari from the beginning of this process. In a 13 July 1995 report from Zvornik CJB Chief VASIĆ, he notes the following in his report:

> "During the meeting held this morning with General MLADIĆ, we were informed that the VRS is resuming the operation towards Žepa and is yielding all other tasks to the MUP, these tasks being:
>
> 1. evacuation of the remaining civilian population from Srebrenica in the busses towards Kladanj (some 15,000), we are short 10 tons of D2 and we need some urgently,..."[258]

5.16 By 1500 hours on 13 July 1995, one of the last groupings of refugees was preparing to board buses. This particular series of events was observed and videotaped by a Belgrade journalist, Zoran PETROVIĆ-PIROĆANAC, who was accompanying RS Special Police Brigade Deputy Commander Ljubiša BOROVČANIN [259]

5.17 At 2000 hours on 13 July 1995, the removal of the refugee population from Potočari was complete.[260] This event is reflected in a report sent by Colonel Radoslav JANKOVIĆ (a member of the VRS Main Staff Intelligence Department) from the Forward Command Post of the Drina Corps.

B. Separation of Muslim Males in Potočari

5.18 Not long after the buses for the transportation of the Muslim civilian population arrived in Potočari (shortly after 1230 hours) on 12 July 1995, VRS personnel also began separating men from the women, children and elderly. This issue was first raised during the third meeting at the Hotel Fontana on 12 July 1995. General MLADIĆ (in the presence of General-Major KRSTIĆ and others) articulated the intention to separate men between the ages of 16 - 60 in order to screen them for war crimes.[261]

5.19 It was unclear to Dutch personnel present at the meeting (Lieutenant Colonel KARREMANS and Major BOERING exactly what plans the VRS had made and what actions they would be taking that day, both relative to the movement of the Muslim population, and the screening. After returning to Potočari, Lieutenant Colonel KARREMANS sent two Dutch officers (Major BOERING and Sergeant-Major RAVE) back to Bratunac to attempt to clarify VRS intentions. These two officers had a brief conversation with both Captain First Class NIKOLIĆ and Lieutenant Colonel KOSORIĆ and were told to return to Potočari since buses were already there to begin moving the civilian population out of the enclave.[262] When the officers returned, sometime after

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[258] CJB Zvornik Report 283/95, (draft English translation), 13 Jul. 1995, para 1.

[259] Zoran Petrović video (Krstić Prosecution Exhibit 3) (showing events occurring in Potočari as well as events occurring on the Bratunac-Konjević Polje road on 13 Jul. 1995.)

[260] IKM Drina Corps Report 08-444-10, (CLSS English translation), 13 Jul. 1995 (announcing that the evacuation concluded at 2000 hours on 13 Jul. 1995 and discusses the status of wounded at Potočari and Bratunac).

[261] *See* Krstić Trial testimony of Witness C, (T. 1174-75) and witness Mandžić (T. 899).

[262] See Krstić Trial testimony of Witness B, (T. 894).

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1230 hours, the buses had arrived and were being boarded by the Muslim population. During the trial of General KRSTIĆ, Witness "B" and Witness "C" both stated that they saw Muslim men being separated and directed to a "white house" located across from the UN compound (refer to Chapters Six and Seven for details pertaining to the separated Muslim males).

5.20 As part of the separation and vetting process, a list was developed containing the names of Muslim men suspected of being involved in "war-crimes" against Serbs. This list contained the names of 387 Muslim men known by the Bratunac Brigade to be in the Srebrenica "safe area" and who were wanted for "war-crimes" activity. The list is dated 12 July 1995.[263] It is not known to whom this list may have been distributed, or if any of the Muslim males segregated in Potočari were vetted against the list.

Specific Observations

5.21 In relation to the identification of other Bratunac Brigade soldiers in Potočari on 12 and 13 July 1995, various individuals testified during the KRSTIĆ trial that they recognized a number of Serbs in Potočari through the period. The list of these names has been compared with the 1st Bratunac Light Infantry Brigade Roster for July 1995, revealing the following matches: [264]

NIKOLIĆ (son of Vaso) Momir[265]	Captain	1.Brlpbr Cmd
RAKIĆ (son of Momčilo) Goran[266]	Soldier	Artillery
MILOSAVLJEVIĆ (son of Dimitrije) Zoran[267]	Commander	DIV, 2nd Battalion
PETROVIĆ (son of Ilija) Streten[268]	Dep Cdr	3rd Battalion
SPAJIĆ (son of Radoje or Blagoje) Zoran[269]	Soldier	2nd Battalion
GRUJICIĆ Slavoljub[270]	Soldier	3rd Battalion

Many of these soldiers were noted to be involved in the separation of Muslim males of military age. In the case of Captain First Class NIKOLIĆ, he was also involved in issues pertaining to wounded Muslim prisoners in Potočari and Bratunac (Chapter Ten). Further, some of these people were also noted in Potočari in the evening of 12 July 1995.

5.22 Analysis of the PETROVIĆ video provides further evidence of Bratunac Brigade elements in Potočari on 13 July 1995. As buses were being loaded with Muslim women and children, a Serb OT-60 armored personnel carrier is seen driving up on alongside the buses. The military registration (bort) number of this vehicle is 10864. According to a Drina Corps technical service document dated 23 August 1995, that vehicle was assigned to the Command of the Bratunac Brigade.[271] The vehicle is filmed remaining in the area for approximately five minutes, and in one instance, an unidentified Muslim male is seen talking to a Serb soldier riding on the top of the vehicle.

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263 1.Brlpbr list of suspected Muslim War Criminals, (CLSS English translation), 12 Jul. 1995.
264 1.Brlpbr Roster, *supra* n. 126.
265 Krstić Trial testimony of Nesib Mandzić, (T.1002-03); Witness H, (T.1693-94, 1699); Witness F, (T.1525); Major Kingori, (T. 1836-38, 1906).
266 Krstić Trial testimony of Witness H, (T.1684-85).
267 Krstić Trial testimeny of Bego Ademović, (T.1587).
268 Krstić Trial testimony of Witness E, (T. 1351); Camila Omanović, (T.1089).
269 Krstić Trial testimony of Mirsada Malagic, (T.1969, 1972).
270 Krstić Trial testimony of Hava Hajdarevic, (T. 2583-84).
271 DK Document 21/8-281, (CLSS English translation), 23 Aug. 1995 (listing vehicles requiring technical support in the Command of the Drina Corps).

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5.23 Further, as noted by witnesses and as viewed in the PETROVIĆ video of Potočari on 13 July 1995, the VRS was manning both the separation lines, and guarding access to the buses to ensure military aged Muslim males were not boarding. This despite the fact that the MUP may well have been more significantly involved in the implementation of transportation on 13 July 1995. VRS soldiers were also responsible for guarding the military aged Muslim men who had been separated, and were being held in various locations in Potočari before being moved to Bratunac.

C. Tišća - Luke (Luke)

5.24 Despite the efficiency of the separation process in Potočari, some Muslim males did, in fact, successfully board buses or trucks with their families, and attempt to travel with them to Kladanj. As a final safeguard against this occurring, all the vehicles were subject to a final search just before reaching the area where the Muslim refugees were dropped off and forced to continue on foot to Muslim held territory. This occurred in the area under the responsibility of the 1st Vlasenica Light Infantry Brigade.

5.25 On 12 July 1995, a Dutch officer accompanied one of the first bus convoys out of the former "safe area" to the area of Kladanj. Here, he saw Major SARKIĆ, whom he previously recognized from a meeting in January 1995.[272] At this January 1995 meeting, Major SARKIĆ identified himself as the Chief of Staff of the Milići Brigade (he later was transferred to be the Chief of Staff of the Vlasenica Brigade). Major SARKIĆ, explained that the Serb soldiers were clearing mines off the path (road) which the refugees would take between the lines to Muslim held territory. The Dutch officer also noted that Major SARKIĆ indicated that he was receiving his orders from the Command of the Drina Corps. Bus convoys from Potočari passed through the Tišća-Luke location throughout the day.

5.26 Men who were separated from their families were then taken to a nearby school, which also served as a military barracks. [273] Witness "D" was one of those men separated at Tišća and taken to the school. Through the day, Witness "D" could see at least one soldier manning a field phone and receiving instructions.

D. Role of the VRS Drina Corps Command, Staff and Subordinates

5.27 As noted in paragraphs 5.9 through 5.12, during the afternoon of 12 July 1995, a number of Senior Drina Corps officers were identified in Potočari. These officers included the Corps Commander General-Major ŽIVANOVIĆ; the Corps Chief of Staff, General-Major KRSTIĆ; the Corps Assistant Commander for Security, Lieutenant Colonel Vujadin POPOVIĆ; the Corps Assistant Commander for Rear Services, Colonel Lazar AĆAMOVIĆ; and the Corps Chief of Intelligence, Lieutenant Colonel Svetozar KOSORIĆ. Further, on 13 July 1995, both General-Major KRSTIĆ and Colonel AĆAMOVIĆ were present in Potočari.

5.28 With regards to the leaders in the Bratunac Brigade, there are multiple instances where various commanders or staff officers are noted in the area: specifically, Momir NIKOLIĆ, the Assistant Commander for Intelligence and Security of the Bratunac

[272] Krstić Trial testimony of Witness C. (T. 1187, 1193). This function was the Orthodox New Year Eve meeting where Witness C was present, as a representative of the new Dutchbat rotation.
[273] Krstić Trial testimony of Witness D, (T. 1262)

Brigade; Streten PETROVIĆ, the 3rd Battalion Deputy Commander, Bratunac Brigade; and Zoran KOVAČEVIĆ, commanding the 4th Company, 2nd Battalion, Bratunac Brigade. These officers were present in and around the general area of Potočari at the times when the individual criminal acts began to take place. Presumably, they were in a position to prevent, or at least report to their superiors, the criminal events that were taking place.

5.29 On 13 July 1995, the presence of Lieutenant Colonel Ljubiša BOROVČANIN, an RS MUP Special Police commander was documented in the PETROVIĆ video.[274] During this period, his unit remained under the control of the Army, specifically the VRS Drina Corps.[275]

5.30 With respect to the separations and killings at Tišča-Luke, information holdings are insufficient to determine the military unit directly responsible for the killings. The identification of Major SARKIĆ as the Vlasenica Brigade Chief of Staff at the point where the final separations took place is only relevant to reinforcing the role of the VRS Drina Corps in the separation and transportation process.

[274] Zoran Petrović video (Krstić Prosecution Exhibit 3), *supra* n. 259.
[275] RS MUP order 64/95, *supra* n. 194. *See also* Intercepted military telephone communication between "K" Krstić and "X" Borovčanin, 13 Jul. 1995, at 1945 hours.

CHAPTER SIX: Detention Sites and Executions In and Around the Bratunac Municipality-role of the 1st Bratunac Light Infantry Brigade

6.0 As noted in joint indictment (IT-02-60PT), the role of the Bratunac Brigade in the treatment of Muslim prisoners in and around the municipality of Bratunac during 12-18 July 1995, and the role of the brigade in transporting thousands of these prisoners to the Zvornik Brigade zone (where they were subsequently executed), is of significance. As survivors attest, most spent between one and three days in Bratunac awaiting movement out of the area. While at these "holding" areas, the Muslim prisoners were subject to a variety of abuses, to include beatings and summary executions. There were at least three known holding facilities in Bratunac: "the hangar", the "old school", and the "Vuk Karadžić" school. In addition, as these facilities filled to capacity, unknown hundreds of Muslim prisoners were kept in buses or trucks either in Bratunac, or in the village of Kravica. Included in this topical area are the first large-scale killings of Muslim males; the executions in the Cerska Valley and at the Kravica Warehouse. Also discussed is the issue of Muslim wounded and children in the custody of the Bratunac Brigade (primarily the Bratunac Health Center) after 13 July 1995.

6.1 Key to this examination will be the distinction between activities of Bratunac Brigade soldiers, and members of the RS MUP units (Special Police and PJP units), which were active in many of these areas during the commission of the criminal acts. Moreover, this will also include the issues of the actions of these MUP units under the direct control of, in coordination with, or with the knowledge of the VRS military hierarchy.

A. Assembly and Detention of Muslim Males in and around Bratunac

"The Hangar"

6.2 According to one survivor, Muslim men separated from Potočari on 12 July 1995 and held in the "unfinished house" were placed on buses and taken to Bratunac that day. They were taken to a large building that is described as a "hangar".[276] During the early evening on 12 July 1995, Bosnian Serb soldiers frequently entered the "hangar" and addressed some of the prisoners. Then, through the course of the evening of 12 July 1995, numerous Muslim prisoners were beaten and killed.[277]

6.3 This process continued through the day of 13 July 1995. At 1800 hours, one of the prisoners was then instructed to count the Muslims in the hangar, so transportation could be arranged. According to that count, there were 296 prisoners in the hangar.[278] Six buses arrived for the prisoners at the hangar a short time later. Those Muslim men who survived detention at "the hangar" were transported during the evening of 13 July 1995 to the Grabvci School (associated with the Orahovac mass execution site), where they arrived in the early morning hours of 14 July 1995 (see Chapter Seven, paragraph 7.10).[279]

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[276] Krstić Trial testimony of Witness N, (T. 2801). In testimony, the facility is described as an "abandoned warehouse."
[277] *Ibid.*
[278] *Ibid.*
[279] *Ibid.*

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The "Old School"

6.4 As the deportation continued in Potočari on 13 July 1995, so did the process of separating men from women, children and the elderly. As the Muslim families passed Bosnian Serb soldiers the Muslim men were directed aside, and moved into a white house across from the UN compound.[280] Once the house was full, the men were put on three or fours buses, and taken to the "old school" in Bratunac.[281] This school is located behind the "Vuk Karadžić" school. Other Muslim prisoners arrived at the school throughout the day.

6.5 Muslims were held in the school from the late afternoon of 13 July 1995 through the afternoon of 15 July 1995.[282] During this period, the remaining prisoners were provided with no food, and little water. They were also frequently beaten.[283] A survivor account also notes Muslim prisoners being taken out, hearing shots fired and the prisoners not returning. On 15 July 1995, Muslim males detained in the "old school" are transported to the school in Pilica, associated with the mass execution at the Branjevo Military Farm (See Chapter Seven, paragraph 7.37).[284]

Buses in front of the "Vuk Karadžić school" and "old school"

6.6 As the designated detention facilities were filled to capacity, Muslim prisoners were held in the buses and trucks on which they arrived. One survivor, who surrendered to Bosnian Serb soldiers near Konjević Polje, in the early hours of 13 July 1995, spent the night of 13-14 July in one of the buses parked outside the "Vuk Karadžić" school. This bus, and another which accompanied the bus he was on, were filled with Muslim males who had been captured along the Bratunac-Konjević road on 13 July 1995. [285]

6.7 At around 1100 hours on 14 July 1995, these buses joined other vehicles, and this convoy arrived at the Grbavci school (associated with the Orahovac mass execution site) around mid-afternoon.[286]

Buses and Trucks at "Vihor"

6.8 Other Muslim males captured along the Konjević Polje-Bratunac Road on 13 July 1995 were held in buses and trucks in the parking lot of the "Vihor" transportation company in Bratunac.[287] They remained onboard the trucks and buses through the night of 13 July 1995. On the morning of 14 July, the trucks moved from "Vihor" to a location at the outskirts of Bratunac. After a few hours at this location, they departed. The individuals in this truck ended up at the Grabvci school (associated with the Orahovac mass execution site), arriving sometime in the mid-afternoon of 14 July 1995.[288]

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280 Krstić Trial testimony of Witness I, (T. 2372-73).
281 *Ibid.*
282 *Ibid.* (T. 2375).
283 *Ibid.* (T. 2377).
284 *Ibid.* (T. 2379-81). Also refer to 1.Brlpbr Military Police Daily Log, *supra* n. 165. This convoy of buses may have been escorted to the school by the MP unit of the Bratunac Brigade. According to the MP orders log, a squad of military police escorted a movement of prisoners to Pilica during the day, and remained in Pilica to guard them.
285 OTP Witness Statement of Mevludin Orić, 12 Aug. 1995. Witness G (T. 1652-53) also describes in testimony that Muslim prisoners from Potočari were brought to the "Vuk Karadžić" school.
286 OTP Witness Statement of Mevludin Orić, 12 Aug. 1995.
287 Krstić Trial testimony of Witness L, (T. 2665-66).
288 *Ibid.* (T. 2666-74).

Trucks at unknown locations in Bratunac

6.9 A further group of prisoners captured along the Konjević Polje-Bratunac road on 13 July 1995 was held in an unknown location in the town of Bratunac. These prisoners were captured late in the day, and were still being assembled on the Sandići meadow by 1700-1800 hours on 13 July 1995.[289] These assembled prisoners were put into five or six large "20 ton" trailer trucks. They were taken to an unknown location in Bratunac, where they spent the night in the trucks.[290] In the morning, they moved to the other side of the city, where they waited for several hours before finally departing Bratunac. Their convoy consisted of five or six buses, and some trucks. A UN Armored Personnel carrier was also present. [291] This convoy departed Bratunac, and arrived at the school in Petkovci (associated with the Petkovci Dam execution site, see Chapter Seven, paragraph 7.28).[292]

6.10 Still another group of Muslim men were captured crossing the Konjević Polje-Milići road on 13 July 1995, and taken to the football field at Nova Kasaba. According to multiple witnesses, between 2500 and 3000 Muslim males were held at the Nova Kasaba stadium.[293] Soldiers of the Military Police Battalion of the VRS 65th Protection Regiment guarded the men at this location.[294] A group of prisoners assembled at Nova Kasaba was placed on a bus at around 1400 hours. Later that afternoon, they were driven to Bratunac. Enroute, the bus passed the Kravica warehouse, where a witness saw the building with bodies outside of it.[295] Those prisoners spent the evening of the 13-14 July 1995 at an unknown location in Bratunac and on 14 July 1995, the bus took them to a sports hall at the school in the village of Pilica (associated with the mass executions at Branjevo Farm).[296]

Trucks at Kravica

6.11 From that group of assembled prisoners at Nova Kasaba, a further 100 Muslim males were placed on a large truck and transported to Kravica. They arrived in the early evening hours, and remained on the trucks that evening. Between four and five other trucks were noted parked at that location.[297] On 14 July 1995, the truck departed Kravica, and arrived at the Petkovci school (associated with the mass executions at the Petkovci Dam) around 1830 hours.[298]

Specific Observations

6.12 As previously discussed, the area in and around the municipality of Bratunac is the zone of operations of the Bratunac Brigade. Soldiers assigned to the Bratunac Brigade would have been operating in and around the assembly and detention areas outlined above, with the exception of Nova Kasaba. However, there was a significant RS police presence in the municipality, and particularly along the Bratunac-Sandici road to Konjević Polje. Further, an undated list shows that number of police officers from

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289 Krstić Trial testimony of Witness O, (T. 2872-76).
290 *Ibid.* (T. 2881).
291 *Ibid.* (T. 2882).
292 *Ibid.* (T. 2887).
293 Krstić Trial testimony of Witness P. (T. 2950-51).
294 Intercepted military telephone communication between unidentified conversants "X" and "Y", 13 Jul. 1995, 1602 hours. (In the conversation the two unidentified subscribers claim that, 1500 Muslim males were gathered on the football field of Nova Kasaba, where "Malinić's unit is". Major Zoran Malinić is the Commander of the Military Police Battalion of the 65th Protection Regiment.)
295 Krstić Trial testimony of Witness Q. (T. 3026).
296 *Ibid.* (T. 3027-31).
297 Krstić Trial testimony of Witness P. (T. 2959).
298 *Ibid.* (T. 2963).

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Bratunac were mobilized as part of the PJP companies.[299] Under these circumstances, it is currently not possible from the available documentary information to determine which specific combination of units or troops were involved in guarding the Muslim prisoners in the town of Bratunac.

B. RS MUP and Drina Corps Units on the Bratunac-Konjević Polje Road 12-13 July 1995

6.13 The unit responsible for broader military operations in this area was the Bratunac Brigade. The units which specifically manned this sector were the units of the 1st Infantry Battalion (Magasici), commanded by Lieutenant Lazar OSTOJIĆ,[300] and the 4th Infantry Battalion commanded by Captain 1st Class Radika PETROVIĆ.[301]

6.14 The 1st Battalion had a historical responsibility for this particular area, from just west of Bratunac towards Kravica. Since mid-1993, when the lines stabilized after the declaration of the Srebrenica "safe area", this unit was responsible for this geographic area. This remained true through at least 16 July 1995.[302] However, while responsible for part of the area, Kravica and Sandići fell specifically into the zone of the 4th Infantry Battalion.

6.15 The issue of this 4th Battalion is unique, as the unit is not by organization a part of the Bratunac Brigade structure. According to an article in the March 1995 issue of "Drinski" magazine, the unit assigned to that area was the unit of Captain First Class Radika PETROVIĆ.[303] In fact, this unit is the 8th Battalion of the Zvornik Brigade.[304] This unit had been assigned to that area since September 1993 and while assigned to the Zvornik Brigade, came under the operational control of the Commander of the Bratunac Brigade for combat related activities.[305]

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[299] List of Members of the Second Company of the PJP-CJB Zvornik, (BCS only), undated, which shows various Bratunac SJB personnel, including the Commander Slavoljub Mladjenović, as members of the Second PJP Company.

[300] 1pb/1.Brlpbr request, (CLSS English translation), 04 Jul. 1995 (Commander Lazar Ostojić requests ammunition and fuel for upcoming operations).

[301] Drago Gajić, "Where Radika's Army Goes. Portrait of Radika Petrović," *Drinski Magazine* (CLSS English translation), March 1995, p.13.

[302] On 03 Jul. 1995, the 1st Battalion is identified as manning positions in the area of Vresinje . On 06 Jul. 1995, Muslim fire is identified coming from TT 413 (terrain designation point 413-Serb map reference 029939). The fire "sweeps" the outside right of the 2nd Battalion and the outside left of the 1st Battalion. This description indicates that the unit boundary between the 1st and 2nd Battalions is located at or near TT 413. As such, the 1st Battalion was responsible for the area to the west of TT413. On 09 Jul. 1995, one soldier was killed and another wounded in the area of the 1st Battalion. This area was identified as the line Lemesac-Lomovi-Perska Kosa (Serb map grid 013958 to 021946).

[303] "Where Radika's Army Goes. Portrait of Radika Petrović," *supra* n. 301.

[304] VP 7469 Death Certificate 05/3-71/95, (CLSS English translation), Jul. 95. (KIK Radika Petrović is identified as the Commander of the 8th Battalion, 1.Zvpbr.)

[305] In addition to the above noted article, there is one specific reference in 1. Brlpbr Daily Combat Report 03-253-98, (CLSS English translation), 08 Jul. 1995, that the 4th Battalion was from Zvornik, as well as further information to support this observation. In the 15 July report from the Bratunac Brigade, soldier Cvijetina Vukosavljević is reported killed in the village of Kajići (located one kilometer east of Kravica). While he is identified as a member of the 4th Battalion, he does not show up on the roster of soldiers assigned to the Bratunac Brigade between 01-31 Jul. 1995. He does, however, appear in the records of soldiers killed from the 1st Zvornik Infantry Brigade. According to these records, he was assigned to the 8th Battalion, 1st Zvornik Infantry Brigade.

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6.16 Regardless of the origin of the "4th Battalion", it remained under the control of the Bratunac Brigade until 19 July 1995.[306]

6.17 In addition to the units of the Bratunac Brigade, the headquarters of the Drina Corps 5th Engineering Battalion was also located along that road, adjacent to the intersection at Konjević Polje. The unit was under the command of Major Milenko AVARMOVIĆ.[307] Major Mile SIMANIĆ was the Deputy Commander of the 5th Engineer Battalion.[308]

6.18 However, despite this military presence, it appears that the actual security of the road itself had been made the responsibility of the RS MUP from as early as 21 March 1995. On 19 March 1995, the Main Staff (GŠVRS) informed the Supreme Commander that the Drina Corps could no longer secure the broader areas of Konjević Polje due to the relocation of a unit to another area. Subsequently, the VRS requested that the MUP be assigned this mission, specifically including the Konjević Polje-Bratunac road-[309] On 21 March 1995, RS President KARADŽIĆ directed the RS Minister of the Interior to establish a system to secure the road, and examine the possibility of stationing some MUP units in Konjević Polje.[310] By 23 March 1995, the Minister of the Interior responded that the 2nd PJP Company of the Zvornik Public Security Center (CSB) had been deployed to Konjević Polje.[311] From the end of March onwards, elements of various PJP companies rotated through this security function.

6.19 More precisely, the situation and presence of police units along the Bratunac-Konjević Polje road in the late afternoon of 12 July 1995 is detailed by CJB Chief Dragomir VASIĆ in his report to the RS MUP, the HQ for Police Forces (Bijeljina), the Cabinet of the Minister and the Public Security Agency.[312] In this report, he notes that the evacuation and transportation of the civilian population from Srebrenica is continuing. He also notes that four individuals were "captured about an hour ago in Konjević Polje (around 1630 hrs)." Based on the intelligence from these individuals, VASIĆ reports that 300 Muslim soldiers had crossed over Cista, and were now moving towards Udrč. A further 8000 men (1500 armed) were located in the region between Konjević Polje and Sandići. He noted that the Zvornik Brigade had been tasked to block the 300 men on Crni Vrh, and that a company of the Special Police from Šekovići, the 1st PJP Company of CJB Zvornik and the 5th PJP Company of CJB Zvornik were blocking that area and were aiming to destroy the Muslim forces.[313]

6.20 In conjunction with this, the Zvornik Infantry Brigade reported to the Drina Corps as to the measures underway to deal with this developing situation. In their Daily Combat Report for 12 July 1995 (sent at 1710 hours), the Zvornik Brigade Command noted the following:

- That two platoon size ambushes (one by the 7th Battalion Intervention Platoon and one by the Military Police Platoon) were to be in positions by 1700 hours;

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306 1.Brlpbr Daily Combat Report 03-253-108, (CLSS English translation), 19 Jul. 1995 (indicating that the 4th Bn returned to Zvornik).
307 5.Inžb Order 9-4/94, *supra* n. 137; VP 7469/05 Record of Vehicle transfer, *supra* n. 137.
308 Krstić Defence Exhibit 99 - 5th Inžb Interim Report to the Drina Corps, 107-1, *supra* n. 138.
309 GŠVRS (Intelligence and Security Sector) report 12/46-2211/95, (CLSS English translation), 19 Mar. 1995.
310 RS Presidential order 01-509-1/95, (CLSS English translation), 21 Mar. 1995.
311 RS Ministry of the Interior order K/P 273-95, (CLSS English translation), 23 Mar. 1995.
312 CJB Zvornik Report 281/95, (CLSS English translation), 13 Jul. 1995.
313 *Ibid.*

- All other brigade units are increasing reconnaissance and preparing for the possibility of Bosnian Muslim attacks from behind their established lines;

- One Military Police detachment was sent to Konjević Polje, pursuant to your (Drina Corps) order;

- Eight busses from *Drina-trans*, as well as four trucks and two busses from the unit were sent pursuant to your (Drina Corps) order; and

- One Praga has been sent by the Brigade to reinforce the 8th Battalion at Kajići.[314]

6.21 At almost this same time, the Drina Corps Command was also reporting on information gained from captured Muslims. In this instance, they had interrogated a one Izudin BEKIĆ, who detailed to them the plans of the Muslim column as he understood them.[315] This report (drafted by the Drina Corps Main Command Post in Vlasenica) was sent to not only the Main Staff, but various MUP and subordinate Brigades of the Corps. It notes that based on the information from BEKIĆ:

> "...it can be inferred that the civilians headed in an organized manner for the UNPROFOR base in Potočari, namely women, children, elderly and wounded, while individuals for for military service, armed units set off to attempt an the illegal breakthrough towards Tuzla, most probably via Ravni Buljin-Kravica-Purkovići-Kuslet and further on via Udrc-Kozjak-Kamenica-Crni Vrh-Nezuk. We have advised the RS MUP organs stationed in Konjević Polje of the illegal corridor used by the Muslims for pulling out of Srebrenica, as they have been assigned to secure the Bratunac-Konjević Polje communications route.
>
> The brigade commands must fully inform the SJB in their z/o [area of responsibility] of the content of this information. OBP organs [intelligence and security] will propose to the command to undertake measures to prevent the illegal pullout of the armed Muslims in order to arrest them an preempt possible surprises they might spring on the civilian population and the war units along the route of their movement.
>
> The commands of the Bratunac, Zvornik, and Milići brigades in cooperation with SJB in their area of responsibility, shall organize overnight traffic on the Bratunac-Milići-Vlasenica and Zvornik-Konjević Polje-Vlasenica communications. They will allow passage only to VRS and MUP vehicles and units which are in the course of carrying out official or combat tasks in connection with the b/d around the former Srebrenica enclave.
>
> Civilian traffic should be re-directed to the Zvornik-Šekovići-Vlasenica communication route.[316]

The report was released under the signature of Genera-Major Radilsav Krstić.[317]

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[314] 1.Zpbr Regular Combat Report 06-215, (CLSS English translation), 12 Jul. 1995. *See also* Vehicle Log for Opel Rekord (CLSS Revised English translation), showing the presence of this vehicle in Konjević Polje on 12 July 1995. The name of the vehicle operator, Zeljko Lazić is found on the roster for the Zvornik Brigade Military Police for July 1995.

[315] KDK Intelligence Service Report 17/896, (draft English translation), 12 Jul. 1995.

[316] *Ibid.* See *also* Krstić Defense Exhibit D 165b.

[317] *Ibid.* Of note, there are apparently two versions of this same report text. The version relied on for the above cites (*supra.* 315) was obtained by OTP investigators during a June 2002 search of the Zvornik

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6.22 By midnight on 12 July 1995, the Zvornik Brigade Intelligence organ was generating additional information on the Bosnian Muslim column on the basis of monitoring the radio communications between various elements in the column.[318] In this report to the Drina Corps Command Intelligence Section, the Zvornik Brigade Chief of Intelligence (KIK Duško VUKOTIĆ) noted that he had informed both the Zvornik Brigade Chief of Staff and the Osmaci Tactical Group Commander of these elements. This report also noted that according to the Bosnian Muslim communications, "the third group" was discovered in the area of Bokčinski Potok, and that they completely panicked, disorganized and are surrendering to the MUP or the VRS in this area.[319]

6.23 The situation on the Bratunac-Konjević Polje road on 13 July 1995 is further detailed during the early morning hours by Zvornik CJB Chief Dragomir VASIĆ. In his first report (282/95) he notes that one police officer of the 1st PJP company were killed and two wounded in action at 0400 hours between Sandići and Konjević Polje.[320] He also notes that the MUP have had:

> "...no cooperation or assistance from the VRS in blocking and annihilating the huge numbers of enemy soldiers so that it is expecting a great number of problems until the end of the action because MUP is working alone in this action on the huge territory and against a huge number of Muslims." [321]

Some time later that morning, VASIĆ reports that General MLADIĆ has given the MUP the task of eliminating the threat ("liquidating") posed by the "8000 Muslim soldiers who we blocked in the woods around Konjević Polje...and that these tasks are being done solely by MUP units."[322] Thus, by the morning of 13 July 1995, the VRS had delegated the task of continuing the movement of Muslim civilians out of Potočari (see paragraph 5.15), and also securing the Bratunac-Konjević Polje road to the RS MUP forces.

6.24 Based on the various documents and video evidence, it is possible to establish the identities and locations of the various MUP units operating along the road on 13 July 1995. First, the most significant of these units were the 2nd (Šekovići) detachment of the RS Special Police Brigade (under the command of Miloš STUPAR),[323] the Jahorina MUP training company, the mixed RSK/Serbian MUP company and the 1st PJP Company from Zvornik. As previously noted (in paragraph 3.20), this combined formation of police was under the command of Ljubiša BOROVČANIN (the deputy commander of the RS Special Police Brigade). While some elements of this combined formation remained in Potočari, it appears the most of this unit deployed along the road from Kravica to Konjević Polje during the early evening hours of 12 July 1995. Further, at least some elements of the 5th PJP Company from Zvornik were also deployed on the road. These

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Municipal building. The second version is noted as Krstić Defense Exhibit D 165. Both documents reflect the same text (with respect to content). However, KDK 17/896, dated 12 July 1995 is released under the name of General-Major Radislav Krstić, indicating a Drina Corps origin. In the case of Krstić Defense Exhibit D 165, the report is released under the name of General-Major Tolimir, indicating a Main Staff origin.

[318] Zvornik Brigade Intelligence Report 19/39, (CLSS English translation), 12 Jul. 1995.

[319] *Ibid.*

[320] CJB Zvornik Report 282/95, (draft English translation), 13 Jul. 1995.

[321] *Ibid.*

[322] CJB Zvornik Report 283/95, *supra* n. 258, para 2.

[323] Personnel File for Miloš STUPAR, (draft English translation). This is an extract of the police history record of Miloš STUPAR, reflecting he was the commander of the Šekovići MUP detachment from 20 Feb 1994 through 22 August 1995.

MUP units would take hundreds of Bosnian Muslim men who surrendered along the road that day into custody, and would sustain casualties throughout the day.

6.25 However, despite this extensive MUP presence, Drina Corps and Bratunac Brigade units did become involved in combat actions, and did sustain casualties as well. The Command of the Drina Corps 5th Engineering Battalion, garrisoned at Konjević Polje, reported that at 0800 hours on 13 July 1995, two soldiers were shot and wounded by a Muslim soldier.[324] The report is signed by Major Mile SIMANIĆ, the Deputy Commander of the 5th Engineering Battalion. Also on 13 July 1995, the Bratunac Brigade notes that "the main forces of the brigade are engaged in crushing enemy forces which have retreated into the aforementioned area (Ravni Buljim-Zvijezda Žiljato)."[325] This report to the Drina Corps was signed by the Bratunac Brigade Commander, Colonel Vidoje BLAGOJEVIĆ.

C. Cerska Valley Execution 13 July 1995

6.26 According to witness accounts, during the afternoon of 13 July 1995, an undetermined number of Muslim males were driven in buses and trucks from the direction of Konjević Polje into the Cerska Valley, and were subsequently executed. At least one piece of earth-moving equipment was observed as part of this convoy.[326] This event represents the first known major organized killing of Muslim male prisoners captured from the column. Current information indicates that the Cerska Valley region where the killings occurred is within the zone of either the Milići Brigade or the Vlasenica Brigade the VRS Drina Corps.

6.27 In what may be a related event, intercepted VRS communications note that on 13 July 1995, at 1355 hours, a Colonel MILANOVIĆ, (believed to be Colonel Ignjat MILANOVIĆ, the Drina Corps Chief of Air Defense), talked to the "Palma" Duty Officer (Palma is the telephonic codename for the headquarters of the 1st Zvornik Infantry Brigade). He asked the Duty Officer if "your bulldozer, ...the one with the spoon..." was available, and that if it was, it should be sent to Konjević Polje for us."[327] He was apparently told that it was in the field, and could not be sent down anytime soon. Two hours later, at 1553 hours, Colonel MILANOVIĆ is noted calling for a SIMOVIĆ or AVRAMOVIĆ, again looking for a backhoe or bulldozer. He was apparently told that they were all in the field.[328] AVRAMOVIĆ is believed to be Major AVRAMOVIĆ, the Drina Corps Chief of Engineering, and the Commander of the 5th Engineer Battalion of the Drina Corps.[329] SIMOVIĆ is believed to be Major Mile SIMANIĆ, the Deputy Commander of the 5th Engineer Battalion.[330]

D. Kravica Warehouse 13 July 1995

6.28 According to witness and survivor testimony, during the late afternoon-early evening hours of 13 July 1995, hundreds of male Muslims were killed at the Kravica

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[324] Krstić Defence Exhibit 99 - 5th Inžb Interim Report to the Drina Corps, 107-1, *supra* n. 138.
[325] 1. Brlpbr Daily Combat report 03-253-103, *supra* n. 238.
[326] Krstić Trial testimony of Witness M, (T. 2724).
[327] Intercepted military telephone communication between "M" Milanović and "P" Palma Duty Officer , 13 Jul. 1995, at 1355 hours.
[328] Synopsis of intercepted military telephone communication of conversation by Milanović, 13 Jul. 1995, at 1553 hours.
[329] 5.Inžb Order 9-4/94, *supra* n. 137; VP 7469/05 Record of Vehicle transfer, *supra* n. 137.
[330] Krstić Defence Exhibit 99 - 5th Inžb Interim Report to the Drina Corps, 107-1, *supra* n. 138.

Agricultural Warehouse.[331] These Muslims were part of the column who had surrendered along the Bratunac-Kravica-Konjević Polje road during the morning of 13 July, including ones who had been assembled on the morning of the 13th on the Sandići meadow.

6.29 Analysis of the events surrounding this indicates that the assembling of Muslim men as they surrendered along the Bratunac-Kravica-Konjević Polje road was part of a well-organized operation. Prisoners were assembled in multiple areas along the road. West of Kravica, one of the collection points was the Sandići meadow. One tank, and other military vehicles (Praga and BOV), most probably belonging to the MUP units of the 2nd (Šekovići) detachment, were observed at that collection point, which greatly helped the above mentioned MUP forces maintain security over the prisoners.[332] By the early afternoon, prisoners were starting to be assembled at the Kravica warehouse complex.

6.30 The actual execution of prisoners began around between 1700-1800 hours and lasted several hours. The witness accounts indicate that small arms, machine guns and grenades were used to kill the prisoners who were trapped inside the warehouse. All the exits were covered by weapons fire, and those prisoners who attempted to escape during the firing via either the doors or windows were killed.

6.31 After the shooting ended, several trucks arrived and began the process of loading bodies into trucks. This process continued until dark.[333] Bodies could be seen from the road, and one witness observed the bodies as he was driven past the warehouse.[334] The next morning, body collection activity resumed.

Specific Observations

6.32 With respect to the units actually guarding prisoners in the Sandići meadow, where they were first taken into custody, there are no documents which place organized Bratunac Brigade units at that location pursuant to orders on 13 July 1995 specifically guarding the prisoners. However, witnesses do note the presence of General MLADIĆ at this meadow addressing the assembled Muslim prisoners on the afternoon of 13 July 1995.[335] Related to this, the Military Police log for the 1st Bratunac Light Infantry Brigade Military Police Platoon indicates that on 12-13 15 July 1995 unspecified elements of the military police were engaged in "securing the commander, Ratko MLADIĆ."[336]

6.33 Despite this visit by General MLADIĆ, and possibly other VRS officers associated with the Main Staff and possibly the Drina Corps, it appears that the bulk of forces guarding the Muslim prisoners at Sandići were from the MUP. As noted in Paragraph 6.29, video evidence of from Zoran PETROVIĆ-PIROĆANAC, who accompanied Ljubiša BOROVČANIN details the significant MUP presence. Highlights of the unit activity were also discussed in the article subsequently written by Zoran PETROVIĆ-PIROĆANAC. [337]

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[331] Krstić Trial testimony of Witness J, (T. 2463-64), and Testimony of Witness K (T. 2523-26).

[332] Zoran Petrović video (Krstić Prosecution Exhibit 3), *supra* n. 259. *See also* CJB Zvornik Report 01-16-02/1-205/95 (draft Engish translation), 15 Jul.1995, para 4, noting these assets as reinforcing the police units.

[333] Krstić Trial testimony of Witness J (T. 2469-70), and Witness K (T. 2535-37).

[334] Krstić Trial testimony of Witness Q (T. 3026).

[335] Krstić Trial testimony of Witness J, (T. 2459), and Testimony of Witness K (T. 2509).

[336] 1.Brlpbr Military Police Daily Log, *supra* n. 165.

[337] Article from *Belgrade Intervju Magazine* by Zoran Petrović about Operations in Srebrenica, 21 Jul.

6.34 With respect to the presence of both MUP and Bratunac Brigade troops at Kravica, around the time the executions were taking place, the patient log of the Bratunac Health Center reflects that between 1730-1740 hours on 13 July 1995, a Miroslav STANOJEVIĆ (of the Red Berets) and a Rade CUTURIĆ (of the MUP Special Police Brigade) were admitted, having been injured at Kravica.[338] Sometime after 1740 hours on 13 July 1995 (time is illegible) a Krsto DRAGIČEVIĆ (of the Special police-Skelani) is admitted as being fatally injured at Kravica.[339] According to Bratunac municipal and brigade pay records Miroslav STANOJEVIĆ, son of Anđelka (dpob: 10 April 1972 in Srebrenica) was a member of the "Crveni" or "Red Beret" platoon of the 3rd Battalion of the Bratunac Brigade. In the case of Krsto DRAGIČEVIĆ he is listed as the son of Dragoljub, (dpob: 06 December 1965, Toplice-Srebrenica).[340] He is listed as being a member of the 2nd Detachment (Šekovići) of Special Police detachment, killed at Kravica on 13 July 1995.[341] At the time of his wounding, Rade ČUTURIĆ, (son of Milan-dpob: 26 August 1971 in Stupari-Kladanj) appears to have been an officer, and the deputy commander of the 2nd Special Police Detachment.[342] He was subsequently given command of the 2nd Detachment on 24 August 1995, and killed in action on 23 September 1995 in Ozren.[343]

6.35 In addition to the presence of the deputy commander of the 2nd Special Police (Šekovići) at Kravica at the time when the executions are under way, it also appears that the Deputy Commander of the Special Police Brigade, Ljubiša BOROVČANIN passed in front of the warehouse as this was occurring. As noted above (paragraph 6.33) a Mr. Zoran PETROVIĆ-PIROĆANAC was present in the car with Ljubiša BOROVČANIN and making a video record of the events along the Bratunac-Konjević Polje road during the late afternoon of 13 July 1995. In one scene of the video coverage, one notes that the vehicle drives by the Kravica warehouse, and on the video there is a grouping of bodies in front of one of the large entrances.[344] However, no reference of these events are made when at 2040 hours on 13 July 1995, Ljubiša BOROVČANIN briefs General-Major KRSTIĆ on the general situation, and if any additional support (unspecified) is required.[345]

6.36 With respect to the presence of the injured soldier from the Red Beret unit at Kravica, it is presently unknown under what direction he was present, and in what capacity. This unit, while normally subordinate to the 3rd Battalion, was considered to be the Brigade level intervention unit. However, there is no document that indicates that the Red Beret unit is operating with either the 1st or 4th Battalions of the Bratunac Brigade that day. Of note, one possible reason which may explain the presence of Miroslav

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1995.

[338] Bratunac Health Center patient log (CLSS English translation). Extract page lists Stanojević as 1489, and Čuturić is listed at 1490.

[339] *Ibid.* Dragicević is listed as 1491.

[340] In late 1991, the Bosnian Serbs designated the southern part of the Srebrenica municipality, of which the town of Toplica fell, to be the Skelani municipality.

[341] Death Certificate of Krsto Dragičević, (draft English translation), 31 Oct. 1996. With respect to the date of death, it is noted that the numeral designator for the month of July (o7) appears to be initially typed as a "17" with an "o" as a type-over.

[342] CJB Zvorik order 01-16-02/1-320/95, (draft English translation), 06 Oct. 1995. Letter from Dragomir Vasić identifying Rado Čuturić as the former commander of the 2. odred (detachment) of the RS MUP Special Police Brigade.

[343] Death Certificate of Rado Čuturić, (draft English translation), 31 Oct. 1996.

[344] Zoran Petrović video (Krstić Prosecution Exhibit 3), *supra* n. 259.

[345] Intercepted military telephone communication between"K" Krstić and "X" Borovčanin, 13 Jul. 1995, at 2040 hours.

STANOJEVIĆ is found in Bratunac Brigade Interim Combat Report to the Drina Corps on 13 July 1995.[346] This interim report reflects that on 13 July 1995, at 1700 hours, a unit consisting of 92 troops, and lead by the Brigade Chief of Staff (Major Novica PAJIĆ), was sent to Bračan. The route reported to the Drina Corps for this unit was "Bratunac-Milici-Bračan". In taking this route, the unit would have passed the Kravica warehouse complex located some 12 kilometers from the headquarters of the Bratunac Brigade. However, the next day, the 14 July 1995 Daily Combat Report reflects that the "Red Berets" were deployed at 1000 hours (that day) to the area of Milići to join the task in the direction of Žepa.[347]

6.37 Related to the events of Kravica warehouse, several inferences can be drawn. First, as noted in paragraph 6.29, the Kravica warehouse was apparently a "known" collection site. Presumably, as this was the designated holding area, it would have then required specific arrangements to ensure the security of the incoming prisoners. As elements of the VRS and MUP were also along the road during the period, one can infer that this location was designated by a higher headquarters, and transmitted to the subordinate units. This should have been a function of the Intelligence and Security Branch of the Bratunac Brigade, and the VRS Drina Corps.

6.38 Further, as trucks and buses were used to transport prisoners to the warehouse, one can infer that some authority higher than the local battalion commands had to have made them available. At a minimum, this would have had to have been at the Bratunac Brigade level, but more likely the Drina Corps level, since every asset used to transport prisoners would have been diverted away from the continuing deportation process in Potočari.

6.39 Perhaps one of the most revealing observations by survivors and witnesses pertains to the arrival of trucks and other equipment to remove the bodies. It is clear that some higher authority than the local police or infantry battalion commander had to have authorized the movement of the vehicles to that location, as well as the purpose of them going to that location. One can infer that the presence of those vehicles in Kravica that evening was not a coincidental event. More so, body disposal operations were suspended during the evening of 13 July 1995, and would be resumed during the daylight hours of 14 July 1995. Finally, possibly related is the 19 July 1995 notation in the Bratunac Military Police Platoon orders book that discusses a military police detachment providing security to the Bratunac Public utility workers at Glogova.[348] Glogova is the site of a primary mass grave, located less than 500 meters from the former command post of the 1st Infantry Battalion of the Bratunac Brigade.

E. The situation along the Bratunac-Konjević Polje road 14-18 July 1995

6.40 While MUP forces may have been active along the actual road, the both the Drina Corps and specifically the Bratunac Brigade were sweeping the terrain of the former enclave area. During the early evening hours of 13 July 1995, the Drina published order 01/4-157-5.[349] This order, signed by General-Major KRSTIĆ as the Commander of the Drina Corps, directs units of the Bratunac Brigade, the Milići Brigade and the Skelani Separate Battalion to begin sweeping the terrain of the "newly liberated area". The communications center stamp indicates that the order was dispatched at approximately

[346] 1.Brlpbr Interim Combat Report 03-253-103/1, *supra* n. 238.
[347] 1.Brlpbr Daily Combat Report 03-253-104, (CLSS English translation), 14 Jul. 1995.
[348] 1.Brlpbr Military Police Daily Log, *supra* n. 165, 19 Jul. 1995 entry.
[349] KDK Order 01/4-157-5, (CLSS English translation), 13 Jul. 1995.

2030 hours on 13 July 1995. On the basis of this order, the Command of the Bratunac Brigade issued order 453-2, dated 14 July 1995. This order, signed by the Brigade Commander, Colonel Vidoje BLAGOJEVIĆ, directed all four battalions to conduct sweep operations in various areas. Specific to the 1st and 4th Battalions, operating to the south of the Bratunac-Konjević Polje road, the following instructions were given:

> 1. The 1st Infantry battalion will search the terrain of the former enclave of Srebrenica, on the right side : the junction of the Bratunac-Konjević Polje-Ježestica road (K-316), up to trig point 555, Lupoglav (trig point 675), up to the village of Šušnjari; and on the left side: Lomanac brook (the village of Hranča), the village of Pale-Zvijezda trig point 906. The command post of the battalion will be in the village of Čizmići...
>
> 4. From its positions, the 4th Infantry battalion will control the area in front of it, spreading from Lupoglav to Ravni Buljim, and reaching forward as far as Mratinsko Brdo and Sandići...
>
> 5. The search will commence immediately and be completed by 16 July 1995...
>
> 6. On the completion of the task, report to me at the briefing session on 17 July 1995.[350]

The Daily combat report for 14 July 1995 further reflects the Bratunac Brigade operating as directed in Drina Corps order 01/4-157/5, and that a part of their forces are engaged circling the enemy in the area of "Bokčin potok-Šiljkovići-Mratinjci."[351] The report also reflects that the Bratunac Brigade did not sight any, or "come across any" of these enemy forces.

6.41 On 15 July 1995, documents reflect further activities pertaining to the issue of military operations along the road. As reported by CJB Dragomir VASIĆ, two companies of the MUP from Jahorina remain on the road from Kravica-Konjević Polje-to Kasaba. He further notes the presence of one platoon of the PJP from CJB Zvornik, one tank (with crew) and a part of the "Dog Breeding and Training Center" engaged against the remaining Bosnian Muslim forces.[352] Dragomir VASIĆ also notes that the 1st PJP Company, elements of the 2nd and 4th detachments of the SOP (believed to be the Special Police detachments), reinforced by tank, PRAGA, BOV, and a MB/mortar company/ are heading towards Crni Vrh -Baljkovica with the VRS to relieve the lines of the Zvornik Brigade.[353]

6.42 Coupled with this, the Commander of the Drina Corps directs one of his officers, Colonel Ignjat MILANOVIĆ to survey the situation in Milići and Bratunać, specifically the situation to the east of the Milići-Konjević Polje-Bratunac road. He does this, and subsequently reports back to the Drina Corps Commander at the IKM Forward Command Post). In his report, he notes that the Bratunac Brigade has just about completed the sweep operations as previously directed, and that large enemy groups remain east of the road.[354] He also recommends that the Commander of the 1st Bratunac Brigade be appointed as the commander of all forces which are participating in searching the terrain

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[350] 1. Brlpbr order 453-2, (CLSS English translation), 14 Jul. 1995.
[351] 1. Brlpbr order 03-253-104, *supra* n. 347.
[352] CJB Report 01-16-02/1-205/95, *supra* n. 332.
[353] *Ibid.*
[354] Colonel Ignjat Milanović (Bratunac) document 03-253-103-3, *supra* n. 142.

and sweeping the battlefield to the east of the road (and in control of the Kasaba-Drinjača road), "because we have no one to appoint from the Command of the Drina Corps."[355] He futher notes that if the Corps Commander approves that course of action, he sends a "telegram" confirming this decision to the 1st Bratunac Brigade, the 1st Milići Brigade and the CSB Zvornik.[356] Further on 15 July 1995 the Bratunac Brigade reflects units still involved in sweep opeartions in accordance with the Drina Corps order 01/4-157/5 (dated 13 July 1995). It also notes that one soldier from the 4th Battalion was killed that prior evening.[357]

6.43 On 16 July 1995, the Daily Combat Report of the Bratunac Brigade reflects that during the day, the "Brigade Commander visited all units which are blocking the enemy retreat (the 1.Mlpbr, units of the 65.Zmpt/Protection Regiment/ parts of the MUP and the 5.Inžb) defined their tasks and organized their joint action and communications." [358] Moreover, the report reflect that "...from statements taken from enemy soldiers, there are about 2000 in the wider area of the village of Pobuđe."[359] Also on 16 July 1995, the Bratunac Brigade issued orders for the deployment of the 1st Infantry Battalion for operations in the area of Žepa (in accordance with Drina Corps order 5/95).[360]

6.44 On 17 July 1995, the Command of the Bratunac Brigade forwarded a request to the Drina Corps, pertaining to comments from Muslim children. As stated:

> "Among the Muslim prisoners there are four underage children (aged between 8 and 14) who are being held in military custody in Bratunac. One of them told the commander of the unit that was searching the area about a large number of Muslim troops committing suicide or killing each other. We propose that this testimony be recorded by cameras of your press center."[361]

This report was released under the name of Colonel Vidoje BLAGOJEVIĆ, Commander of the Bratunac Brigade, and had the number 03/253-106/1.[362]

6.45 In a related report (03-253-106/2), the Bratunac Brigade Command noted that it did not possess vehicles suitable for the transport of 23 wounded Muslim prisoners from the Bratunac Health Center to Bijeljina (for additional discussion, see Chapter Eight, paragraph 8.1).[363]

6.46 Further on 17 July 1995, General MLADIĆ directed that Lieutenant Colonel KESEROVIĆ of the GŠVRS Security Administration assume "command" of the various units engaged in the tasks of sweeping the terrain along the wider areas of Bratunac, Milići and Drinjača.[364] These forces consisted of elements of the Bratunac Brigade, the Milići Brigade, the 67th Communications Regiment, the military police battalion of the 65th Protection Regiment and MUP forces. LTC KESEROVIĆ was directed to have the

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[355] *Ibid.*, (proposal 1).
[356] *Ibid*, (proposal 2).
[357] 1.Brlpbr Daily Combat Report 03-253-105, (CLSS English translation), 15 Jul. 1995.
[358] Bratunac Brigade Daily Combat Report 03-253-106, *supra* n. 142.
[359] *Ibid*, Para 1.
[360] 1.Brlpbr deployment order 468-2, (CLSS English translation), 16 Jul. 1995.
[361] 1.Brlpbr report 03-253-106/1, (CLSS English translation), 17 Jul. 1995.
[362] *Ibid.*
[363] 1.Brlpbr report 03-253-106/2, (CLSS English translation), 17 Jul. 1995.
[364] VRS Main Staff Order 03/4-1670, (CLSS English translation), 17 Jul. 1995, refer to para 3.

sweep tasks completed by 2000 hours on 19 July 1995, and was further directed to propose plans for further engagements towards Cerska.[365]

F. Role of the VRS Drina Corps Command, Staff and Subordinates

6.47 One component of the alleged crimes in and around Bratunac was the assembly and detention of Muslim men as well as the organization of transportation that would further take the men to the mass execution sites in the North. This activity can be examined in two aspects, the assembly and detention process, and the actual movement process.

6.48 First, pertaining to the assembly and detention of the Muslim males in and around Bratunac, at least three fixed facilities are positively identified by survivors: the "hangar", the "Vuk Karadžić" school and the "old school". In addition, as these locations filled to capacity, buses and trucks filled with prisoners were parked next to these locations. Presumably, the security elements of the Bratunac Brigade, the Bratunac municipality and the VRS Drina Corps would have been required to identify the holding locations in the town, and to further ensure adequate security for the prisoners in Bratunac. Lieutenant Colonel Vujadin POPOVIĆ, the Drina Corps Chief of Security, and Colonel Svetozar KOSORIĆ, the Chief of Intelligence for the Drina Corps should have both been heavily engaged in these issues dealing with the prisoner issues. So should the Bratunac Brigade Chief of Intelligence and Security, Captain First Class Momir NIKOLIĆ, particularly in the aspect of coordinating with the local civil authorities for use of the facilities. Considering the fact that prisoners remained at these locations (or near them on buses and trucks when the buildings filled to capacity) for between two to three days, an extensive security presence and guard force would have been required. Moreover, the security risk posed by these thousands of prisoners to the Bosnian Serb population of Bratunac should have been clearly evident to the Commander of the Bratunac Brigade.

6.49 As noted in Chapter Five, a number of Drina Corps officers and Bratunac Brigade material was involved in coordinating transportation resources for the movement of Muslim women, children and elderly from Potočari. As this process was winding down on 13 July 1995, these transportation assets became available and were then utilized to move the separated Muslim males from areas where they were captured and assembled to detention centers in and around Bratunac, and finally to the mass execution sites near Zvornik. From a coordination perspective, this aspect cannot be over-emphasized, particularly when examining the capture and detention of Muslim males along the Bratunac-Konjević Polje-Nova Kasaba- Milići road. From Konjević Polje to Milići, units involved in capturing Muslim males would have included elements of the RS Municipal and Special Police (deployed to and near Konjević Polje), the 5th Engineer Battalion of the Drina Corps, the Zvornik Brigade, the Milići Brigade and the Military Police Battalion of the 65th Protection Regiment (an asset directly subordinate to the VRS Main Staff).[366] Muslim males detained from this variety of units were then collected, and transported back into the territory of the Bratunac Brigade, where starting the next day they were moved to the territory of the Zvornik Brigade.

6.50 Concerns about the numbers of prisoners in and around the Bratunac area rapidly became a topic of discussion among senior security officials and senior political figures in the area. According to an intercepted telephone conversation between Miroslav DERONJIĆ (the appointed Civilian Commissioner for Srebrenica) and the office of RS

[365] *Ibid.*
[366] 1.Brlpbr Daily Combat Report 03-253-106, *supra* n. 142.

President KARADŽIĆ, DERONIJĆ was to deal with the Army and get the Muslim prisoners out of Bratunac.[367]

6.51 The physical movement of Muslim prisoners from the temporary holding sites in and around Bratunac to detention and execution sites in the zone of the Zvornik Brigade represents the second stage of the process. As noted from survivor accounts, the movement of the Muslim prisoners from the Bratuanc area to schools near the Zvornik area began in the early evening of 13 July 1995, consistent with the end of the removal of the Muslim population from Potočari. Prisoners began arriving at these schools in the early morning hours of 14 July 1995, and movement continued through 15 July 1995, as prisoners were placed in schools at Grbavci, Petkovci, Pilica (both the school and Dom facility), and (probably) Ročević (see Chapter Seven).

6.52 What becomes evident is that during the latter stages of the movement of Muslims out of Potočari on 13 July 1995, a growing number of buses and trucks are detailed away from Potočari, and are sent to locations along the Bratunac-Konjević Polje-Milići road to pick up Muslim males who were being assembled at various locations. By the time the deportation is declared completed at 2000 hours on 13 July 1995, an undetermined number of buses and trucks are filled with Muslim male prisoners. Some buses with prisoners depart as early as the night of 13 July 1995, however, most spend the night of 13-14 July 1995 in or near Bratunac and move towards Zvornik on 14 or 15 July 1995.

6.53 Related to this, the Military Police log for the 1st Bratunac Light Infantry Brigade Military Police Platoon indicates that on 14 and 15 July 1995 "the police were engaged in the escort of Muslim refugees."[368] As noted earlier, the movement of the Muslims from Potočari was completed by 2000 hours on 13 July 1995. Escort activity after this time can only refer to the process of guarding the buses moving prisoners into the zone of the Zvornik Brigade.

6.54 Further, this is consistent with witness and survivor accounts pertaining to the "organization" of the movement process. Buses and trucks do not proceed individually from the Bratunac area towards Zvornik, but instead are moved in convoys. Militarily speaking, the security, route clearance, and movement functions would have had to been arranged by the VRS Drina Corps Command and Staff, as they involved the assets and territory of at least two subordinate units. Further, the fleet of buses and vehicles were also under the control of the VRS Drina Corps and not the subordinate brigade's commands.

6.55 Related to this movement process was the identification of the facilities in the zone of the Zvornik Brigade where the Muslim prisoners were to be transported and held prior to their execution. According to transportation records seized from the 1st Zvornik Infantry Brigade, an Opel "Rekord" (license plate number P-4528), assigned to the Command of the Zvornik Brigade, began a series of trips starting on 13 July 1995 to locations that were used for the holding of Muslim males from Srebrenica.[369] Further, this vehicle was under the control of three members of the Zvornik Brigade Military Police Company.[370] Travel on 13 July 1995 included two trips between Zvornik and

[367] Intercepted military telephone communication between "D" Deronjić, "B" Badem Duty Officer and an unindentifed conversant, 13 Jul. 1995, at 2010 hours.
[368] 1.Brlpbr Military Police Daily Log, *supra* n. 165.
[369] Vehicle Log for Opel Rekord P-4528, *supra* n. 314.
[370] Authorized vehicle operators were Milorad Birčaković, Mirko Ristić and Miško Arapović. All three individuals were members of the Military Police Company at the time. *See* 1.Zvpbr Military Police

Orahovac, as well as a trip from Zvornik-Standard (HQ of the Brigade) to Bratunac. On 14 July 1995, Orahovac was visited twice more, and the vehicle made two trips to Ročević. Travel on 15 July 1995 included Kozluk, Kula (Pilica School), Pilica and Ročević. On 16 July 1995, travel included Kozluk, Pilica, Ročević, and also Kravica.[371]

6.56 Pilica (Branjevo Military Farm) and Kozluk are known execution sites. Orahovac is both a detention site and execution site, as is the Cultural Center in Pilica. The area referred to as "Ročević" is a village complex with a school located approximately four kilometers from Pilica and Branjevo Military Farm. Investigation has identified Ročević as a detention site for Muslim males. The Pilica School (Kula) is a known detention site. Kravica is a known holding and execution site in the area of the Bratunac Brigade.

Company Unit Attendance Roster (CLSS English translation), Jul. 1995.

[371] Vehicle Log for Opel Rekord P-4528, *supra* n. 314.

CHAPTER SEVEN: Mass Executions and Burials in the Zone of the 1st Zvornik Infantry Brigade

7.0 The zone of the Zvornik Brigade was, to a significant degree, the scene of most of the organized mass execution activity related to the fall of the Srebrenica enclave. During this same period, the Zvornik Brigade was involved in heavy combat against the Muslim column from the former Srebrenica enclave. This column, taking the most direct geographical route to Tuzla, came into contact with the ambushes set by the Zvornik Brigade during the early evening of 14 July 1995, and by 15 July 1995, the column and the forces of the Zvornik Brigade were involved in a relatively pitched battle. Yet, despite the significant military threat to both the Zvornik Brigade and the city of Zvornik posed by the column, Muslim males transported by bus or truck from Bratunac were held in schools, moved to execution sites, killed, and buried.

7.1 Five known major execution sites are located within the zone of the Zvornik Brigade: Orahovac, the Dam (at Petkovci), the Branjevo Military Farm, the Cultural Center in Pilica, and Kozluk. Related to these execution sites are the following detention centers: the Grbavci School in Orahovac, the "new" Petkovci School (in Petkovci), the Pilica School in Kula, and the Cultural Center in Pilica. Further, investigation indicates the Muslim men may have also been held at the school in Ročević.

7.2 As in previous chapters, this chapter will develop the material pertaining to the individual crime scenes or criminal acts as charged in the indictment. At the conclusion of this chapter, the broader role and knowledge of the Command and Staff of the 1st Zvornik Infantry Brigade will be explored, while subsequent chapters examine the role of the Command of the VRS Drina Corps and the VRS Main Staff (Chapters Nine and Twelve respectively).

A. Prelude and Planning

7.3 As noted previously in Chapter Six (paragraphs 6.55 and 6.56), there is information that indicates that by 13 July 1995, elements of the Zvornik Brigade Command were active in identifying sites where Muslim males from Srebrenica were to be held. This initial activity manifests itself by tracking the movement of an Opel "Rekord" (license number P-4528), assigned to the Command of the Zvornik Brigade. Listed below is the logged itinerary for the vehicle from 13-19 July 1995:

> 13 July 1995 Standard-IKM (Fwd Command Post) -Zvornik-Loko-Orahovac-Zvornik-Orahovac-Standard-Bratunac and Zvornik. Total vehicle mileage on 13 July 1995 was 209 kilometers.
>
> 14 July 199 Standard-Orahovac-Divić-Orahovac-Ročević-Orahovac-Zvornik-Standard-Loko-Karakaj-Ročević-Loko. Total vehicle mileage on 14 July 1995 was 164 kilometers.
>
> 15 July 199 Standard-Divić-Zvornik-Standard-Kozluk-Standard-Ročević-Kozluk-Loko-Kula-Pilica-Loko. Total vehicle mileage on 15 July 1995 was 206 kilometers.
>
> 16 July 1995 Standard-Kozluk-Ročević-Pilica-Še (remainder illegible)-Kravica-Zvornik. Total vehicle mileage on 16 July 1995 was 144 kilometers.
>
> 17 July 1995 Standard-Zvornik-Cer-Zvornik. Total vehicle mileage on 17 July 1995 was 156 kilometers.

18 July 1995 Standard-Zvornik-Kar-Zvorn-Sepak. Total vehicle mileage on 18 July 1995 was 23 kilometers

19 July 1995 Standard-Zvornik-Kar-Zvorn. Total vehicle mileage was 47 kilometers.[372]

7.4 Authorized vehicle operators were Milorad BIRČAKOVIĆ, Mirko RISTIĆ and Miško ARAPOVIĆ. According to the July 1995 roster of the Zvornik Brigade Military Police Company, all three individuals are members of the Military Police Company.[373] At the same time, Milorad BIRČAKOVIĆ was a member of the protection detail assigned to the Brigade Commander.[374]

7.5 Aside from these records, there are no other indications within the Zvornik Brigade records that indicates a large number of Muslim prisoners could be expected to be arriving in the zone of the Brigade by as early as 0200 hours on 14 July 1995.

B. Orahovac and Grbavci School

7.6 The area of Orahovac was used as both a killing and primary burial site on 14 and 15 July 1995. This area falls within the zone of the 4th Battalion, 1st Zvornik Infantry Brigade.[375] Survivor testimony and documents from the Zvornik Brigade indicate that elements of the Brigade Command, the Engineer Company, the Military Police Company and elements of (at least) the 4th Infantry Battalion were all involved in the planning, detention, execution and subsequent burial of Muslim men at the Orahovac site.

7.7 The Commander of the Engineer Company was Captain Dragan JEVTIĆ.[376] The Commander of the 4th Infantry Battalion was 2nd Lieutenant Pero VIDAKOVIĆ.[377] However, according to an 18 July 1995 commendation by the Brigade Commander, the 4th Battalion was actually led during the period by the Deputy Commander, 2nd Lieutenant Lazar RISTIĆ.[378] The Commander of the Military Police Company was Miomir JASIKOVAC.[379]

7.8 Analysis of information from both documents and survivor testimony indicates the following chain of events occurred. As early as 13 July 1995, the area of Orahovac may have been scouted out as a potential site to hold the incoming Muslim prisoners. This is reflected in the visit to the area twice that day by the staff car from the brigade headquarters (license plate P-4528) logged out to Milorad BIRČAKOVIĆ, Mirko RISTIĆ and Miško ARAPOVIĆ.[380] Further, it appears that late in the evening of 13 July 1995, a detachment of military police from the Zvornik Brigade Military Police Company was detailed to remain in the area. This is supported by an entry on 13 July in a logbook of a vehicle that appears to have been primarily used for the delivery of food to select units of

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372 *Ibid.*
373 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 370.
374 Milorad Birčaković was also the former commander of the 3rd Company (Grbavci), of the 4th Battalion of the Zvornik Brigade in late 1994. In November 1992, he became a platoon commander in the 7th Battalion. Of note, Lazar Ristić and Gojko Simić also joined the 7th Battalion that same day.
375 1.Zvlpbr map graphic. (Krstić Prosecution Exhibit 2).
376 1.Zvpbr Engineer Company Daily Orders Log, (CLSS English translation), 01-30 Jul. 1995.
377 Death Certificate of Gojko Simić, (CLSS English translation), 27 Jul. 1995.
378 1.Zvpbr Order 01-262, (CLSS English translation), 18 Jul. 1995.
379 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 370.
380 Vehicle Log for Opel Rekord P-4528, *supra* n. 314.

the Brigade.[381] The last entry of the day lists a trip to Orahovac, with the notation "police".[382]

7.9 In what may be a related event, on 13 July 1995, Lieutenant Drago NIKOLIĆ was the Duty Officer at the Forward Command Post of the Brigade. His normal posting in the Brigade is as the Assistant Commander (Chief) for Security. In the Duty Log of the Forward Command Post, it is noted that at 2300 hours on 13 July, a Major GALIĆ "took over duty extraordinarily from Lieutenant Drago NIKOLIĆ."[383] The log does not indicate what occurred that caused the apparently early relief of Lieutenant NIKOLIĆ from the Duty Officer position.

7.10 On 14 July 1995, Muslim males captured after the fall of Srebrenica began arriving in the zone of the Zvornik Brigade, having been transported from the area of Bratunac in either buses or trucks. The earliest known group arrived during the early morning hours of 14 July 1995, with the remainder arriving through the late morning and early afternoon of that same day. One survivor in particular, Witness "L", identifies the school in which they were being held as the school of Grbavci (located in Orahovac, less than one kilometer from the execution site).[384]

7.11 The Muslim prisoners were kept in the school sports hall for varying lengths of time, and recount a similar story of being led to a side room where they were provided with water and then blindfolded.[385] Afterwards, each was put in a military truck, and taken to the execution site at Orahovac.[386]

7.12 One of the first Muslim survivors taken to the execution site was Witness "L", who arrived sometime during the afternoon hours of the 14 July 1995. Upon arriving at the site, he and other Muslims were taken off the truck, lined up among previously executed prisoners, and shot. Witness "L" was not hit, and as he lay among the dead and dying bodies, he was in a position to first hear, and then later witness events from where he fell.

7.13 While still wearing the blindfold, Witness "L" recognized the voice of an individual named Gojko SIMIĆ, as the leader of the group of soldiers who were conducting the killings. Witness "L" had over a 15-year association with SIMIĆ from before the war, when they both worked in a Belgrade construction company.[387] Several times during the course of the day, he heard soldiers address each other by name, and heard the names "Gojko", "Risto" and "Vojo".[388]

7.14 Witness "L" also notes the presence of one yellow backhoe, which he both heard and saw during the day, and later that evening, the arrival of either a yellow bulldozer or loader. It was one of those loaders that shined the light on him during the night, causing

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381 1 Zvpbr Delivery Truck Log, (CLSS English translation), 01-31 Jul. 1995.
382 The last time listed is 0100 hours. Times are out of sequence and it is possible that the time may be 0100 hours on the morning of 14 Jul. 1995.
383 1.Zvpbr IKM Operations Log, (CLSS English translation), 13 Jul. 1995. According to the Bde Command Roster for July 1995, Major Mihajlo Galić is the Assistant for Morale, Legal and Religious Affairs.
384 Statement of Witness L (T. 2673), *supra* n. 287.
385 Ibid, statement of Witness L (T. 2684-86); Statement of Witness N (T. 2824).
386 *Ibid.*, (T. 2686-89).
387 *Ibid.*, (T. 2694).
388 *Ibid.*, (T. 2694).

him to flee the execution site.[389] The other survivors also noted the presence and activities of yellow earthmoving equipment at the execution site.[390]

Specific Observations

7.15 Personnel records of the Zvornik Brigade indicate that Gojko SIMIĆ from Orahovac was assigned to the 4th Infantry Battalion of the 1st Zvornik Infantry Brigade. He was killed in battle two days later (on 16 July 1995), while defending the 4th Battalion command post in the vicinity of Baljkovica.[391] According to documents from the Zvornik Brigade, Gojko SIMIĆ was a member and Commander of the 4th Infantry Battalion heavy weapons detachment.[392] Further, the death certificate issued by the Zvornik Brigade confirms that Gojko SIMIĆ and Witness "L" worked at the same construction firm in Belgrade.[393]

7.16 According to the personnel roster for the Zvornik Brigade Military Police Company for 14 July 1995, there was a detachment of military police present in Orahovac (referred to in paragraph 7.8).[394] Also apparent is that some effort was made to conceal this after the fact. An examination of the document indicates that a legend was written on the back to indicate where each military policeman was located. Despite being erased, visible to the eye is the writing "O- Orahovac". Further, when examining the entries for 14 and 15 July 1995, it is apparent that a number of names had "O" delineating their location, and they were subsequently erased and remarked with a "T" (to designate "in the terrain") [395] In several instances of 15 July 1995, individuals with the letter "R" delineating their location and that changed to "T" as well. In the legend, there is no discernable explanation pertaining to what "R" stands for.

7.17 Relative to the Zvornik Brigade Military Police presence, the following list of names on the altered personnel roster who were in Orahovac on 14 July 1995 are listed below: [396]

1. JASIKOVAC, Miomir Novaka 14 July, "O" changed to "T", 15 July "R" changed to "T".
4. STOJANOVIĆ, Hada Stanimira 14 July, "O" changed to "T".
5. BOGDANOVIĆ, Goran Ilije 14 July "O" changed to "T".
7. JOVIĆ, Ćedo Rade 14 July "O" changed to "T".
14. IVANOVIĆ, Dragoje Đule 14 July "O" changed to "T". 15 July "R" to "T".
27. RISTIĆ, Predrag Mojside 14 July "O" changed to "T". 15 July "R" to "T".
31. STEVANOVIĆ, Zelko Spasoja 14 July "O" changed to "T", change on 15 July as well.
37. SIMIĆ, Milomir Dragomira 14 July "O" changed to "T". 15 July "R"changed to "T".
47. BIRČAKOVIĆ, Stanoje Blagoja 14 July "O" changed to "T". 15 July "R" changed to "T"
50. JOKIĆ, Sladan Stanka 14 July "O" changed to "T". 15 July "R" changed to "T".

389 *Ibid.* (T. 2699-2700).
390 Testimony of Witness N (T. 2827).
391 Death Certificate of Gojko Simić, *supra* n. 377.
392 1.Zvlpbr Appointment Order 06-72, (CLSS English translation), 08 Apr. 1994.
393 Death Certificate of Gojko Simić, *supra* n. 377.
394 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 370.
395 Dutch Forensic Analysis Report (CLSS English translation), 15 Nov. 1995.
396 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 370.

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7.18 There are two sources of information pertaining to the engineer equipment at Orahovac. The first source is the Commander's Daily Orders Journal for the Engineer Company of the Zvornik Brigade. This journal reflects orders, instructions and work assignments that the Engineer Company was engaged in during the day. The second source is from the vehicle records of the Engineer Company for July 1995. These records indicate where the vehicles were, how many miles traveled or hours used, and how much fuel was consumed.

7.19 Relative to the Engineer Company Daily Orders Journal, there were no assignments listed pertaining to Orahovac on 14 July 1995.

7.20 On 14 July 95, the following Engineer company vehicles were listed on vehicle movement records as being at Orahovac: a TAM 75 (license plate M-5264) which made two trips back and forth between the base and Orahovac; a Mercedes 2626 (license plate M-5195) which towed an excavator on a trailer to the village of Križevići (located one kilometer from Orahovac); an excavator (rovokopać), license plate C-3117, which went from the base to Orahovac and later returned to the base after six hours of digging; and an excavator-loader (rovokopać "Torpedo") from "Birač-Holding" which went from the base to Orahovac and operated for 5 1/2 hours.[397]

7.21 On 14 July 1995, according to the fuel dispersal log of the Zvornik Brigade, a total of 200 liters of diesel fuel was disbursed from the Brigade fuel holdings. All 200 liters went to the Zvornik Brigade Engineering Company.[398]

7.22 On 15 July 1995, the following assignments were listed in the Engineer Company Daily Orders Journal relating to Orahovac: Item # 4 work with BGH-700 (excavator) in Orahovci; Item # 5 work with ULT 220 (loader) in Orahovci. [399]

7.23 Vehicle utilization records for 15 July 1995 indicate that one ULT 220 from "Birač-Holding" was operating for five hours at Orahovac, and a TAM 75 truck (license plate M-5264) made between three and four trips between the base and Orahovac. [400]

7.24 Further on 15 July 1995 the fuel disbursal log of the Zvornik Brigade indicates that 40 liters of diesel fuel was provided to elements of the Rear Services Battalion, operating out of Orahovac.[401]

7.25 On 16 July 1995, the following assignments were listed in the Engineer company journal relating to Orahovac: Item # 2 work with BGH-700 in Orahovci; Item # 3 work with ULT-220 in Orahovci.[402]

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[397] Vehicle Log for TAM 75 (M-5264), (CLSS Revised English translation), 01-31 Jul. 1995; Vehicle Log for Mercedes 2626 (M-5195), (CLSS Revised English translation), 01-31 Jul. 1995; Vehicle Log for excavator (rovokopać) (C-3117), (CLSS Revised English translation), 01-31 Jul. 1995; Vehicle Log for excavator-loader (rovokopać "Torpedo" – from Birač-Holding) (CLSS Revised English translation), 01-31 Jul. 1995.

[398] 1.Zvlbpr Fuel disbursal log 7 Feb. 1994 to 14 May 1996.

[399] 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.

[400] Vehicle Log for ULT 220 (Birač-Holding), (CLSS English translation), 01-31 Jul. 1995; Vehicle Log for TAM 75 (M-5264), *supra* n. 397.

[401] 1.Zvlbpr Fuel disbursal log 7 Feb 1994 to 14 May 96, *supra* n. 398.

[402] 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.

7.26 On 16 July, Engineer Company transportation records indicated the following: Mercedes 2626 truck (license plate M-5195) towed an excavator with a trailer between the base and Orahovac. As there is no record of excavator activity at the Orahovac site, it is unclear if the excavator was dropped off or picked up. At the same time, a TAM 75 truck (license plate M-5264) made two trips from Kozluk to Orahovac during the day, before returning to the Zvornik Brigade headquarters, located in the former "Standard" shoe factory compound.[403]

7.27 Tracking the orders and the vehicle movement together, it appears that sometime after the orders were posted in the journal of the Engineer Company on 14 July 1995, orders were received to send earth-moving equipment to Orahovac. By the afternoon of 14 July 1995, at least two pieces of earthmoving equipment were active at the execution site. This coincides with survivor testimony indicating that two excavators were working while executions were occurring well into the evening hours. At least one of these excavators returned to base that evening. On 15 July 1995, posted orders indicated that an ULT 220 and a BGH 700 were to continue working at the site. Vehicle logs indicate that one ULT 220 was continuing activity on 15 July for five hours. For whatever reason, the BGH 700 is not noted at the site, although another unidentified excavator was brought to Orahovac.[404] Throughout the day, the site was visited by one TAM truck from the Engineer Company headquarters, which provided personnel, fuel or other support to the operation. By late on the 15th, all burial activity was completed at the Orahovac site. The only activity on 16 July 1995 probably involved the retrieval of one excavator from the site, as well as a truck that moved either personnel or equipment from the Orahovac site to Kozluk.

C. The Dam ("Brana") and Petkovci School

7.28 The Dam in Petkovci was another execution and burial site in the zone of the Zvornik Brigade. This site is located in the sector of the 6th Infantry Battalion, and is less than two kilometers from the 6th Battalion command post in Baljkovica.[405] According to survivor statements, Muslim men executed at this site were held at a school in Petkovci.

7.29 In the case of Witness "P", he arrived at the Petkovci school around 1830 hours on 14 July 1995, having spent the evening of 13 July 1995 on a truck in Kravica (see earlier account on trucks at Kravica - Chapter Six).[406]

7.30 Witness "O", also captured on the afternoon of 13 July 1995, was subsequently put on a large truck, and taken to an unknown location in Bratunac, where he spent the night in the truck (see earlier account on trucks in Bratunac). The truck he was in departed Bratunac by mid-morning (14 July), and he arrived at Petkovci in the in the mid-afternoon.[407] Upon arriving at the school, he was taken to an upstairs room with other Muslim men. Throughout the course of the evening, men were taken from the classroom in small groups.[408]

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[403] Vehicle Log for Mercedes 2626 (M-5195), *supra* n. 397; Vehicle Log for TAM 75 (M-5264), *supra* n. 397.
[404] There are no vehicle utilization records for a BGH-700 by the Zvornik Bde for the month of July 1995.
[405] 1.Zvlpbr map graphic, *supra* n. 375.
[406] Testimony of Witness P (T. 2963).
[407] Testimony of Witness O (T. 2867-88).
[408] *Ibid.*, (T. 2889-10 and 2902-03).

7.31 Both survivors recount spending the evening in the school. In the early morning hours of 15 July 1995, both were placed aboard a large truck and taken to the execution site. When they arrived at the execution site, it was still dark. The Muslim males were subsequently taken off the trucks in groups of 5 to 10. Soldiers shot the groups that got out of the truck.[409]

7.32 After the shooting had stopped, the two survivors crawled from among the bodies to a place of refuge close to the execution site. Both continued to hear shooting throughout the night, as well as hearing machine noises in the dark.[410] As it became light, both saw earth moving equipment that was loading bodies onto a tractor truck.[411] Both also identified their execution site as being a "gravel" area at the base of a large dam.

Specific Observations

7.33 Records from the Commander's Daily Orders for the Engineer Company of the Zvornik Brigade indicate that on 15 July, the Engineer Company had the following assignments: Assignment # 6 work with ULT in Petkovci, and Assignment # 7 work with excavator in Petkovci.[412]

7.34 A review of the vehicle records from the Engineer Company of the Zvornik Brigade does not place any of the unit's earthmoving equipment at the Petkovci execution site.[413]

7.35 Relative to involvement by the 6th Infantry Battalion, vehicle records for 15 July 1995 indicate that two vehicles were active in going back and forth between Petkovci and the Dam (Brana). One TAM 80 truck (license plate M-5300) made a total of six trips on 15 July 1995.[414] Another truck, a TAM 75 (license plate M-5329), made a total of four trips on that same day.[415] The drivers of both vehicles on that day were listed as Dragomir TOPALOVIĆ and Vlado JOSIĆ - both are listed as members of the 6th Infantry Battalion, Zvornik Brigade.[416]

D. Branjevo Military Farm / Pilica School (Kula)

7.36 The Branjevo Military Farm is located in the Zvornik Brigade sector, in the area of responsibility of the 1st Infantry Battalion.[417] On 16 July 1995, a group of seven soldiers from the 10th Sabotage Detachment were ordered to the farm, and during the course of the day executed between 15 and 20 bus loads of Muslim men.[418]

7.37 Witness "I", a survivor of this execution, was taken into VRS custody on 13 July 1995 at the separation line in Potočari.[419] From Potočari, he was taken later that day to

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409 Testimony of Witness O (T. 2910); Testimony of Witness P (T. 2975).
410 *Ibid.* Testimony of Witness O (T. 2918-22), and Testimony of Witness P (T. 2977-79).
411 *Ibid.* Testimony of Witness O (T. 2925), and Testimony of Witness P (T. 2981).
412 1.Zvpbr Engineer Company Daily Orders Log *supra* n. 376.
413 1.Zvpbr Vehicle Transportation Logs for July 1995 reflect no Engineer Company vehicles at the Petkovci Dam site.
414 Vehicle Log for TAM 80 (M-5300), (CLSS English translation), 01-31 Jul. 1995.
415 Vehicle Log for TAM 75 (M-5329), (CLSS English translation), 01-31 Jul. 1995.
416 1.Zvpbr 6th Battalion Logistics Platoon Roster – TOPALOVIĆ, (CLSS English translation), Jul. 1995; 1.Zvpbr 6th Battalion Command Roster – JOSIĆ, *supra* n. 118.
417 M. Pantić, "They Produce Their Own Food," *Drinski Magazine,* (CLSS English translation), Jun. 1995, p. 21.
418 Erdemović, Drazen
419 Testimony of Witness I (T. 2370-71).

the "old school" behind the "Vuk Karadžić" school in Bratunac. He spent a total of two nights in that location, before being put on a bus on 15 July 1995. They departed the "old school" about noon, and the bus was escorted by soldiers.[420] Witness "I" arrived at a school in the village of Pilica, north of Zvornik, where he was put in a classroom.

7.38 Witness "Q" was captured by Serb military forces while attempting to cross the asphalt road near Nova Kasaba during the early morning hours of 13 July 1995. He was part of a group of ten men who were captured at the time.[421] They were taken to an unknown barracks near Nova Kasaba and remained there until 1400 hours. From the barracks, they were then taken to the football field in Nova Kasaba. In the late afternoon, Witness "Q" was put on a bus, and driven to Bratunac. He spent the evening of 13 July 1995 in Bratunac on the bus, and on 14 July 1995, the bus took them to a sports hall at the Pilica school in Kula. He remained at the sports hall through the evening of 15 July 1995.[422]

7.39 On the morning of 16 July 1995, members of the 10th Sabotage Detachment made a brief stop at the Zvornik Brigade headquarters, where they met an unidentified Lieutenant Colonel. This Lieutenant Colonel, who was accompanied by two military police officers, then escorted them to the Branjevo Military Farm.[423]

7.40 Also during the morning of 16 July 1995, Muslim men from the Pilica School (Kula) were placed on civilian buses and taken to a nearby field (Branjevo Military Farm).[424]

7.41 According to Dražen ERDEMOVIĆ, the shootings took place from 1000 hours until 1500 hours on 16 July 1995. Sometime that afternoon, other soldiers whom ERDEMOVIĆ believes were from Bratunac, arrived at the site and also participated in the executions.[425] After the executions at Branjevo Military Farm, the soldiers from the 10th Sabotage Detachment went to a café in Pilica.

7.42 During the evening, Witness "I" and Witness "Q" left the execution field. On or about 25 July 1995, they were again taken into Serb custody by local police units, and subsequently taken to a prison facility called Batković in Bijeljina.[426]

Specific Observations

7.43 Vehicle records of the Zvornik Brigade indicate the following vehicles were active at the Branjevo execution and burial site on 17 July 1995: an ULT 220 from "Birac-Holding" (no license plate number) was in operation for eight and one-half hours. At the same time, a Mercedes 2626 truck (license plate M-5195) was active in towing a "BG-700" on a trailer from "base" to Standard (Zvornik Brigade headquarters) to Branjevo, and later returning to the base that same day.[427] As is the case for Orahovac, there is no utilization record for a BGH-700 excavator with the records of the Zvornik Brigade.

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420 *Ibid.* (T. 2372-79).
421 Testimony of Witness Q (T. 3017-18).
422 *Ibid.* (T. 3018-39).
423 Erdemović, Drazen.
424 Testimony of Witness I (T. 2388); Testimony of Witness Q (T. 3040).
425 Erdemović, Drazen.
426 Testimony of Witness I (T. 2407-08); Testimony of Witness Q (T. 3046).
427 Vehicle Log for ULT 220 (Birač-Holding), *supra* n. 400; Vehicle Log for Mercedes 2626 (M-5195), *supra* n. 397.

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However, on 17 July 1995, the Fuel Disbursal Log of the Zvornik Brigade notes that on 17 July 1995, 100 liters of D2 (diesel) was allocated to a "BGH-700."[428]

7.44 Records from the Commander's Daily Order Journal of the Engineer Company of the Zvornik Brigade indicates the following assignments that were to be carried out that day: Assignment # 2 work with the BGH-700 in Branjevo; Assignment # 3 work with the ULT 220 in Branjevo; and Assignment # 5 transportation of BGH-700 to Branjevo on a flat trailer.[429]

7.45 Further evidence of activity at Branjevo can be seen on overhead imagery of the Branjevo site on 17 July 1995. That image shows one excavator engaged in digging a pit for the burial of bodies at the execution site. [430]

7.46 Finally, the Branjevo Military Farm is an installation operated under the control of the 1st Infantry Battalion of the Zvornik Brigade.[431] The farm operated under the direct command of the 1st Infantry Battalion Commander, Lieutenant Milan STANOJEVIĆ, and is administered by Lieutenant Radivoje LAKIĆ, also of the 1st Infantry Battalion.[432]

E. Cultural Center in Pilica

7.47 The Cultural Center in Pilica is located in the area of the 1st Battalion, Zvornik Brigade.[433] On 16 July 1995, hundreds of Muslim prisoners who were assembled in that location were executed by the VRS. There are no known survivors from this execution.

7.48 According to Dražen ERDEMOVIĆ, these executions were carried out by soldiers from Bratunac, who had earlier participated in the executions at the Branjevo Military Farm (refer to paragraph 7.41). The executions at the Cultural Center were directed by the unidentified Lieutenant Colonel whom he had met at the Branjevo Military Farm.

Specific Observations

7.49 On 16 July 1995, the Commander of the Zvornik Brigade noted the presence of other military units in the zone of the Brigade and operating under his command. In the 16 July 1995 Interim Combat Report to the Command of the Drina Corps, Lieutenant Colonel Vinko PANDUREVIĆ reported that his forces consisted of the following: "the Zvornik Infantry Brigade, a MUP company (100 people), two platoons from the Bratunac Infantry Brigade, and a part of the Military Police Platoon from the East Bosnia Corps."[434]

7.50 The issue of the troops from Bratunac is again raised on 16 July 1995, in an intercepted VRS military-telephone conversation between Lieutenant Colonel POPOVIĆ and an individual named RAŠIĆ at the "Zlatar" (Drina Corps) command post.[435] Relative

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428 1.Zvlpbr fuel disbursal log, *supra* n. 236.
429 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.
430 Krstić Prosecution Exhibit 24/2 and 24/3.
431 "They Produce Their Own Food," *supra* n. 417.
432 1st Battalion Roster for 42 men of logistics platoon for 1 BAT (CLSS English translation), Jul. 1995; 1st Battalion Command Roster, *supra* n. 113.
433 1.Zvpbr map graphic, *supra* n. 375. (Krstić Prosecution Exhibit 2).
434 1.Zvpbr Interim Combat Report 06-218, (CLSS English translation), 16 Jul. 1995.
435 "Zlatar" is the telephonic code name for the Drina Corps Command Post.

to the issue of the arrival of the "men from the unit of Vidoje BLAGOJEVIĆ" (commander of the Bratunac Brigade), Lieutenant Colonel POPOVIĆ noted that,

> "...Yes it (they) arrived...it's up there. ...it's up there but it didn't arrive in time and it wasn't brought in on time. And the others who arrived, did arrive but they were late so they weren't brought in on time, and that's why the commander who was here had problems."[436]

(See Chapter Ten, paragraphs 10.44-10.45 for additional details pertaining to this conversation)

7.51 Further, the issue of the involvement of the Bratunac Brigade Military Police is noted. The 17 July 1995 entry in the Daily Work Log of the Military Police Platoon indicates that while the Military Police continued to work on the apprehension of Muslims in the municipal areas of Bratunac and Srebrenica, "one police patrol remained in Pilica to secure and watch over the Muslims."[437]

7.52 One other possibly related event, one TAM 130 truck (license plate number ZV-369-57), registered to the Zvornik "Metalno" Company is noted making a total of five trips between Zvornik, Pilica and Kula on 17 July 1995.[438] This activity may be associated with body disposal activity occurring at the Pilica Cultural Center on 17 July 1995.

F. Kozluk

7.53 Kozluk is also located in the northern portion of the Zvornik Brigade zone. Kozluk is the Rear Base for the Zvornik Brigade, as well as the garrison area of the "Podrinje Detachment" (Drina Wolves).[439]

7.54 Kozluk was the scene of a large-scale execution and burial operation that occurred between 15 and 17 July 1995. There are no known survivors from this execution.

Specific Observations

7.55 According to vehicle utilization records of the Zvornik Brigade, on 16 July 1995, an excavator-loader (rovokopač "Torpedo") from "Birač Holding" (no license plate number) went from the base to Kozluk and returned to base. It operated for a total of 8 hours in Kozluk.[440] Also on 16 July, a TAM 75 truck (license plate M-5246) made two trips between Orahovac and Kozluk during the day.[441]

7.56 There is no listing of any engineer activity occurring in Kozluk on either 16 or 17 July 1995 according to the records from the Commander's Daily Order Book of the Engineer Company of the Zvornik Brigade.[442]

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[436] Intercepted military telephone communication between "P" Popović and "R" Rašić at Operations Centre, 16 Jul. 1995, at 2116 hours.
[437] 1.Brlpbr Military Police Daily Log, *supra* n. 165.
[438] Vehicle Log for TAM 130 (ZV-369-57), (CLSS Revised English translation), 01-31 Jul. 1995.
[439] 1.Zvpbr Order 01-244, *supra* n. 53;1.Zvlpbr map graphic, *supra* n. 375. (Prosecution Exhibit 2).
[440] Vehicle Log for excavator-loader (rovokopač "Torpedo"), *supra* n. 397.
[441] Vehicle Log for TAM 75 (M-5246), *supra* n. 397.
[442] 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.

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7.57 On 18 July 1995, bulldozer TG-75 operated for 1.5 hours at Kozluk. The same bulldozer operated in Kozluk for an additional hour on 19 July 1995.[443]

7.58 In the Engineer Company Orders Journal log for 18 July 1995, Assignment #3 is work on improvement of the trench in Kozluk, and Assignment #4 is the transportation of the bulldozer to Kozluk.[444]

G. Role of the Zvornik Brigade

7.59 Overall, in reviewing the above material, it is evident that significant portions of the Zvornik Brigade participated in the detention, execution, and mass burials of Muslim males from 14 July 1995 through 18 July 1995. Brigade units, personnel and assets involved included those from the Brigade Command, the Military Police Company, the Engineer Company, and elements of the 1st Infantry Battalion, the 4th Infantry Battalion and the 6th Infantry Battalion. Clearly, a large number of brigade personnel were both knowledgeable and involved in these actions. However, as noted previously (paragraph 7.0), during the commission of many of these large-scale crimes, other elements of the Zvornik Brigade were heavily involved in a series of sharp battles against the column of armed Muslim males who were fighting their way towards ABiH-held territory. As such, in order to differentiate the resources that were used in the commission of criminal acts, and those used in strictly military operations, it is necessary (in part) to reconstruct the events as they present themselves in time.

7.60 As previously discussed in Chapter Three, a number of soldiers and officers from the Zvornik Brigade were deployed to the area around Srebrenica between 02 and 04 July 1995.[445] Leading them was the Commander of the Brigade, Lieutenant Colonel Vinko PANDUREVIĆ. While he did not formally relinquish command of the Brigade when he assumed command of the "tactical group" deployed to Srebrenica, he left the daily operations of the Brigade in the hands of his Chief of Staff/Brigade Deputy Commander, Major Dragan OBRENOVIĆ.[446]

7.61 After Srebrenica was successfully captured by the VRS on 11 July 1995, plans were made by the Drina Corps to shift these combat units to effect the rapid capture of the Muslim enclave and UN designated "safe area" of Žepa. Included in this plan were the deployed elements of the Zvornik Brigade.[447] Vehicle logs indicate that this movement occurred on 13 July 1995.

7.62 As this movement was occurring, the Command of the Zvornik Brigade became aware of the large column of Muslim men moving out of the former Srebrenica enclave, and towards the zone of the Zvornik Brigade. The Daily Combat Report from 13 July 1995 of the Zvornik Brigade indicates significant movement of the Brigade's remaining reserve troops in order to deal with enemy forces known to be moving up from Srebrenica towards Tuzla (multiple intervention platoons and two military police platoons). It also notes some minor combat activity with ABiH II Corps units to the front. In this combat,

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443 Vehicle Log for Bulldozer TG-75, (CLSS English translation), 01-31 Jul. 1995.
444 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.
445 1.Zvpbr Order 01-244, *supra* n. 53.
446 Brigade handbook quote on Deputy Commander. Brigade Rules (for Infantry, Motorized, Mountain, Naval Infantry and Light Brigades), 1984, para 116. Refer to VRS Brigade Command Report dated 31 October 2002.
447 KDK Order 02/04-158-1, (CLSS English translation), 13 Jul. 1995.

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only one soldier was slightly wounded. There was no contact reported with the Muslim column. The report also noted that the Brigade Radio Reconnaissance unit was intercepting the communications of the column with the ABiH II Corps Command, and they were tracking the column movements and intentions. Overall, the situation was reported as stable, under control and with no unexpected events. The report was drafted by "SM" (Captain First Class Streten MILOSEVIĆ), with the typed signature block of Lieutenant Colonel PANDUREVIĆ, Brigade Commander.[448]

7.63 The 14 July 1995 Daily Combat Report for the Zvornik Brigade indicates that the ABiH II Corps forces were not only continuing minor attacks, but as of 1800 hours, the Muslim column was encountered.[449] In this report, the column is reported as being "crushed", and dispersing in several different directions. There is no mention of any combat activities in or near the Orahovac area. This report was written by DJ (Major Dragan JOKIĆ, the Brigade Duty Officer), under the signature block of Major Dragan OBRENOVIĆ, Chief of Staff of the Brigade. Later that evening, the command issued an Interim Combat Report, indicating that as of 2030 hours, the main Muslim column had broken through brigade defenses, and would be moving into the rear zones of the 4th, 6th and 7th Infantry Battalions the next day. This report was also written by Major Dragan JOKIĆ, under the signature block of Major Dragan OBRENOVIĆ, Chief of Staff.[450]

7.64 At about the same time on 14 July 1995 (2102 hours), ABiH II Corps Radio Reconnaissance units intercepted a VRS radio-telephone conversation where Major JOKIĆ attempted to reach Colonel BEARA (VRS Main Security Administration) in Bratunac.[451] In the course of the call, he is connected to Colonel BEARA, and tells him that "Superior Command" urgently needs him.[452] Major JOKIĆ further states that there are "big problems with the people, I mean, with the parcel."[453]

7.65 One and ahalf hours later that evening, ABiH II Corps intercepted a call from a "General VILOTIĆ" for "OBRENOVIĆ".[454] After being informed that Major OBRENOVIĆ was in the field, he was connected to the Duty Officer, Major Dragan JOKIĆ. In the course of this conversation, Major JOKIĆ noted that,

> "...OBRENOVIĆ is really maxed out, we're all used to the max, believe me. The thing that destroyed us the most was the parcel...and since this morning, we've been reporting on the number of people..."[455]

General VILOTIĆ cuts Major JOKIĆ off at that point, noting he "doesn't want to discuss that".[456]

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[448] Of note, it is normally within the purview of the Brigade Duty Officer to draft and if required, sign the Daily Combat report in the name of the Commander, or other authorized official. That does not relieve the commander or other authorized official from being aware of the material in the report sent to the Superior Headquarters.

[449] 1.Zvpbr Daily Combat Report 06-216, (CLSS English translation), 14 Jul. 1995.

[450] 1.Zvpbr Interim Combat Report 06-216/2, (CLSS English translation), 14 Jul. 1995.

[451] "Badem" is the telephonic code name for the 1st Bratunac Light Infantry Brigade Command Post.

[452] Intercepted military telephone communication between "J" Jokić (Palma Duty Officer) and "X" Beara, (CLSS English translation), 14 Jul. 1995, at 2102 hours.

[453] As noted in various other telephonic communications, the phrase "parcel or package" refers in general to prisoners or people.

[454] Intercepted military telephone communication between "V" Vilotić and "J" Jokić (Palma Duty Officer), 14 Jul. 1995, at 2227 hours.

[455] Presently, the identification and role of "General Vilotić" is unknown. One possibility is that he may be misidentified by the intercept operators, and is instead General Miletić, the Chief of Operations of the VRS Main Staff.

7.66 In sequencing out the combat and criminal acts, survivor testimony has the executions on the Orahovac fields starting in the early afternoon of 14 July 1995. At this time, the Zvornik Brigade has yet to make contact with the head of the Muslim column, approaching from the south. The column is reported encountered around 1800 hours, and dispersed without difficulty approximately nine kilometers south of Orahovac. By 2030 hours, the Muslim column (now reformed and described as between two and three kilometers long) has broken through the ambush positions. At this point, executions are still occurring in Orahovac, five kilometers to the north. The column (as tracked on VRS maps) gets no closer than three kilometers from Orahovac.[457] Further, prior to midnight, the executions at Orahovac are completed, and burial operations are suspended. Burial activity recommences the next morning.

7.67 As the execution related activity ended at Orahovac, it began at Petkovci, a further six kilometers (straight-line distance) to the north. Early in the evening, the two known survivors of the Petkovci Dam executions arrived at the school. In the early morning hours of 15 July 1995, both survivors were removed from the school and taken to the execution site at the foot of the Dam. At about the same time further to the north, in the 1st Infantry Battalion sector, Muslim prisoners were at the Pilica school (Kula), the Cultural Center in Pilica, and probably the school in Ročević.

7.68 On 15 July 1995 (as noted in an ABiH II Corps intercepted conversation) at 0740 hours, the Duty officer from "Palma" called and talked to a Colonel MILANOVIĆ (Drina Corps Chief of Anti-Air Defense). The Duty Officer asked if "they" (presumably the Drina Corps Command) were aware of how bad the situation was up in the Zvornik Brigade area. A further conversation at 0740 hours indicates that MUP reinforcements were being sent to the Brigade area. At 0855 hours, Lieutenant Colonel PANDUREVIĆ called the Zvornik Brigade command post. He was unable to speak with Major OBRENOVIĆ directly, however, he received a full accounting from two subordinate officers.[458] At 0910 hours, Lieutenant Colonel PANDUREVIĆ was again in contact with the Zvornik Brigade command post. In the time between the first and second calls, the command post had established communications with Major OBRENOVIĆ, and he reported a column of "4000 – 5000" in the Brigade area. The Chief of Staff also recommended that "our guys" (presumably the deployed units) return if they can.[459]

7.69 During the morning of 15 July 1995, burial activity had recommenced at the Orahovac execution fields and was also continuing at the Petkovci Dam. None of this activity was related to the significant combat occurring in the rear of the 4th and 7th Infantry Battalion sectors, despite the fact that it is less than three kilometers southwest of the Orahovac area.

7.70 At approximately noon on 15 July 1995, at the Zvornik Brigade Headquarters (Standard), Zvornik Brigade senior officers and police (officials) assemble for a meeting. While there are no documents that reflect either the meeting or the individuals who attended this meeting, various witness/suspect interviews all recount such a meeting occurring. Individuals at attendance (at various times) include Lieutenant Colonel Vinko

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456 *Ibid.*

457 (P. Ex. 2).

458 Intercepted military telephone communication between Pandurević and Milosević, 15 Jul. 1995 at 0855 hours.

459 Intercepted military telephone communication between Pandurević and Mijatović, 15 Jul. 1995 at 0910 hours.

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PANDUREVIĆ, the Zvornik Brigade Commander who just returned from the Žepa area, Major Dragan OBRENOVIĆ, the Chief of Staff/Deputy Commander of the Zvornik Brigade, Dragomir VASIĆ, the Deputy Chief of the CJB Zvornik, Ljubiša BOROVČANIN, the commander of the Special Police units deployed to Srebrenica on 10-11 July 1995, and Miloš ŠTUPAR, Commander of the 2nd Sekovići Police Detachment. As there are various different accounts of the events discussed at the meeting, none of which can be presently corroborated by documentary evidence, this report will not explore this aspect. However, given the increasingly complex military situation developing in the Zvornik municipality at the time, and the obvious military necessity for the newly arriving commanders to coordinate the introduction of their forces into the battle, the fact that such a meeting took place appears to be beyond dispute.[460]

7.71 Later that afternoon, the Daily Combat Report from the Zvornik Brigade indicates that they are in heavy combat, not only with elements of the Muslim column retreating from Srebrenica, but along the front-lines with AbiH II Corps forces attempting to create a breach in the lines. This report also details the fact that Zvornik Brigade units recently returned from the area of Srebrenica were then engaged against the Muslim column. This report was sent under the signature block of Lieutenant Colonel PANDUREVIĆ, the Brigade Commander, and was transmitted at 1911 hours on 15 July 1995.[461]

7.72 Less than half an hour later (at 1925 hours on 15 July 1995), Lieutenant Colonel PANDUREVIĆ sent an Interim Combat Report to the Command of the Drina Corps. In this hand-written report, he discussed the fact that his unit was completely engaged by enemy forces, and he had no reserves left.[462] Further, in this report he indicated:

> "An additional burden for us is the large numbers of prisoners distributed throughout schools in the brigade area, as well as obligations of security and restoration of the terrain (sic)."[463]

> "This command cannot take care of these problems any longer, as it has neither the material nor other resources. If no one takes on this responsibility, I will be forced to let them go." [464]

It should be noted that when Lieutenant Colonel PANDUREVIĆ sent this Interim Combat Report, the Muslim prisoners previously held at Orahovac and Petkovci were already dead, and for the most part, buried. Only the Muslims still held at the Pilica school, the Cultural Center, and those who would later be killed at Kozluk (possibly held at Ročević), well away from the combat activity, remained alive under VRS custody.

7.73 On 16 July 1995, Lieutenant Colonel Vinko PANDUREVIĆ reported that his forces consisted of the following: "the Zvornik Infantry Brigade, a MUP company (100 people), two platoons from the Bratunac Infantry Brigade, and a part of the Military Police

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[460] See OTP Interviews of: Dragan Obrenović dated 02 April 2000 and 19 October 2000, Ljubiša Borovčanin dated 20 February 2002 and 11 March 2002, Dragomir Vasić dated 09 July 2000, and Miloš Stupar dated 26 June 2002.

[461] 1.Zvpbr Daily Combat Report 06-217, (CLSS English translation), 15 Jul. 1995.

[462] 1.Zvpbr Interim Combat Report 06-217-1, (CLSS English translation), 15 Jul. 1995.

[463] As translated, the phrase "asanacija" or terrain restoration is defined in the SFRJ Military Lexicon as, "...sanitary hygiene or sanitary-technical measures taken in order to remove anything conductive to the emergence and spread of infectious diseases and other health hazards. In wartime (or during natural disasters), this process includes finding and burying the dead." Vojni Leksikon, *Vojnoizdavacki zavod*, (1981).

[464] 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 462.

Platoon from the East Bosnia Corps."[465] These reinforcements reflected the arrival of outside units into the zone of the Brigade, and his acknowledgement that they were then under his command and control. Also in this report, he notified the Command of the Drina Corps of the following:

> "In view of the great pressure on the brigade's area of responsibility, the losses sustained, the inability of the surrounded forces to hold out for long, the abandonment of the Zvornik pbr Command to deal as best it could with the Srebrenica Turks (and served it right, when it was the brigade that forced them out of Srebrenica into its own area), coupled with the absolute determination of the Turks to save at least some lives, regardless of the losses, and in order to prevent losses in our own ranks, I have decided, in view of the situation, to open a corridor along the line of the three lost trenches, for the civilian population - about 5000 of them. I have agreed on a method of evacuation with the enemy side and this is now going forward. I have requested the release of a captured policeman and my own missing soldiers. This procedure is in progress and I think I will succeed. It is likely that a certain number of soldiers got out among the civilians, but all who passed, passed through unarmed.[466]

7.74 During the day of 16 July 1995, Muslim male prisoners transported from Srebrenica remain in VRS custody. Despite the temporary cease-fire, they are not released. Instead, they are transported to the Branjevo Military Farm, and possibly Kozluk (date unclear), where they are executed. Further, Muslim prisoners held in the Pilica Cultural Center are killed.

7.75 Through 17 July and 18 July 1995, Zvornik Brigade units continue sweeping the zone in their sector, and were engaging in combat activities against isolated Muslims groups trapped in VRS controlled territory.

7.76 Also on 18 July 1995, Lieutenant Colonel PANDUREVIĆ noted in an Interim Combat Report to the Command of the Drina Corps that the Zvornik Brigade was currently reinforced with: a company of the 16th Krajina Brigade, a company from the Bratunac Brigade, two platoons from the Bijeljina Military Police, and one platoon from the Vlasenica Brigade.[467] Further, this report also critically examined the conduct of the recent battle and the impact on his Brigade. In addition to casualty figures and local reactions to the attacks, he reiterated the situation concerning the issue of Muslim prisoners in the Brigade zone:

> "During the past ten days or so, the municipality of Zvornik has been swamped with Srebrenica Turks. It is inconceivable to me that someone brought in 3,000 Turks of military age and placed them in schools in the municipality, besides about 7,000 or so who have fled into the forests. This has created an extremely complex situation and the possibility of the total occupation of Zvornik in conjunction with forces at the front. These actions have stirred up great discontent among the people and the general opinion is that Zvornik is to pay the price for the taking of Srebrenica."[468]

In this report, Lieutenant Colonel PANDUREVIĆ acknowledged that during the operation, the Zvornik Brigade had approximately 3,000 military aged Muslim men in

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[465] 1.Zvpbr Interim Combat Report 06-218, *supra* n. 434.
[466] *Ibid.*, para. 3.
[467] 1.Zvpbr Interim Combat Report 06-222, (CLSS English translation), 18 Jul. 1995, para. 2.
[468] *Ibid.*, para. 4.

custody at schools within his zone. He used this number in addition to the 7,000 who were part of the column moving from Srebrenica to Tuzla. Also of interest is his comment that he did not understand how "someone" could place the 3,000 prisoners in the schools in his zone. This comment implies that the decision to move the prisoners into his zone was made by the higher headquarters and not his Brigade Headquarters, despite the fact that his Security Branch identified the specific locations.

7.77 Based on the above information it is fair to conclude that elements of the Command of the Zvornik Brigade were aware that the Drina Corps was planning to move a large number of Muslim prisoners into the area of the Brigade by 13 July 1995 based on the "Opel" vehicle log. This coincides with the fact that select members of the Brigade Staff from the Security Branch and Military Police were active that day in scouting out facilities to store the prisoners. Other activity that would have been necessary relative to the identification of the facilities for the detention would have been the detailing of soldiers to guard the prisoners. Prisoners were present at Orahovac from 0200 hours on 14 July 1995 to approximately 2100 hours that same day. The facility at Petkovci was occupied by Muslim prisoners from the mid-morning hours of the 14 July 1995 through probably dawn on 15 July 1995. Muslim prisoners also occupied facilities in Pilica and (possibly) Ročević from mid-14 July 1995 through at least mid-16 July 1995. With the exception of Orahovac, which was covered by elements of the Military Police Company, these other locations would have required multiple shifts of soldiers over the extended period. Further, these guards would have required food and other support, which would have been arranged by their parent battalion headquarters.

7.78 In examining prisoner and support issues, there appears to have been no significant activity by the Brigade Rear Services Staff over the pending arrival of at least 3,000 Muslim prisoners (this number reflects over two-thirds of the total personnel strength of the Zvornik Infantry Brigade).[469] Reflections of such activity should have been apparent in the Rear Service logs, as the Rear Service Branch would have been responsible for coordinating life support (food / water) as well as sanitation and medical support for the prisoners. None of the survivors from Orahovac or Petkovci received food (or saw other prisoners receiving food), some only "token" drinks of water, nor were any aware of medical treatment for sick, wounded or injured prisoners at these locations. This indicates that there were no orders from the Drina Corps Staff to make such life-support arrangements. However, as demonstrated by the food delivery to the Military Police on the early morning of 14 July 1995 (paragraph 7.8) the Rear Services Branch was aware that there were Military Police forces in Orahovac that did require support.

7.79 Finally by 15 July 1995, the Commander of the Zvornik Brigade had been fully informed of the situation, enough so that his handwritten reports to the Command of the Drina Corps detailed the Brigade's role in "security and burial operations". As noted previously (paragraph 7.68), Lieutenant Colonel PANDUREVIĆ was not physically present in the Brigade zone unit the late morning of 15 July 1995. Yet, within a few hours, he was made completely aware of the situation in his entire zone, to include combat and prisoner issues.

[469] Based on reconstructed records (minus the 4th Infantry Battalion records destroyed in Jul. 1995), the active strength of the 1st Zvornik Brigade in Jul. 1995 comes to approximately 4300-4700 personnel.

CHAPTER EIGHT: Known Prisoner of War/Detainee Issues

8.0 Within the framework of the various military activities that occurred within the zone of the VRS Drina Corps resulting from "Krivaja 95" (and the aftermath), a large number of Muslim males were taken into custody. In most cases, these individuals were broadly funneled through a process that ultimately led to the executions that occurred between 13 and 18 July 1995. In passing though this process, most of the Muslim males were never registered, interrogated, or noted in any format. However, due to either chance or circumstances, some Muslims were in fact identified and questioned by the VRS soldiers who captured them, and this data, as well as information obtained from them, was passed to the various brigade headquarters and was maintained there. This Chapter discusses, as much as is known, the fate of these specific prisoners

A. Wounded and Prisoners in the 1st Bratunac Light Infantry Brigade Zone

8.1 The first group of individuals which were tracked were the injured and wounded Muslims who were in VRS custody in the Bratunac Health Clinic, and the injured and wounded from the UNPROFOR hospital in Potočari as of 13 July 1995. According to Colonel Radoslav JANKOVIĆ (associated with the VRS Main Staff Intelligence Sector), following the deportation of Muslims from Potočari, there were a total of 57 wounded at the Bratunac Clinic and a further 54 at the UNPROFOR base.[470] On 17 July 1995, the issue of the wounded was again raised by the Commander of the Bratunac Brigade, Colonel Vidoje BLAGOJEVIĆ, where he noted that they still have 23 wounded Muslim prisoners, and they had no transportation to get them to Bijeljina.[471] The next day, in a report to both the VRS Drina Corps Intelligence Department and the Intelligence Sector of the VRS Main Staff, Captain First Class Momir NIKOLIĆ noted that 22 wounded Muslim prisoners from the ABiH 28th Division were "evacuated" under police escort provided by the Drina Corps. He further noted that one enemy soldier, Osman HALILOVIĆ, was turned over to the Zvornik CSB, due to information where he admitted to participating in the "massacre of civilians".[472]

8.2 As far as can be determined, with the exception of the above listed 23 Muslim prisoners, all of the wounded Muslim prisoners were evacuated out of Bratunac-Potočari by the relevant humanitarian authorities by 18 July 1995.[473] There is no evidence to suggest sick or wounded Muslim prisoners from the Bratunac Health Clinic or the UN hospital at Potočari are among the missing.

8.3 Pertaining to captured Muslims either from the woods or from Potočari, four handwritten notes pertaining to identities of Muslim prisonerswere obtained by the Office of the Prosecutor during a search of the headquarters of the former Bratunac Brigade. A total of six names are contained on these notes. These names are:

1. Zazif AVDIĆ, son of Ramo, date of birth: 15 September 1954.
2. Munib DEDIĆ, son of Emin, date of birth: 26 April 1956.
3. Aziz HUSIĆ, son of Osman, date of birth: 08 April 1966.[474]
4. Rešid SINANOVIĆ, son of Rahman, date of birth: 15 October 1949.[475]

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[470] IKM Drina Corps Report 08-444-10, *supra* n. 260.
[471] 1.Brlpbr Report 03-253-106/2, *supra* n. 363.
[472] Osman Halilović survived the war and was released from VRS custody in early 1996.
[473] ICRC Press Release, 18 Jul. 1995 (noting that 88 prisoners were evacuated to Tuzla on 17 Jul. 1995, and identifying the 23 remaining prisoners in VRS custody).
[474] 1. Brlpbr Interrogation Notes, (CLSS English translation), o/a 13 Jul. 1995.

5. Mujo HUSIĆ, son of Osman, date of birth: 27 August 1961.[476]
6. Hasib IBIŠEVIĆ, son of Ibrahim, date of birth: 27 February 1964.[477]

Of these six individuals in the custody of the VRS, three were specifically identified as soldiers, one a police officer, and one a civilian (refugee). The status of one was not discerned. In the case of Rešid SINANOVIĆ, his capture was further noted by another witness in Konjević Polje on 13 July 1995.[478]

8.4 A review of the International Committee for the Red Cross (ICRC) missing list for the Bosnian war lists all six individuals as missing from Srebrenica.[479]

1. Zazif AVDIĆ, son of Ramo, ICRC registration number BAZ-905480, missing from the forest on 12 July 1995.
2. Munib DEDIĆ, son of Emin, ICRC registration number BAZ-911347, missing from Kamenica on 14 July 1995.
3. Aziz HUSIĆ, son of Osman, ICRC registration number BAZ900847, missing from the forest on 11 July 1995.
4. Rešid SINANOVIĆ, son of Rahman, ICRC registration number BAZ 915791, missing from Srebrenica on 12 July 1995.
5. Mujo HUSIĆ, son of Osman, ICRC registration number BAZ 900694, missing from Bratunac on 14 July 1995.
6. Hasib IBIŠEVIĆ, son of Ibrahim, ICRC registration number BAZ 906810, missing from Pobuđe on 14 July 1995.

8.5 While no other specific names are known, it should be noted that the 16 July 1995 Daily Combat report from the Bratunac Brigade does note that statements taken from enemy soldiers indicate the presence of about 2,000 people in the wider area of the village of Pobuđe.[480] Moreover, as previously noted (Chapter Six, paragraph 6.44), the combat formations of the 1st Bratunac Light Infantry Brigade were actively taking prisoners, and receiving information from them through at least 17 July 1995.

B. Prisoners in the 1st Zvornik Infantry Brigade Zone

8.6 The status of the prisoners taken by the 1st Zvornik Infantry Brigade falls into a different pattern than those of Bratunac. Depending on date or circumstance, these prisoners were either spared or killed on an individual basis or is small groups. Again despite limited information, several select incidents unfold.

8.7 Related to the fall of the Srebrenica enclave in July 1995, one of the first specific references to prisoners taken by the Zvornik Brigade is on 18 July 1995. In this report from the Intelligence Organ of the Zvornik Brigade to the Intelligence Department of the VRS Drina Corps, a Muslim soldier is identified. This individual, Nedžad AHMETOVIĆ, son of Avdo and Mula, is said to be the person who maintained the digital communications equipment in the headquarters of the ABiH 28th Infantry Division.[481] It was also noted in this report that he was turned over to the Intelligence Department of the Main Staff of VRS.[482] Of note, this individual is not on the ICRC missing list.

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475 *Ibid.*
476 *Ibid.*
477 *Ibid.*
478 Krstić Trial testimony, Witness "S" (T. 3266).
479 *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), 30 Jun. 1998.
480 1. Brlpbr Daily Combat Report 03-253-106, *supra* n. 142.
481 1. Zvpbr Intelligence Organ Report 17/104, (CLSS English translation), 18 Jul. 1995.
482 Intercepted military telephone communication between "M" Mirko and "X" unknown, 17 Jul. 1995 at

8.8 This is, however, one reference to prisoners in the custody of the 7th Battalion of the Zvornik Brigade as early as 16 July 1995. In examining the Vehicle log sheet for a TAM 2001 vehicle (License number M-5342), it notes that on both 16 and 17 July 1995, that vehicle was active in the transport of prisoners between S.Selo-C.Vrh and another illegible location.[483] In reviewing the names of both listed operators, they are members of the 7th Infantry Battalion Battalion (Memići-Staro Selo). There are no references to any such prisoners in the 16 or 17 July 1995 Zvornik Daily Combat reports.

8.9 On or about 19 July 1995, Witness "R" was part of a group of approximately 10 persons attempting to pass through the VRS lines near the village of Nezuk, near Baljkovica mountain. His group was captured by VRS soldiers, one (which he believed was the commander) of whom was wearing a yellow armband with the phrase "Krajisnci" on it (from the Krajina). They were questioned quickly and then most of them (including the witness) were shot at close range and left for dead. Of the Muslims in this group, eight were shot. Two others were led away by the VRS soldiers.[484]

8.10 Related to this, on 19 July 1995, the Daily Combat Report for the 1st Zvornik Infantry Brigade notes the presence of a company formation of the 16th Krajina Brigade active in the zone of the 1st Zvornik Infantry Brigade.[485] In addition, paragraph 2 of this report indicates that "...during search operations, two Muslim soldiers were captured, and 13 eliminated."

8.11 The presence of a company-size formation from the 1st Krajina Corps operating in the zone of the 1st Zvornik Infantry Brigade is noted as early as 16 July 1995, where a unit was directed by 1st Krajina Corps Commander General-Lieutenant Colonel Momir TALIĆ, in response to VRS Main Staff order 03/4-1645, dated 15 July 1995.[486] Paragraph five of this order directs the "16th Krajina Brigade to send an officer to the Command of the 1st Light Infantry Brigade (sic) in Zvornik and obtain the necessary instructions and orders from the Brigade Commander."[487] On 22 July 1995, General TALIĆ requested the return of this unit from the Drina Corps.[488]

8.12 Also on 19 July 1995, RS MUP forces operating with the VRS were apparently taking some prisoners.[489] According to a 19 July 1995 report by CJB Chief Dragomir VASIĆ, MUP units operating in the areas of Kamenica, Jošanica, Liplje, Džafin Kamen and Crni Vrh-up to Snagovo had "neutralized" eight Muslim soldiers. VASIĆ reported that from information learned from these soldiers, "we learned that in the reagion of the old road /stara cesta/ near Snagovo, there are around 200 more Muslim hiding and armed with automatic and hunting rifles." VASIĆ noted that an operation was being planned to destroy (or force the surrender) of the Muslim groups on 20 July 1995.

1815 hours. (This individual may be the topic of an intercepted telephone discussion between an unidentified subscriber and an individual named "Mirko" (believed to be Lt Mirko Petrović, the Commander of the Drina Corps Radio Reconnaissance Platoon)).

483 Vehicle work log from 12-31 July for TAM 2001 M-5342, (CLSS Revised English translation).

484 Krstić Trial Testinomy, Witness "R" (T. 3196-3206).

485 1.Zvpbr Daily Combat Report 06-244, (CLSS English translation), 19 Jul. 1995.

486 1.KK Order 264-1/95, (CLSS English translation), 16 Jul. 1995.

487 *Ibid.*

488 1.KK Order 270-1/95, (CLSS English translation), 22 Jul. 1995.

489 CJB Zvornik report 01-16-02/1-206/95, (draft English translation), 19 Jul. 1995.

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8.13 Perhaps the most compelling evidence pertaining to the status of known Muslim prisoners in the zone of the Zvornik Brigade relates to the documentation pertaining to criminal charges levied against two VRS soldiers for "collaboration with the enemy."[490] As noted in the military police documentation, two VRS soldiers from the 1st Infantry Battalion of the Zvornik Brigade were held for aiding four enemy soldiers who were attempting to reach Muslim lines. As supporting evidence against the two Zvornik Brigade soldiers, between 23 and 26 July 1995, signed statements were taken from all four Muslim prisoners by the Military Police. In the four statements, the men claim to have fled the Srebrenica area as part of the column, and after the column was attacked by the VRS, they chose to try and cross into BiH territory at Teočak instead of near Baljkovica. On 25 July 1995, a "line-up" was conducted and all four Muslim soldiers were noted to have successfully identified the two accused VRS soldiers from a line-up of 10 soldiers. Based on this evidence, both VRS soldiers confessed to providing aid to the four Muslim males.

8.14 Regarding the status of the four Muslim males who were interviewed by the Zvornik Military Police, all four are currently on the ICRC missing list. Emin MUSTAFIĆ (son of Rifet) was noted missing from Potočari on 13 July 1995.[491] Faud ĐOZIĆ (son of Senusija) was noted missing from Konjević Polje on 13 July 1995.[492] Almir HALILOVIĆ (son of Suljo) was noted missing from the forest on 11 July 1995.[493] Sakib KIVERIĆ (son of Salko) was noted missing from Sučeska on 11 July 1995.[494] As noted above, all four signed statements between 23 and 26 July 1995, and all four identified the accused VRS soldiers on 25 July 1995.

8.15 Beyond even this, analysis of the available information indicates that these four Muslim males may have been survivors of mass executions which occurred at the Branjevo Military Farm on 16 July 1995 and who were then taken back into VRS custody after escaping.

8.16 Supporting this argument is the fact that the location where the four Muslims were first assisted on 18 July 1995 was the village of D. Lokanj, in the zone of the 1st Battalion, 1st Zvornik Infantry Brigade. This battalion is the northern-most battalion in the Zvornik Brigade, and the location where they were first noted by Neško ĐOKIĆ in his statement to the Zvornik Military Police. This puts the four men 16-20 kilometers away from the area of Baljkovica-Nežuk where most of the Muslim column tried to cross towards ABiH-held territory. Further, rather than being along the front-lines, moving from Nežuk to D. Lokanj takes the four further away from BiH territory (and away from Teočak). However, the village complex of D. Lokanj is very close to known execution sites of Pilica Dom, and the Branjevo Military Farm. It would be very surprising for any Muslims to have moved (on foot) that far to the north in an effort to cross the VRS lines into ABiH held territory.

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[490] 1.Zvpbr Report to Bijelina Military Prosecutor, (CLSS English translation), 26 Jul. 1995.

[491] *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 479, listing number BAZ 901050.

[492] *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 479, listing number BAZ 906271.

[493] *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 479, listing number BAZ 914374.

[494] *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 479, listing number BAZ 914421. (This particular listing reflects a probable printing error in the missing date, reading 110995 as opposed to 110795.)

8.17 Second, the fact that all four were noted missing (based on ICRC data), on two different days and in four different locations questions the validity of the story as recounted by the four Muslim men in their statements to the Zvornik Brigade Military Police (that all four fled as a group from Srebrenica, and were attempting to cross the enemy lines near Teočak). Further, two of the four statements are almost verbatim text matches.

8.18 In addition, in his statement to the Zvornik Military Police, one of the accused Serbs, Neško ĐOKIĆ notes that he "...knew immediately that they were Muslims, since they were covered in blood and also by their clothes, because they had been fleeing from Srebrenica towards their territory at that time."[495]

8.19 Finally, one of the Branjevo Farm survivors, Witness "I" recounts that four other survivors left the execution site at the same time he did. The five gathered in the nearby bushes hiding from the VRS soldiers. In talking with the other four men, Witness "I" recalled that one of the four told him that he was from "Jagonje." According to the ICRC record on Sakib KIVERIĆ, he was from Jagonje village, in the Bratunac municipality.[496]

8.20 Even while the above referenced investigation is taking place, the Zvornik Brigade continues to note the capturing of Muslim prisoners in its zone, and reports this to the Command of the Drina Corps.

8.21 On 22 July 1995, the Command of the Zvornik Brigade sent Interim Combat Report 06-229 to the Drina Corps Command.[497] Paragraph one of this report informed the Drina Corps Command that 10 enemy soldiers were "liquidated", and that "23 Muslim soldiers were captured". Paragraph one also notes, that "the Osmaci TG" (Tactical Group) captured an additional 17 Muslims. Further, paragraph three of this report specifically requests instructions from the Drina Corps Command, "as to what to do with the prisoners, where to put them, and to whom to hand them over."[498] Subsequent daily Combat Reports from the Zvornik Brigade note additional Muslims being captured by the Brigade.[499]

8.22 On 25 July 1995, the Daily Combat Report of the Zvornik Brigade reflected that another 25 Muslim soldiers were captured by the Brigade, and that all were "...duly transferred to the Batkovići-Bijeljina Collection Center."[500] This is the first indication of Muslims males from Srebrenica (captured or held by the Zvornik Brigade) being transferred to this facility. Related to this, the 26 July 1995 Daily Combat Report from the Zvornik Brigade reflects an additional 34 members of the "BH Army being captured, and sent to Batkovići."[501]

8.23 Daily Combat Reports submitted by the Zvornik Brigade to the Command of the Drina Corps for the period 27 July 1995 through 31 July 1995 reflected continuing sweep operations and a small number of Muslim males captured.[502]

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[495] Zvornik Military Police VP 7469 Statement of Neško Đokić, (CLSS English translation), 25 Jul. 1995.
[496] Krstić Trial testimony, Witness "I" (T. 2396-2397)
[497] 1.Zvpbr Interim Combat Report 06-229, (CLSS English translation), 22 Jul. 1995.
[498] *Ibid.*, para. 3.
[499] 1.Zvpbr Daily Combat Report 06-230/1, (CLSS English translation), 23 Jul. 1995; 1.Zvpbr Daily Combat Report 06-231/1, (CLSS English translation), 24 Jul. 1995.
[500] 1.Zvpbr Daily Combat Report 06-232, (CLSS English translation), 25 Jul. 1995.
[501] 1.Zvpbr Daily Combat Report 06-233, (CLSS English translation), 26 Jul. 1995.
[502] 1.Zvpbr Daily Combat Report 06-234, (CLSS English translations), 27 Jul. 1995; 1.Zvpbr Daily

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Combat Report 06-235, (CLSS English translation), 28 Jul. 1995; 1.Zvpbr Daily Combat Report 06-237, (CLSS English translation), 29 Jul. 1995; 1.Zvpbr Daily Combat Report 06-238, (CLSS English translation), 30 Jul. 1995; and 1.Zvpbr Daily Combat Report 06-238 (sic), (CLSS English translation), 31 Jul. 1995.

CHAPTER NINE: General-Major Radislav KRSTIĆ as the Chief of Staff and then Commander of the VRS Drina Corps

9.0 As noted in the original version of the Srebrenica Narrative Report, one of the principle figures in the report was that of General-Major Radislav KRSTIĆ. In July 1995, he was the Chief of Staff of the VRS Drina Corps, and at around 2000 hours on 13 July 1995, he assumed Command of the Drina Corps. As the Corps Commander, he and the Drina Corps staff were central figures in the commission of the crimes as charged, and in dealing with the current accused. This chapter will summarize much of the information previously listed in the previous report, however, material relevant to the assumption of Corps Command by General-Major KRSTIĆ, and his actions which followed will be retained and expanded on where necessary, in view of the present appeal in that case.

General-Major KRSTIĆ as Chief of Staff: 1-13 July 1995

9.1 Specific to his role in the planning and execution of the VRS operation against the Srebrenica "safe area" ("Krivaja 95"),[503] it appears that the initial staff planning process for the operation was underway by 30 June 1995. On that day, the Command of the Bratunac Brigade noted the Drina Corps Chief of Staff and other staff members were "in the area of the 3rd Infantry Battalion."[504] Presumably, they were active in conducting the necessary reconnaissance and liaison prior to the formulation of the plan.

9.2 As previously noted in paragraph 3.7, on 04 July 1995, the Commander of the Bratunac Brigade reviewed an order from the Command of the Drina Corps for full combat readiness.[505] It was noted that this order was issued by "the Drina Corps Chief of Staff".[506] Also on 04 July 1995, General-Major ŽIVANOVIĆ was in the zone of the Bratunac Brigade.[507] At 1115 hours that same day, in an intercepted telephone communication between Zvornik Brigade Chief of Staff Major OBRENOVIĆ and General KRSTIĆ, the Zvornik Brigade Chief of Staff was informed that "the boss has signed the documents, and that we are being engaged on that assignment."[508] As a further component of that conversation, General KRSTIĆ indicated that he had "something to take care of at the MUP."[509]

9.3 On 08 July 1995, General-Major ŽIVANOVIĆ sent a message to General-Major KRSTIĆ, located at the Drina Corps Forward Command Post. This message pertained to a UNPROFOR protest lodged against the VRS over military operations against a UN observation post. The message outlines the complaint and also provides the text of the Main Staff response. Further, it notes that the Main Staff has ordered "you" to "not attack UNPROFOR, but to prevent any surprises and stop Muslim intentions to join Srebrenica and Žepa."[510] A copy of this message was also forwarded to the Main Staff, personally for General-Major TOLIMIR.

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503 1.Zvpbr Interim Combat Report 06-218, *supra* n. 434.

504 1.Brlpbr Reports and Meetings Journal, *supra* n. 153.

505 1.Brlpbr Combat Report 03-253-94, (CLSS English translation), 04 Jul. 1995.

506 1.Brlpbr Reports and Meetings Journal, *supra* n. 153. On 04 Jul. 1995, Corps Commander Gen-Major Živanović was identified in the sector of the 1.Brlpbr. His presence in the field, probably conducting the Commander's Reconnaissance, may indicate why the order was issued by Krstić as opposed to Živanović. *See* 1.Brlpbr Military Police Daily Log, *supra* n. 165.

507 1.Brlpbr Military Police Daily Log, *supra* n. 165.

508 CLSS English translation of Intercepted military telephone communication between conversants "General Krstić" and "Obrenović", 04 Jul. 1995, at 11:15 hours.

509 *Ibid.*

510 KDK Order 04/156-5, (CLSS English translation), 08 Jul. 1995.

9.4 On 09 July 1995, VRS Main Staff order 12/46-501/95 was sent from General-Major TOLIMIR to the Drina Corps Command, with instructions to pass "personally to General GVERO and to General KRSTIĆ".[511] This order reiterates RS Presidential support for the continuing VRS military operation against the "safe area" and expands the objective of the operation to include the capture of Srebrenica. This order, issued in the name of the RS President, further orders that civilians and prisoners of war be treated in accordance with the Geneva Convention of 1949, and that the destruction of civilian property and residences be held as low as possible, consistent with military necessity.

9.5 On both 10 July 1995 and 11 July 1995, General-Major KRSTIĆ is noted in military reports and in videotape footage broadcast by the Serbian Republic News Agency (SRNA) as being present with General MLADIĆ and General-Major ŽIVANOVIĆ at the capture of Srebrenica by the VRS.[512]

9.6 Also on 11 July 1995, RS MUP Special Police units began arriving in the vicinity of the enclave as well, assembling in Bratunac. These MUP reinforcements were under the command of Ljubiša BOROVČANIN (the deputy commander of the RS Special Police Brigade).[513] As a component of the order by MUP Deputy Minister KOVAĆ, Special Police Commander BOROVČANIN was directed that when his unit arrived in Bratunac, he was "...obliged to make contact with the Corps Chief of Staff, General KRSTIĆ."[514]

9.7 Starting the evening of 11 July 1995, General-Major KRSTIĆ was involved in the status of the Muslims from the former Srebrenica enclave. First, he was present at an 11 July 1995 meeting between UNPROFOR Dutch Battalion representatives, the VRS and the designated Muslim representative, Nesib MANDŽIĆ, held at the Hotel Fontana (refer to Chapter Four).[515] He was also in attendance at the 12 July 1995 meeting with the UNPROFOR and Muslim representatives.[516] The attendees of this 12 July 1995 meeting are noted in the 17 July 1995 document signed by Miroslav DERONJIĆ, Dutch Army Major FRANKEN and Nesib MANDŽIĆ.[517]

9.8 On 12 July, General-Major KRSTIĆ was active in directing and coordinating transportation assets required for the deportation of the Muslim population from Potočari (refer to Chapter Five, paragraphs 5.6 through 5.8).

9.9 Further on 12 July 1995 (time unknown) General-Major KRSTIĆ was interviewed outside the UN compound of Potočari. In this interview, General-Major KRSTIĆ, indicated that the Drina Corps is continuing the liberation of the Srebrenica territory, and that "...we guarantee the safety of the civilian population. They can go wherever they want."[518] He also noted that they are not afraid of NATO air-strikes, and that they are "going all the way."[519]

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511 VRS Main Staff Order 12/46-501/95, *supra* n. 182.
512 1.Brlpbr Daily Combat Report 03-253-100, *supra* n. 166; (Krstić Prosecution Exhibit 39).
513 RS MUP order 64/95, *supra* n. 194. Order signed by Tomislav Kovač, who was then the Deputy Minister of the Interior.
514 *Ibid*, Paragraph Five.
515 (Krstić Prosecution Exhibit 39, with associated transcripts Krstić Prosecutin Exhibits 39/a, 39/b).
516 *Ibid.*
517 Statement of RS Civilian Affairs Committee for Srebrenica No. 07-27/95, *supra* n. 235.
518 (Krstić Prosecution Exhibit 67/a).
519 *Ibid.*

9.10 During the morning and afternoon hours of 13 July 1995, General-Major KRSTIĆ continued to function as the Drina Corps Chief of Staff/Deputy Commander. During this period, he signed Drina Corps Order 02/04-158-1, pertaining to the attack on the Žepa enclave.[520] This operations order, personally signed by General-Major KRSTIĆ as the Chief of Staff, directs the movement of select forces towards the Žepa area. Of note, the order directs the Forward Command Post at Krivače to be operational by 1800 hours on 13 July 1995, and for the combat formations to be prepared to begin operations by 0800 hours on 14 July 1995.

9.11 On 13 July 1995, General-Major ŽIVANOVIĆ also signed what is believed to be his last written order as the Commander of the Drina Corps. The order is dated 13 July 1995, and stamps on the messages indicate that the relevant communication center received the order at 1600 hours, and was sent out by 1730 hours.[521]

General-Major KRSTIĆ as the VRS Drina Corps Commander: 13 - 31 July 1995

9.12 The first indication that General-Major KRSTIĆ had assumed command of the VRS Drina Corps comes from Drina Corps order 05/2-293, dated 13 July 1995. This document reflects that:

> "Pursuant to the decree of the President of the Republika Srpska, in the presence of the VRS Main Staff Commander, Colonel-General Ratko MLADIĆ, the hand-over of duties of the Drina Corps Commaner was carried out on 13 July 1995.
>
> General-Major Radislav KRSTIĆ, father's name Milorad, assumed the post of Corps Commanderm and General-Major Milenko ŽIVANOVIĆ the previous Cros Commander, was appointed to new dutiles in the VJ/Army of Yugoslavia/-VRS/Army of the Republika Srpska/.
>
> Colonel Svetozar ANDRIĆ was appointed to Corps Chief of Staff.
>
> Inform all members of your unit of this decision in a suitable manner."[522]

This notification order was signed by Lieutenant Colonel Radenko JOVIČIĆ, the Drina Corps Chief of Personnel and Legal Affairs, and addressed to all subordinate formations of the Drina Corps. Further, a communications stamp on the document reflects that this order was received by the center at 2000 hours, on 13 July 1995, and dispatched by 2035 hours that same day.[523]

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[520] KDK order 02/04-158-1, *supra* n. 447.

[521] KDK Order 03/156-12, (CLSS English translation), 13 Jul. 1995.

[522] Drina Corps order 05/2-293, *supra* n. 94

[523] With respect to Colonel Svetozar Andrić, it is presently unclear as to when he assumed the duties as the Drina Corps Chief of Staff/Deputy Commander. According to a document provided by him to OTP investigators, he did not officially relinquish command of the 1st Birač Brigade (VP 7115) until 06 August 1995. Fragmentary OTP record holdings of the Drina Corps and 1. Birač brigade. As noted in the applicable former JNA Corps Regulations (specifically the *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime, 1990* Article 11. Para 13.) in the absence of the Chief of Staff, the head of the Organ for Operations and Training will take over those functions. Given the length of time (approx 26 days) between the date General-Major Krstić assumed Command of the Drina Corps (13 July 1995), and when Colonel Andrić claims to have assumed the role as Chief of Staff/Deputy Commander (08 August 1995), the Drina Corps Chief of ONP (operations and training), Colonel Obrad Vičić or some other officer should have been detailed by with written order as the "Acting" (*Zastupa*, or literally "standing in for") Chief of Staff.

9.13 Almost immediately after the assumption of command, Drina Corps Order 01/4-157-5 is published.[524] This order identifies General-Major KRSTIĆ as the Commander of the Drina Corps and is personally signed by him. This order directs units of the Bratunac Brigade, the Milići Brigade and the Skelani Separate Battalion to begin sweeping the terrain of the "newly liberated area". The communications center stamp indicates that the order was received at 2000 hours on 13 July 1995, and dispatched at approximately 2030 hours that same day.

9.14 Also in the early evening hours of 13 July 1995 (1945 hours), General-Major KRSTIĆ is noted communicating with Ljubiša BOROVČANIN, the commander of a formation of RS Ministry of Interior Special Police Forces deployed in the zone of the Drina Corps (refer to Chapter Six).[525] In this conversation, General-Major KRSTIĆ and Lieutenant Colonel BOROVČANIN discuss the general situation, and if any additional support (unspecified) is required.[526]

9.15 In the morning hours of 14 July 1995, a series of telephone conversations (intercepted by the ABiH II Corps) involving General ŽIVANOVIĆ provides further indications that he was no longer exercising command of the Drina Corps. At 0910 hours, Major JOKIĆ, the duty officer of the Zvornik Brigade called and spoke to General-Major ŽIVANOVIĆ.[527] Major JOKIĆ informed General ŽIVANOVIĆ that "...Dusko Vukotić has informed him that there are thousands near Velja Glava, and he does not believe it." General ŽIVANOVIĆ told JOKIĆ that he should inform "Mane" who has police in Zvornik and Konjević Polje to handle things, as the numbers (of Muslims) are not so large, and that the "Army is busy." At 0935 hours, General-Major ŽIVANOVIĆ is called by an individual named Slavko.[528] General-Major ŽIVANOVIĆ tells Slavko that "...he is at the Headquarters, but that he is *slowly packing his rucksack, they have already asked me to go somewhere else...*"

9.16 Following this on 14 July 1995, another major indicator of a recognized change of command in the Drina Corps having occurred is the Bratunac Brigade response to Drina Corps order 05/2-295, dated 14 July 1995.[529] This response by the Bratunac Brigade Commander sets a date for the farewell ceremony of General-Major ŽIVANOVIĆ, who had been the Commander of the Drina Corps.[530] That same afternoon, the Commander of the Milići Light Infantry Brigade (Captain First Class Milomir NASTIĆ) sends a message to the Command of the Drina Corps, for General-Major ŽIVANOVIĆ.[531] In this

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[524] KDK Order 01/4-157-5, *supra* n. 349.

[525] Intercepted military telephone communiction between "K" Krstić and "X" Borovčanin, 13 Jul. 1995, at 1945 hours, *supra* n. 158; Zoran Petrović-Piroćamac, *Belgrade Intervju, supra* n. 337, 21 Jul. 1995 (identifying Ljubiša Borovčanin as the MUP commander along the Žuti List-Potočari line).

[526] Intercepted military telephone communication between"K" Krstić and "X" Borovčanin, 13 Jul. 1995, at 2040 hours.

[527] Intercepted military telephone communication between "M" Živanović and "J" Jokić, 14 Jul. 1995, at 0910 hours.

[528] Intercepted military telephone communication of "Z" Živanović's conversation with "Slavko", 14 Jul. 1995, at 0935 hours. "Slavko" is probably Colonel Slavko Ognjenović, an operations officer of the Drina Corps and former Commander of the 1st Bratunac Light Infantry Brigade.

[529] 1.Brlpbr Report 23-253-103-2, (CLSS English translation), 14 Jul. 1995. Due to what is clearly a typographical error, the typed version of the message notes the date of the response as 17 July 1995. Both the handwritten draft and the communications center annotation both reflect the message being completed on 14 Jul. 1995.

[530] *Ibid.*

[531] 1.Mlpbr message 720/95, *supra* n. 136.

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message, Captain First Class NASTIĆ expresses (on behalf of the officers and men of the unit) his sincere gratitude "for everything we have achieved under your leadership duirng our liberation war and to wish you a lot of success in your new duty."[532]

9.17 Further recognizing the change of command, on 14 July 1995, the Bratunac Brigade published order 435-2, which directs the four subordinate battalions of the Brigade to initiate search operations in the "newly liberated area."[533] This order directly references Drina Corps Order 01/ 4-157-5 (see paragraph 9.13 above).

9.18 On 14 July 1994, RS Presidential Decree 01-1369/95 was published and signed by RS President and Supreme Commander Dr. Radovan KARADŽIĆ.[534] Citing the authority based on the RS *Law of the Army*, he appointed General-Major Radislav KRSTIĆ as the Commander of the VRS Drina Corps. The order was effective as of 15 July 1995. Further, in the same order, he appointed Colonel Svetozar ANDRIĆ, the current commander of the Birač Brigade, to the post as Chief of Staff and Deputy Commander of the VRS Drina Corps (also effective 15 July 1995).[535]

9.19 The last two known direct conversations (ABiH II Corps intercepts) involving General-Major ŽIVANOVIĆ on 14 July 1995 occurred at 2038 and 2056 hours. In the first conversation, General-Major ŽIVANOVIĆ gave an order to the duty officer of the Zvornik Brigade, Major Dragan JOKIĆ. He informed JOKIĆ that reinforcements would be arriving in the morning, and that OBRENOVIĆ (Major Dragan OBRENOVIĆ, the Chief of Staff of the Zvornik Brigade) should maintain pressure and reconnaissance activities against the Muslim column.[536] In the second conversation, General-Major ŽIVANOVIĆ is noted talking to a Colonel VUKOVIĆ (Commander of the Skelani Separate Battalion). In this conversation, General-Major ŽIVANOVIĆ noted that he had received a paper which BLAGOJEVIĆ sent pertaining to him, and that Colonel VUKOVIĆ should read his conclusions.[537]

9.20 Finally, at 2236 hours on 14 July 1995, ABiH II Corps received a partial intercept of a conversation between an unidentified individual and a correspondent named MALINIĆ (probably Major Zoran MALINIĆ, the Commander of the Military Police Battalion of the 65th Protection Regiment located in Nova Kasaba).[538] The unidentified individual noted that KRSTIĆ had "just come up here...he went back there...he'll call me later." The one-sided conversation also noted that the unidentified individual was "up to speed...ŽIVANOVIĆ told me." Also the unidentified individual noted that he "introduced Krle (a known nickname for General-Major KRSTIĆ) to that one...suggested what he should do, so he'll take some action here." While this conversation is clearly incomplete, it implies the physical presence of General-Major KRSTIĆ, and activities related to gaining an awareness of an unidentified situation which will require the issuing of orders by General-Major KRSTIĆ.

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[532] *Ibid.*
[533] 1.Brlpbr Order 453-2, *supra* n. 350.
[534] RS Presidential Decree 01-1369/95, *supra* n. 97.
[535] *Ibid.*
[536] Intercepted military telephone communciation between "Ž" Živanović and "J" Jokić, 14 Jul. 1995, at 2038 hours; intercepted military telephone communication between "M" Vukotić and "Ž" Živanović, 14. Jul. 1995, at 2056 hours.
[537] Intercepted military telephone communication between unidentified conversants "X" and "Y", 14 July 1995, at 2048 hours.
[538] Intercepted military telephone communication between "X" an unidentified conversant and Malinić, 14 Jul. 1995, at 2236 hours.

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9.21 On 15 July 1995, RS Presidential Decree 01-1419/5 is published. This decree, signed by RS President KARADŽIĆ, is the relief and re-assignment of General-Major Milenko ŽIVANOVIĆ from command of the VRS Drina Corps, effective 15 July 1995.[539]

9.22 A series of VRS communications intercepted by ABiH II Corps on 15 July 1995 further serves to confirm that General-Major KRSTIĆ had assumed command of the VRS Drina Corps. At 0952 hours, a Colonel BEARA (the Chief of the Main Security Administration) called an unidentified location looking for General ŽIVANOVIĆ.[540] Colonel BEARA was unsuccessful in reaching him, and left a message that he could be reached at extension 139. At 0954 hours, Colonel BEARA reached General ŽIVANOVIĆ at an unspecified location, and noted that "FURTULA didn't follow orders and send the intervention platoon of LUKIĆ."[541] In the course of the conversation, Colonel BEARA asked General ŽIVANOVIĆ to direct FURTULA to send at least half the platoon, to which General ŽIVANOVIĆ replied that he "can't arrange for that anymore..." General-Major ŽIVANOVIĆ directed Colonel BEARA to call the "Zlatar" switchboard, extension 385 (see Chapter Ten, paragraph 10.24 for complete transcript).

9.23 Within five minutes (between 0957 and 1000 hours) on that same day, Colonel BEARA is noted in a discussion with a General he refers to as "Krle" .[542] In the course of this conversation, Colonel BEARA noted again that "FURTULA did not follow the boss's order, and that he needs 30 men just like it was ordered." Colonel BEARA complained that "he can't do anything without 15 to 30 men and Boban INĐIĆ."[543] General-Major KRSTIĆ replied that he could not pull them out from this "axis" without disturbing things. He further directs Colonel BEARA to check with "NASTIĆ" and "BLAGOJEVIĆ".[544] Finally, in the course of the conversation, Colonel BEARA noted that he "still has 3500 parcels to distribute, and he has no solution." The conversation ended with General-Major KRSTIĆ saying he would see what he could do (see Chapter Ten, paragraph 10.25 for complete transcripts).

9.24 Additional (ABiH II Corps intercepted) conversations on 17 July 1995 further serve to demonstrate General-Major KRSTIĆ in command and being fully apprised of the situation in the zone of the VRS Drina Corps; specifically the situation of the Zvornik Brigade. At 0615 hours, General-Major KRSTIĆ is noted in communications with Captain TRBIĆ, who is the duty officer of the Zvornik Brigade that day, and also with Lieutenant Colonel Vinko PANDUREVIĆ, the Brigade Commander.[545] In the course of

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[539] RS Presidential Decree 01-1419/95, (CLSS English translation), 15 Jul. 1995.

[540] Synopsis of intercepted military telephone communication in which Beara tries to contact Živanović, 15 Jul. 1995, at 0952 hours.; 1.Brlpbr Order 08-45/95, (CLSS English translation), 17 Aug. 1995 (identifying Colonel Beara as the Chief of Security Administration of the VRS Main Staff).

[541] Intercepted military telephone communication between"B" Beara and "Ž" Živanović, 15 Jul. 1995, at 0954 hours.

[542] Intercepted military telephone communication between "B" Beara and "K" Krstić, 15 Jul. 1995, at 0957 hours; intercepted military telephone communication between "B" Beara and "K" Krstić, 15 Jul. 1995, at 1000 hours.

[543] The individual referred to as Furtula is most probably Major Radomir Furtula, the Commander of the 5th Pondrinje Light Infantry Brigade, also known as the Višegrad-Goradže Brigade. The individual referred to as Lukić is probably Milan Lukić, who is associated with Boban Indić.

[544] Most probably Major Milomir Nastić, the Commander of the 1st Milići Light Infantry Brigade and Colonel Vidoje Blagojević, Commander of the 1st Bratunac Light Infantry Brigade.

[545] Intercepted military telephone communication between "K" Krstić, "T" Trbić and "P" Pandurević, 17 Jul. 1995, at 0615 hours.

this conversation, General-Major KRSTIĆ acknowledges that he has received reports sent by the Zvornik Brigade and personally received an update on the situation in the zone from the Brigade Commander.

9.25 At 0910 hours that same morning, General-Major KRSTIĆ was noted attempting to reach Colonel VELETIĆ, who was the Commander of the 4th Drinski Brigade, a temporary formation operating in the zone of the Sarajevo-Romanjia Corps.[546] In this intercepted conversation, General-Major KRSTIĆ instructed Colonel VELETIĆ to have Lieutenant Colonel VLAČIĆ return to his unit by 1300 hours.[547] He was also noted in four other conversations that day, giving orders, and in one case, receiving directions from an individual (probably General MLADIĆ – see paragraph 12.19).[548]

9.26 Also on 17 July 1995, Drina Corps order 05/1-245 was published.[549] This order, pertaining to mobilization issues, was personally signed by General-Major KRSTIĆ as the Commander of the Drina Corps.

9.28 ABiH II Corps intercepts of VRS communications on both 18 and 19 July 1995 further put General-Major KRSTIĆ in command of the VRS Drina Corps and issuing orders to subordinates.[550]

9.29 On 20 July 1995, RS television aired the public announcement from RS President KARADŽIĆ on the appointment of General-Major KRSTIĆ as the Commander of the VRS Drina Corps.[551]

9.30 In a video provided by General-Lieutenant Colonel (retired) ŽIVANOVIĆ to the OTP, an afternoon lunch gathering is filmed on or about 20 July 1995.[552] This video is perported to be a "farewell luncheon" in honor of General ŽIVANOVIĆ. Present at this event is General MLADIĆ, General KRSTIĆ, General ŽIVANOVIĆ, General Momir TALIĆ (Commander of the 1st Kranjina Corps), and various other officers of the VRS.

9.31 On 25 July 1995, Drina Corps Order 05/2-362 was published.[553] This order is personally signed by General-Major Radislav KRSTIĆ, Commander of the Drina Corps.

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[546] 4.Dlpbr Order 538/10-12, (CLSS English translation), 25 Jun. 1995. *See also*, 4.Dlpbr Order 02-50, (CLSS English translation), 14 Jul. 1995 (indicating LTC Ljubomir Vlačić as the Chief of Staff of the 4.Dlpbr).

[547] Intercepted military telephone communication between "X" Krstić and Veletić, 17 Jul. 1995, at 0910 hours.

[548] Intercepted military telephone communication between unidentified conversant "X" and "K" Krstić, 17 Jul. 1995, at 0925 hours; intercepted military telephone communication between two unidentified conversants "X" and "?", 17 Jul. 1995 at 1201 hours; intercepted military telephone communication between "K" Krstić and "M" Mladić, 17 Jul. 1995, at 1950 hours; intercepted military communication between "K" Krstić and unidentified conversant "X", 17 Jul. 1995, at 2030 hours.

[549] Drina Corps Order 05/1-245, (CLSS English translation), 17 Jul. 1995.

[550] Intercepted military communication between "K" Krstić and "C" Cerović, 18 Jul. 1995, at 0716 hours; intercepted military telephone communication between "K" Krstić and "A" Andrić, 18 Jul. 1995, at 2014 hours; intercepted military telephone communication bewteen "K" Krstić and "Č" Čedo, 18 Jul. 1995, at 2341 hours; intercepted military telephone communication between "K" Krstić and "M" Milanković, 19 Jul. 1995, at 1513 hours; intercepted military telephone communication between "K" Krstić and "J" Jevđević, 19 Jul. 1995, at 2157 hours.

[551] News of Republika Srpska Broadcast identifying Krstić as the former Chief of Staff and notes him and General-Major Živanović to be the "chief architects" of the Serb victories of Srebrenica and Žepa.

[552] Video of General Milenko ZIVANOVIć's leaving celebration in July 1995.

[553] KDK Order 05/2-362, (CLSS English translation), 25 Jul. 1995.

It appoints Reserve Private Petko MILOŠEVIĆ as the Chief of Financial Services for the Zvornik Brigade.

9.32 On 29 July 1995, Drina Corps orders 01/158-1 and 01/159-1 were published.[554] Both orders identify General-Major Radislav KRSTIĆ as the Commander of the Drina Corps.

General-Major KRSTIĆ as the VRS Drina Corps Commander: Post-July 1995

9.33 On 04 August 1995, RS President KARADŽIĆ and the Commander of the VRS Drina Corps (General-Major KRSTIĆ) were noted in Srebrenica, and within the zone of responsibility of the Bratunac Infantry Brigade.[555]

9.34 Later on 04 August 1995, RS television broadcast an interview with RS President Radovan KARADŽIĆ (2230 hours). The main focus of the interview pertains to the announcement that General-Colonel Ratko MLADIĆ was being removed as the Commander of the Main Staff of the VRS, and was then appointed as the "Special Advisor to the Supreme Commander for coordinating the joint defense of the RS and RSK." Part of this interview contains a short excerpt pertaining to Srebrenica, and the role of General-Major KRSTIĆ. As stated by President KARADŽIĆ,

> "We wanted to turn MLADIĆ into a legend and we did for we know that our people want legends. We failed, however, to bring up the successes of individual Corps Commanders. Now KRSTIĆ, for instance, who planned it in front of me and I approved that task for Srebrenica, who did it exceptionally well. Of course, the Main Staff, MLADIĆ and all others help, but it should be known that KRSTIĆ is a great army commander." [556]

9.35 In response to the removal of General MLADIĆ, General-Major KRSTIĆ, and 17 other VRS Generals signed a joint declaration to the leadership of the RS, declaring their "support" to General MLADIĆ, and indicating that they will only follow his orders.[557] This declaration is signed on 05 August 1995.

9.36 On 25 August 1995, "*Srpska Vojska*" magazine (the official magazine of the Army of the Republika Srpska) published an interview with General-Major KRSTIĆ. In this article, interviewer Borislav Đurđević indicates that both the Srebrenica and Žepa operations were led by General-Major Radislav KRSTIĆ, who assumed command of the Drina Corps just prior to the beginning of the operation.[558]

9.37 On 03 September, General-Major KRSTIĆ and Acting Brigade Commander OBRENOVIĆ toured the defense lines of the 3rd and 7th Battalions of the Zvornik Infantry Brigade.[559]

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[554] KDK Order 01/158-1, (CLSS English translation), 29 Jul. 1995; KDK Order 01/159-2 (CLSS English translation), 29 Jul. 1995.
[555] 1.Brlpbr Daily Combat Report 03-253-125, (CLSS English translation), 04 Aug. 1995.
[556] (P.Ex. 99/a).
[557] VRS Main Staff Document 04-12/973, *republished in, Krajiški Vojnik*, (CLSS English translation) Aug. 1995.
[558] Borislav Đurđević, "Podrinje Is Free At Last," *Srpska Vojska*, (CLSS English translation), 25 Aug. 1995, p. 10-12.
[559] 1. Zvpbr Daily Combat Report 06-276, (CLSS English translation), dated 03 September 1995, para 2.

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9.38 On 14 October 1995, General-Major KRSTIĆ presided over a ceremony commerating the first anniversary of the 10th Sabotage Detachment.[560] In addition to various VRS and Drina Corps officers and men, also present at ceremony are Lieutenant Colonel POPOVIĆ (the Drina Corps Assistant Commander for Security), and Lieutenant Colonel KOSORIĆ (the Drina Corps Chief of Intelligence). As noted previously (paragraphs 7.36-7.41), Drazen ERDEMOVIĆ and other members of this unit carried out mass executions at the Branjevo Military Farm on 16 July 1995.

9.39 Finally, on 28 Dec 1995, "*Srpska Vojska*" magazine discussed a speech and appearance made by General-Colonel Ratko MLADIĆ at the activation of the "First Professional Brigade of the Drina Corps".[561] The article notes General-Major KRSTIĆ as the Commander of the Drina Corps. Further, the article discusses the role in the VRS Drina Corps and General-Major KRSTIĆ (who was present on the podium with General MLADIĆ) at both Srebrenica and Žepa. Addressing the assembled Drina Corps units, MLADIĆ stated,

> "...You fought heroically under the leadership of your Chief of Staff or your Corps Commander, who although severely wounded, made a tremendous contribution to the victory of the Serbian arms and the Serbian Army, not only against the Muslim gladiators in Srebrenica and Žepa, but against those who helped them, now by land, now by air, and now from behind the conference table, or through the media. They could not be saved because they did not deserve to be saved. All of those who obeyed the agreement, and came to the UNPROFOR base were saved and transported, we are sorry to say, in modern as well as older buses, unlike the weak ones from Benkovac, Knin Glamoc, Grahovo and Petrovac..."

Summary

9.40 To summarize, the above-listed material demonstrates a long and detailed relationship between General-Major KRSTIĆ and the Command of the VRS Drina Corps; first as a subordinate Brigade Commander, then as the Corps Chief of Staff/Deputy Commander, and finally as the Corps Commander. He was involved in the planning and execution of the military operation against the Srebrenica "safe area", as well as the actual capture of Srebrenica town. He was physically present in both Bratunac and Potočari on 12 July 1995. By the evening of 13 July 1995, as a result of circumstances that are still unclear, he took command of the VRS Drina Corps. Orders issued under his name as the "Commander" were sent to various Corps formations, and they were duly implemented.

9.41 In reviewing the period prior to 13 July 1995, it is clear that General-Major KRSTIĆ was not only functioning as the Drina Corps Chief of Staff, but he was also functioning as the "operational commander" for the military forces grouped together for operation "Krivaja-95". His continuing presence at the Drina Corps Forward Command Post prior to the noted arrival of both General-Major ŽIVANOVIĆ and General MLADIĆ on 10 July 1995 tends to support this, as do various public statements made by General MLADIĆ and RS President KARADŽIĆ after the fact.

9.42 Pertaining to the function of exercising command of the VRS Drina Corps by General-Major KRSTIĆ, an inconsistency bears pointing out. This relates to the RS

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[560] 14 October 1995 Video tape of the 10th "Sabotage Unit" RS Army, *supra* n. 143.
[561] D. Radan, "Turning Towards Peace," *Srpska Vojska*, 28 Dec. 1995, p. 7.

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Presidential Decree(s) that relieved General-Major ŽIVANOVIĆ effective 15 July 1995, and appointed General-Major KRSTIĆ was the Commander of the VRS Drina Corps (effective that same day). In time sequence, it creates a one day period of "ambiguity" between the time when General-Major KRSTIĆ is noted exercising command of the Drina Corps (the evening of 13 July 1995), and his appointment as the Drina Corps Commander by the RS President. While Drina Corps order 05/293 confirms the change of command under the auspices of General-Lieutenant Colonel MLADIĆ, it does not explain the circumstances, particularly as only the RS President as the Supreme Commander is legally empowered to releive or appoint a Corps Commander. However, the fact that the RS President did "re-affirm" this decision with a written order the following day indicates his approval (or at least acquiencese) to the change of Drina Corps command that occurred by 2000 hours on 13 July 1995.

9.43 Having said this, it is just as important to note that this "ambiguity" as identified is a reflection of gaps in information currently in the possession of the Office of the Prosecutor, and my resulting analysis of that information. It does not mean that the staff or subordinate commanders of the VRS Drina Corps were in any way unclear as to who was exercising command of the Drina Corps during the period in question. As noted above (paragraph 9.13), on the evening of 13 July 1995, General-Major KRSTIĆ personally signs an order as the "Commander of the VRS Drina Corps". The fact that this order identifies him as the Commander, and not as the Chief of Staff, Deputy Commander, or even "Acting Commander", clearly demonstrates both knowledge and acceptance on the part of General-Major KRSTIĆ and the Drina Corps Staff that he was the Corps Commander.[562] Further, by 14 July 1995, subordinate Drina Corps formations were aware of this change of command, and were responding accordingly.

[562] Acting Commander - "*Zastupa Komandanta*", as translated, "standing in for the commander".

CHAPTER TEN: Role of the VRS Drina Corps, and subordinate units in the Mass Executions in the zone of the 1st Zvornik Infantry Brigade

10.0 As in the case of the acts detailed in Chapters Five, Six and Seven, there are few documents and orders relative to the involvement of the VRS Drina Corps in the commission of the criminal acts (as charged) pertaining to the mass executions in the zone of the Zvornik Brigade. However, various reports from the Zvornik Brigade, as well as ABiH II Corps intercepts of VRS military telecommunications details a high degree of involvement and coordination between the Zvornik Brigade, the Bratunac Brigade, the VRS Drina Corps, and the VRS Main Staff. While some of this material has already been noted in previous chapters, some bears repeating so that the relevant issues can be examined in both complete context and proper chronology.

10.1 Reviewing the issues in a chronological order, there are three main areas that will be examined. First, the issue of information which was available within the framework of orders and directives prior to the charged criminal acts under which the Commander and Staff of the VRS Drina Corps received instructions from the Superior Command, and (in turn) issued instructions to subordinate formations. This information will be reviewed specifically as it pertains to prisoner related issues. Next, the issue of the role of the VRS Drina Corps and their subordinate formations, with respect to how it relates to the commission of the criminal acts (as charged). Finally, the issue of information that was acquired after the fact, and what actions (if any) the VRS Drina Corps Command, staff and subordinates took based on that information.

A. Prior Instructions and Directives[563]

10.2 With respect to the "safe area" of Srebrenica, in the *Agreement on the Demilitarization of Srebrenica and Žepa*, concluded by Lieutenant General Ratko MLADIĆ and General Sefer HALILOVIĆ on 08 May 1993, both parties affirmed:

> "The Geneva Conventions of 12 August 1949 and the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) are fully applicable in the conflict in Bosnia and Herzegovina (sic)." [564]

Further, Article 2 of that agreement specifically defines the protection of the demilitarized zones as being accorded under "Article 60, Protocol 1 Additional to the Geneva Conventions."

10.3 The VRS Drina Corps operations plan for Srebrenica (Command of the Drina Corps Order 04/156-2, "Krivaja-95"), paragraph 10, Combat Security, subparagraph (b) deals with the issue of prisoners of war. As quoted:

> "Security organs and the military police will indicate the areas for gathering and securing prisoners of war and war booty. In dealing with prisoners of war and the civilian population, behave in every way in accordance with the Geneva Conventions."[565]

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[563] For a broad examination of the RS Laws and VRS regulations pertaining to "War-Crimes" and "Crimes against Humanity," see *VRS Corps Command Responsibility Report*, s.7.

[564] *Agreement on a Ceasefire in the Territory of Bosnia and Hercegovina*, 08 May 1993, *supra* n. 73.

[565] KDK Order 04/156-2, Operations Order No.1, 02 Jul. 1995, *supra* n. 58, p. 7.

10.4 Prior to the capture of Srebrenica by VRS forces, the Main Staff of the VRS published order 12/46-501/95, dated 09 July 1995. This document, pertaining to the conduct of combat operations around Srebrenica, was sent by General-Major TOLIMIR to both the President of the RS, and the Drina Corps (specifically to General-Majors KRSTIĆ and GVERO).[566] This message outlined the context of the RS President's support to the ongoing Srebrenica operation. With respect to the prevention of potential violations of the "laws of war", paragraph four specifically directs the following:

> "Pursuant to (the) Order of the President of the Republika Srpska, order all combat formations, which participate in combat operations around Srebrenica, to offer their full protection to all UNPROFOR members and Muslim civilians. Order the subordinated units to stop destroying civilian objects unless forced to do so, due to strong enemy resistance. Do not allow the burning of residential objects and treat civilians and prisoners of war in accordance with the Geneva Convention dated 12 August 1949." [567]

10.5 On 11 July 1995, RS President KARADŽIĆ issued an order to the Ministry of the Interior, Republic of Srpska, pertaining to the police returning to Srebrenica. Paragraph four of that order specifies that:

> "All citizens who participated in combat activities against the Serb Army will be treated as prisoners of war and in accordance with the law and international conventions. Others will be free to choose their place of residence or place of emigration." [568]

10.6 In conjunction with established RS Laws and VRS regulations in effect at the time, the above listed material demonstrates that the Drina Corps Command and Staff were fully cognizant of procedures and expectations related to the proper handling of Muslim prisoners and civilians in their custody.

B. VRS Drina Corps Activities during the Relevant Period

10.7 As previously noted (paragraph 5.6), ABiH II Corps intercepts of VRS communications reflects that the Command and staff of the VRS Drina Corps were active from early 12 July 1995 in directing the movement of Bosnian Muslim women, children and the elderly from Potočari to BH territory near Kladanj. As this process was occurring, VRS Drina Corps officers and men, inclusive of the Bratunac Brigade were in Potočari, implementing the screening-separation process for men allegedly suspected of involvement in "war-crimes" against the local Bosnian-Serb population (paragraphs 5.18-5-21). This included the presence of the Bratunac Brigade Assistant Commander for Intelligence and Security, Captain First Class Momir NIKOLIĆ. These first series of separated men were then moved from Potočari to various facilities in Bratunac, where they were to await the availability of transportation assets necessary to move them to the zone of the 1st Zvornik Infantry Brigade (see paragraphs 6.0-6.6).

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[566] VRS Main Staff Order 12/46-501/95, *supra* n. 182. (General Gvero is in fact Lieutenant Colonel-General Milan Gvero, the Assistant Commander for Morale, Legal and Religious Affairs of the Main Staff of the VRS.)

[567] *Ibid.*

[568] RS Presidential Directive 01-1341/95, *supra* n. 202.

10.8 By mid-day on 13 July 1995, ABiH communication intercepts reflect that busses and trucks which had been carrying people from Potočari to Kladanj were being detailed by the Drina Corps staff officers to assist in the collection and movement of the rapidly growing numbers of Bosnian Muslim men who were surrendering to VRS and MUP forces from the town of Nova Kasaba to Konjević Polje to Sandici.[569]

10.9 It is during this same period that the vehicle log of the Opel "Rekord" (P-4528) assigned to the command of the Zvornik Brigade (driven by military police) reflects travel to locations that would later become detention sites or execution sites for Bosnian Muslim males captured at Srebrenica. Starting on 13 July 1995, the vehicle log for (P-4528) notes travel from Standard (the headquarters of the Zvornik Brigade) to the IKM (Forward Command Post); a return to Zvornik (and local area), travel to Orahovac and back to Standard; travel to Zvornik, Orahovac, back to Standard, then to Bratunac and finally returning to Zvornik. The total vehicle mileage that day was 209 kilometers (refer to paragraphs 7.3-7.4). Moreover, the Zvornik Brigade Duty Officer at the Zvornik IKM on 13 July 1995 was Lieutenant Drago NIKOLIĆ, the Zvornik Brigade Chief of Security (refer to paragraph 7.9).

10.10 During the afternoon hours of 13 July 1995, at least one Drina Corps Staff Officer attempted to locate earth-moving equipment and have it sent to Konjević Polje (refer to Chapter Six, paragraph 6.27).[570] The time period of these efforts roughly coincides with the executions in the Cerska Valley.

10.11 At approximately 1730 hours on 13 July 1995, it appears from video that police commander Ljubiša BOROVČANIN passed in front of the Kravica Warehouse during or shortly after the commission of the executions at the warehouse. Bratunac Health Center records indicate at least one Special Police officer from the 2nd Detachment was killed at about that time. These same records and other documents indicate that police detachment Deputy Commander, as well as a member of the Bratunac Brigade (Red Beret detachment), was wounded at that time. Less than two hours later, BOROVČANIN speaks (via phone) to General-Major KRSTIĆ (refer to paragraphs 6.34-6.35).

10.12 In the early evening hours of 13 July 1995, the Command of the Drina Corps issued order 03/156-11.[571] Paragraph 3 of this order instructed all commands of the Drina Corps to "put captured and disarmed Muslims in suitable buildings that can be secured by small forces and immediately inform the superior command." Further, paragraph 7 instructed the commands to:

> "Transmit information on captured and cut-off groups through secure means of communication. Vigorously prevent all unnecessary and needless conversations that could lead to a leak of confidential information and indicate to the enemy what our intentions and activities are."[572]

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[569] Intercepted military telephone communication between "K" Krsmanović, "X" and switchboard "C", 13 Jul. 1995, at 11:10 hours. Intercepted military telephone communication between "X" and "Y", 13 Jul. 1995 at 17:30 hours.

[570] Intercepted military telephone communication between "M" Milanović and "P" Palma Duty Officers, 13 Jul. 1995, at 1355 hours, *supra* n. 327.

[571] Drina Corps order 03/156-11, (CLSS English translation), 13 Jul. 1995. Of note, the order number is typed as 03/156-11, but the "11" is hand-crossed over and written as "12".

[572] *Ibid.*

10.13 Later during the evening of 13 July 1995, the Main Staff of the VRS published order 03/ 4-1638. This order specifically dealt with the issue of preventing the leakage of "confidential military secrets in the area of combat".[573] This order, directed to the Command of the Drina Corps (information copy to other Drina Corps formations), to effect the closure of the road segment of Konjević Polje-Kravica-Bratunac, as well as the Rogatica-Borike-Višegrad road. Pertaining to the Konjević Polje-Kravica-Bratunac road, the Command of the Drina Corps was instructed to set up traffic regulation points at Konjević Polje and Bratunac and to restrict the traffic on the roads to military vehicles and MUP vehicles engaged in combat operations. Further, paragraph five specifically directed that no information was to be provided to the "...media regarding the course, situation and results of combat operations in the area, and the overall activities in this area, particularly on prisoners of war, evacuated civilians, escapees and similar."[574]

10.14 Finally on the evening of 13 July 1995, bus and truck convoys of Muslim males begin moving from the zone of the Bratuanc Brigade to the zone of the Zvornik Brigade. This process continued through the days of 14 and 15 July 1995. As noted in the Military Police log of the Bratunac Brigade, on 14 and 15 July 1995 "the police were engaged in the escort of Muslim refugees"(refer to paragraph 6.53).[575]

10.15 Just prior to the arrival of the first known Bosnian Muslim prisoners from the Bratuanc Brigade zone, Lieutenant Drago NIKOLIĆ the Assistant Commander for Security Affairs was "extraordinarily" relieved from his duty post as Duty Officer of the Forward Command Post of the Zvornik Brigade. His replacement was a Major Mihajlo GALIĆ, the Brigade Head of Personnel and Mobilization. In the Duty Log of the Forward Command Post, it noted that this change occurred at 2300 hours on 13 July, a Major GALIĆ "took over duty extraordinarily from Lieutenant Drago NIKOLIĆ"(refer to paragraph 7.9).[576]

10.16 As buses and trucks of Bosnian Muslim men start arriving in the zone of the Zvornik Brigade (specifically the 4th Infantry Battalion) during the pre-dawn hours of 14 July 1995, a detachment of military police from the Zvornik Brigade Military Police Company is already at the Grbavci school detention site (refer to paragraphs 7.8 and 7.16-17). The Military Police Company Commander, Lieutenant Miomir JASAKOVIĆ is also present with them. At approximately 1400 hours on 14 July 1995, Bosnian Muslim men start being removed from the school in an organized manner, and are executed by Zvornik Brigade (4th Infantry Battalion) soldiers. The bodies of the executed Muslims were then buried by elements of the Zvornik Brigade Engineer Company on 14-15 July 1995 (refer to paragraphs 7.18-7.27).

10.17 Also on 14 July 1995, the Opel "Rekord" (P-4528) assigned to the command of the Zvornik Brigade travels the route: Standard-Orahovac-Divić-Orahovac-Ročević-Orahovac-Zvornik-Standard-Loko-Karakaj-Ročević-Loko. Total vehicle mileage on 14 July 1995 was 164 kilometers (refer to paragraphs 7.3-7.4).

10.18 At approximately the same time the mass executions are beginning in the 4th Battalion area, busses and trucks filled with Bosnian Muslim men start arriving in the

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573 VRS Main Staff Order 3/4-1638, (CLSS English translation), 13 Jul. 1995.
574 *Ibid.*
575 1.Brlpbr Military Police Daily Log, *supra* n. 165.
576 1.Zvpbr IKM Operations Log, 13 Jul. 1995, *supra* n. 383. According to the Bde Command Roster for July 1995, Major Mihajlo Galić is the Assistant for Morale, Legal and Religious Affairs.

area of the 6th Infantry Battalion of the Zvornik Brigade. They are placed in the "new" school of Petkovci, located 2 kilometers east along the road from the battalion headquarters, located in the "old" school (refer to paragraphs 7.28-7.32).

10.19 As the first mass execution is underway at Orahovac and additional Bosnian Muslim men being detained at the Petkovci school, other units of the Zvornik Brigade are preparing to engage the Muslim column which has been moving north since 12 July 1995 (refer to paragraphs 7.60-62). The elements of the column were tracked via radio intercept and visually during this period by the Zvornik brigade, the first significant combat does not get reported until the early evening hours of 14 July 1995.[577] An ABiH intercept at 2038 hours between General ŽIVANOVIĆ, who is still at the Drina Corps, and Major Dragan JOKIĆ, the Palma (Zvornik Brigade) Duty Officer that day reflects General ŽIVANOVIĆ instructing Major JOKIĆ to pass a series of orders to "OBRENOVIĆ".[578]

10.20 Less than a half-hour later, Major JOKIĆ from Palma is noted calling for "BEARA" who is at Badem (the Bratunac Brigade Headquarters). In the course of this conversation, Major JOKIĆ tells BEARA that they have "huge problems over here (refer to paragraphs 7.64 and 7.65). This is followed at 2227 hours on 14 July by a conversation from a "General VILOTIĆ" for "OBRENOVIĆ".[579] After being informed that Major OBRENOVIĆ was in the field, he was connected to the Duty Officer, Major JOKIĆ. In the course of this conversation, Major JOKIĆ noted that,

> "...OBRENOVIĆ is really maxed out, we're all used to the max, believe me. The thing that destroyed us the most was the parcel...and since this morning, we've been reporting on the number of people..."[580]

General VILOTIĆ cuts Major JOKIĆ off at that point, noting he "doesn't want to discuss that".[581]

10.21 Sometime after mid-night (15 July 1995) the Bosnian Muslim men held at the Petkovci "new" school start to be place on trucks, and moved to the dam, where they are subsequently executed. At least two trucks from the Zvornik Brigade 6th Infantry Battalion log a total of ten trips between the school and the dam. Later that morning, the Zvornik Brigade Engineer Company work log reflects that one ULT and one excavator are working at Petkovci (refer to paragraphs 7.33-7.35).

10.22 By these early morning hours of 15 July 1995, the significance of the military threat that the Bosnian Muslim column poses to the Zvornik area is now fully appreciated. Hurried arrangements are made to redeploy a number of Drina Corps units and commanders involved in the Žepa operation back towards Zvornik. Most important among these forces are the two Zvornik Brigade battle-groups and the Zvornik Brigade Commander, Lieutenant Colonel Vinko PANDUREVIĆ. While LTC PANDUREVIĆ is

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[577] 1.Zvlpbr, *supra* n. 449.
[578] Intercepted military telephone communication between "Ž" General Živanović (from Zlatar) and "J" Major Jokić (Palma Duty Officer), *supra* n. 527.
[579] Intercepted military telephone communication between "V" Vilotić and "J" Jokić (Palma Duty Officer), *supra* n. 454.
[580] Presently, the identification and role of "General Vilotić" is unknown. One possibility is that he may be misidentified by the intercept operators, and is instead General Miletić, the Chief of Operations of the VRS Main Staff.
[581] *Ibid.*

unable to directly speak to Major OBRENOVIĆ (in the field), his report and recommendations are relayed back to the Brigade Commander through the Duty Operations Office. Also designated to be sent to the Zvornik area are select MUP units which were still operating along the Bratunac-Konjević Polje road, specifically the 2nd Special Police Detachment (Šekovići) and the 1st PJP Company of the Zvornik CJB (refer to paragraphs 7.68 to 7.70). Further, at least one company of soldiers from the Bratunac Brigade was also being assembled to reinforce the Zvornik Brigade. By 0939 that morning, the Zlatar Duty Officer has informed the Palme Duty Officer (Major JOKIĆ) the units are enroute.[582]

10.23 As this is occurring, Colonel Ljubiša BEARA, called an unspecified extension looking for General-Major ŽIVANOVIĆ. Colonel BEARA was told he was not there. Colonel BEARA left a message that he could be reached at "extension 139". This phone extension is listed in three separate Zvornik Brigade directories as belonging to the Zvornik Brigade Chief of Security, Lieutenant Drago NIKOLIĆ.[583]

10.24 Less than five minutes later, at 0954 hours, Colonel BEARA reached General-Major ŽIVANOVIĆ. This conversation went as follows:

(B=BEARA / Ž = ŽIVANOVIĆ):

B Hello General, Sir,
Ž: Hello, this is ŽIVANOVIĆ.
B: Hello?
Ž: Hello!
B: No, that's postponed (he is laughing)
Ž: It can't be postponed as long as there are .....
B: OK that, but that's new position, new day, new...
Ž: .....
B: OK then, listen bro,
Ž: Yes.
B: You know that day, I informed the commander about, FURTULA didn't send LUKIĆ's intervention platoon.
Ž: And LUKIĆ is waiting at BLAGOJEVIĆ.
B: LUKIĆ is here with me and his driver and we urged them on that.
Ž: Yes.
B: And yesterday FURTULA sent one soldier without an arm, and another one that LUKIĆ knows as (a) drunkard, fuck him.
Ž: Yes.
B: Instead of platoon.
Ž: Oh dear.
B: Simply, he doesn't give a damn about the commander's order. Well now, that platoon has 60 men.
Ž: .....
B: Have him send at least half.
Ž: Yes, yes.

[582] Intercepted military telephone communication between "Z" Zlatar Duty Officer and "P" Palma Duty Officer-Major Jokić, at 0939 hours, 15 Jul. 1995.
[583] Undated Telephone list for Zvornik Brigade, (CLSS English translation), undated Telephone Booklet for Zvornik Brigade, (CLSS English translation), and an undated list of relevant numbers of the Zvornik Brigade, (draft English translation), all of which list the telephone extension of the Chief of Security as being "139".

B: Say again?
Ž: To send them immediately /?./
B: Yes.
Ž: I can't arrange for that anymore.....
B: Uh-huh.
Ž: 385.
B: 385.
Ž: .....
B: 385.
Ž: That's right.
B: And that is, what telephone exchange is 385?
Ž: Zlatar and 385.
B: Uh-huh, Zlatar.
Ž: And stay on the line.
B: Uh-huh.
Ž: And ask for extension 385.
B: OK, thank you.
Ž: And we should have a drink.
B: Oh, yes of course. Take care and give my regards. (End of transcript) [584]

"FURTULA" is presumably Major Radomir FURTULA, the Commander of the 5th Podrinje Brigade (Višegrad Brigade), who has not followed the "boss' orders". As previously discussed, "Zlatar" is the telephonic code name for the Command of the Drina Corps. Analysis of "extension 385" indicates that it is associated with the Command Post of the Drina Corps, possibly a temporary extension which was linked to the Drina Corps Forward Command Post.

10.25 Almost immediately following the above conversation, the following conversation (noted by three separate intercept operators) occurred between Colonel Ljubo BEARA and General-Major Radislav KRSTIĆ:

(B= BEARA / K =KRSTIĆ)

B: General, FURTULA didn't carry out the boss's order.
K: Listen, he ordered him to lead out a tank, not a train.
B: But I need 30 men just like it was ordered.
K: Take them from NASTIĆ or BLAGOJEVIĆ, I can't pull anybody out of here for you.
B: But I don't have any here. I need them today and I'll give them back tonight. Krle, you have to understand. I can't explain it like this to you.
K: I'll disturb everything on this axis if I pull them out, and a lot depends on him.
B: But I can't do anything without 15 to 30 men with Boban INĐIĆ.
K: Ljubo, this /line/ is not secure.
B: I know, I know.
K: I'll see what I can do, but I'll disturb a lot. Check down with NASTIĆ and BLAGOJEVIĆ.
B: But I don't have any. If I did, I wouldn't still be asking for the third day.
K: Check with BLAGOJEVIĆ, take his Red Berets.

[584] Intercepted military telephone communication between "B" Beara and "Ž" Živanović, 15 Jul. 1995, at 0954 hours, *supra* n. 541.

B: They're not there, only four of them are still there. They took off, fuck 'em, they're not there anymore.
K: I'll see what I can do.
B: Check it out and have them go to Drago's.
K: I can't guarantee anything.
B: Krle, I don't know what to do anymore.
K: Ljubo, then take those MUP /Ministry of Interior/ guys from up there.
B: No, they won't do anything. I talked to them and there's no other solution but for those 15-30 men with INĐIĆ. That (they) were supposed to arrive on the 13th but didn't.
K: Ljubo, you have to understand me, you guys fucked me up so much.
B: I understand, but you have to understand me too, had this been done then, we wouldn't be arguing over it now.
K: Fuck it, now I'll be to one to blame.
B: I don't know what to do. I mean it Krle. There are still 3,500 "parcels" that I have to distribute and I have no solution.
K: Fuck it, I'll see what I can do. (End of transcript).[585]

Two other versions of this discussion exist, one a partial transcript that reflects the very beginning of the conversation, and the second, a full transcript that differs in minor aspects. In the partial transcript, both Colonel BEARA and General KRSTIĆ compromise their identities as they attempt to identify each other over the connection.[586] In the other complete version, the individual identified as "INĐIĆ" is identified as "Boban INĐIC", and is noted as "LUKIĆ's deputy".[587] Both full versions identify the issue of sending the men to "Drago's" and both reflect that Colonel BEARA still has 3,500 "parcels to distribute."

10.26 Reviewing the conversations listed in paragraphs 10.23, 10.24 and 10.25, it is apparent that both the former Commander of the Drina Corps, General-Major ŽIVANOVIĆ, and the current Commander, General-Major KRSTIĆ, were fully aware of the "plan of the boss", and the role which the Drina Corps was to play. Both knew that soldiers from the "Intervention Unit or Platoon " of Major FURTULA were to be sent to Colonel BEARA, and that it was supposed to arrive sometime on 13 July 1995. Further, as General ŽIVANOVIĆ acknowledged that he was no longer authorized to give orders pertaining troop issues, he passed Colonel BEARA to Major-General KRSTIĆ, who in fact instructed BEARA to coordinate directly with two subordinate Brigade Commanders. Colonel BEARA was instructed to call either "BLAGOJEVIĆ" (Colonel Vidoje BLAGOJEVIĆ, the Commander of the Bratunac Brigade, of which the "Red Beret" unit is a part of), and "NASTIĆ (Captain First Class Milomir NASTIĆ, the Commander of the Milići Brigade).

10.27 At the time this conversation took place, Colonel BEARA must have been physically present at the headquarters of the Zvornik Infantry Brigade. The prior reference to the fact that BEARA can be reached by calling "extension 139" (see paragraph 10.23), and his comment that people should be "sent to Drago's" (probably

[585] Intercepted military telephone communication between "K" Krstić and "B" Beara, 15 Jul. 1995, at 1000 hours, *supra* n. 542.
[586] Intercepted military telephone communication between "K" Krstić and "P" Beara, 15 Jul. 1995, at 0955 hours.
[587] Intercepted military telephone communication between "B" Beara and Krstić, 15 Jul. 1995, at 0957 hours, supra n. 542.

referring to Lieutenant Drago NIKOLIĆ the Chief of Security of the Zvornik Infantry Brigade) support this.

10.28 Further supporting this, by the morning of 15 July 1995, with the exception of the Muslim males held in Pilica and probably Ročević, there were no other known large concentrations of prisoners in the custody of the Drina Corps. Both these locations fall within the Zvornik Brigade zone, the school in Pilica in the zone of the 1st Infantry Brigade, and the school in Ročević in rear zone of the Zvornik Brigade.

10.29 As these discussions are occurring, bus and truck convoys of Bosnian Muslim men from Srebrenica are still entering the zone of the Zvornik Brigade. Witness "I" finally arrives at the school in Pilica on the afternoon of 15 July1995 (refer to paragraph 7.37).

10.30 With respect to the probable detention facility at the school in Ročević, the Zvornik Brigade Military Police roster for 15 July 1995 reflects that six of the ten Military Police officers present at Orahovac the day prior (including the commander Lieutenant Miomir JASIKOVIĆ) were present at place designated by the letter "R" (refer to paragraphs 7.16-7.17). While there is no name associated with the initial "R" discernible on the sheet roster, an effort was made to erase the notation "R" and replace it with "T" (terrain).

10.31 On 15 July 1995, the Opel "Rekord" (P-4528) assigned to the command of the Zvornik Brigade travels the route: Standard-Divić-Zvornik-Standard-Kozluk-Standard-Ročević-Kozluk-Loko-Kula-Pilica-Loko. Total vehicle mileage on 15 July 1995 was 206 kilometers (refer to paragraphs 7.3-7.4).

10.32 By the early afternoon of 15 July 1995, various Drina Corps and Special Police units are arriving in the zone of the Zvornik Infantry Brigade, to deal with the Bosnian Muslim military threat. As noted in paragraph 7.70, these various commanders meet at the headquarters of the Zvornik Infantry Brigade.

10.33 At 1725 hours, the Command of the Bratunac Brigade forwards its Daily Combat Report to the Command of the Drina Corps, and also the DK Forward Command Post (IKM). In paragraph 2 of this report, it is noted that a unit of 80 soldiers was sent to the area of the Zvornik Light Infantry Brigade.[588] This report also reflects that the Bratunac-Konjević Polje road is "still not 100% safe from Turkish fugatives."[589] With respect to the 80 person unit from Bratunac, this unit is in fact the 4th Company of the 2nd Battalion of the Bratunac Infantry Brigade, under the command of Lieutenant Zoran KOVAČEVIĆ.[590] This same unit and commander was present and filmed in Potočari on 12 July 1995 (refer to see paragraph 5.11).

10.34 At 1911 hours, the Duty Officer of the Zvornik Brigade (identified as "ND") forwards the Regular Combat Report to the Drina Corps. This report reflects that units

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588 1.Brlpbr Daily Combat Report 03-253-105, *supra* n. 357.

589 *Ibid,* paragraph 3.

590 Notebook of Lieutenant Zoran Jovanović, (CLSS English translation), the Acting Commander of the 2nd Battalion of the Bratunac Infantry Brigade. The 15 July 1995 notation reflects that at a 0700 meeting that morning, a reference was made the upcoming 20 July deployment of a rotation to Trnovo, and also a deployment of 54 conscripts from the 4th Infantry Company on Crni Vrh.

which had been involved in operations in the Srebrenica and Zvornik area had returned, and were now in action against enemy groups retreating from Srebrenica.[591]

10.35 Less than one-half hour later, the Commander of the Zvornik Infantry Brigade sends his own Interim Combat Report to the Command of the Drina Corps.[592] In this report, Lieutenant Colonel Vinko PANDUREVIĆ detailed the situation in his Brigade's zone of operations. In the beginning of this report, he notes that there are presently about "3000 armed and unarmed enemy soldiers" in the wider areas of Pandurice, Planici, Crni Vrh, Kamenica and Glođansko Brdo.[593] In paragraphs four and five (unnumbered) of this report, he specifically noted the following:

> "An additional burden for us is the large numbers of prisoners distributed throughout schools in the brigade area, as well as obligations of security and *restoration of the terrain* (asanacija)." [594]

> "This command cannot take care of these problems any longer, as it has neither the material nor other resources. If no one takes on this responsibility, I will be forced to let them go."

This report was sent to the Command of the Drina Corps at 1925 hours on 15 July 1995.[595] As noted in Chapter Seven, when this report was sent, the Muslim males held at Orahovac and Petkovci were already dead for the most part buried.

10.36 In the 15 July 1995 CJB Zvornik report to the RS MUP, the Cabinet of the Minister (Pale) the HQ Police Forces and the HQ of the Police in Vogošća, CJB Chief Dragomir VASIĆ noted that for the immediate protection of the town (Zvornik) and fighting the column elements near the town, there are two police companies from PJP Bijeljina, one from PJP Doboj, and one platoon of the company from Zvornik.[596] VASIĆ also notes that units of the 2nd and 4th SOP (Special Police) as well as a company of mortars has been deployed in the area of Crni Vrh and Baljkovica, together with the VRS.

10.37 Turning to 16 July 1995, the involvement of key personnel on from the Zvornik Infantry Brigade, the Bratunac Infantry Brigade, the Drina Corps Staff, as well as the VRS Main Staff continues in the mass execution process. That day, the Bratunac Brigade Military Police log notes that "one police patrol remained in Pilica to secure and watch over the Muslims" (refer to para 7.51).[597]

10.38 On 16 July 1995, the Opel "Rekord" (P-4528) assigned to the command of the Zvornik Brigade travels the route: Standard-Kozluk-Ročević-Pilica-Še (remainder illegible)-Kravica-Zvornik. Total vehicle mileage on 16 July 1995 was 144 kilometers. (refer to paragraphs 7.3-7.4).

10.39 That morning, Dražen Erdemović and a group of eight soldiers from the 10th Sabotage Detachment (a Main Staff asset) were directed to report to the headquarters of

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591 1. Zvpbr Regular Combat Report 06-217, *supra* n. 461
592 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 462.
593 *Ibid.* Paragraph 1.
594 Vojni Lexicon, *supra* n. 463.
595 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 462; see 1.Zvpbr communications centre processing stamp.
596 CJB Zvornik Report 01-16-02/1-205/95, *supra* n. 332.
597 1.Brlpbr Military Police Daily Log, *supra* n. 165.

the Zvornik Brigade.[598] The are subsequently escorted by an unidentified Army Lieutenant Colonel and two Drina Corps Military Police officers to the Branjevo Military Farm, which belongs to the 1st Infantry Battalion of the Zvornik Infantry Brigade (refer to paragraph 7.46). Busses loaded with Bosnian Muslim men start arriving from Pilica at approximately 1000 hours. The men are subsequently executed during the course of the day, first by members of the 10th Sabotage Detachment, and later by "men in military uniforms from Bratunac".[599]

10.40 Later that morning, at 1111 hours on 16 July, Colonel BEARA was intercepted (by ABiH II Corps) discussing a prisoner-related issue with a "CEROVIĆ". As transcribed:

(C=CEROVIĆ / B=BEARA /X=unidentified)

C: Hey, listen to me. Triage has to be done today...? ...taken prisoners. /as printed/
X: Yes.
C: ..... (distorted modulation).
X: To do triage.
C: Triage has to be done on the prisoners.
X: Colonel BEARA is right here by me.
C: Give me BEARA.
X: Go ahead.
B: Yes?
C: Ljubo.
B: I hear you.
C: Hello! CEROVIĆ speaking.
B: I hear you.
C: TRKULJA was here with me just now and he was looking for you. I don't know.
B: Yes.
C: So, he told me...? ...he got instructions from above.
B: Yes.
C: To do triage on those (he is interrupted).
B: I don't want to talk about it over the phone.
C: OK.
B: OK, take care. (End of transcript)[600]

The individual identified as "CEROVIĆ" is almost certainly Colonel Slobodan CEROVIĆ, the Drina Corps Assistant Commander for Moral, Legal and Religious Affairs.[601] The individual identified as "TRKULJA" is probably Colonel Nedo TRKULA, from the VRS Main Staff.[602]

10.41 Later that day, starting at 1356 hours, another series of conversations occurred between the "Palma" Duty Officer and "Zlatar", dealing with issues of fuel at a location

[598] Krstić Trial testimony of Dražen Erdemović, (T.3119)
[599] *Ibid*, (T.3133-3136).
[600] Intercepted military telephone communication between "C" Cerović and "B" Beara, 16 Jul. 1995, at 1111 hours.
[601] Colonel CEROVIĆ is identified in other intercepts on both 16 and 17 July 1995.
[602] VRS Main Staff Order 03/4-1670, *supra* n. 364. Other intercepts identify him as the Chief of the Armor and Mechanized Forces Department of the VRS Main Staff.

where executions were known to have been occurring at the time. These conversations followed in sequence:

Conversation One - 16 July 1995: 1358 hours (P=Palma / Z-Zlatar)

P: Hello Zlatar. Give me the duty officer.
Z: Yes?
P: Palma duty officer speaking, 500 liters of D2 /diesel fuel/ for Lieutenant Colonel POPOVIĆ.
Z: For LTC POPOVIĆ?
P: Yes

Line disconnects. The switchboard operation asks "who's there." (End transcript).[603]

Conversation Two - 16 July 1995: 1358 hours (P=Palma / G= Major GOLIĆ / C= Unknown)

P: Is Major GOLIĆ there?
C: Yes.
P: Let me talk to him.
P: GOLIĆ, Pop just called me and told me to contact you. 500 liters of D2 have to be sent to him immediately, otherwise his work will stop.
G: Yeah, man
P: Yeah, 500 liters or else his work will stop.
P: Go on, right away.
G: Bye. (End of transcript).[604]

Conversation Three - 16 July 1995: 1358 hours

(P=Palma / Z=Zlatar / B=BAŠEVIĆ / C=Unknown / X=Unknown)

P: The Duty officer at Palma
C: Who do you want?
P: I want to talk to the Zlatar Duty Officer.
X: Hello! How did you get connected here?
P: Hello, is that BAŠEVIĆ?
X: What?
P: Is that BAŠEVIĆ?
X: Just a moment.
P: Hello! Is that BAŠEVIĆ?
B: Yes it is.
P: The guys at Zlatar didn't understand well, I asked for the duty officer, you know?
B: Yes.

[603] Intercepted military telephone communication between "Palma" and "Zlatar"; "G" Golić and "C" unknown; "B" Basević, "X" unknown and "P" Palma Duty Officer, 16 Jul. 1995, at 1358 hours.
[604] Intercepted military telephone communication between "G" Golić and "C" unknown, 16 Jul. 1995, at 1358 hours.

P: Lieutenant Colonel POPOVIĆ is here at Palma, you know?
B: What?
P: POPOVIĆ is at Palma.
B: Yes.
P: 500 liters of D2 are urgently being asked for him or else the work he's doing will stop.
B: Well fuck him, don't you have 500 liters of oil? They're asking for 2 tons loaded.
P: Well, I don't know. He just called me from the field and told me to pass you the message over there.
B: Two tons are arriving now at your place/?brought by two men/ you can't find oil /as printed/. Should I deliver it by helicopter?
P: Well, then get in touch with ROŠEVIĆ.
(line disconnects) (End of transcript)[605]

Conversation Four - 16 July 1995: 1358 hours (P=Palma X=Unknown)

P: A bus loaded with oil is to go to Pilica village. That's it.
X: 500 liters.
P: No, it should go with its fuel tank from the vehicle battalion.
X: So it's separate.
P: Yes, yes, it should be separate.
X: .....
P: There is, but LTC KRSMANOVIĆ over at your place has to call the vehicle battalion here.
X: .....
P: Do it please. Bye. (End of transcript)[606]

As previously noted, Lieutenant Colonel POPOVIĆ is the Drina Corps Assistant Commander for Security Affairs. Major GOLIĆ is an Intelligence Officer on the Drina Corps Staff, and Lieutenant Colonel KRSMANOVIĆ is the Chief of Drina Corps Transportation branch. Major BAŠEVIĆ is the Chief of Technical Services of the Drina Corps (Rear Services).

10.42 Related to this series of conversations, the technical service records of the Zvornik Infantry Brigade contain two references to this fuel. The first document is a form "MP-20" (Material List for Dispatch) dated 16 July 1995.[607] It reflects that 500 liters of D2 (diesel) fuel were disbursed to the "KDK" (Command of the Drina Corps), for Lieutenant Colonel POPOVIĆ on 16 July 1995. The form also notes that 140 liters of D2 were returned. Item 1 of this form reflects this transaction listed as 21/1-2140. The second is the corresponding technical material disbursal logbook, which reflects this transaction as under item 2140. In this log, it reflects 500 liters of D-2 to the KDK on 16 July 1995. [608]

[605] Intercepted military telephone communication between "B" Basević, "X" unknown and "P" Palma Duty Officer, 16 Jul. 1995, at 1358 hours.
[606] Intercepted military telephone communication between "P" Palma Duty Officer and "X" unknown, 16 Jul. 1995, at 1358 hours.
[607] 1.Zvpbr Dispatch Order 21/1-2140, (CLSS English translation), 16 Jul. 1995.
[608] Technical Material Disbursal Logbook, 11 May 1994.

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10.43 During the period these conversations were occurring relative to fuel, Muslim males were being transported from detention center(s) at Pilica to the Branjevo Military Farm, where they were executed.

10.44 Later on 16 July 1995 (at 2116 hours), Lieutenant Colonel POPOVIĆ called "Zlatar", looking for General-Major KRSTIĆ. On finding him unavailable, he spoke to an unidentified individual whose last name is RAŠIĆ.[609] In the context of this discussion, POPOVIĆ told RAŠIĆ that he has "...finished the job, and that he will come there tomorrow, so tell the General." He also noted that:

> "...in general, there weren't any major problems, but up there (location unspecified), their were horrible problems and that thing the commander sent, it was just the right thing."[610]

10.45 Further, in reaction to a question pertaining to the arrival of the men from the unit of Vidoje BLAGOJEVIĆ, Lieutenant Colonel POPOVIĆ noted:

> "...Yes it (they) arrived...it's up there. ...it's up there but it didn't arrive in time and it wasn't brought in on time. And the others who arrived, did arrive but they were late so they weren't brought in on time, and that's why the commander who was here had problems.[611]

Lieutenant Colonel POPOVIĆ finished the conversation by telling RAŠIĆ that he would be staying here (presumably at Palma) until he was sure that "all has been taken care of...he will come there tomorrow." From the context of the conversation, it is clear that Lieutenant Colonel POPOVIĆ was calling from the "Palma" headquarters.

10.46 Finally on 16 July 1995, the Command of the Zvornik Brigade noted the presence of other military units in the zone of the Brigade, and operating under his command. In the 16 July 1995 Interim Combat Report to the Command of the Drina Corps, Lieutenant Colonel Vinko PANDUREVIĆ reported that his forces consisted of the following: "the Zvornik Infantry Brigade, a MUP company (100 people), two platoons from the Bratunac Infantry Brigade, and a part of the Military Police Platoon from the East Bosnia Corps."[612] He also notes that in view of his own losses, and the prospect that the Bosnian Muslim column will continue to move with an "absolute determination," he has brokered an agreement to allow the column to pass though to Bosnian Muslim territory. He anticipates that 5000 "civilians" will be passing though to the Bosnian Muslim lines. LTC PANDUREVIĆ also notes that he is requesting the return of a captured policeman and his missing soldiers. These reinforcements (as described) could only have been made available by the Command of the VRS Drina Corps and the VRS Main Staff.

10.47 By the evening of 16 July 1995, Muslim males from the Pilica area had been executed at the Branjevo Military Farm, and at the Cultural Centre in Pilica. Earthmoving equipment from the Zvornik Brigade was enroute from Orahovac to the

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[609] Intercepted military telephone communication between "P" Popović and "R" Rašić at Operations Centre, at 2116 hours, *supra* n. 436.
[610] *Ibid.*
[611] *Ibid.*
[612] 1 Zvpbr Interim Combat Report 06-218, *supra* n. 434.

Branjevo Military Farm to bury the dead. Executions may have also been completed at the Kozluk site by the evening of 16 July 1995.

10.48 Turning to 17 July 1995, communications between the 1st Zvornik Infantry Brigade and the VRS Drina Corps continued to be monitored by ABiH II Corps intercept sites. At 0615 hours, General-Major KRSTIĆ was noted talking with Captain TRBIĆ, who was the duty officer of the Zvornik Brigade at that time, and also with Lieutenant Colonel Vinko PANDUREVIĆ.[613] In the course of this conversation, General-Major KRSTIĆ acknowledged that he had received reports sent by the Zvornik Brigade, and personally received an update on the situation in the zone from the Brigade Commander. There was no discussion of Muslim prisoner related issues.

10.49 At 1242 hours on 17 July 1995, a subscriber identified as "Zlatar 01" called Major GOLIĆ, looking for POPOVIĆ. In the course of the conversation, Major GOLIĆ told "Zlatar 01" that "POPOVIĆ is still in Zvornik, but will be back in the afternoon". Major GOLIĆ also identified "Zlatar 01" as a "General". "Zlatar 01" finished the conversation by instructing Major GOLIĆ to "find POPOVIĆ, and have him call the Forward Command Post immediately".[614]

10.50 Reacting to this conversation, at 1244 and 1249 hours, the following two conversations occurred:

Conversation One - 17 July 1995: 1244 hours. (T=TRBIĆ / X=Unknown)

T: Can I help you?
X: Tell me, is Pop there?
T: No.
X: You don't know where he is?
T: Well, he went there, to, towards that task.
X: North of you?
T: Yes.
X: Listen.
T: Yes?
X: Please do your very best, they won't....across your units.
T: Yeah.
X: That they leave right away for here, for Zlatar 01 he says.
T: OK
X: Right away and (they stay?) and this....get in touch with him please.
T: But it is hard for me to do that.
X: I know, Drago told me, but...don't think of it that way.
T: Hello! Hello!
X: Don't think that it's hard.
T: I'll try to have /him?/ go up directly.
X: Yes, but before /he?/ leaves /he?/ should come to see me.
T: Yes, yes, yes, yes.
X: But right away.
T: OK

[613] Intercepted military telephone communication between "K" Krstić, "T" Trbić and "P" Pandurević, 17 Jul. 1995, at 0615 hours, *supra* n. 545.
[614] Intercepted military telephone communication between "MG" Major Golić and "G" General at Zlatar 01, 17 Jul. 1995, at 1242 hours.

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X: It's not (a small thing?).
T: OK
X: That's all my friend.
T: All right, take care.
X: Please, try and get in touch with him.
T: OK. (End of transcript)[615]

Conversation Two - 17 July 1995: 1249 hours.

T: Hello
X: Hey, TRBIĆ!
T: Yes?
X: Listen.
T: Yes?
X: It's changed again.
T: Yes.
X: If you get in touch with him, let him finish that work.
T: Yes.
X: and have him come /here/ immediately.
T: OK
X: So, let him finish that work he's doing, and have him report immediately here at (GOLAC's) /GOLIĆ's/.
T: OK, then, I'll let him work, I won't disturb him. And then he'll stop by over here.
X: Unless you have the possibility for him to (in a hurry?) like that /as printed/.
T: It's very hard for me to reach him, that's the problem, but he will for sure, he's working on that, you know /as printed/. The preparation is mainly finished.
X: Good.
T: That's it.
X: But if he comes from your place, call me immediately from there.
T: OK
X: That's it.
T: Bye. (End of transcript)[616]

10.51 In reviewing the material of paragraphs 10.49 and 10.50, "Zlatar 01" is General-Major KRSTIĆ, who was looking for Lieutenant Colonel POPOVIĆ.[617] Major GOLIĆ (or a subordinate of GOLIĆ's) then called the PALMA (Zvornik Brigade) headquarters, looking to see if POPOVIĆ was present. TRBIĆ, is Captain Milorad TRBIĆ, a security officer in the Zvornik Infantry Brigade.[618]

[615] Intercepted military telephone communication between "T" Trbić and "X" unknown, 17 Jul. 1995, at 1244 hours.
[616] Intercepted military telephone communication between "T" Trbić and "X" unknown, 17 Jul. 1995, at 1249 hours.
[617] Refer to intercepted miltary telephone communication, 17 Jul. 1995, at 0910 hours for an additional reference to General Krstić being identified as "Zlatar 01", *supra* n. 547.
[618] Roster of the "Command of the 1st Zvornik Infantry Brigade Headquarters", (CLSS English translation), Jul. 1995.

10.52 At 1622 hours on 17 July 1995, Lieutenant Colonel POPOVIĆ was noted in a conversation with an unidentified individual, whom he refers to as "boss". Only one side of the conversation (POPOVIĆ as the transmitter) was intercepted. As transcribed:

> P: Hello, it's POPOVIĆ...boss...everything's OK, that job is done...everything's OK...everything has been brought to an end, no problems...I'm here at the place...I'm here at the place where I was before, you know...I'm at the base...at the base, the base... Can I just take a little break, little break, take a shower and then I'll think again later...basically, that all gets an "A"...an "A"...the grade is "A", everything's OK...that's it, bye, take care. (end of transcript). [619]

10.53 By the evening of 17 July 1995, all large-scale execution activity was completed. Most of the burial activity related to the executions was also completed. As noted in the Brigade vehicle logs (refer to paragraph 7.43), the following vehicles were active at the Branjevo execution and burial site on 17 July 1995: an ULT 220 from "Birac-Holding" (no license plate number) was in operation for eight and one-half hours. At the same time, a Mercedes 2626 truck (license plate M-5195) was active in towing a "BG-700" on a trailer from "base" to Standard (Zvornik Brigade headquarters) to Branjevo, and later returning to the base that same day. As is the case for Orahovac, there is no utilization record for a BGH-700 excavator with the records of the Zvornik Brigade. However, on 17 July 1995, the Fuel Disbursal Log of the Zvornik Brigade notes that on 17 July 1995, 100 liters of D2 (diesel) was allocated to a "BGH-700."

10.54 Further, as previously noted (paragraph 7.44), records from the Commander's Daily Order Journal of the Engineer Company of the Zvornik Brigade indicates the following assignments that were to be carried out that day: Assignment # 2 work with the BGH-700 in Branjevo; Assignment # 3 work with the ULT 220 in Branjevo; and Assignment # 5 transportation of BGH-700 to Branjevo on a flat trailer. Further evidence of activity at Branjevo can be seen on overhead imagery of the Branjevo site on 17 July 1995. The image shows one excavator engaged in digging a pit for the burial of bodies at the execution site (refer to paragraph 7.45).

C. Information Acquired by the Drina Corps and subordinates after the Mass Executions

10.55 Following the completion of the mass executions in the zone of the 1st Zvornik Infantry Brigade, the Command of the VRS Drina Corps, as well as the subordinate units contined to send and receive information pertaining to the events that occurred relative to the Muslim prisoners. During the morning of 18 July 1995, ABiH II Corps intercepted a conversation between General-Major KRSTIĆ and Colonel CEROVIĆ. In the course of this discussion, Colonel CEROVIĆ noted that "Vinko has stabilized the situation and that he will send an additional report." [620]

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[619] Intercepted military telephone communication between"P" Popović and and unidentified individual, 17 Jul. 1995, at 1622 hours.

[620] Intercepted military telephone communication between "K" Krstić and "C" Cerović, 18 Jul. 1995, at 0716 hours, *supra* n. 362.

10.56 Later that day, the Zvornik Brigade Commander, Lieutenant Colonel Vinko PANDUREVIĆ, wrote and sent Interim Combat Report 06-222 to the Command of the Drina Corps.[621] In paragraph four of this report, PANDUREVIĆ critically noted that:

> "During the last 10 days or so, the municipality of Zvornik has been swamped with Srebrenica Turks. It is inconceivable to me that someone brought in 3,000 Turks of military age and placed them in schools in the municipality, in addition to the 7,000 or so who have fled into the forests. This has created an extremely complex situation and the possibility of the total occupation of Zvornik in conjunction with the forces at the front. These actions have stirred up great discontent among the people, and the general opinion is that Zvornik is to pay the price for the taking of Srebrenica." [622]

As previously stated, this establishes the number of Muslim males known to have been held in schools in the zone of the Zvornik Brigade at (at least) 3,000.

10.57 Following up this Interim Report, on 19 July 1995, Lieutenant Colonel PANDUREVIĆ discussed this issue with Colonel CEROVIĆ. Colonel CEROVIĆ informed PANDUREVIĆ that the "Interim Report" was received, and that he (CEROVIĆ) "...presented it to KRSTIĆ, along with his own report..." [623]

10.58 On 22 July 1995, the Command of the Zvornik Brigade sent Interim Combat Report 06-229 to the Drina Corps Command.[624] Paragraph one of this report informed the Drina Corps Command that 10 enemy soldiers were "liquidated", and that "23 Muslim soldiers were captured". Paragraph one also notes, that "the Osmaci TG" (Tactical Group) captured an additional 17 Muslims. Further, paragraph three of this report specifically requests instructions from the Drina Corps Command, "as to what to do with the prisoners, where to put them, and to whom to hand them over."[625] Subsequent daily Combat Reports from the Zvornik Brigade note additional Muslims being captured by the Brigade.[626]

10.59 On 23 July 1995, the 3rd Radio Reconnissance Platoon (East Bosnia Corps) forwarded a report on their electronic surveillance of Bosnian Muslim communications in Eastern Bosnia. In this report, a great deal of information collected on 22 July 1995 pertaining to the activities of Bosnian Muslims trapped behind the lines was reported. Further, this report notes that on 22 July 1995 (at 1715 hours), a person turned up in Tuzla, and said:

> "...fleeing from Srebrenica, he had been captured, brought before a firing squad, but managed to escape. He also said that the Army of

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[621] 1.Zvpbr Interim Combat Report 06-222, *supra* n. 467.
[622] *Ibid.*, para. 4.
[623] Intercepted military telephone communication between Col. Cerović and Maj. Eškić, 19 Jul. 1995, at 0807 hours; intercepted military telephone communication between "C" Cerović and "V" Vinko Pandurević, 19 Jul. 1995, at 0812 hours.
[624] 1.Zvpbr Interim Combat Report 06-229, *supra* n. 497.
[625] *Ibid.*, para. 3.
[626] 1.Zvpbr Daily Combat Report 06-230/1, *supra* n. 499; 1.Zvpbr Daily Combat Report 06-231/1, *supra* n. 499.

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the Republika Srpska had so far executed by firing squad about 2500 persons from Srebrenica and its environs."[627]

A copy of this report was passed to the headquarters of the Zvornik Infantry Brigade.

D. Specific Observations

10.60 As detailed in Chapter Seven (paragraphs 7.59-7.79) a significant number of officers, soldiers and units of the Zvornik Infantry Brigade were involved in many of the actions that were components of the mass execution process. The same can be said for the Bratunac Light Infantry Brigade, and also of their parent command, the Drina Corps.

10.61 With respect to the role the Zvornik Brigade Chief of Staff, from 04 July 1995 until approximately 1200 hours on 15 July 1995, Major Dragan OBRENOVIĆ was performing the function of the Brigade Deputy Commander, in the absence of the Brigade Commander, Lieutenant Colonel Vinko PANDUREVIĆ. During this period, the decision was made to transport thousands of Bosnian Muslim men to the Zvornik Brigade zone, and to house them in schools there. The visible manifestation of this effort begins on 13 July, when a vehicle of the Zvornik Brigade Command traveled to locations, which would later become associated with the detention of thousands of prisoners. These schools located in the zones of the 4th, 6th, 2nd and 1st Infantry Battalions of the Zvornik Brigade.

10.62 Under even the most benign circumstances, the involvement of a number of officers of the Zvornik Brigade Command would have been required to deal with logistical and security arrangements associated with successfully dealing with even the minimum number of approximately 3000 prisoners of war, even for a short duration. At the Brigade Command alone, the Assistant Commander for Security, and the Assistant Commander for Logistics would have been heavily involved in these issues. From a security aspect, even if the full compliment of Brigade Military Police Company (89 personnel assigned) had been available for exclusively guarding prisoners, it is difficult to envision how it could have ensured the 24 hours a day security of thousands of prisoners in five different locations (Orahovac, Petkovci, Pilica School, Pilica Dom and the school at Ročević) without significant reinforcement. In reality, the majority of the Military Police company (2 platoons), as well as the few remaining reserve units (intervention platoons) had been deployed along the anticipated route of the column by Major OBRENOVIĆ on 12-13 July 1995. Given the nature of the threat the column posed, it is hard to envision these deployments could have been withdrawn from front-line positions without the knowledge, and approval of the relevant Battalion Commanders, and the Brigade Deputy Commander.

10.63 This issues is particularly relevant with respect to the Assistant Commander for Security, Lieutenant Drago NIKOLIĆ who was, on 13 July 1995, Duty Officer at the Brigade Forward Command Post (IKM). As previously noted, he was extraordinarily relieved during that evening. Again, under the prevailing military circumstances at the time, it is hard to envision that he would have been able to leave the IKM without the knowledge, and approval of the Brigade Deputy Commander, Major OBRENOVIĆ.

10.64 With respect to the logistics and life-support for a minimum number of 3000 prisoners, this efforts should have heavily involved the Assistant Commander for Rear Services of the Zvornik Brigade, Captain First Class Streten MILOŠEVIĆ. As previously

[627] IBK 3rd Radio Recon Platoon Report 25/2-202, (CLSS English translation), 23 Jul. 1995. Page 1.

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noted in paragraph 7.78, the Brigade Rear Services Branch would have nominally been responsible for food, water, medical and sanitation support for these prisoners. Given the number of prisoners involved, this would have (in effect) almost doubled the daily consumption of these resources for the Zvornik Infantry Brigade. Such requirements would have also significantly impacted the Quartermaster Branch and the Medical Service branches of the Drina Corps as well, resulting in a great deal of coordination and support between the two. In fact, the prisoners received almost no such life-support. Such prisoner logistics issues are (by regulation -1984 *Brigade Rules*) under the auspices of the Assistant Commander for Rear Services, and under the circumstances, presumably the order to not make these preparations on 13 July 1995 could have only come at the time from the Brigade Deputy Commander. [628] Conversely, the Zvornik Brigade Rear Services Branch was fully aware of issues related to providing fuel for the burial operations, and moving the Engineer equipment to the required locations.

10.65 With respect to the Bosnian Muslim prisoner convoy movements from the Bratunac Infantry Brigade zone to the Zvornik Infantry Brigade zone, the Command of the Drina Corps was heavily involved in the process, under the direction of Colonel Lazar ACAMOVIĆ, the Drina Corps Assistant Commander for Rear Services, and Lieutenant Colonel Rajko KRSMANOVIĆ, the Drina Corps Chief of Transportation Services. The Bratunac Brigade was also involved in this process, providing both fuel and a military police escort for at least some of these convoys. With the known road closures and military activity related to the Bosnian Muslim column movement, the security of these prisoner convoys would have been of concern to the unit commanders and their security officers. First, with respect to both physical security and traffic control, the Bratunac Brigade Assistant Commander for Intelligence and Security, Captain First Class Momir NIKOLIĆ would have been involved in this process. By duty position, he would have been aware of the use of elements of the Bratunac Brigade Military Police Platoon to escort convoys into the zone of the Zvornik Brigade. Presumably, the Bratunac Brigade Commander, Colonel Vidoje BLAGOJEVIĆ would have also been aware of this activity, particularly as prisoners were being moved from the Bratunac Brigade zone until at least the early morning hours of 15 July 1995. At the same time, the Security Branch and the Operations Departments of the Zvornik Brigade would have also been aware of these prisoner convoy movements, given the requirement to coordinate their arrival in various locations. In fact, given the convoy routes to all the known detention sites in the Zvornik Brigade zone, the bus and truck convoys would have passed directly in front of the headquarters of the Zvornik Infantry Brigade from the late night hours of 13 July 1995 through the early afternoon of 15 July 1995.

10.66 As previously noted (paragraphs 7.64 and 7.65), ABiH intercepts of 14 July 1995, at 2102 hours, the Zvornik Duty Officer that day, Major Dragan JOKIĆ, was calling the headquarters of the Bratunac Brigade (Badem) looking for Colonel BEARA (Chief of the Main Staff Security Administration). This call was to inform Colonel BEARA that they are having difficulties with the "parcel." Shortly thereafter, in a call from an individual believed to be General-Major MILETIĆ (the Chief of Operations of the Main Staff), Major JOKIĆ notes that "they had been reporting on the number of people since this morning" and that "OBRENOVIĆ was maxxed out."

[628] Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine and Light Brigades) 1984, Introduction, para 295. Refer to VRS Brigade Command Report dated 31 October 2002.

10.67 ABiH intercepts for 15 July 1995 reflect that by 1000 hours that day, Colonel BEARA was present at the headquarters of the Zvornik Brigade, and could be reached at "extension 139". As noted, this coincides with the phone extension of the Zvornik Brigade Chief of Security. He further indicated in a conversation with General-Major KRSTIĆ, the Commander of the Drina Corps, that any reinforcements that may be found should be sent to "Drago's". Finally, at that time, Colonel BEARA noted to General-Major KRSTIĆ that he had "3500 parcels yet to distribute, and has no solution."

10.68 By approximately noon on 15 July 1995, Lieutenant Colonel Vinko PANDUREVIĆ had returned to the zone of the Zvornik Brigade. Also arriving were members of the Zvornik municipal MUP (specifically CJB Chief VASIĆ, and elements of the 1st PJP Company of Special Police). Also arriving in the area was Ljubiša BOROVČANIN, and the 2nd Detachment (Šekovići) of the Special Police Brigade. This 2nd Detachment was the same unit which had one police officer killed and had another wounded in Kravica on at 1730 hours on 13 July 1995. Also being dispatched to the Zvornik Brigade zone is the 4th Company of the 2nd Battalion of the Bratunac Brigade.

10.69 At the time the Zvornik Brigade Commander returned from the area near Žepa, the Muslim prisoners who had been held at the school in Orahovac (in the 4th Battalion zone), and the "new" school in Petkovci (in the 6th Battalion zone) were executed. Personnel and equipment belonging to the Brigade Engineer Company were involved in the finishing the burial of both groups of victims. Bosnian Muslim men were being held at the school in Pilica (1st Battalion zone) the Dom in Pilica (1st Battalion zone) and probably the school in Ročević (Brigade rear/ 2th Battalion zone). By 1900 hours, Lieutenant Colonel PANDUREVIĆ is well acquainted with the situation in his zone, both in terms of the military situation (dealing with the column) and with the Muslim prisoners still held in schools. He notes in his report to the Command of the Drina Corps these issues of security obligations and burial represent a significant burden on him, and that "...his command cannot take care of these problems any further."[629] He also notes that "if no one takes on this responsibility, I will be forced to let them go."

10.70 By 16 July 1995, the mass executions are again underway in the zone of the Zvornik Brigade. As noted in paragraphs 10.37-10.47, a coordinated effort involving elements and personnel of the VRS Main Staff, the Drina Corps, the Zvornik Brigade and the Bratunac Brigade all coordinate in various components of the mass executions at the Branjevo Military Farm and the Pilica Dom. The burial process continues on 17 and 18 July 1995.

10.71 At this same time (17 July 1995), the Commander of the Bratunac Brigade (Colonel Vidoje BLAGOJEVIĆ) reported to the Drina Corps that his unit was still taking prisoners in their zone, including Muslim boys between 8-14 years old. They also required assistance from the Corps Command in transporting wounded Muslim prisoners from the Bratunac Health Center (refer to paragraphs 6.44-6.45). Captain First Class Momir NIKOLIĆ notified both the VRS Main Staff and the Drina Corps Intelligence Branches the next day (18 July 1995) that these prisoners were successfully evacuated with a police escort provided by the Drina Corps.[630] During that same period, units of the Zvornik Infantry Brigade were also taking Bosnian Muslim soldiers and civilians into custody as a result of the engagement with the Bosnian Muslim column. At least the 7th Infantry Battalion notes moving some prisoners on these days. However, there is no

[629] 1. Zvpbr Interim Combat Report 06-217-1, *supra* n. 462.
[630] 1. Brlpbr Intelligence Report 08-34/95, (CLSS English translation), 18 Jul. 1995.

reference to these prisoners in the 16 or 17 July Combat Reports from the Zvornik Brigade. The first reference to prisoners actually taken by the Zvornik Infantry Brigade comes on 18 July 1995, when Captain First Class Duško VUKOTIĆ (the Zvornik Brigade Assistant Chief of Staff for Intelligence) reported to the Drina Corps Intelligence Department that they had "one live source, a Nedad AHMETOVIĆ, who was a computer operation responsible for maintaining the communications of the headquarters of the BH 28th Infantry Division. It also notes this individual was handed over to the Intelligence Administration of the VRS Main Staff. The issue of prisoners from the column is further discussed by the Zvornik Brigade on 19 July 1995, where they report an additional two prisoners being taken (see paragraph 8.10). Also, on 22 July, where the Zvornik Brigade requests guidance from the Drina Corps as to what they should do with the prisoners they have in their custody (see paragraph 8.21).

10.72 Finally, returning to 18 July 1995, LTC Vinko PANDUREVIĆ critically examines the issues surrounding the operation related to the capture of Srebrenica. In his Interim Report to the Drina Corps Command (refer to paragraph 10.56), he critically distinguishes between the issues of the column, and the issues of Muslim Prisoners in the schools. Ultimately, he notes that this entire affair has caused a great deal of "discontentment" within the Zvornik municipality.

CHAPTER ELEVEN: Concealment and Reburial

11.0 In contrast to the pattern of normal military accountability procedures followed by the VRS Drina Corps and subordinate formations during the actual commission of the criminal acts, the concealment aspects of the crime took place under a much greater cloak of secrecy. As a result, there are few documents or orders that can be used to track the commission of the concealment and reburial in the same manner as the commission of the actual crime. However, some material and notations do exist and, while not conclusive, in conjunction with the investigative components of this aspect of the crime, it demonstrates the knowledge of the VRS Main Staff, the Drina Corps, and both the Zvornik Brigade, and the Bratunac Brigade.

11.1 Investigation of the crime scene in the zone of the 1st Zvornik Infantry Brigade indicates that the following disturbances occurred:

- between an undetermined start date (prior to 27 September) and 02 October 1995, the primary burial site known as Lazete 2 (Orahovac) was disturbed and remains reburied in secondary sites near Hodžiči;

- between 07 September and 02 October 1995, the primary burial site known as Petkovci was disturbed and the remains reburied in a secondary site near Liplje; and,

- between an undetermined start date (prior to 27 September) and 02 October 1995, the primary burial site known as Kozluk was disturbed and the remains reburied in a secondary site near Čančari.

11.2 On 14 September 1995, the VRS Main Staff issued Main Staff order 03/4-2341. This order, under the signature block of General-Colonel MLADIĆ, authorizes the allocation of "five tons" of D2 diesel fuel for the "carrying out of engineering works in the zone of the responsibility of the Drina Corps."[631] This order is addressed to the Command of the Drina Corps, and to the Logistics Sector of the Main Staff. A copy is forwarded to the Zvornik Brigade for information. Of note, the order specifies that the fuel is to be delivered to the Standard Barracks in Zvornik, to a Captain Milorad TRPIĆ, and that he is to be responsible for the proper accounting of machine hours (usage) and fuel consumption. Related to this order, the Main Staff Technical Service Division issued order 10/34/2-3-701, releasing the fuel to the Drina Corps.[632]

11.3 According to the personnel roster of the Zvornik Brigade for September 1995, there is no Captain Milorad TRPIĆ assigned to the unit. However, a Captain Milorad TRBIĆ is assigned to the Security and Intelligence Branch of the Zvornik Brigade.[633]

11.4 Investigation of the crime scene in the zone of the Bratunac Brigade indicates that the following disturbances occurred:

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631 VRS Main Staff Order 03/4-2341, (CLSS English translation), 14 Sep. 1995.
632 VRS Main Staff Order 10/34/2-3-701, (CLSS English translation), 14 Sep. 1995.
633 Zvornik Brigade Command and Staff Billets (circa late 1995-early 1996), (CLSS English translation).

- between an undetermined date and 18 October 1995, the primary site known as Glogova 2 was disturbed, and the remains being reburied near Zeleni Jadar.

11.5 On 16 October 1995, in the Bratunac Brigade notebook that tracks the Command's meetings, a note attributed to "NIKOLIĆ" (presumably KIK Momir NIKOLIĆ, the Bratunac Brigade Assistant Commander for Intelligence and Security, reads, "We are engaged in tasks issued by the Army of the Republika Srpska Main Staff (asanicija)."[634] Of note, since "Krajava 95" in July 1995, there had not been significant combat activity in the zone of the Bratunac Brigade. Morover, as part of the meeting, it was noted that "that morning, General KRSTIĆ had praised the way which we had completed all the tasks so far, regardless of all the problems. Finally, "NIKOLIĆ" notes that with regards to a sweep operation near the village of Slapovići, they are continuing to "catch the remaining Turks who should be there according to the statements of detainees (we have seven).[635]

B. Specific Observations

11.6 With respect to the concealment activities in the zone of the Zvornik Infantry Brigade, one issue of note is that on 14 September 1995, Major Dragan OBRENOVIĆ was again the senior officer of the Zvornik Brigade, this time having been appointed as the "Acting Commander" in the absence of LTC Vinko PANDUREVIĆ (who was in the Krajina area).[636] As such, it is unlikely he would have been unaware of the arrival of this order, or would have had any doubt as to what the fuel was to be used for. Further, as the Brigade Engineering Officer during the period, Major Dragan JOKIĆ would have also been heavily involved in engineering effort necessary to accomplish this issue.

11.7 In the case of the Bratunac Brigade as noted in paragraph 11.5, the subject was actually discussed in the 16 October 1995 command meeting, in the attending members of the command and staff, including the Brigade Commander, Colonel BLAGOJEVIĆ, the key Assistant Commanders, the Chief of Operations and the Battalion Commanders (or deputies). Also noted is a comment that in that meeting which reflects the Bratunac Brigade has seven Muslim detainees, and they are getting information from them concerning other Muslim groups in the Brigade zone.

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[634] 1.Brlpbr Command Notebook, *supra* n. 153. *See* 16 Oct 1995 meeting note. As previously discussed the phrase "asanicija" refers to the burial of bodies of other biological waste products.
[635] *Ibid.*
[636] Zvornik Brigade Daily Combat Report 06-287, (CLSS English translation), 14 Sep. 1995.

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CHAPTER TWELVE: The Role of the VRS Main Staff

12.0 As noted in previous chapters, the members of the Main Staff of the VRS were present at the capture of Srebrenica and were also present or involved in many of the criminal acts as charged in the indictment. This chapter will examine that role and how it relates to the actions of both the VRS Drina Corps and the subordinate formations of the Corps.

12.1 Clearly, the most recognizable figure of the VRS Main Staff was that of its Commander, Colonel-General Ratko MLADIĆ. His physical presence is established on 10 July 1995, when he is noted present at the Forward Command Post in Pribičevac with General-Major KRSTIĆ and General-Major ŽIVANOVIĆ.[637]

12.2 Further, General MLADIĆ was seen in various pieces of video footage shot on 11 July 1995. First, he accompanied General-Major KRSTIĆ and General-Major ŽIVANOVIĆ through Srebrenica in the afternoon of 11 July 1995. Later that evening and the next day he dictated terms to UN Dutch representatives and Muslim representatives during three meetings held at the Hotel Fontana (refer to Chapter Four for meeting details). As noted previously, General-Major ŽIVANOVIĆ was present for the first of these meetings, and General-Major KRSTIĆ was present at the second and third meetings. At all three meetings, General MLADIĆ was accompanied by Colonel Radoslav JANKOVIĆ, an Intelligence Officer from the VRS Main Staff.

12.3 During the second meeting, the decision was made to assemble the transportation necessary to transport the Muslim population out of the former enclave. The VRS Main Staff issued order 09/31/12-3-154. While the text of this order is currently unknown, it is certain that it relates to the assembly of transportation assets for Srebrenica because it was referenced in subsequent orders issued by the RS Ministry of Defense. These orders were sent to regional Secretariats of Defense in order to mobilize buses from municipalities in eastern Bosnia.[638] These buses (and later trucks) began arriving in the morning hours of 12 July, and became the vehicles which the VRS Drina Corps used to transport the civilian population out of Potočari on 12 and 13 July 1995. Many of these same vehicles were probably then used to move Muslim males from detention sites near Bratunac to detention and execution sites near Zvornik between 13 July and 16 July 1995.

12.4 During the morning hours of 12 July 1995, General MLADIĆ, in the company of General-Major KRSTIĆ, was already working on military tasks pertaining the fall of Srebrenica. At an 0800 meeting at the command of the Bratunac Infantry Brigade, various tasks were assigned relating to military operations (securing the road network from Srebrenica towards Skelani, Bratunac and Vlasenica) and the movement of Muslim civilians from Potočari .[639]

12.5 On 12 July 1995, after the third meeting, General MLADIĆ was seen on video footage in Potočari personally observing the events occurring there.

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[637] 1.Brlpbr Daily Combat Report 03-253-100, *supra* n. 166, 10 Jul. 1995.

[638] RS MOD Order 02-21-3640/95, (CLSS English translation), 13 Jul. 1995, (directing the Zvornik MOD office to mobilize at least 50 buses from the Zvornik, Višegrad, Vlasenica, Milići and Bratunac municipalities, following GŠVRS Order 09/31/12-3/154, 12 Jul. 1995); RS MOD Order 02-21/3614/95, *supra* n. 241, 12 Jul. 1995, (directing the mobilization of a minimum of 20 additional buses in the Pale, Sokolac, Rogatica and Han Pijesak municipalities).

[639] CJB Zvornik Report 227/95, *supra* n. 224.

12.6 On 13 July 1995, the physical presence of General-Colonel MLADIĆ was again noted at various locations in and around the area where Muslim males were being assembled. This includes the meadow at Sandići and the football field at Nova Kasaba.

12.7 Also on 13 July 1995, it appears that the RS MUP was given the mission (by the VRS) to complete the movement of the remaining Muslim civilian population from Potočari, and deal with the Muslims in the area south of the Bratunac-Konjević polje road. As previously noted, Zvornik CJB Chief VASIĆ, reported that General MLADIĆ informed the MUP that the VRS was redirecting its military operation towards Žepa and is yielding all other tasks to the MUP, including the evacuation of the remaining civilian population (some 15000) from Srebrenica.[640] Further, the task of eliminating the threat posed by the "8000 Muslim soldiers who were blocked in the woods around Konjević Polje" also fell primarily to the MUP. [641]

12.8 At 1009 hours on 13 July 1995 a telephone conversation between Colonel Ljubo BEARA and an individual named LUČIĆ was intercepted. In the course of this conversation, Colonel BEARA (previously identified as the Chief of the VRS Main Security Administration), told LUČIĆ that 400 Muslims had come out at Konjević Polje and they needed to be taken to the football field at Nova Kasaba.[642] As discussed in Chapter Six (paragraphs 6.9 and 6.10), individuals held at this football field are later transported to detention sites near Bratunac, and then to execution sites in the zone of the Zvornik Brigade.

12.9 Also on 13 July 1995, the Main Staff of the VRS issued order 03/4-1629, to the Command of the Drina Corps, the Forward Command Post of the Drina Corps and three subordinate formations of the Drina Corps; the (Milići Brigade, the Vlasenica Brigade and the Zvornik Brigade).[643] This order, signed by General-Lieutenant Colonel Milan GVERO, directed that the units take all measures necessary to prevent the escape of Muslim groups from the fallen enclave. This order was subsequently retransmitted at 1720 hours on 13 July 1995 from the Command of the VRS Drina Corps to all Drina Corps subordinated units and the Forward Command Post under the signature of General-Major ŽIVANOVIĆ.[644]

12.10 Shortly after Main Staff order 03/4-1629 was issued, order 03/4-1638 was issued. This order specifically dealt with the issue of preventing the leakage of "confidential military secrets in the area of combat".[645] This order, directed to the Command of the Drina Corps (information copy to other Drina Corps formations), closed the road segment of Konjević Polje-Kravica-Bratunac, as well as the Rogatica-Borike-Višegrad road segment. Further, paragraph five specifically directs that no information was to be provided to the "...media regarding the course, situation and results of combat operations in the area, and the overall activities in this area, particularly on prisoners of war, evacuated civilians, escapees and similar". This order was released under the signature of General-Colonel Ratko MLADIĆ.

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[640] CJB Zvornik Report 283/95, (draft English translation), *supra* n. 258, para 1.
[641] *Ibid*, para 2.
[642] Intercepted military telephone communication between "B" Beara and Lućić, 13 Jul. 1995, at 1009 hours.
[643] VRS Main Staff Order 03/4-1629, (CLSS English translation), 13 Jul. 1995.
[644] KDK Order 03/156-12, *supra* n. 521.
[645] VRS Main Staff Order 3/4-1638, *supra* n. 573.

12.11 Later on 13 July 1995, Colonel Radoslav JANKOVIĆ released a report through the Forward Command Post of the Drina Corps to both the Intelligence Sector of the Main Staff and the Intelligence Department of the Drina Corps. In this report, he discussed the completion of the "evacuation of the entire Muslim population from the former enclave of Srebrenica..."[646]

12.12 On the evening of 14 July 1995, at 2102 hours a radio-telephone conversation was intercepted in which Major JOKIĆ attempted to reach Colonel BEARA.[647] In the course of the call, he was connected to Colonel BEARA, and told him that there were "big problems with the people, I mean, with the parcel" (refer to Chapter Seven, paragraph 7.64).[648]

12.13 On 15 July 1995, Colonel BEARA was noted discussing prisoner issues with first General-Major ŽIVANOVIĆ, and then with General-Major KRSTIĆ (refer to Chapter Ten, paragraphs 10.23 through 10.25 for complete transcripts and details).

12.14 Turning to 16 July 1995, the involvement of other VRS Main Staff officers with members of the VRS Drina Corps Staff continues. At 1111 hours on 16 July, Colonel BEARA was discussing prisoner-related issues with Colonel CEROVIĆ of the Drina Corps. Colonel CEROVIĆ noted that Colonel TRKULJA had been with him, and Colonel TRKULJA had indicated "he had instructions from above, and that triage had to be done today on the prisoners" (see Chapter Ten, paragraph 10.40 for full transcripts).[649] In response to the comment about "triage," BEARA stated, "I don't want to talk about it on the phone."

12.15 Later on 16 July 1995, there was a telephone conversation between the Main Staff Duty officer and a General (identified as General-Colonel MLADIĆ). This conversation related to a report received from the RS President stating that Lieutenant Colonel PANDUREVIĆ had opened a passage for the Muslim column (refer to Chapter Seven, paragraph 7.73). The Main Staff Duty Officer reported to the General that he is waiting for the duty officer (presumably the Drina Corps duty officer), to call him back. He also reports to the General that he talked to "Krsto" down there, and that it is going well.[650]

12.16 On 17 July 1995, the VRS Main Staff issued an order pertaining to military operations in the zone of the VRS Drina Corps. Main Staff order 03/4-1670, pertains to the integration of operations "to crush lagging Muslim forces."[651] This order directed two separate actions to occur. First, it directed three officers from the Main Staff, Colonel Neđo TRKULJA, a Colonel Milovan STANKOVIĆ and a Colonel SLADOJEVIĆ to the Command of the Zvornik Brigade. These officers were directed to

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[646] IKM DK Message 08-444-10, *supra* n. 260.

[647] "Badem" is the telephonic code name for the 1st Bratunac Light Infantry Brigade Command Post.

[648] As noted in various other telephonic communications, the phrase "parcel or package" refers in general to prisoners or people.

[649] Intercepted military telephone communication between "C" Cerović and "B" Beara, 16 Jul. 1995, at 1111 hours, *supra* n. 600.

[650] Intercepted military telephone communication between "M" Mladić and "D" Duty Officer, 16 Jul. 1995, at 1615 hours.

[651] VRS Main Staff Order 03/4-1670, *supra* 364.

> "...assist in the planning and joining of VRS and MUP forces, and the planning and coordination of combat operations to block, crush and destroy lagging Muslim forces in the wider area of Kamenica and Cerska."
>
> "The team from the Main Staff of the VRS shall assess the situation on the Brigade's front line and in the rear, the available forces, and hear out the proposal and opinion of the Commander of the 1.Zvpbr [1st Zvornik Infantry Brigade]. On this basis, they are to draw up a plan together with the Brigade Commander to comb the terrain, block crush and destroy the straggling parts of the wider areas of Kamenica, Cerska and Udrić."[652]

The second action was directed against Muslim actions in the areas of Bratunac, Milići and Drinjača. This part of the order reads as follows:

> "As of 17 July, the forces of the 1. Brlpbr [Bratunac Light Infantry Brigade], the 1. Mlpbr [Milići Light Infantry Brigade], the 67. PV [Communications Regiment], the VP Battalion of the 65.Zmpt [Military Police Battalion of the 65th Protection Regiment] and MUP forces engaged in the wider areas of Bratunac, Milići and Drinjača will comb the territory in the zone Bratunac-Drinjača-Milići-Bešići village with the aim of discovering and destroying lagging Muslim groups. I appoint Lieutenant Colonel KESEROVIĆ, the officer for Military Police in the GŠVRS [VRS Main Staff] Security Administration, as the commander of all the aforementioned forces during the conduct of the aforementioned task. The deadline for the completion of this work shall be 19 July 1995 at 2000 hours. As order for further engagement towards Cerska shall be proposed to me by Lieutenant Colonel KESEROVIĆ on 19 July 1995. Control of military operations must be carried out from the Command Post of the VP [Military Police] Battalion of the 65. Zmpt." [653]

As a component of this order, the commanders of the Zvornik Brigade, and the other brigades engaged in combing the terrain, shall through the competent municipal organs provide the manpower from the "civilian protection" to "restore the terrain" (asanacija).[654] This task must be carried out at the same time that the terrain is being swept.[655]

12.17 This order, signed by Colonel-General Ratko MLADIĆ as Commander of the Main Staff, does two things. First, from the period of 17 July 1995 through 2000 hours on 19 July 1995, it places the forces of the Military Police Battalion of the 65th Protection Regiment, elements of the Bratunac Brigade, and elements of the Milići Brigade under the temporary command of Lieutenant Colonel KESEROVIĆ of the VRS Main Staff. This applies to the forces from those units which are operating within the designated area bounded by the towns of Bratunac, Drinjača, Milići, and the village of Bešiči. While such a command move is not unprecedented, it is somewhat unusual, given that the majority of units (as well as the terrain) are in the zone of the VRS Drina Corps, and that these units were operating under the control of the Commander of the Bratunac Brigade.[656] The most probable explanation for this move was the fact that sometime

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652 *Ibid.*
653 *Ibid.*
654 Vojni Leksikon, *supra* n. 463.
655 VRS Main Staff Order 03/4-1670, *supra* n. 364.
656 1.Brlpbr Daily Combat Report 03-253-106, *supra* n. 142. This report reflects that during the day, "the Commander of the Brigade visited all units blocking the enemy retreat (1st Milici Brigade, the 5th Engineer Battalion, the MUP and the units of the 65th Protection Regiment), and he defined their tasks, and organized their joint actions and communications."

during the period between 17 and 19 July 1995, the Commander of the Bratunac Brigade was no longer able to exercise command of those combined formations as a result of being ordered to join the Bratunac Brigade forces deployed at Žepa.[657]

12.18 The second thing the order directed was that the three VRS Main Staff colonels go to the Command of the Zvornik Brigade, to assist in planning and coordinating the ongoing combat activities. Unlike the case of Lieutenant Colonel KESEROVIĆ, these three officers were not specifically directed to take command of either the units of the Zvornik Brigade, or the MUP units. Their function was to assist the Brigade Commander in developing the best plan to ensure the "destruction of the armed Muslim groups". While Colonel TRKULJA was already noted as present at the Drina Corps Command Post on 16 July 1995, (paragraph 12.14 above), the dispatch of the other two officers was probably related to the 16 July 1995 Interim Combat Report sent by Lieutenant Colonel PANDUREVIĆ.[658] In this Interim Report, Lieutenant Colonel PANDUREVIĆ noted he had opened a corridor for the Muslim column to move out of his territory. Of note, the presence of these three colonels is not reflected in either the Daily or Interim Combat Reports of the Zvornik Brigade.

12.19 Another intercept of VRS communications notes that on 17 July 1995, General-Major KRSTIĆ probably had a discussion with General-Colonel MLADIĆ. In the course of the conversation, General-Major KRSTIĆ was told that he should proceed at "full steam ahead". Further, MLADIĆ told KRSTIĆ that, "I didn't accept the Muslim conditions," and he should "keep going."[659]

12.20 With respect to the reburial operations, as noted in Chapter Eleven, in September 1995, the VRS Main Staff issued Main Staff order 03/4-2341. This order, under the signature block of General-Colonel MLADIĆ, authorizes the allocation of "five tons" of D2 diesel fuel for the "carrying out of engineering works in the zone of the responsibility of the Drina Corps."[660] Related to this order, the Main Staff Technical Service Division issued order 10/34/2-3-701, releasing the fuel to the Drina Corps.[661] A security officer in the Zvornik Brigade, Captain Milorad TRBIĆ is placed in charge of monitoring the fuel usage.

12.21 One final issue pertaining to the concealment was the campagin to shift attention of the crimes to other parties. This effort began literally as soon as one month after, when the Main Staff (Intelligence and Security Sector) noted that all Bosnian Muslim POW's from Žepa were to be assembled at the Srbinje Correctional Facility. Further, the Military Court and the Military Prosecutor were directed to interrogate these individuals so that war crimes and crimes against humanity charges could be documented.[662] As noted on the order, this documentation was required so that the VRS could then request the

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[657] 1.Brlpbr Order 468-2, *supra* n. 360, (directing the 1st Infantry Battalion to withdraw from its current deployment area and to be prepared to deploy for Žepa by 0700 hours on 17 July 1995); 1.Brlpbr Daily Combat Report 03-253-108, *supra* n. 306, (indicating the 1st Infantry Battalion leadership as the Brigade Commander).

[658] 1.Zvpbr Interim Combat Report 06-218, *supra* n. 434.

[659] Intercepted military telephone communication between "K" Krstić and "M" Mladić, 17 Jul. 1995, at 1950 hours, *supra* n. 548.

[660] VRS Main Staff Order 03/ 4-2341, *supra* n. 631.

[661] VRS Main Staff Order 10/34/2-3-701, *supra* n. 632.

[662] VRS Main Staff Order 12/46-575/95, (CLSS English translation), dated 16 August 1995. This order is signed by Chief (Navy Captain) Ljubiša Beara.

handover of members of the Žepa units (285th Light Infantry Brigade -28th Division) who were currently in the Republic of Serbia.

12.22 This, in turn, is followed on 23 March 1996 by an RS Presidential order to the MUP and the VRS Main Staff to form a "mixed commission" to fully investigate the facts with respect to the alledged discovery of two decomposed bodies from "earlier battles with the Muslim side in the Pilica area."[663] This commission was to request competent IFOR or UN authorities to be present, in order to "frustrate the intentions of Ambassador Albright and media experts to launch arbitrary and biased conclusions about this case."[664] On 26 March 1996, Major Predrag DRINIĆ from the RS Supreme Military Prosecutor's Office reported to the VRS Main Staff (Intelligence and Security Department) that on 25 March 1996, a part of the mixed commission had been assembled and had met the offices of the CSB Zvornik. On behalf of the Zvornik Brigade, Duty Officer Milorad TRIBIĆ also attended.[665] According to Major DRINIĆ:

> "None of the people present knew any details of the locality, and of the actions that needed to be undertaken, nor was anyone informed about what would be "found" on site, or no one wanted to know."[666]

On the basis of this observation, Major DRINIĆ proposed that the VRS Main Staff form a three-member commission consisting of Intelligence and Security members whould would then obtain accurate information about the issues referenced in the RS President's order.[667]

12.23 In summary, as detailed in this and previous chapters, the VRS Main Staff was a significant participant in the planning, decisions and execution of the events surrounding the criminal acts as charged. This presence is personified at the beginning by the physical presence and direction of the Commander of the VRS Main Staff, General-Colonel Ratko MLADIĆ. Further, subordinate officers of the VRS Main Staff were frequently noted directly coordinating with both the Drina Corps Commander and members of his staff, particularly during the commission of the criminal acts as charged. Most notable among these officers were Colonel Ljubisa BEARA, of the Main Staff Security Administration, and Colonel Radoslav JANKOVIĆ, of the Main Staff Intelligence Administration. Operating within the framework of the established military hierarchy, the Commander of the Main Staff (either directly or through his staff) provided direction and guidance to the Command of the VRS Drina Corps. This in turn, was acted on, and responded to, either directly by the Corps Commander, or through his staff or subordinate commanders. This military hierarchy was maintained for both the prosecution of combat activities, and the execution of the criminal acts during the relevant period. Finally, the VRS Main Staff Commander, and subrodinates remained fully remained involved in the reburial process.

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[663] RS Presidential order 01-445/96, CLSS English translation), dated 23 March 1996.
[664] *Ibid.*
[665] RS Military Prosecutor Officer Report 36/96, (CLSS English translation), dated 26 March 1996. Document is inclusive in the overall case file from the RS Supreme Prosecutor case file 36/96. One copy has the handwritten notation "for Beara".
[666] *Ibid.*
[667] *Ibid.*

CHAPTER THIRTEEN: Conclusions

13.0 In keeping with the goals and scope of this report, the conclusions drawn in this report will focus primarily on the issues of military command and control relative to the accused during the period of the criminal acts as charged in the indictment. This will include the scope of formal responsibility the various accused had within the military framework during the period, as well as information which demonstrates an awareness of the crimes as charged.

13.1 In examining these issues, the authorities and responsibilities of the accused are reviewed within the framework of applicable RS laws and VRS military regulations that were in effect during the period.[668] Further, using these as the applicable standards of VRS military service, the positions of Commander, Deputy Commander, and Chief of Staff will be discussed with respect to Superior Responsibility.

A. Colonel BLAGOJEVIĆ as the Commander of the 1st Bratunac Light Infantry Brigade.

13.2 During July 1995, Colonel Vidoje BLAGOJEVIĆ was the Commander of the 1st Bratunac Light Infantry Brigade.[669] This is a position he assumed in May 1995, after having been in the Drina Corps Command. He served in this position through the end of the war, and well into 1996. His brigade was well organized, and while having some outstanding issues with respect to manpower and equipment shortages, the brigade (by his own evaluation submitted to the Drina Corps on 04 July 1995) was well rated.[670]

13.3 Following the fall of Srebrenica on 11 July 1995, he is not noted in video or documents as having entered Srebrenica. Further, on 12 and 13 July 1995, he is not noted in video or documents as being present in Potočari. However, units, and officers of the 2nd and 3rd Infantry Battalion, as well as his Brigade Command and Military Police Platoon are well documented in Potočari during this period (see Chapters Four through Six). Moreover, his Brigade Command is providing fuel for busses and trucks, as well as security support for the movement of the Muslim civilians from Potočari to Kladanj. As noted in their 12 July 1995 Daily Combat Report, they are fully aware of the progress of the "evacuation".

13.4 Also starting on the afternoon of 12 July 1995, large numbers of Bosnian Muslim men separated at Potočari are moved to Bratunac, where they spend between 1-3 nights at local facilities in the town. Wounded and injured Bosnian Muslim men are also moved (under UN supervision) to the Bratunac Medical Center. This separation process at Potočari continues until the last transfer is completed at 2000 hours on 13 July 1995.

13.5 By the morning of 13 July 1995, the VRS, to include elements of the 1st Bratunac Light Infantry Brigade, are detailed to take steps to move towards Žepa. At 1700 hours, Colonel BLAGOJEVIĆ reports to the Drina Corps Command that his Chief of Staff is deploying at the head of a 90 person unit to the area of Bračan, in accordance with the Drina Corps' order. Later that evening, the 1st Bratunac Brigade received orders from the

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668 These are outlined in the *VRS Brigade Command Responsibility Report.*

669 *See VRS Brigade Command Report*; Section Two, Brigade Commander, Authorities and Responsibilities.

670 1.Brlpbr Report 433-1 - Analysis of Combat Readiness for the first-half of 1995, *supra* n. 89, refer to Page 5, Conclusions.

new Commander of the Drina Corps, General-Major Radislav KRSTIĆ, to conduct sweep operations in the area of the "former" enclave. By the morning of 14 July 1995, Colonel BLAGOJEVIĆ has issued detailed orders to each of his four Battalion Commands.

13.6 Also on 13 July 1995, elements of the VRS and the RS MUP are operating in a coordinated manner on the Bratunac-Konjević Polje road, where thousands of Bosnian Muslim men were being captured and detained. During the day, at least one element of the Bratunac Military Police Platoon is operating along this road, escorting General MLADIĆ. Many of these Bosnian Muslim prisoners are placed in busses and trucks, and are sent to now-overflowing facilities in and around Bratunac. However, one particular group of an estimated 1000 is executed at a warehouse in Kravica between starting at approximately 1700 hours. One soldier in his "Red Beret" reconnaissance-intervention unit is wounded at Kravica at the same time this occurs, and is sent to the Bratunac Medical Center. One member of the RS MUP Special Police Brigade is killed, and another wounded at the same time and place. As noted by survivors of the killing, trucks and engineer equipment spend at least part of the evening of 13 July 1995, and most of the day of 14 July 1995 removing bodies from the facility, and dispatching them to an unknown location.

13.7 On 14 July 1995, the Bratunac Brigade Military Police Platoon becomes involved in the escort of bus and truck convoys from the Bratunac Brigade zone to the zone of the Zvornik Brigade.

13.8 On 15 July 1995, a staff officer of the Drina Corps Command recommends to the Drina Corps Commander the Colonel BLAGOJEVIĆ be placed in charge of all units operating along the road from Nova Kasaba to Bratunac, to include the Military Police (of the 65th Protection Regiment), VRS and the RS MUP forces. A positive response to this recommendation is reflected in the next day's combat report from the Bratunac Brigade. Also on 15 July 1995, in response to the threat of the Bosnian Muslim column from the Colonel BLAGOJEVIĆ dispatches the first of several units to the zone of the Zvornik Brigade.

13.9 On 16 July 1995, the Daily Combat report from the Bratunac Brigade reflects that the "Brigade Commander visited all the units blocking the enemy's retreat, defined their tasks, and organized their joint actions and communications."[671] At the same time, the Brigade Command is preparing to dispatch additional units to the Zvornik Brigade zone, and is aware that at least 2000 Bosnian Muslim men remain in and around the Bratunac Brigade zone. That evening (16-17 July 1995) one patrol of the Bratunac Brigade Military Police Platoon remains in Pilica to guard Muslim prisoners. The following day, the Bratunac Brigade itself reports to the Drina Corps that it is capturing prisoners, including male children. The Brigade also informs the Drina Corps Command that they require assistance in transporting wounded Bosnian Muslim men from the Bratunac Health Center. This task is accomplished on 18 July 1995.

13.10 An analysis of this indicates that Colonel BLAGOJEVIĆ was fully performing his functions as a Brigade Commander during the aforementioned period. He was informed of the military situation on the ground in his zone of responsibility, as was his brigade staff officers and Assistant Commanders. As noted in various Brigade and Battalion command meeting notes, on at least one occasion a formal Brigade Staff meeting was held on the morning of 17 July 1995, where he issued orders and

[671] 1. Brlpbr Daily Combat Report, supra n. 142,. Refer to paragraph 2.

instructions. There are also a variety of orders signed personally by him on 14 and 17 July 1995. There is no documentary evidence that he left the area of the Bratunac Brigade for any significant period of time until the Interim Combat Report of 23 July 1995.[672] Either personally, or though his staff, he was aware, or had the means to be aware of the scope of the activities of his subordinate units and personnel, to include units deployed outside of his own area during the period of the commission of the crimes. This situation even further amplified by the proximity of his Brigade Headquarters to the detention facilities in Bratuanc proper (active from 12-14 July 1995), the mass execution in Kravica (13 July 1995), Bosnian Muslim prisoners captured along the Bratunac-Konjević Polje road (from 13-17 July 1995), and the mass grave site at Glogova (14-19 July 1995).

13.11 Pertaining to the issue of the RS MUP operating in the Bratunac Brigade zone during the period, by the relevant RS law, they would have been operating under VRS command. Strictly speaking, these MUP units on the Bratunac-Konjević Polje road should have been operating either under the control of, or in close coordination with the Bratunac Brigade Commander. This relationship is demonstrated based on the actions related to the capture of the Bosnian Muslim men on the road on 13-14 July 1995 (captured by VRS and MUP units), and the process under which they are turned over to the VRS for movement to the mass executions sites in the Zvornik Brigade zone. Certainly, by 15 July 1995, Colonel BLAGOJEVIĆ does assume full authority over the various MUP units (with respect to their military actions). Pertaining to the reburial operation, as noted in Chapter Eight, the Bratunac Brigade's own meeting notes indicate the Brigade Commander's awareness of this activity; and the involvement of at least his Assistant Commander for Intelligence and Security. Finally, there is no evidence to indicate that Colonel Vidoje BLAGOJEVIĆ took any legal or disciplinary measures against any subordinates for criminal acts related to the fall of Srebrenica.[673]

B. Captain First Class NIKOLIĆ as the Assistant Commander for Intelligence and Security of the 1st Bratunac Light Infantry Brigade.

13.12 During the relevant period of the commission of the crimes, Captain First Class NIKOLIĆ was actively present and performing his function as the Brigade Assistant Commander for Intelligence and Security. He is directly subordinate the Brigade Commander. The roles and functions of the Assistant Commander for Intelligence and Security are detailed in the accompanying *VRS Brigade Command Report*, and as such, will not be repeated here.[674]

13.13 In connection with the fall of Srebrenica and the events which followed, Captain First Class (KIK) NIKOLIĆ was present at meetings on 11 and 12 July 1995. This included meetings where the movements of the Bosnian Muslim civilians from Potočari were discussed, and the desire by General MLADIĆ to "screen" individuals for "war-crimes." On 12 July 1995, a list of "war-criminals known to the Command of the 1st (Bratunac) Light Infantry Brigade" was published. On both 12 and 13 July 1995, he was physically in Potočari, where Bratunac Military Police were involved in the separation of Bosnian Muslim men.

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[672] 1.Brlpbr Interim Combat Report 03-253-113, (CLSS English translation), 23 July 1995.

[673] General analysis of the monthly reports from the Military Prosecutor's Office in Bijeljina post July 1995 do not indicate any referrals from the command of the Bratunac Brigade with respect to war-crimes associated with the fall of Srebrenica.

[674] *See* VRS Brigade Command Report; Section Three, Paragraphs 3.10 to 3.19.

13.14 On 13 July 1995, he was present along the Bratunac-Konjević road, where large numbers of Bosnian Muslim men were taken prisoner by VRS and RS MUP units. Documents found during a search by OTP investigators of the Bratunac Brigade Command (Security Office) reflect the names and military data of a number of these individuals (refer to Chapter Eight).

13.15 His knowledge and supervisory role of the Brigade Military Police Platoon activities is further called into account between 14-17 July 1995 when the Military Police escort convoys of Bosnian Muslim men to the zone of the Zvornik Brigade, and assist in the guarding of prisoners in at least one location. During this same period, he is involved in issues related to Bosnian Muslim prisoners in the zone of the Bratuanc Brigade, to include the wounded Bosnian Muslim at the Bratunac Health Center. On 18 July 1995, he issues a report to the Command of the VRS Drina Corps and the VRS Main Staff concerning the issue.

13.16 As noted in paragraphs 13.10 and 13.11 (above) the same relative proximity issues (with respect to the location of the Bratunac Brigade Headquarters and the crime scenes as charged) apply to Captain First Class NIKOLIĆ in the same manner as to his commander, Colonel BLAGOJEVIĆ. In many respects, as the Bratunac Brigade Assistant Commander for Intelligence and Security, it would have been duty function to keep the Brigade Command, and his Commander fully informed about the various issues pertaining to the prisoners. This certainly should have included the potential security threat to the Brigade from the prisoners held in and near military facilities. It would have also included intelligence information based on Muslim prisoner interviews, on which important tactical decisions would be based. Further, as a function of his position as the primarily coordination principle between the VRS and the MUP, he would have been well aware of the activities of the MUP units in the Brigade zone, and ensured they were operating in accordance with the military commander's plan.

13.17 Finally, with respect to the reburial and concealment operation, he is fully aware of this issue, and so informed his Brigade Commander, and the Brigade Staff. Moreover, as a function of his role under military security (crime prevention-law enforcement), there is again no evidence indicating any actions to investigate members of the Bratunac Brigade for crimes related the fall of Srebrenica.

C. Major Dragan OBRENOVIĆ as the Chief of Staff/Deputy Commander of the 1st Zvornik Infantry Brigade.

13.18 Major Dragon OBRENOVIĆ was the Chief of Staff of the 1st Zvornik Infantry Brigade since the autumn of 1992. Further, from the period 04 July 1995 until mid-day on 15 July 1995, he was also the Brigade Deputy Commander (in the absence of LTC Vinko PANDUREVIĆ). During this period while he was the Deputy Commander, thousands of Bosnian Muslim males were moved in the Zvornik Brigade zone, and detained in schools and other public buildings. The mass executions at Orahovac and Petkovci Dam occur during this period as well. Units and men from the Zvornik Brigade, and under Major OBRENOVIĆ's control, were involved in the planning, guarding, execution and the burial process in both instances. On 15 July 1995, concurrent with the return of LTC PANDUREVIĆ, Major OBRENOVIĆ reverts back to his functions as the Brigade Chief of Staff. Subsequently, mass executions occur at the Branjevo Military

Farm, and the Pilica Dom. Zvornik Brigade assets are again involved in the planning, guarding, execution and the burial process.

13.19 As detailed in Chapter Seven, the first visible manifestation of the plan for mass executions occurs when a vehicle from the Zvornik Brigade Command logs trips to various sites which would over the next several days would hold thousands of Bosnian Muslim men. These include the schools in four different battalion zones. Further, by late 13 July 1995, the Brigade Assistant Commander for Security Affairs, Lieutenant Drago NIKOLIĆ, is extraordinarily relieved from his duty at the Brigade Forward Command Post IKM), presumably to assist in the various security functions related to the arrival of the Bosnian Muslim prisoners. Given the tactical circumstances at the time (with respect to the movement of the Bosnian Muslim column, and expected activity by the remainder of the ABiH II Corps to support the column), the departure of Lieutenant Dago NIKOLIĆ from the IKM could not have occurred without the knowledge, and approval of Major OBRENOVIĆ.

13.20 On a related issue, as the Bosnian Muslim prisoners began arriving at the school in Orahovac just after mid-night on 14 July 1995, a Military Police detachment, including the Zvornik Brigade Military Police Company Commander (Captain Miomir JASIKOVAĆ), was already present. These same Military Police officers had previously been deloyed in ambush positions near the anticipated track of the Bosnian Muslim column by Major OBRENOVIĆ. Again, under the prevailing tactical circumstances, these personnel could not have been withdrawn from these positions without the knowledge, and approval of Major OBRENOVIĆ. The same can be said for the members of the 4th Infantry Battalion who participated in the mass executions at Orahovac, and the members of the 6th Infantry Battalion who participated in the mass executions at Petkovci dam. At a time when the Brigade Command was detailing the locations and tasks of the remaining platoon size reserves of the brigade, (as the Muslim column moved north into the Brigade zone), these units activities could not have been unknown to the Brigade Deputy Commander on 14 July 1995.

13.21 With respect to the employment of elements of the Zvornik Brigade Engineering Company to bury bodies at both Orahovac and Petkovci Dam on 14-15 July 1995, it is almost inconceviable that this could have occurred without the knowledge of the Brigade Command, and by extension, the Brigade Deputy Commander. Particularily when the Brigade Engineering Staff Officer (Major Dragan JOKIĆ) was also serving as the Brigade Duty Operations Officer during this period. Given the military emergency which was developing in the brigade zone at the time and the efforts to muster as many troops (and police) as possible to deal with this situation, the fact that these assets were engaged in non-combat related engineering actions could not have escaped the Command's notice. Certainly, as technical service records reflect, the Brigade Rear Services Branches were aware of the fuel consumption and the movement of earth-moving equipment during these days.

13.22 As previously noted, by mid-day on 15 July 1995, LTC PANDUREVIĆ had returned to the Zvornik Brigade zone, and was fully briefed on the situation in the Brigade zone. He further directed the employment of both troops and police units against the Muslim column. By 1900 hours on 15 July 1995, in his own Interim Combat Report to the Drina Corps Command, he details not only the military situation in his brigade zone, but also the situation concerning Muslim men in schools in this zone. He also details the adverse impact of the related "*security obligations and asanacija*" on his brigade resources. Given the detailed level of knoweldge about the overall situation

which LTC PANDUREVIĆ demonstrates within a few hours of returning back to his Brigade zone, it is unreasonable to expect that Major OBRENOVIĆ (as the Brigade Deputy Commander/Chief of Staff) would have any less awareness of the same situation. Particularily given the fact that he was physically present, and in charge of the Brigade zone as this situation developed. This same situation again applies by 18 July 1995, when in another Interim Combat Report to the Command of the Drina Corps, LTC PANDUREVIĆ critically questions the decision to place "3000 Bosnian Muslim prisoners into schools in the Zvornik Municipality."

13.23 With respect to the reburial process, it is noted in the Zvornik Daily Combat reports for September that Major OBRENOVIĆ was performing the function as the "Acting Commander" during the extended deployment of LTC PANDUREVIĆ and elements of the Zvornik Brigade to the Krajina region. He was the Acting Commander on 14 September 1995 when the Main Staff order with respect to fuel was received, and one of his officers, Captain TRBIĆ was appointed to monitor the fuel usage.

13.24 Finally, as the Brigade Chief of Staff/Deputy Commander, the Acting Commander, and by November 1996, the Brigade Commander, there is no information which suggests that (then) Lieutenant Colonel OBRENOVIĆ took any measures to investigate the actions, or discipline any his subordinates for their involvement in the criminal acts as charges.[675]

D. Major Dragan JOKIĆ as the Brigade Engineering Officer and the Duty Officer of the 1st Zvornik Infantry Brigade during the period of the commission of the crimes.

13.25 As noted in Chapter Seven, during the commission of the crimes as charged, Major Dragan JOKIĆ was the Chief of Engineering for the Zvornik Infantry Brigade. In this position, he was directly responsible for the technical supervision of the Brigade Engineer Company, and by position, was the staff officer responsible for advising the Brigade Commander as to the proper use of the unit. In the Brigade Staff hierarchy, he worked in the Operations Department, and was subordinate to the Brigade Chief of Staff. Further, during the period of 14-15 July 1995, he was the Brigade Duty Operations officer, and performed this duty at the Zvornik Brigade Command.

13.26 As the Duty Operations Officer in the Brigade Command, Major JOKIĆ is the person responsible for maintaining a full awareness of the overall situation, and to keep the Commander-Deputy Commander informed of any received orders which will require action by the Brigade Command.[676]

13.27 During the period 14-15 July 1995, Major JOKIĆ was fully aware of the situation in Zvornik Brigade zone, as reports drafted by him (as the Duty Officer) and ABiH intercepts demonstrate. This includes the tactical situation, as well as the situation with the Muslim prisoners in the Zvornik Brigade zone. These same communications indicate that his superior at the time (Major OBRENOVIĆ) was also fully cognizant of these issues. At the same time, as the Brigade Engineering Officer, he would have been both fully aware of, and facilitated the deployment of earth-moving equipment to the mass-execution and burial sites, inclusive of the period 13-19 July 1995.

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[675] *Supra.* n. 673.

[676] See *VRS Brigade Command Responsibility Report*, Chapter Three, paragraphs 3.7 and 3.8 for Duty Officer functions.

13.28 In the same manner, during the reburial and concealment operation, the services of the Brigade Engineering Officer would have almost certainly been required to both plan, and to execute the technical engineering aspects that such a such a process would entail.

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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-04-81-T

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC ANNEX 4 TO

SUBMISSION OF EXPERT REPORTS BY RICHARD BUTLER:

Chapter 8 Analytical Addendum to Srebrenica Military Narrative

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Chapter Eight Analytical Addendum to Srebrenica Military Narrative (revised)

B. Prisoners in the 1st Zvornik Infantry Brigade Zone

8.24 In addition to the prisoners known to be in custody (paragraphs 8.6 to 8.23 inclusive), there is another group of 18 wounded Muslim men who were taken into VRS custody on or after 13 July 1995, treated at the Milići "*Sveti Nikola* War Hospital" and subsequently transferred to Zvornik at the direction of the VRS Main Staff.[1] Most of these wounded Muslims are currently listed in the ICRC Missing List related to Srebrenica 1995.

8.25 According to admission records obtained from the *Sveti Nikola* Hospital in Milići, on 13 July 1995 a total of eleven Muslim males were admitted to the hospital and treated for various injuries. These individuals are listed in a three-page extract of the admissions roster, and are listed as follows: [2]

Admission Number	Record Number	Name
531	763/95	BEĆIREVIĆ, Aziz
532	762/95	SALKIĆ, Mensur
533	755/95	KURTIĆ, Behaija
534	765/95	HALILOVIĆ, Izet
538	759/95	LOLIĆ, Behudin
539	764/95	SALIHOVIĆ, Huso
540	757/95	SULJIĆ, Vahdet
541	760/95	IBIŠEVIĆ, Remzija
542	758/95	BEČIĆ, Mujo
543	756/95	BEGOVIĆ, Sulejman
544	761/95	HAMZABEGOVIĆ, Mehmedalija

This admission log reflects that these eleven Muslim males were admitted/treated on 13 July 1995, with the names of the relevant medical personnel who were involved in treating them.

8.26 Corroborating this admissions log are eleven "Patient History" records, and specialist referral records for the above mentioned individuals. These records note that the individuals were treated from 13 July 1995 to 14 July 1995, and that the patients were subsequently transferred to the Zvornik Hospital. This transfer was effected on the orders of the VRS Chief of Medical Corps.[3] Presumably, in the case of these specific eleven, given the absence of any treatment notations from the *Sveti Nikola* medical staff in their medical records after 14 July 1994, their transfer to the Zvornik Hospital was effected on that date.

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[1] CLSS English translation of RS *Sveti Nikola* War Hospital (Milići) letter IX-27/95, dated 24 July 1995. Letter from War Hospital Director DAVIDOVIĆ to KDK, (General Radislav KRSTIĆ personally), concerning medical support for Operation Srebrenica '95.

[2] CLSS English translation of a three page extract from the Milići Hospital admissions log, reflecting entry records from 529 to 549.

[3] See CLSS English translations of "Patient History" and associated "Specialist Referral" sheets for the eleven individuals listed in para 8.25 (with accompanying BCS medical notation logs). Of note, in the cases of IBIŠEVIĆ and SULJIĆ, there are no accompanying specialist referral sheets.

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8.27 In addition to the above listed eleven Bosnian Muslims, another three were also logged into the Milići Medical Center on 13 July 1995.[4] For these three individuals, Nenad KOZIĆ, Redžo MUSTAFIĆ, and Šemsudin MEMIĆ, there are no Patient History records.

8.28 On 20 July 1995, the Director of the *Sveti Nikola* War Hospital (Dr. Radomir DAVIDOVIĆ) authored a memorandum reflecting that on the order of the Chief of the Medical Corps of the VRS, the Head of the Municipality, and the Chief of the Milići SJB, the injured (unspecified) were transferred to the Zvornik hospital.[5] This document also indicates that a Doctor GAVRIĆ has taken charge of the wounded. Of note, the Zvornik Hospital patient log for 14 July 1995 does not reflect this transfer, nor any Muslim patients

8.29 On 24 July 1995, Dr. Radomir DAVADOVIĆ further addressed a confidential report to the Drina Corps Command, directed to General Radislav KRSTIĆ (personally), discussing the Medical Support for "Operation Srebrenica 1995."[6] As a component of this report, Dr. DAVIDOVIĆ reported to the Drina Corps Command that during the course of the operation he played a large role in coordinating medical support, due to the 07 July 1995 deployment of Drina Corps Medical Services Chief Colonel S. DOŠIĆ, to Trnovo. He also noted that with respect to casualties treated,

> "Seventy or our wounded were hospitalized, five of whom were sent to Belgrade (two by helicopter).
>
> Eighteen wounded enemy /soldiers/ have undergone surgery and have been transferred to the hospital in Zvornik on the orders of the Main Staff."[7]

8.30 Of the 14 individuals listed in paragraphs 8.25 and 8.27 above, 12 are presently listed on the ICRC missing list related to the fall of Srebrenica in July 1995. As listed:

1. BECIROVIĆ, Aziz (son of Nezir), ICRC registration number BAZ-905924/2, reported missing from 13 July 1995 from Kamenica, Bratunac.
2. BEČIĆ, Mujo (son of Hakija), ICRC registration number BAZ-914619/1, reported missing from 12 July 1995 from Srebrenica.
3. BEGOVIĆ, Sulejman (son of Mustafa), ICRC registration number BAZ-901989/3, reported missing from 22 July 1995 from Milići.
4. HALILOVIĆ, Izet (son of Ramo), ICRC registration number BAZ-381197/2, reported missing from 13 July 1995 from Konjević Polje.
5. HAMZABEGOVIĆ, Mehmedalija (son of Ibrahim), ICRC registration number BAZ-104970, reported missing from 13 July 1995 from Konjević Polje.

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[4] CLSS English translation of Milići Medical Visit Log extract, listing 15 names admitted on 13 July 1995, with the last name scratched over (the name is Vahdet SULJIĆ, who was already previously listed on the BCS version of the sheet as entry 10).
[5] CLSS Engish translation of *Svetni Nikola* Hospital Milići document 20 July 1995.
[6] *Supra* 1.
[7] *Ibid*, Paragraph 2.

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6. IBIŠEVIĆ, Remzija (son of Ibrahim), ICRC registration number BAZ-106481/1, reported missing from 12 July 1995 from Pobude.
7. KURTIĆ, Behaija (son of Ahmet), ICRC registration number BAZ-913292/1, reported missing from 11 July 1995 from šuma (woods).
8. LOLIĆ, Behudin (son of Ramiz), ICRC registration number BAZ-901857/1, reported missing July 1995 from Konjević Polje.
9. MEMIĆ, Šemsudin (son of Šaban), ICRC registration number BAZ-910299/1, reported missing from 11 July 1995 from Kamenica-Bratunac.
10. MUSTAFIĆ, Redžo (son of Daut), ICRC registration number BAZ-905-882/2, reported missing from 16 July 1995 from Kamenica-Bratunac.
11. SALIĆ. Mensur (son of Šukrija), ICRC registration number BAZ-914040/1, reported missing from 11 July 1995 from Kamenica-Bratunac.
12. SULJIĆ, Vahdet (son of Alija), ICRC registration number BAZ-906843/1, reported missing from 13 July 1995 from Konjević Polje-Bratunac.

8.31 In addition to the ICRC missing list, the PHR (Physicians for Human Rights) missing list reflects that one SALIHOVIĆ, Huso (son of Mešan), PHR registration number 00042701 was reported missing from 11 July 1995 from the area of Hrastnica.

8.32 There is no known ICRC or PHR missing listing for KOZIĆ, Nedžad (son of Amir), who is listed as number four on the Milići Medical Visit log.[8] There is also no further information that might explain the identities, or treatment status of the additional four "enemy" soldiers treated by the *Sveti Nikola* War Hospital and reported to the Drina Corps by Dr. DAVIDOVIĆ on 24 July 1995.

8.33 In reviewing the hospital log of the Zvornik Hospital for July 1995, there are no entries referring to the above named Muslims who were transferred from the Milići Hospital.[9] In total, there are only four references to Muslim patients for the month of July 1995. Zvornik Hospital log entry number 4582 reflects that one Azem BAJRAMOVIĆ (son of Suljo) was admitted on 14 July 1995, treated and then taken to "Standard" (the Headquarters garrison of the Zvornik Infantry Brigade). Azem BAJRAMOVIĆ is presently listed on the ICRC Missing list (BAZ-965242/2) as missing from the Baljkovica area from 18 July 1995. Another impartial entry from 14/15 July 1995 (log number 4605) reflects a partial name (Fahro-son of Meho from Srebrenica) being treated due to a gunshot injury. To date, the partial identification precludes a positive accounting for the listed individual.

8.34 The remaining two other Muslim individuals are reflected as being admitted and treated on 24 July 1995. Both individuals survived, were taken to the Batković detention facility, and were subsequently exchanged at a later date.

[8] *Supra* 4.
[9] Extract of July 1995 Zvornik Hospital Logbook (English translation pending).

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C. Broader General Knowledge of Muslim Prisoners

8.35 In addition to the specific names of individuals who were known to be in custody in the zone of the VRS Drina Corps there was additional information which establishes how widespread such knowledge was (or should have been) within the Republika Srpska Police and Ministry of the Interior. In this respect, the intelligence reporting of the Sarajevo Office of the RS State Security Department /RDB/ demonstrates both the detail and the reporting chain for this information. This written reporting was specifically directed from the Head of the RDB, Dragan KIJAC, to the RS Deputy Minister of the Interior (personally) and the Head of the RS MUP Public Security Department /RJB/ in Bijeljina (personally).

8.36 The first indication in this reporting that Muslim soldiers being taken into both VRS and RS MUP custody occurs on 13 July 1995.[10] The first paragraph (unnumbered) in this report reflects that:

> During the night of 12-13 July 1995, members of the VRS and MUP managed to capture a large number of Muslim soldiers (over 300) in ambushes set up in the general Konjević Polje area. So far, according to information gathered, one of our policemen has been killed and three have been wounded in armed fighting. Large groups of Muslim extremists have been broken into smaller ones so that movement along the Drinjača – Vlasenica road is completely unsafe. There are indications that during the night, the Muslims fired at some passing vehicles and that several people were killed. For the moment this information is unverified and we have no more precise details. According to unverified intelligence, some groups are planning to cross into the FRY and through the Tara mountains and Sandžak into the Former Yugoslav Republic of Macedonia. The operation to detect and neutralize the Muslim groups is continuing. Earlier information regarding their intentions and the axes of movement towards Kladanj and Tuzla (Buljim – Pobuđe – Konjević Polje – Kaldrmica – Cerska – Snagovo – Crni Vrh) has been confirmed many times in interviews with prisoners. According to the transfer plan, members of the so-called BH Army 2nd Corps from Tuzla were supposed to received them in the morning of 13 July 1995. Ibgan MUSTAFIĆ, a former SDA /Party of Democratic Action/ deputy in the former BH Assembly and a great opponent of Naser ORIĆ, was among the prisoners, and can, with the necessary preparation, be used well in the media.[11]

As noted above, by the early morning hours of 13 July 1995, the Head of the RDB in Sarajevo is reporting the capture of over 300 Muslim soldiers by both Army and MUP forces, MUP casualties, and also intelligence information obtained from numerous interviews of the captured Muslims.

8.37 On 14 July 1994, RDB reporting of the situation notes the presence of a three-kilometer long column heading through the Zvornik brigade zone, attempting to reach Tuzla.[12] Later reporting that day concerning the Muslim column and prisoners reflects the following:

> Assumptions have been confirmed that Muslim groups led by commanders of former brigades, /illegible/ TURSUNOVIĆ, Ibrahim MANDŽIĆ and Ejup

[10] CLSS English translation of RS RDB Report 05-2000/95, dated 13 July 1995.
[11] *Ibid.*
[12] CLSS English translation RS RDB Report 05-2034/95, dated 14 July 1995.

GOLIĆ, met in the Udrč sector. According to available information, on 13 July of this year in the evening in the Udrč area it was agreed to continue moving in the direction of Novo Selo, and then make an incursion into the Baljkovice sector. Units led by Ibrahim MANDŽIĆ were assigned the task of capturing two side elevations in the incursion sector, and between them, in a coordinated action with the units from Tuzla which will be commanded by Naser ORIĆ, they must set up a "corridor". The plan is to hold the corridor for 24 hours, so all the units and civilians gathered at Udrč could be pulled out through it (according to the available information there are boys and girls over the age of 15 with the Muslim soldiers). Rear security is to be provided by Ejup GOLIĆ with his group. According to imprecise information there are as many as four or five thousand people in the Udrč area, including the entire military and political leadership of Srebrenica and medical staff. All the soldiers are armed with infantry weapons, including a large number of RPG's. They are transporting ammunition and other logistical support by horses. When speaking to the people gathered there TURSUNOVIĆ expressly ordered, under threat of liquidation, that no one must surrender. The probability that there has been a breakthrough in the Baljkovice sector is also confirmed by the fact that a high-flying white flag was observed in that location; we assess it serves as a movement reference point for the soldiers from Srebrenica.

In the early morning hours of 14 July 1995 our forces clashed with one of the Muslim groups that are trying to get to Tuzla from Srebrenica. Four members of this group were liquidated, and four were captured. The same day around 1200 hours a group of 6 or 7 armed Muslim soldiers surrendered to the locals of the village of Lješanj (near Drinjača) in Zvornik Municipality, in the immediate vicinity of the Zvornik-Drinjača road.[13]

8.38 On 15 July 1995, RS RDB Report 05-2046 exclusively discusses the situation with respect to the Srebrenica Muslim situation. Of significance, the last paragraph of the report states that:

> On the morning of 15 July a group of about 100 Muslims captured from Srebrenica managed to escape from Gornja Pilica, Zvornik Municipality.[14]

In context, on 15 July 1995, the Gornja Pilica area is over 20 kilometers from the Bosnain Muslim column location that day. As such, the reference to the Muslims "captured from Srebrenica" can only refer to those individuals bussed up from the zone of the Bratunac Brigade, and then detained in the area of Pilica (either the school or the Dom) prior to their execution on 16 July 1995.

8.39 There are no references to Bosnian Muslim prisoners in the available RDB reporting for 16 and 17 July 1995.

8.40 On 18 July 1995, RDB reporting again reflects issues pertaining to Bosnian Muslim prisoners. Two separate groups are discussed. In the first instance, the report reflects the ICRC evacuation of 87 wounded and injured Muslim civilians accommodated at the UN base and the Bratunac Health Center. It also reflects that 23 Muslim men "fit for military service" were taken out of this group, and are being

[13] CLSS English translation of RDB Sarajevo Report 05-2037/95 dated 14 July 1994. Paragraphs 2-3 (unnumbered).
[14] CLSS English translation of RDB Sarajevo Report 05-2046/95 dated 15 July 1995. Paragraph 3 (unnumbered).

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treated as "prisoners of war". One of those individuals was also the subject of a "war-crimes" investigation.[15] In the second instance, the report indicates the following:

> During 17 July 1995 in the Baljkovica sector, to the west of the Zvornik – Caparde road, VRS and MUP Special Brigade members combed the terrain and occupied our previous positions. Just before that, the Muslim forces abandoned /illegible/ VRS since our side had previously let through another group of around 200 Muslim extremists from Srebrenica. The member of the Republika Srpska MUP who was taken prisoner was not returned during the course of yesterday. Early on the morning of 18 July 1995, another group of around 200 Muslim soldiers surrendered in the sector between Kasaba and Konjević Polje.[16]

Additional "unconfirmed" reporting for 18 July 1995, indicates that Muslim groups "numbering nearly 500 persons" were located in the woods in the Pobuđe sector, along the Bratunac-Konjević Polje road.[17] The report also indicated an awareness of possible Muslim intentions to effect an escape to either the FRY, Žepa or Tuzla, and also that military operations (combing the terrain) were continuing on both sides of the Milići-Drinjača road.

8.41 In summary, by the morning hours of 13 July 1995, the Republika Srpska State Security service (RDB) was actively reporting through MUP channels that significant numbers of Muslims were in VRS and MUP custody near Konjević Polje. Of note, reporting from the VRS Bratunac Brigade nor the CJB Zvornik Chief (Dragomir VASIĆ) does not provide any such numbers that would reflect these amounts of Muslims in custody at that time. Certainly, by the morning of 15 July 1995, a reported incident reflecting 100 Bosnian Muslims "escaping" from Pilica could not have been ignored by military and municipal authorities in Zvornik. While the factual basis of this incident appears to be inaccurate, a report of this nature should have generated some form of inquiry as to the true state of the prisoner situation in Pilica.

8.42 Finally, on 18 July 1995, the RDB reports another 200 Bosnian Muslims who had "surrendered" between Konjević Polje and Kasaba. Coupled with the previous numbers from 13 July 1995, at least 500 Bosnian Muslim men were reported to have been taken into the custody of either the VRS or the MUP between 13-18 July in that specific area. Yet, there is no corresponding data indicating that they were forwarded to the Batković Collection Center (near Bijeljina). As provided by the RS Ministry of Defense,[18] there are 171 known Bosnian Muslims from Srebrenica who were registered by the ICRC, and who where subsequently exchanged post-Dayton. Most of these individuals are listed as arriving after 22 July 1995. Moreover, in many cases, these numbers roughly correspond to numbers of Bosnian Muslims who were captured in the Zvornik Brigade zone, and are reflected in reporting from the Zvornik Brigade Daily Combat reports after 23 July 1995. Further, this number greatly exceeds BH Federation numbers of exchanged Bosnian Muslims from Srebrenica who were released from either Batković, or the Srbinje (Foča) detention center.[19]

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[15] CLSS English translation of RDB Sarajevo Report 05-2085/95 dated 18 July 1995. Paragraph 1 (unnumbered).
[16] *Ibid*, paragraph 2 (unnumbered).
[17] CLSS English translation of RDB Report 05-2097/95, dated 18 July 1995. Paragraph 5 (unnumbered).
[18] OTP draft English translation of RS MOD letter 08/1-08-77-4/02, dated 13 March 2002, forwarding a list of 171 Muslims exchanged from the Batković Collection Center (list in OTP draft English as well).
[19] See associated lists from BH Federation pertaining to individuals from Srebrenica and subsequently exchanged.

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-04-81-T

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC ANNEX 5 TO

SUBMISSION OF EXPERT REPORTS BY RICHARD BUTLER:

VRS Brigade Command Responsibility Report

01134250

31 October 2002

VRS Brigade Command Responsibility Report

Introduction

On 05 April 2000, the VRS Corps Command Responsibility Report was published, and subsequently forwarded as Prosecution Exhibit 401 in the case of the *Prosecutor v. Radislav Krstić*. As designed, the report was intended to define the Army of the Republika (VRS) military entity known as a Corps, and the examine the organizational roles and responsibilities of the positions of a Corps Commander and Corps Chief of Staff, circa 1995. The scope of this report was therefore primarily limited to material relevant to the echelon of command which then General-Major Radislav Krstić held at the time; specifically the Chief of Staff, and then Commander of the VRS Drina Corps.

Based on the continuing investigation of events regarding crimes related to the VRS capture of Srebrenica in July 1995, additional individuals are now in the custody of the ICTY, and await trial. These individuals held various positions within the framework of the VRS Drina Corps during the commission of the crimes, to include a Brigade Commander; a Brigade Chief of Staff, a Brigade Assistant Commander for Intelligence and Security, and finally a Brigade Chief of Engineering Services.[I]

As in the case of the VRS Corps Commander and Chief of Staff positions, the above listed positions have defined authorities and responsibilities many of which are defined by the regulations of the former Yugoslav Peoples Army (JNA), and adopted by the VRS upon its establishment. Others are found in the various laws of the Republika Srpska, or regulations published by the VRS itself. These are for the most part, a mirror image (albeit tailored to the subordinate brigade echelon) of the material that establishes the basis for VRS Corps command and control as defined in the 05 April 2000 Corps Command Report.

Despite this broad commonality in respect to the roles and functions between the VRS Corps and Brigade echelons, a detailed examination of the relevant Brigade-level positions remains necessary.[II] This should ensure as much clarity as possible with respect to the position of each accused, and his specific roles and responsibilities within the military framework of the VRS Brigade-level entity.[III]

Further, as a matter of accuracy, this report will also focus the applicability of these roles and functions to the VRS Drina Corps, and specifically to the Zvornik Infantry Brigade and Bratunac Light Infantry Brigade where appropriate. While this approach represents somewhat of a departure from the more abstract basis of the previous VRS Corps Command Responsibility Report, the author believes this particular approach is warranted for three reasons. First, it provides for a greater degree of precision with

[I] See Indictment IT 02-60-PT (amended), the *Prosecutor v. Vidoje Blagojević, Dragan Obrenović, Dragan Jokić and Momir Nikolić*.
[II] IT-02-60 PT Status conference, dated 19 July 2002.
[III] The basis of this report should also be fully applicable any future case pertaining to IT 98-33-I (amended), the *Prosecutor v. Vinko Pandurević)*. Then Lieutenant Colonel Pandurević held the position as Brigade Commander at the time of the commission of the crimes. At report publication, he remains at-large.

respect to how each brigade was organized in July 1995, which in turn has specific impacts on both command responsibility and the roles of functions of intelligence and security personnel in each brigade.

Second, it reflects the fact that each of the six VRS Corps Commands had (to a limited degree) the ability publish supplemental orders, directives or policies that further regulated various aspects of their own subordinate formations. For example, unless specifically noted to the contrary, the broader nature of VRS Main Staff orders and directives applied uniformly to the six VRS Corps commands circa July 1995. However, within the specific framework and competence of each Corps, orders, directives and policies more accurately tailored to the circumstances in the respective Corps' zones would not necessarily be applicable to a similar brigade formation outside in a different Corps.

Third, on a practical note, it should prevent any confusion with respect to the positions and roles of four accused in two different brigades.

In keeping with the above goals, this VRS Brigade Command Responsibility Report will define the authority and responsibility of the described command-level positions, first with respect to RS law and the former JNA regulatory basis, and then how they were applied with respect to the two brigades in question. It will also examine the specific staff functions, particularly the role of the Security Branch. Further, this report will the laws pertaining to the command relationships between the VRS and RS Ministry of the Interior (MUP) units and the circumstances under which they fall under local VRS control. Finally, the report will examine the RS legal and VRS regulatory basis under which the relevant brigade commands (commanders and other officers) were required to abide by with respect to "War Crimes" and "Crimes against Humanity."

The specific sections are outlined as follows:

> Section One provides a brief background synopsis, and examines the conditions under which the newly organized VRS adopted the structure, methodologies and operating regulations of the former JNA, inclusive of the brigade level formations.
>
> Section Two examines the authorities and responsibilities of a Brigade Commander and Chief of Staff in the VRS, based on the regulations of the former JNA, and as applied specifically by the Zvornik Infantry Brigade, and the Bratunac Light Infantry Brigade. Also discussed is the role of the Chief of Staff as the Brigade Deputy Commander.
>
> Section Three examines the authority and responsibility of the Brigade Staff, and associated Branch bodies. Specific focus will be placed role of the Assistant Commander for Security at the brigade level, to include the practical applications of the relevant security regulations in both the Zvornik Infantry Brigade and the Bratunac Light Infantry Brigade.
>
> Section Four examines the disciplinary authority of the VRS Brigade Commander and Deputy Commander over subordinates.

Section Five examines the relevant RS Laws and Military Regulations concerning the responsibility of VRS Brigade Commanders, and other Senior Officers, with regards to both the prevention of, and (if required), the prosecution of subordinates for "War Crimes" and "Crimes against Humanity."

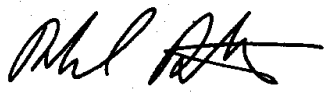
Section Six examines the legal and regulatory relationship between the VRS and the RS Ministry of the Interior (MUP) special police units, and the circumstances under which they fall under VRS control.

The final section, Section Seven, related to the conclusions drawn from the contents of this report.

This report sets the basis for understanding the organization and function, as well as the roles and responsibilities of the Brigade Command and Staff with respect to military operations and associated activities. This report should be read in conjunction with the Srebrenica Military Narrative Report (revised), which details the specific events of July 1995.

I base this report and its conclusions on my comprehensive analysis of documents, statements, manuals and other relevant material currently in the possession of the Office of the Prosecutor. Both the report and my conclusions reflect my knowledge and understanding of the VRS organization and structure (specifically the VRS Drina Corps and subordinate formations-circa July 1995), as defined by the applicable laws, military regulations and other directives which were in effect at the time.

Analytical judgements and references are noted accordingly.



Richard J. Butler

VRS Brigade Command Responsibility Report

SECTION ONE
Background Synopsis

A. Regulatory basis of the VRS

1.0 The Army of the Serbian Republic of Bosnia and Herzegovina (hereinafter referred to as the Army of the Republika Srpska or the VRS) was formed from the remnants of the former Yugoslav National Army (JNA) which remained in Bosnia following the announced withdrawal of all JNA forces in May 1992. As organised at that time, it was comprised of five geographically based Corps under the command of the Main Staff, a body composed of a nucleus of senior Bosnian Serb officers from the former JNA 2nd Military District Headquarters. On 1 November 1992, the VRS Drina Corps was formed; becoming the last of six geographically based Corps Commands.

1.1 Within these Corps, the primary combat component was the Brigade. These brigade formations, numbering from approximately 1500-4000 officers and soldiers, provide the principle means for prosecuting organized and integrated combat operations in a given sector or zone, and were organized to conduct operations under almost any combat conditions.[1] In the former JNA system, almost all brigades were organized as infantry (standard of light), motorized, mountain or alpine. While initially organized to serve as the basic combat element of a division, a change in JNA ground doctrine during the mid-1980s led to a more direct hierarchical structure, placing the brigades directly under a Corps Command.[2] In early 1992, the majority of brigades in the JNA 2nd Military District in Bosnia and Herzegovina were organized along the 'corps-brigade-battalion' hierarchical structure, and were directly subordinate to a Corps Command.

1.2 With the beginning of the conflict in Bosnia, and the announced withdrawal of the JNA from Bosnia, the key leadership of the VRS Main Staff, corps, and brigades were comprised of "ex-JNA" officers of Bosnian Serb origin.[3] In the interests of military expediency, and reflecting the commonality of doctrine and training, units of the newly organized VRS were structured (or simply remained) as they existed in the former JNA or local Territorial Defense (TO). This not only included the hierarchical structures and organization, but also continued reliance on the military regulations of the former JNA.

1.3 To facilitate the successful operation of these military units in both peacetime and wartime situations, the former JNA and the TO depended upon an extensive body of rules and regulations under which units, commands, staffs, branch bodies, and even individual soldiers were to adhere. These instructions were institutionalised

[1] CLSS English translation of *Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine and Light Brigades) 1984*, page 13, Combat Conditions- 5.
[2] *Id.* Page 4, Definitions and Purpose-1.
[3] Most of these officers maintained a concurrent appointment in the Federal Yugoslav Army (VJ). These professional officers (AVL) were both paid and administered by the VJ, through an organization known as the 30th Personnel Center.

throughout the armed forces of the former Socialist Federal Republic of Yugoslavia (SFRY). Through this comprehensive body of regulatory material, the armed forces of the SFRY – including the JNA and the TO – operated within the overall Yugoslav military doctrine at the time, generally referred to as "All People's Defence."[4]

1.4 For the most part, the JNA-trained commanders and staff officers directing the newly established VRS found the existing JNA-based ground-warfare doctrine and combat regulations to be suitable for their immediate requirements. In keeping with these regulations, the operational or tactical methodology of the VRS did not significantly deviate from those of the former JNA. Further, VRS orders indicate that the organs and branches of the newly organised army were specifically directed to comply with the existing regulations of the former SFRY – inclusive of the JNA – until such time as new regulations were published.[5] However, for a variety of reasons, few updated regulations were published by the VRS during the war.[6] As such, the combat regulations of the former JNA remained the basis under which the VRS was both organized, and fought.

1.5 As noted in the previously published VRS Corps Command Report (05 April 2000), the Corps was designated as the JNA operational-level formation for ground combat operations, and was utilized as such by the VRS in the conduct of the war in Bosnia.[7] In this respect, the JNA *Rules for Land Forces Corps (Provisional)*, published in 1990, and the *Regulations on the Authority of the Ground Forces Corps Commander in Peacetime* (1990) provides the framework for the roles and responsibilities of the Corps Commander, the Corps Staff, and other branches of the Corps. These two documents also prescribe the way in which the Corps is to function in a variety of military situations. As the Brigade functions as the tactical component of the Corps, these Corps regulations provide part of the foundation for understanding the inter-relationship between these two echelons in the VRS military hierarchy.

B. Regulatory basis of the VRS Brigade

1.6 In the regulations of the former JNA, a Brigade is defined as a higher combined tactical unit of variable composition. It combines the action of all other forces – including infantry, motorised, alpine, marine, light, armoured, mechanised, anti-armour, and artillery battalions and companies, as well as units of other combat arms – present in the Brigade's designated zone of operations. The Brigade may be part of a division, corps, army, or naval district.[8]

1.7 The primary reference defining JNA regulations on Brigade-level operations and responsibilities in peacetime and in wartime, is entitled *Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine and Light Brigades)* (hereinafter referenced as Brigade Rules) and published on 20 July 1984. This manual contains

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[4] *Supra.* n. 1. Introduction.
[5] CLSS English translation of 1st Krajina Corps Order 520-3, 20 Jun. 1992.
[6] Given the linkage between the officer cadre of the VRS and the VJ, it is not surprising that there was almost no migration away from established JNA (and later) VJ military regulatory basis. The one notable exception was the publication of the *Provisional Regulations on Service in the Army of the Serbian Republic*, issued on 18 August 1992.
[7] VRS Corps Command Responsibility Report, 05 April 2000. Tendered in the *Prosecutor v. Radislav Krstić* as Prosecution Exhibit 401. Supporting documents (five volumes) are tendered as Prosecution Exhibits 402/1 through 402/5 inclusive.
[8] *Supra.* n. 1. Pages 4-6.

the base rules for Brigade-level commands. As in the case of the Corps regulations, the Brigade regulations were adopted by the VRS,[9] and provide the basis for the roles and responsibilities of the Brigade Commander, the Brigade Staff, and other branches. The document also details the way in which the Brigade is to function in a variety of military situations.

1.8 At the same time, with respect to the overall command and staff processes, the primary reference is the 1983 *JNA Manual for the Work of the Command-Staff*. This manual is applicable to both the Brigade and the Corps echelons, and reflects the common planning and operating methodologies used by the former JNA.

1.9 Analysis of these Brigade- and Corps-level JNA regulations, in conjunction with documents and orders prepared by the VRS Brigade and Corps Commands during the conflict in Bosnia confirms that the organisation, structure, and operating methodologies of the VRS Brigades were in accordance with the JNA Brigade regulations.

[9] One such document from the 1st Zvornik Light Infantry Brigade articulates the roles and responsibilities of the Brigade Command and Staff using the verbatim language of the 1984 JNA Brigade Rules. This document is approved by Major Vinko Pandurević as Brigade Commander and signed and authored by Captain First Class Dragan Obrenović as Chief of Staff. Another document from the 1st Bratunac Light Infantry Brigade, contains a ten-page extract of the 1984 *JNA Brigade Rules*, also pertaining to Brigade command and specifically to the roles, functions, and responsibilities of Brigade Staff.

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SECTION TWO
VRS Brigade Commander: Authority and Responsibilities

A. Responsibilities of Brigade Commander

2.0 The overall concept of the exercise of JNA military command is defined as follows in the 1984 *JNA Brigade Rules*:

> Command of the brigade is part of an integrated system of command and control, which are based on adopted principles of command. Command implies the best ways of using human skills and the capabilities of equipment for the brigade to achieve the best possible results in performing a given task. To this end, command must be integrated, continuous, secure, flexible, effective and operational.[10]

This philosophy of command is further noted in the 1983 JNA *Manual for the Work of Command and Staffs*:

> The command relationship is based on the principle of unity, unity of command and subordination; it is defined in the relationship between the superior and his subordinate.
>
> The command relationship pervades the entire system of the armed forces, from the SFRY Presidency to the soldiers. It is an obligation to execute the tasks set by one's superior or competent officers and organs in an accurate and proper manner, and to act in accordance with the military regulations in their execution. Any disruption in the command relationship, such as circumvention of or wrongful interference with the chain of command is a sign of military disorganisation. Only commanding officers authorised to do so by appropriate regulations may in exceptional circumstances set tasks instead of their immediate superiors.[11]

2.1 As a fundamental component of the former JNA regulations, the roles and responsibilities of key officers are delineated within the context of the organisational structure. Foremost within the structure of the JNA (and later VRS) Brigade with respect to responsibility, authority, and accountability is that of the Brigade Commander. According to the 1984 *JNA Brigade Rules*:

> The Brigade Commander has the exclusive right to command all brigade units and attached units. He bears full responsibility for the work of the brigade command and subordinate commands, for the state of morale, for security and combat readiness, for training, and for the proper performance of tasks. The commander takes decisions, assigns tasks to units, monitors their fulfilment, and demands their strict execution regardless of difficulties that arise.
>
> Through his personal conduct, work, involvement in the implementation of the SKJ [League of Communists of Yugoslavia] policies[12], ethical

[10] *Supra.* n. 1. Paragraph 107.
[11] *JNA Manual for the Work of Command and Staffs*, 1983, Chapter 1(5).
[12] It is noteworthy that a document seized at 1.Zvlpbr headquarters otherwise quoting verbatim from the language of the JNA Brigade Rules omits this reference to the SKJ, a Yugoslav institution relevant to the JNA but not to the VRS.

> standing, courage, ability, fairness, cool-headedness, consistency, and respect for the personality and opinion of subordinates, the commander vitally influences the entire condition of the brigade, especially the morale of units and command.[13]

2.2 In preparing for and executing combat operations, the Brigade Commander bears the following further responsibilities:

- To receive orders or assignments in writing, orally, or electronically;
- To brief the Brigade Chief of Staff and various Brigade Staff organs;
- To report to his superiors as to the basic concept of the operation envisioned by his command;
- To evaluate the situation, including the type of action or combat activity, the objective of operations, the type of manoeuvre, the focus of operations, basic grouping, the allocation of tasks or selection of areas and positions for defence, and readiness for actions;
- To make a decision regarding the conduct and execution of the imminent operation;
- To issue the appropriate orders, either in oral or in written form; and
- To monitor the execution of the decision to ensure the effects of all participants in the execution of the assignment. The Commander shall monitor the implementation of the decision in crucial situations and in those units whose actions have a decisive effect on the execution of the assignment.[14]

2.3 Moreover, with respect to organising collaboration within the Brigade zone of operations, the Brigade Commander is responsible for establishing co-ordination and co-operation with the local political, social, civil defence, and other relevant community organs within the zone of operations.[15]

2.4 In the implementation of these responsibilities, the Brigade Commander exercises his authority (either directly or through the appropriate command bodies and subordinate commands). He continues to remain individually responsible and accountable for the planning and conduct of military operations within his designated zone of responsibility.[16]

2.5 Because command of the Brigade is organised as part of an integrated system of command and control within the JNA,[17] regulations pertaining to the structure, roles and responsibility of the Corps Command are relevant for comparison to the position and the responsibilities of the Brigade Commander. As such, according to the JNA *Rules for Land Forces Corps (Provisional)*, the Corps Commander:

> Bears the responsibility for the accomplishment of a mission. He takes decisions, gives assignments to his subordinates, organises co-ordination and co-operation, and controls the implementation of decisions. He is responsible for harmonising the activities of his command, subordinated commands and headquarters and appropriate socio-political communities

[13] *Supra.* n. 1. Paragraph 115.
[14] *Id.* Paragraphs 125-149. This bullet-point reference was extracted from the more narrative and detailed descriptions found in Section Three, "Work of the Brigade Command in Preparing and Organizing Combat Operations."
[15] *Id.* Paragraph 155.
[16] *Id.* Paragraph 115.
[17] *Id.* Paragraph 107.

> and organisations in integrating combat actions and all other forms of struggle and popular resistance in the assigned zone.[18]

2.6 Thus, in the Corps – and in the Brigade – command is regarded as the exclusive province of the Commander. "The Commander may authorise certain officers from the command to command units and institutions of branches or services, but the Commander continues to bear responsibility for the situation in those units, and for the work of the officers to whom he has transferred some of his rights."[19]

Institutional Authority of Brigade Commander in the VRS

2.7 The institutional authority of a Brigade Commander to carry out the above-enumerated responsibilities is based upon his individual appointment to that particular position, whereby he assumes the authority, obligations, and enforcement power reserved for this position. The issue of appointment is addressed in Articles 153, 155, and 370 of the RS *Law of the Army*. Articles 153 and 155 deal with the appointment of military personnel to formation posts according to service requirements. Article 370 specifically authorises the Minister of Defence to decide on promotions, appointments, termination of service, and transfer of status in the service of active duty and reserve non-commissioned and commissioned officers up to the rank of Colonel. Further, pursuant to an order issued by the RS Ministry of Defence on 16 June 1992, the power to appoint to the position of VRS Brigade Commander was solely the province of the RS Minister of Defence.[20]

2.8 The authority to create a Brigade entity, as well as the position of Brigade Commander, is found in Article 174 of the *Law of the Army*, which specifically authorises the President, as Supreme Commander of the Army, to:

- define Army organisation and establishment;
- establish the system of Army command in compliance with the bases determined by [RS *Law of the Army*];
- monitor the implementation of the established system of Army command.[21]

2.9 The President's authority in this regard is delegated to a significant degree to the Army to regulate the day-to-day functioning of the system. Such a delegation of authority is contemplated by Article 174, which provides that the President may delegate certain command duties to the Commander of the Main Staff, who shall then be responsible to the President for the performance of said duties. [22]

2.10 Further defining this authority, the RS *Law of the Army* provides that command in the VRS shall rest on the principles of a unified command regarding the use of force and means, and single-man seniority with obligations to enforce decisions, commands, and orders issued by superior officers. A superior officer is defined as "a person in command of a military unit or a person managing a military

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[18] CLSS English translation of JNA *Rules for Land Forces Corps (Provisional)* 1990, Paragraph 65.

[19] CLSS English translation of Federal Secretariat for National Defence, General Staff of the SFRY, and Armed Forces 3rd Dept., *Regulations on the Responsibility of the Land Army Corps Commander in Peacetime*, 1990, Art. 9.

[20] CLSS English translation of RS Ministry of Defense order 21-59/93, 16 Jun. 1992.

[21] CLSS English translation of RS *Law on the Army*, 1 Jun. 1992, Art. 174 (4)-(6), as amended 31 December 1992.

[22] *Id.* Articles 174-175.

institution (hereinafter: units and institutions), and in command of personnel serving in the military unit or institution, in compliance with the law and other regulations issued by the competent body."[23] A further dichotomy exists between senior and junior officers, with a senior officer defined as: "a 'holder' of higher rank, or in the case when officers hold the same rank or have no rank, a senior officer is the holder of the higher position."[24]

2.11 This concept of superior-officer command is also defined in the Interim Provisions on the Service in the Army of the Serb Republic, signed by RS President Radovan Karadžić and effective 18 August 1992. Section II (Army Relations) addresses the matter of senior and superior command, noting that:

> Members of the Army shall carry out the orders of their superiors without demur, in full, accurately and punctually. If by any chance the order was not given in good time, the person is required to take measures and act in accordance with the specific situation.
>
> Members of the Army shall carry out the orders of the most senior officer present when the superior officer is absent.
>
> The execution of each order shall first be reported to the superior officer or to the officer who has given the order.[25]

2.12 While these provisions are clearly intended to alleviate potential command difficulties in small formations (particularly in giving orders to the unit in the absence of the specific unit commander), it provides a valuable insight as to the fact that soldiers are obligated to follow those orders legally given to them by senior or superior commanders, and that they are obligated to report the execution of each order back up the chain of command to the officer who issued the order. This institutionalised chain of reporting exists at all levels of command.

C. Legal Authority of the Brigade Commander in the VRS

2.13 In the broadest sense, the legal mandate of military-based superior authority and subordinate compliance is found in the RS *Criminal Law*, pursuant to Chapter Twenty, 'Criminal Acts Against the Armed Forces'.[26] This chapter details the legal basis of service obligations in the Armed Forces, conduct while serving in the Armed Forces, and crimes against various institutions of the Armed Forces. With respect to the issue of superior authority and subordinate compliance, Article 201 (Failure and refusal to execute an order), and Article 203 (Resisting a Superior) are the most applicable.

Article 201 (extract)

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[23] *Id.* Article 4.
[24] *Id.*
[25] CLSS English translation of the *Official Gazette of the Serbian People in the Serb Republic*, No. 7, 18 Aug. 1992, Interim Provisions of Service in the Army of the Serb Republic, Paragraph 17.
[26] CLSS English translation of the Criminal Law of the SFRY, Chapter Twenty, *SRFY Official Gazette*, 1990. On 31 July 1993, the RS National Assembly adopted a series of amendments to the *Criminal Law of the SFRY*, including a provision that renamed it the *Criminal Law of the Republika Srpska*; CLSS English translation of the 'Law on Amendments to the Criminal Code of the Socialist Federative Republic of Yugoslavia', *RS Official Gazette*, No. 12, 09 Aug 1993, Article 1. As the Criminal Code in full was not republished, all further references will be made to the code as adopted.

(1) If a military person fails or refuses to execute an order of a superior given in the line of duty, and if as a result of such failure or refusal grave detrimental consequences occur for the service, or the service was seriously jeopardized, he shall be imprisoned for a term exceeding three months, but not exceeding three years.

(3) In a particularly grave case of the criminal act as referred to in paragraph one of this article, the offender shall be punished by imprisonment for a term exceeding one year, but not exceeding ten years.[27]

Article 203 (extract)

(1) A military person, who in concert with other military persons offers resistance to an order of a superior given in the line of duty and disobeys the same, or refuses to discharge his duty, shall be punished by imprisonment for a term exceeding three months but not exceeding five years.

(2) If the act referred to in paragraph one of this article has been committed in an organized way, the offender shall be punished by imprisonment by a term exceeding one year, but not exceeding 10 years.

(3) If the act referred to in paragraphs one and two of this article have been committed with the use of arms, or if its commission has been accompanied by an intentional killing of a person, the offender shall be punished by imprisonment for not less than five years, or the death penalty.

(6) A military superior who, faced with the offence referred to in paragraph one through three, fails to take steps toward restoring order, shall be punished by imprisonment for a term exceeding one year, but not exceeding five years.[28]

These Articles clearly delineate the legal obligations for both individual and collective compliance by "military personnel". Further, they hold "military superiors" accountable for the failure to enforce such compliance when required.

2.14 More specific disciplinary powers, as well as other legal tools are also available to the Brigade Commander, and are further discussed in Section Four.

D. Brigade Deputy Commander functions

2.15 A final component in Brigade Command under the JNA regulatory basis is the responsibility and authority of the Brigade Deputy Commander. This is not singular position (as common in many Western militaries); it is instead a position concurrently filled as part of the normal duties of the Brigade Chief of Staff.[29] In this function, the Chief of Staff has the authority, and the obligation to exercise command over

[27] *Supra.* n. 26.
[28] *Ibid.*
[29] *Supra.* n. 1. Paragraph 116.

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subordinates in the brigade when the situation warrants. However, in examining this "command" function, one must do so within the greater context of the roles and responsibilities of the Chief of Staff. In this regard, he is the principal advisor to the Brigade Commander, and the primary facilitator through which the Commander's intent, commands and orders are organized and processed for execution by the Brigade staff and subordinate units (see detailed functions in Section Three). He specifically directs the work of the staff, and in accordance with the commander's decisions, has the right to assign tasks to subordinates. [30]

2.16 The functional empowerment of the Chief of Staff to issue orders as necessary should not be construed as an abdication or limitation of the Commander's authority or responsibility. Rather, this authority vested in the Chief of Staff/Deputy Commander is designed to allow the timely and efficient issuing of orders or instructions necessary to facilitate the overall intent and directives of the Commander, or to deal with situations which require action when the Commander is "absent".[31]

2.17 In this context, the Brigade Deputy Commander possesses responsibilities and authorities second only to those of the Brigade Commander. They allow for facilitating a rapid and efficient continuation of command in the event that the Brigade Commander is killed, incapacitated, or rendered unable to effectively exercise command during the course of combat operations. This concept of the powers and purpose of the Deputy Commander is further codified in the *Interim Provisions on the Service in the Army of the Serb Republic*, published on 18 August 1992.[32] Part II (Command) provides as follows: "If a unit or an institution is suddenly left without a commanding officer, command shall be assumed by his deputy or the highest ranking officer in that unit until a new commanding officer is appointed."[33]

2.18 In the more practical sense, given the significant shortage of senior experienced professional army commanders in the VRS, it was not uncommon that the Brigade Commander would personally lead temporarily established combat formations outside the designated zone of the Brigade for short periods of time. In that event, the Chief of Staff functionally assumed the role of the Deputy Commander, until the return of the Commander to the zone.

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[30] *Ibid.*
[31] *Supra.* n. 18, Article 10.
[32] *Official Gazette of the Serbian People in the Serb Republic*, No. 7, 18 Aug. 1992, Interim Provisions of Service in the Army of the Serb Republic.
[33] *Id.* Paragraph 16.

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SECTION THREE
VRS Brigade Staff and Specialized Branch Bodies

3.0 To facilitate the work of the Brigade Commander, he is provided with a staff (which comprises the operative organs of the Brigade) and various special branch organs. These elements are directed by experienced officers who plan, manage and monitor the operational activities and technical aspects of the Brigade. As laid out in the *JNA Brigade Rules*, the operative organs of the staff functions under the direction of the Chief of Staff. The specialized branch bodies are administered by officers experienced in that functional area, and are designated as Assistant Commanders.

A. The Brigade Staff (Command Group)

3.1 As defined in the *JNA Brigade Rules,* the Brigade Commander, the Chief of Staff, the operations organ, the intelligence organ and the branch organs comprise an element known as the "Command Group".[34] This group of officers drafts decisions, plans, organizes, coordinates, controls and analyzes combat operations.[35] In essence, they are responsible for the timely and effective command and control of the combat actions of the brigade, and under all combat circumstances.

3.2 In first examining the operative component of the staff, the *JNA Brigade Rules* specify that the following organs or functions are normally associated in the Brigade Staff:

-the Operations and Training Organ;
-the Intelligence Organ;
-the various organs for combat arms, which can include:
--Armor/mechanized organ;
--Anti-aircraft protection organ;
--Engineer organ;
--Artillery organ;
--Nuclear, chemical and biological defense;
--Communications;
the Recruitment and Personnel Organ, and
the Headquarters Administration section.[36]

VRS Brigade Chief of Staff/Deputy Commander

3.3 As previously discussed (Section Two, paragraph 2.15) the Brigade Chief of Staff concurrently holds the position of Deputy Commander. He is the principal advisor to the Brigade Commander, and the primary facilitator through which the Commander's intent, commands and orders are organized and processed for execution by the Brigade Staff and subordinate units. He directs the work of the staff organs listed above, and can issue orders in that regard.[37]

3.4 The *JNA Brigade Rules* provide only a cursory description of the roles and responsibilities of the Brigade Chief of Staff. However, in examining the specific

[34] *Supra.* n. 1. Paragraph 158.
[35] *Ibid.*
[36] *Id.* Paragraphs 116-120.
[37] *Id.* Paragraph 116.

sections of the *JNA Brigade Rules* --**Brigade Command** (Section 2), and--**Work of the Brigade Command in Preparing and Organizing Combat Operations** (Section 3), it possible to extract detailed bullet-point tasks of the staff, which in turn are then responsible to the Chief of Staff. In practice, the Chief of Staff of the Zvornik Brigade undertook such a review for that purpose:

> "...on the basis of provisions of the Rules (Rules of the Brigade, items 114-124 and 125-149), the actual situation and needs, [and] to organize more efficient functioning of the Command, Staff and Staff organs and for more operative and efficient command and control..."[38]

3.5 As defined in this document, the broad duties of the Zvornik Brigade Staff were listed as follows:

> 2. Duties of the Staff:
>
> -gathers, studies, processes and uses data on the enemy, on its own troops, terrain, weather and areas of operation, and informs the commander thereof;
>
> -organizes all measures for combat security support.
>
> -Prepares in due time, material and data necessary for making decisions during planning and operations;
>
> -issues preliminary orders;
>
> -drafts necessary plans and commands, submits them to units, and controls the accuracy and timeliness of their execution, controls all activities of units, and if necessary, provides assistance to the commands of the subordinate units;
>
> -ensures coordinated action by units in combat by promptly informing all chiefs of services and the logistics commander about the situation and by ensuring their participation in developing an operation plan;
>
> -organizes the commanding process;
>
> -submits a report on the situation to the superior command and informs his [sic]subordinates and neighboring units;
>
> -must always be familiar with equipment levels, troop supplies and logistics;
>
> -studies and draws conclusions from combat operations and make sure to inform his superiors and troops about them;
>
> -takes all measures to ensure alertness and confidentiality in the command.[39]

[38] CLSS English translation of 1.Zvpbr document (undated), Duties and tasks of the Command, Staff and Staff Organs.
[39] *Id.* Paragraph 2.

3.6 It is important at this juncture to note that the actual composition (or even presence) of these various organs is dependant on the organizational structure of the specific brigade being discussed. As such, in the context of this report (and the events pertaining to Srebrenica during July 1995), it is necessary to differentiate between the staff and branch structure of a JNA regular infantry brigade and that of a light infantry brigade. In that regard, it should be noted that in July 1995, the 1st Zvornik Infantry Brigade was organized as a regular infantry brigade, while the 1st Bratunac Light Infantry Brigade was organized (as the name implies) along a much less robust structure.[40] However, despite this organizational difference, the basic rules pertaining to command and staff procedures applied to both formations.[41]

Operation Center and the Duty Operations Officer

3.7 To ensure continuity of 'command group' functions in all conditions, a roster of rotating operational duty officers and shifts at the command post are maintained at all times. This roster assigns a commanding officer from the Brigade Command as the operations duty officer and another as his assistant. All internal service organs in the command post are subordinate to the operations duty officer in the performance of his duties.[42] The operations duty officer has the following duties and responsibilities:

- To monitor the course of combat operations and to enter the changes in subordinate and adjacent units into charts and staff operation map;
- To inform the Commander or Chief of Staff about any major changes or orders issued by a superior which require a decision of the commander;
- To be familiar with the disposition of the elements of the command post, and with the location of the Commander, the Chief of Staff and assistants to the Commander;
- To control and maintain communications with the operations duty officers of the superior and subordinate commands;
- To receive and dispatch orders and reports when other organs are resting or when ordered to do so;
- To advise the Assistant to the Commander for Logistics or appropriate organs at the logistics command post about the orders of superior officers, reports and notices of the subordinates, adjacent elements, organs and organisations of socio-political communities, socio-political organisations and organisations of associated labour which have to do with logistics support; and
- To monitor and verify measures for the immediate security and defence of the command post and to sound the alert in case of an attack.[43]

3.8 Nominally, these functions are organized so they can be conducted in the 'operations room' - - or at the designated 'center' of the command group, where it is linked by communications equipment to subordinate, superior and other commands

[40] For example, in July 1995, as a Light Infantry Brigade, the 1st Bratunac Brigade did not have an assigned Chief of Intelligence, Chief of Engineering Services, Chief of Anti-Aircraft Defense or Chief of Armor/Mechanized units whereas the Zvornik Brigade had these staff organs manned.
[41] As previously noted, a document from the 1st Bratunac Light Infantry Brigade, contains a ten-page extract of the 1984 *JNA Brigade Rules*, also pertaining to Brigade command and specifically to the roles, functions, and responsibilities of Brigade Staff.
[42] *Supra.* n. 11. Paragraphs 64-65.
[43] *Id.* Paragraph 66.

and staffs.[44] The brigade operations room (or center) represents the primary nexus where combat related information passes through the command, available for the Commander, the Chief of Staff, the various assistants or other branch/special staff officers.[45] As such, during the absence of the Commander or Chief of Staff from the Operations Center, the operations duty officer becomes the focal point for ensuring that these individuals remain fully apprised of the current situation, and orders of the superior commands.

B. VRS Brigade Branch Bodies.

3.9 Outside the context of the brigade 'command group' are the more technical or specialized branch bodies of the brigade. These functions consist of the organs administering the following functional areas:

-Organ for Morale, Legal and Religious Affairs;[46]

-Organ for Security (or Intelligence and Security)[47]

-Organ for Rear Services[48]

These organs are not nominally under the direction of the Brigade Chief of Staff *per se*, but are administered by individual 'Assistant Commanders', who are then responsible to the Brigade Commander for the accomplishment of their duties. However, they are required to function in close co-ordination with the brigade staff, and fall under the direction of the Brigade Chief of Staff (functioning as the Deputy Commander) in the absence of the Commander.

Brigade Security Organ and the Assistant Commander (or Chief) of Security

3.10 Given the context of the events relating to Srebrenica in July 1995, the roles and functions of the Brigade Security (or Intelligence and Security) organs merit particular examination. The JNA Brigade Rules describe these as "...a specialised organ of the Command that organises and implements measures and procedures of counter-intelligence support."[49] One key function of the Brigade security organ is participation in recommending, organising, and implementing security and self-protection measures relevant to the Command, as well as other subjects of self-protection. Additionally, the Brigade security organ is responsible for directing the work of the intelligence and security organs of subordinate units. In this regard, it organises and directs the work of such subordinate units, provides assistance where required, and controls activities and duties relating to counter-intelligence.

3.11 The Brigade security organ also organises cooperation with internal affairs organs of the DPZ's (socio-political communities), the corresponding organs of the DPO's (socio-political organisations) and OUR's (organisations of associated labour),

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[44] *Supra.* n. 1. Paragraph 159.
[45] *Ibid.*
[46] Formerly known as the Political organ
[47] In a JNA Light Infantry Brigade structure, the Chief of Security also assumes the role as the Chief of Intelligence. These positions remain separate in the regular brigade structure.
[48] *Supra.* n. 1. Paragraphs 121-123.
[49] *Id.* Paragraph 122.

and the security and intelligence organs of the parallel JNA and TO (Territorial Defence) units.[50]

3.12 Finally, the Security organ manages the activities of the military police unit of the brigade, by "...providing expert direction; monitoring the level of training and readiness for combat and other tasks; and recommending to the commander how it can be optimally utilised."[51]

3.13 As the Security and Intelligence Branches are of a sensitive and somewhat legal nature (particular with respect to Military Police related oversight), the SFRY and JNA published a variety of regulations dealing with these specific issues. One such regulation is the 1984 *Rules of Service of Security Organs in the Armed Forces of the Socialist Federative Republic of Yugoslavia* ("Rules for Security Organs").[52] These rules, as applicable to the VRS Security Organs at the time, note the primary tasks of security organs include counterintelligence functions, protection of the armed forces, and organisation and maintenance of intelligence information.[53] They are also explicit as to the close integration of the security organ into the regular framework and chain of command of its unit, stating that:

> The security organ is directly subordinate to the commanding officer of the command, unit, institution or staff of the armed forces in whose strength it is placed in the establishment, and it is responsible to that officer for its work.[54]

3.14 With respect the oversight of the military police functions, the security organ is involved with the military police unit subordinated to the command, unit, institution, or staff of which the security organ is a part. Such oversight occurs within the regular chain of command. Specifically, a designated officer of a security organ of a command, unit, institution, or staff provides 'specialised management' for a military police unit. This officer recommends the use of the military police unit to the senior officer of the command, unit, institution, or staff, and is responsible to him for the state and activity of the military police unit.[55]

3.15 This relationship between the officer in charge of the security body and the commander with respect to military police is reiterated in the *Service Regulations of the SRFY Armed Forces Military Police.*[56] As noted:

> The officer in charge of the military unit and institution within whose establishment the military police unit is placed or to which it is attached commands and controls the unit.[57]
>
> With respect to speciality, the officer in charge of the security body of the unit or institution within whose establishment the military police unit is

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[50] *Ibid.*
[51] *Ibid.*
[52] CLSS English translation of the *Rules of Service of Security Organs in the Armed Forces of the Socialist Federative Republic of Yugoslavia, 1984.*
[53] *Id.* Paragraphs 6-7.
[54] *Id.* Paragraph 16.
[55] *Id.* Paragraph 23.
[56] CLSS English translation of the *Service Regulations of the SFRY Armed Forces Military Police,* 1985
[57] *Id,* Paragraph 12.

> placed or which it is attached controls the military police. He makes suggestions to the officer in charge of the military unit or institution on the use of the military police units and is responsible for the combat readiness of the military police unit and the performance of their tasks.
>
> When controlling a military police unit, the officer in charge of the security body from paragraph 1 of this item has the same rights and duties which officers of the arms of services of military units and institutions have in controlling the units of arms and services.[58]

3.16 While in a regular (JNA) infantry brigade organization the roles of Security and Intelligence are managed by two different branches, these same functions are managed by the same branch (the security branch) in a light infantry brigade.[59] As such, in July 1995, the roles of functions of security and Intelligence were under one organ in the Bratunac Light Infantry Brigade (under the Assistant Commander for Intelligence and Security Affairs). In the Zvornik Infantry Brigade, Security functioned under the Assistant Commander for Security Affairs,[60] and the Intelligence Branch functioned under the direction of the Assistant Chief (of Staff) for Intelligence.

3.17 The relevant JNA regulations clearly show the close cooperative relationship between the functions of security, and the functions of intelligence at all levels of command and control. As indicated in the *JNA Brigade Rules*:

> The Intelligence organ is responsible for and organizes intelligence support for combat actions. It continuously monitors and assess the enemy, and reports the enemy's condition to everyone concerned in the command. It suggests to the commander or chief of staff the procedure and resources for intelligence support for the brigade. It provides expert direction for the intelligence activities of the intelligence and security organs of subordinate units. It organizes cooperation with the intelligence organs of adjacent units and TO units and headquarters, and with organs of the DPZ's (social-political community) DPO's (social political organizations) and OUR's (labor associations) and the surveillance and information system. It controls the reconnaissance activities of all organs and units in the brigade, and recommends their most appropriate use.[61]

3.18 This cooperative relationship is further reiterated in the *SFRY Manual for Intelligence Support to the Armed Forces (1987)*, where it is noted that:

> In the execution of their tasks, intelligence organs must work in close cooperation with all organs in the branches, arms and services in the command/staff, in particular the operations organs, security organs and organs of the interior, and other organs and organizations of the socio-

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[58] *Id*, Paragraph 13.

[59] CLSS English translation of 2.KK order 5/5-4/5, 10 January 1993, reflecting VRS Main Staff (order 30/18-25, 03 July 1992) on organization amendments for the light Infantry Brigade formation, JNA establishment-type 111978. This order notes that the separate posts of Assistant Chief of Intelligence and the Security Service organ are to be merged. The new organ is to be called the organ for Intelligence and Security Affairs.

[60] The practical as well as public manifestation of this relationship between the Assistant Commander for Security and the Military Police unit is reflected in a magazine article published in *Drinski Magazine*, "Award in the Right Hands, the tasks of the Military Police" January 1995, page 5. (CLSS English translation).

[61] *Supra.* n. 1. Paragraph 118.

> political communities which have in their jurisdiction the security and social self-protection and intelligence and reconnaissance activity in the zone/area of intelligence responsibility.[62]

3.19 This nexus between the functions Security Organ and the Intelligence Organ is readily apparent when dealing with issues pertaining to prisoners of war. Starting with the battalion level Assistant Commander for Security and Intelligence, this officer is directly subordinate to the battalion commander, and deals with intelligence and security tasks.[63] At this level, the Assistant Commander is charged at that level with carrying out, "the core interrogation of prisoners of war and arrange for their evacuation to a designated location."[64] At the brigade level, the Brigade Commander is responsible for ensuring the proper interrogation of prisoners of war, again through his Intelligence organ.[65] At the same time, he is responsible to ensure that the provisions of the 1949 Geneva Conventions were "strictly complied with in the treatment of prisoners of war".[66] Further, the Security organ, managing the military police branch, secures and escorts prisoners of war as required.[67]

Assistant Commander for Rear Services (or Logistics)

3.20 As with any modern military, the function of logistics is a vital area of concern for any commander. In this respect, the JNA organized the various logistical support branches into a grouping under an Assistant Commander who was normally trained in these issues. This function is described in the *JNA Brigade Rules* as follows:

> The logistics organ is responsible for planning, organizing, preparing and implementing logistics support. The assistant commander for logistics directs the work of the logistics organ. He has the right, in keeping with the sprit of the commander's decision, to assign tasks to the logistics organs, which perform with the help of directly subordinate logistics units and logistics units in battalions and independent companies.[68]

Specifically, these functions include technical support, quartermaster, medical, veterinary, transport, and other such related issues.[69]

3.21 In the JNA (and VRS), technical support is defined as equipment, material and supplies for their maintenance. This includes the provision of units with ammunition, explosives, fuel, power generation equipment, spare parts and related supplies.[70] Quartermaster support is defined as bulk military supplies (i.e. clothing or uniforms), fresh or bulk packaged provisions (to include meal preparation services), water, basic (non-technical) equipment repair, and other related services (laundry, barber, etc).[71] Medical support covers preventive care, sick and injured care (triage, evacuation and

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[62] CLSS English translation of *SFRY Manual for Intelligence Support to the Armed Forces (1987)*, para 14.
[63] CLSS English translation of Zvornik Infantry Brigade, *Instructions for the work of an Assistant (Battalion) Commander for Security and Intelligence*, 21 September 1994.
[64] *Ibid.*
[65] *Supra.* n. 62. Paragraphs 198-201.
[66] *Id.* Paragraph 200.
[67] *Supra.* n. 56. Paragraphs 25 (h) and 55-57.
[68] *Supra.* n. 1. Paragraph 123.
[69] *Id.* Paragraph 244.
[70] *Id.* Paragraph 253.
[71] *Id.* Paragraph 255.

treatment), and medical supply services.[72] Veterinary support includes both animal health care for work, and animal-health-sanitary care for animal related foodstuffs.[73] Transport support services cover the range of tasks necessary to allow for the organized and unimpeded movements of units, material and equipment within the zone of the brigade. This encompasses the regulation and use of routes, the planning for required transport capacity, the organization and monitoring of movement, and coordination for required route security (via military police traffic units).[74]

3.22 As a function of the general logistics services, the JNA Brigade Manual also deals with the issue of logistical support for prisoners of war. As stated:

> Logistics support for prisoners of war includes the provision of necessary supplies and health care. Provision of supplies to prisoners in prisoner stations and other locations while they are under the jurisdiction of the armed forces is organized by logistics and other organs in units which have captured them. The escort for prisoners of war in camps is organized an implemented by TO staff's in collaboration with the social-political communities. Prisoners of war receive health care in accordance with general medical standards that apply to health care and in the sprit of the Geneva Conventions.
>
> Prisoners of war are chiefly used as labor for the implementation of logistics support for prisoners of war.[75]

Assistant Commander for Morale, Legal and Religious Affairs

3.23 Formerly referred to in the JNA documents as the organ for political work and propaganda,[76] the roles and functions of this branch evolved into morale, legal and religious affairs under the organization of the VRS. Under these broad functions, the branch organizes the ideological and political education of the unit, with respect to the exchange of information on the military-political situation, the morale-political situation. It also organizes resistance to propaganda and other activities of the enemy, positive cultural activity, and the long-term social welfare of wounded soldiers and surviving family members.[77]

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[72] *Id.* Paragraphs 266-269.
[73] *Id.* Paragraphs 272-275.
[74] *Id.* Paragraphs 278-284.
[75] *Id.* Paragraph 295.
[76] The *JNA Brigade Rules* refer to it as the "Organ for political work: inclusive of psychological and propaganda activities. In July 1992, as reflected in Main Staff order 30/18-25 dated 03 July 1995 (as noted in 2.KK order 5/5-4/5, dated 10 Jan 1993, the organ was re-designated the Department for Moral Guidance, Religious and Legal Affairs. *See supra* n. 59.
[77] *Supra.* n. 1. Paragraphs 187-207.

SECTION FOUR:
Disciplinary Authority of VRS Brigade Commander and Deputy Commander/Chief of Staff over Subordinates

4.0 As previously discussed in Chapter Two, the abstract issue of superior officer authority is codified under the *Criminal Law of the SFRY* (renamed the *RS Criminal Law* in December 1993). At the same time, these superior officers had a variety of additional punitive powers at their disposal to enforce their authority and to maintain military discipline over subordinates. Most of these were codified in the VRS Service Regulations,[78] the RS *Law on the Army* (disciplinary accountability),[79] the RS *Criminal Law* (criminal accountability),[80] the RS *Law on Military Courts*,[81] and the RS *Law on Military Courts and the Law on Court-martials during a State of War*.[82] All members of the VRS are bound to these regulations and laws during service.

4.1 Reinforcing the criminal proscriptions in Article 201 (Failure and refusal to execute an order), and Article 203 (Resisting a Superior), the obligation of service members to carry out orders, as well as the responsibility of superior officers to enforce these orders were reiterated in a regulatory basis as well. As detailed in the *Interim Provisions on the Service in the Army of the Serb Republic* (18 August 1992),

> The superior officer shall hold responsible the person who fails to carry out an order, in full, with accuracy and in time (sic), and who in the meantime fails to report that he is unable to carry out the order.[83]

Military Disciplinary Accountability

4.2 The primary enforcement tool available to VRS Senior and Superior Officers to ensure proper military conduct is found in the RS *Law on the Army*, under the broad heading of "Military Disciplinary Accountability".[84] Should the conduct of a military member of the RS Armed Forces be contrary to his military duties as defined by law, service or other regulations, orders and other documents issued by superior officers regarding the service, the military member can be considered in violation of military discipline. Under Article 64 of the RS *Law on the Army*, these violations shall refer in particular to:

> 1. Failure or refusal to carry out orders, violation of the superior and senior authority, and negligent and careless discharge of duties and obligations pertaining to the service.
>
> 2. Absence without leave and wilful abandonment of a unit, institution or duties.

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[78] *Supra.* n. 25. *Provisional Service Regulations of the Army of the Serbian Republic.*
[79] *Supra.* n. 21. *RS Law on the Army*, Article 63.
[80] *Id.* Article 62.
[81] CLSS English translation of Law on Military Courts, *RS Official Gazette*, No. 27, 31 Dec. 1993, p. 1060.
[82] CLSS English translation of Law on the Implementation of the Law on Military Courts and the Law on the Military Prosecutor's Office During a State of War, *RS Official Gazette*, No. 29, 28 Nov. 1994.
[83] *Supra.* n. 25. Paragraph 18.
[84] *Supra.* n. 21. Article 63.

3. Violation of State, military, official, and business secrets, recklessness and negligence in keeping military documents and information.

4. Abuse of office or overstepping official authority.

5. Submitting incorrect reports, covering up or destroying official papers, books or documents; forging or using forged official documents.

6. Failure to apply necessary measures to protect lives and health of people entrusted to them; secure or maintain facilities, objects, and means used for combat readiness and regular supply of a military unit or institution.

7. Negligent treatment of entrusted property; appropriating or inflicting damage to military or other property.

8. Providing incorrect information on documents which have the power to influence on the admission to service or promotion.

9. Conduct which undermines the dignity of subordinates and junior officers or violates their legally guaranteed rights.

10. Conduct directed against military order or intended to violate regulations.

11. Committing the criminal act.

12. An infringement on public morals.

13. A violation to be decided on by the competent military court.

14. Damaging political activity that may affect unity weaken the defense power of the Army.

15. An act against the constitution, or defense and security of the country.

16. Any other act or omission [of an act] that obstructs or incapacitates the regular functioning of the service or damages the reputation of the Army.[85]

Under Article 77, superior officers from the level of company commander and higher can adjudge disciplinary measures of reprimand, extra duty, and correctional custody for soldiers, non-commissioned officers and officers for violations of Article 64.[86] Brigade Commanders (and higher), as well as superior officers holding high ranks, are empowered to initiate disciplinary proceedings for violations and further initiate investigations for military disciplinary court.[87] They can also initiate criminal proceedings for violations of the RS *Criminal Law*.[88]

[85] *RS Law on the Army*, Article 64, as amended 30 December 1993.
[86] *Ibid.* Article 78, as amended 30 December 1993. During a state of war, or imminent threat of war, periods of detention can be increased.
[87] *Supra.* n. 21. *RS Law on the Army*, Articles 79 and 92.
[88] *Ibid.* Article 62.

Criminal Proceedings

4.3 Serious violations of Article 64 or violations of RS *Criminal Law* are referred to the Military Prosecutor for additional investigation, and court-martial (if warranted).[89] Courts-martial are then conducted in accordance with the provisions of the RS *Law on Court-martials*, the RS *Law on the Army*, and (if necessary) the RS *Criminal Law*. Under the provisions of the RS *Law on Military Courts*, broad categories of people can be tried by the military for serious violations of Military Regulations (Disciplinary Offenses) and/or Criminal Laws. These include:

1. Soldiers completing their obligatory military service and soldiers under contract;

2. Military academy or secondary school cadets;

3. Professional Non-Commissioned Officers and professional Officers, to include those on contract;

4. Reservists on duty;

5. Civilians performing particular military duties.[90]

The referral process under which VRS Commanders and Senior Officers can initiate the prosecution of service members under the above laws is outlined in the RS *Law on the Army*.[91]

4.4 Further refining this process, the Military Prosecutor's Office of the Main Staff of the Army of the Republika Srpska published, in October 1992, the *Guidelines for Determining the Criteria for Criminal Prosecution*. In addition to the general referrals under violations of Military Discipline and Criminal Law, these guidelines forward specific information to Commanders and Senior Officers as to what basis charges can be brought against service members relative to categories of crimes relating to avoidance of military service, desertion, and crimes against humanity and international law. [92]

4.5 Punishments for offenses against the RS *Criminal Law* are as mandated in that document. Punishments for offenses strictly pertaining to military matters outside the RS *Criminal Law* are mandated in the RS *Law on the Army*, Article 68.[93]

4.6 In lesser cases, should the conduct of a military member of the RS Armed Forces be contrary to his military duties as defined by law, service or other regulations, yet not serious enough to warrant referral to a Military Prosecutor, the military member can be considered to have committed a "breach of discipline".[94] A breach of discipline is considered to be a "misdemeanor" (Article 65), and proceedings take place outside the scope of a court-martial. Penalties for non-

[89] *Supra.* n. 21. Articles 78 and 79.
[90] *Supra.* n. 81. *RS Law on Military Courts*, Article 11.
[91] *Supra.* n. 21. Articles 86 - 99.
[92] CLSS English translation of the VRS Military Prosecutor's Office, *Guidelines for Determining the Criteria for Criminal Prosecution*, 06 Oct. 1992.
[93] *Supra.* n. 21. Article 68.
[94] *Id.* Article 63.

criminal violations of Article 64 are outlined by Article 67 of the RS *Law on the Army*.

Extraordinary Legal Proceedings

4.7 During a period declared as a "State of War", the authority of the Brigade Commander is greatly increased.[95] Not only does the Brigade Commander still have all of the existing provisions available to him as mandated in the RS *Law on the Army* and RS *Criminal Law*; he has expanded legal authorities under the provisions of the RS *Law on Military Courts and the Law on Court-martial during a State of War*.[96]

4.8 With respect to the RS *Criminal Law*, Article 226 addresses the specific issues of punishments during a "State of War" and an "Imminent State of War". During these periods, violations of select laws (to include provisions of Articles 201 and 203 described in paragraph Section Two, paragraph 2.13) become punishable by the death penalty.

4.9 Under the provisions of the RS *Law on Military Courts and the Law on Court-martial during a State of War*, a much quicker legal mechanism becomes available to senior military commanders. These extraordinary provisions empower Regiment or Brigade-level commanders to establish "Emergency Military Courts", with the prior approval of the Corps Commander. These courts can also be set up independently by the Corps Commander, or by the Main Headquarters of the VRS. These courts may conduct court-martials concerning the following:

> 1. Army members from the military unit, whose officer has set up the court, as well as other persons who just happen to be at the front, for such crimes committed against the Republika Srpska Army as:
>
> - The failure or refusal to carry out orders
> - Insubordination
> - Desertion
> - Spying
> - Failure to carry out tasks during combat
> - Abandonment of positions contrary to orders
> - Attack on a member of the armed forces
> - Failure to take measures to protect Army units.
>
> 2. Military or civilian personnel who have committed a crime, for which a punishment has been prescribed and especially undermines the combat activities and readiness of a unit. [97]

[95] CLSS English translation of RS Presidential Order No. 1372/95, 14 Jul. 1995 (declaring a "State of War and forming a War Presidency for the opstina of Srebrenica-Skelani" as issued to GŠVRS and Drina Corps).
[96] *Supra.* n. 82.
[97] *Id.* Article 9.

4.10 In the cases of these "Emergency Military Courts", both trial and judgement are passed in as little as 12 hours. With a unanimous guilty verdict, the Court can only mandate a sentence of death.[98] Thus in time of declared war, the Brigade Commander is empowered to evoke battlefield disciplinary measures or initiate criminal law proceedings which can result in the handing down of a death sentence to subordinate troops.

4.11 With respect to the time period in question, RS President Radovan Karadžić declared a "State of War" in the Srebrenica-Skelani municipality on 14 July 1995. In addition, this declared "State of War" was expanded to the entire territory of the Republika Srpska on 28 July 1995.[99]

4.12 This material highlights the legal and regulatory instruments at the disposal of VRS Brigade Commanders and other superior officers to maintain and ensure the proper military conduct of subordinate service members. Depending on both situation and circumstance, military regulations and/or relevant law can be used to maintain order within the service.

[98] In the event that the court-martial board does not reach a unanimous guilty verdict, or if the sentence is not ratified by the convening authority (the Corps Commander or the Main Staff), the case is then referred to the VRS Military Prosecutor's Office for processing as dictated by the relevant laws.
[99] CLSS English translation of Drina Corps order 01/159-2 (forwarding the RS Presidential Order declaring a "State of War in the RS").

SECTION FIVE:
Relevant National Law and Military Regulations Concerning the Responsibility of VRS Brigade Commander and Chief of Staff With Regard to Prevention and Prosecution of War Crimes and Crimes Against Humanity

5.0 On 13 May 1992, RS President Radovan Karadžić signed order No. 01-53/92. This order applies to *The Application of the Rules of the International Law of War on the Army.* [100] In this order, President Karadžić, acting in his role as Commander of the Armed Forces, obligates the Army and Ministry of Interior to apply and respect the "rules of the international laws of war," to include:

(A) The international treaties signed, ratified or joined by the former Socialist Federal Republic of Yugoslavia;

(B) The customary international law of war;

(C) The generally accepted principles of the international law of war.[101]

5.1 This order directs that commanders of all units, as well as each member of the Army or other armed formation who take part in combat activities, be responsible for the application of the rules of the "international law of war".[102] Further, Superior Officers are obligated to initiate proceedings for legal sanctions against individuals who violate the rules of the international law of war. [103] Additional paragraphs direct the Minister of Defense to prepare instructions on the treatment of captured persons, and that those instructions on the treatment of "prisoners of war" form a part of this order.[104] Finally, the order indicates that the Army should be "regularly" instructed in the rules of the international laws of war.[105]

5.2 Related to this 13 May 1992 order, on 18 August 1992, the Presidency of the Serbian Republic of Bosnia and Herzegovina approved and adopted the *Interim Provisions on the Army of the Serb Republic.*[106] These instructions, signed by President Radovan Karadžić, are based on the *Constitution of the Serb Republic*, the RS *Law on Defense*, the RS *Law on the Army*, the RS *Law on Refugee Care*, and other rules and provisions of the Presidency and the Government of the Serb Republic.[107] These instructions oblige all members of the Army to know and follow them, and further direct commanding officers to ensure that the rules of the "Provisions" are applied in their units.[108]

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[100] CLSS English translation of the Order on the Application of the Rules of War in the Army of the Serbian Republic of Bosnia and Herzegovina, *Official Gazette of the Serbian People in Bosnia and Herzegovina*, No. 9, 13 Jun. 1992, Item 198.
[101] *Id.*, Paragraph 1.
[102] *Id.*, Paragraph 2.
[103] *Ibid.*
[104] *Id.*, Paragraphs 3, 5.
[105] *Id.*, Paragraph 4.
[106] *Supra.* n. 25.
[107] *Id.*, Intro.
[108] *Ibid.*

5.3 Pursuant to international law and combat activities, Part 1 of this document (Army Members Rights and Duties), paragraph 3 instructs (that):

> While carrying out combat activities, members of the Army abide by the rules of international law, treat humanely the wounded and captured enemy and protect civilians in the area of combat activities.[109]

5.4 On 06 Oct 1992, General Ratko Mladić forwarded a document from the Main Staff of the VRS Military Prosecutor's Office to units of the VRS. This document, *Guidelines for Determining Criteria for Criminal Prosecution*, discusses three elements of policy pertaining to military prosecutions against criminal offenses.[110] The final series of guidelines pertains to "Criminal Offenses against Humanity and International Law Pursuant to Chapter XVI of the Criminal Code"(see paragraph 5.12 below).[111] This document specifies that the Armed Forces of the Army of the Republika Srpska are required to abide by the "Instructions on the Application of the International Laws of War on the Armed Forces." These instructions contain the principles and rules of international laws of war in armed conflict, and the prescribed method of applying these rules.[112] Further, this memorandum indicates that the forces of the VRS are bound by the "order" (presumably the RS Presidential order 01-53/92) to observe international "laws of war" in the Army of the Republika Srpska. Of note, in introducing the section concerning Chapter XVI of the Criminal Code, the memorandum outlines in general terms the scope of such criminal acts. As quoted:

> Crimes against humanity and international law can be committed by individuals acting on their own, but by their nature, these criminal offenses are usually committed in an organized fashion in the implementation of the policy of the ruling circles. Most of the criminal offenses are committed only during periods of armed conflicts or are in some way closely connected with armed conflicts, which means that they are committed within the context of broad military operations and on orders from superior officers. [113]

5.5 The above passage identifies the context issue concerning "crimes against humanity and international law" in an armed conflict, and makes the important distinction between the commission of individual crimes, and the commission of crimes on orders from "Superior Officers". This distinction (and the associated responsibility) is further codified in the applicable paragraphs of the former SFRY *Regulations on the Application of the International Laws of War on the Armed Forces*, with respect to "individual" and "superior responsibility". Specifically,

> (A) Paragraph 20, Personal Responsibility for Violations of the Laws of War:
>
> Every individual (military or civilian) shall be personally accountable for breaches of the rules of the law of war if he/she commits a violation him/herself, or orders one to be committed. Ignorance of the provisions of

[109] *Id.*, Part I, para. 3.
[110] *Supra.* n. 92. *Guidelines for Determining the Criteria for Criminal Prosecution.*
[111] CLSS English translation of RS *Criminal Law*, Chapter XVI, Criminal Offenses against Humanity and International Law.
[112] This document is in fact the *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY*, 1988.
[113] *Supra.* n. 92. Page 7.

> the rules of the law of war does not exonerate the transgressors of responsibility. [114]

Of note, paragraph 20 also states that, "the perpetrators of such criminal acts may also answer before an international court, if such a court has been established." [115]

(B) Paragraph 21, Responsibility for the Actions of Subordinates:

> An officer shall be personally liable for violations of the rules of the law of war if he knew or could have known that units subordinate to him or other units or individuals were planning the commission of such violations, and, at the time when it was still possible to prevent their commission, failed to take the measures to prevent such violations. That officer shall also be held personally liable who, aware that violations of the rules of the law of war have been committed, fails to institute disciplinary or criminal proceedings against the offender, or if instituting of proceedings does not fall into his jurisdiction, fails to report the violation to his superior officer.[116]

Further, paragraph 21 states that, "An officer shall be answerable as an accomplice or instigator if, by failure to take action against his subordinates who violates the laws of war, he contributes to the repeated commission of such acts by units or individuals subordinate to him." [117]

(C) Paragraph 22, Responsibility for Violations of the Laws of War committed on orders:

> A member of the armed forces shall be liable to criminal punishment for violations of the laws of war committed by following orders resulting in the commission of a war crime or other grave criminal offense, if he knew that the orders were intended to bring about a violation of the laws of war which constitutes a criminal offense.[118]

5.6 Returning to the VRS *Guidelines for Determining Criteria for Criminal Prosecution*, the responsibilities of the Officer Corps of the Army of the Republika Srpska in both preventing and reporting violations of the Laws of Land Warfare are delineated. They read:

> From this (guidance) follows the explicit responsibility of the Officer Corps of the Army of the Republika Srpska as the giver of orders in command of the Armed Forces, whose members could commit or are committing some of these offenses, to take uncompromising action and prevent such conduct. This responsibility belongs by its nature particularly to high-ranking individuals and officials in State, Military, or Public organizations who are in the concrete circumstances (sic) and position to issue orders.
>
> If officers merely find out that units of the Armed Forces of the Army of the Republika Srpska or their members have committed or are committing

[114] *Supra.* n. 112. Paragraph 20.
[115] *Ibid.*
[116] *Id.* Paragraph 21.
[117] *Ibid.*
[118] *Id.* Paragraph 22.

> such acts and take no measures to prevent the consequences or the acts themselves and expose perpetrators to criminal prosecution, this in itself makes them answerable for these criminal offenses.
>
> It follows from the above that officers in all units must accept the obligation to draft reports on all incidents which might be regarded as criminal offenses, regardless of whether they have been committed by members of the Army of the Republika Srpska, or by members of the enemy side, and to report to the command any information learnt (sic) about previous incidents. In these cases, the commands have a duty to inform, among others, the military prosecutor's office, which will, after making an assessment, take appropriate action in keeping with the law and prosecution policy. [119]

5.7 The guidelines further explain what steps military units shall take in order to ensure the VRS Main Staff remains aware of the scope of the criminal offences, by directing unit commands to:

> - Work on uncovering all war crimes and crimes against humanity and international law on territory in their area of responsibility;
>
> - Inform the closest military police, security and military judicial organs about any crime they discover;
>
> - Secure the scene of a crime until the above mentioned organs arrive to conduct the investigation and fix evidence of the committed crime;
>
> - In cases when the military police, security or judicial organs cannot make an on-scene investigation in time, secure evidence about the crime by filming the scene of the crime with the appropriate equipment, taking statements from witnesses who can provide information about the perpetrators, victims and circumstances of the commission of the crime (etc.), and to send the documentation compiled at the first opportunity to the nearest military prosecutor's office, either directly or via the superior military police or security organ command. [120]

5.8 With respect to the distribution of these guidelines, as noted above, they were forwarded to the VRS in general on 06 October 1992. Keeping in mind the VRS Drina Corps was not organized until 01 November 1992, it should not be assumed that they were in possession of this from 01 November 1992. However, by July 1993, a copy of this directive was sent to the VRS Drina Corps by General-Major Gvero, the Assistant Commander for Morale, Legal and Religious Affairs of the VRS Main Staff.[121]

5.9 Specific to the VRS Drina Corps, on 18 December 1992, the Corps Command issued order 2-160, pertaining to *Information on the need to adhere to International Norms in War*. [122] The order, signed by Colonel Miladin Prstojević the Chief of the Corps Operations and Training organ, reflects that despite the conduct of the "other side" it is necessary to undertake measures that will prevent and curb any abuse by

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[119] *Supra.* n. 92 *Guidelines for Determining the Criteria for Criminal Prosecution,* page 8.
[120] *Id.* Pages 8-9.
[121] CLSS English translation of RS Supreme Military Court (Hans Pijesak) letter of transmittal dated 12 July 1993.
[122] CLSS English translation of KDK order 2-160, dated 18 December 1992.

our side."[123] The order further refers to publications that were previous forwarded to units concerning the Geneva Conventions and the Additional Protocols. Finally, it was directed to:

> Circulate this information to all officers and soldiers in your unit and explain to them that any mistreatment of the civilian population and the wounded by us, even if minor, may have fatal consequences for our men who have been captured by the enemy and for the Serbian people under occupation in the former BH and, indeed, in all of Croatia.[124]

5.10 The RS *Law on Military Courts*, dated 30 December 1993, makes additional reference to the role of VRS military officers, as well as the Military Prosecutor's Office in the investigation and prosecution of acts against the RS *Criminal Law*.[125] Article 11 of the RS *Law on Military Courts* establishes the competency of a military court-martial to try soldiers, non-commissioned officers, commissioned officers, reservists on duty and civilians performing particular military duties for any kind of criminal act (refer to Section Four, paragraph 4.3).[126] Article 65 of the same law places the obligations on VRS "Superior Officers" to take positive steps in investigation of crimes, and apprehension of suspects, specifically:

> Every Superior Officer is obligated to take steps to prevent the person who has committed an act which is subject to criminal prosecution from hiding or fleeing, to preserve the traces of the crime and items which may serve as evidence, and to collect all evidence which might prove useful to the proceedings. The Superior Officer is obliged to inform the Military Prosecutor, directly or through a higher ranking officer, of the criminal offense. [127]

5.11 A further provision which applies is the RS *Law on the Mandatory Reporting of Crimes Against Humanity and International Law*, as published in the RS Official Gazette (No. 32, 31 December 1994). This law obligates anyone in possession of information or evidence of "crimes against humanity" or violations of international law to expose such information, and, if necessary, deliver it to the competent body entrusted with collecting such information.[128]

5.12 With respect to Criminal Law of the Republika Srpska, Chapter 16 "Criminal Acts against Humanity and International Law" delineate the applicable laws. They are (as listed):

> **Genocide** (Article 141), Punishable by imprisonment of no less than five years, or by death penalty.
>
> **War Crimes against the Civilian Population** (Article 142), Punishable by imprisonment of no less than five years, or by death penalty.

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[123] *Id.* Page 1.
[124] *Id.* Page 2.
[125] *Supra.* n. 81. *RS Law on Military Courts.*
[126] *Id.* Article 11. Presumably, these include Articles 141 through 155 of the Criminal Law pertaining to "Crimes Against Humanity and International Law".
[127] *Supra.* n. 81. Article 65.
[128] CLSS English translation of the RS Law on the Mandatory Reporting of Crimes Against Humanity and International Law, *RS Official Gazette*, No. 27, 31 Dec. 1994, Article 1.

War Crimes against the Wounded or Sick (Article 143), Punishable by imprisonment of no less than five years, or by death penalty.

War Crimes against Prisoners of War (Article 144), Punishable by imprisonment of no less than five years, or by death penalty.

Organizing a group and Instigating the Commission of Genocide and War Crimes (Article 145), punishable by imprisonment of between one and ten years.

Unlawful Killing or Wounding of the Enemy (Article 146), Punishable by imprisonment of no less than one year, or by death penalty.

Marauding (Article 147), Punishable by imprisonment of between one and ten years.

Making use of Forbidden Means of Warfare (Article 148), Punishable by imprisonment of no less than one year, or by death penalty.

Violating the Protection Granted to Bearers of Flags of Truce (Article 149), Punishable by imprisonment of between six months and five years.

Cruel Treatment to the Wounded, Sick and Prisoners of War (Article 150), Punishable by imprisonment between six months and five years.

Destruction of Cultural and Historical Monuments (Article 151), Punishable by imprisonment for not less than one year.

Instigating an Aggressive War (Article 152), Punishable by imprisonment for one to ten years.

Misuse of International Emblems (Article 153), Punishable by imprisonment between six months and five years.[129]

5.13 Finally, Article 239 of the RS *Criminal Law* addresses the issue of the individual responsibility for criminal offenses committed by superior order. As quoted:

> No punishment shall be imposed on a subordinate if he commits a criminal offense pursuant to orders of a superior given in the line of duty, unless the order has been directed towards committing a war crime or any other grave criminal offense, or if it was obvious that the carrying out of the order constitutes a criminal offense.[130]

5.14 In summary, paragraphs 5.1 through 5.11 outline the legal, regulatory and policy provisions under which a VRS Brigade Commander, Deputy Commander/Chief of Staff, and other superior officers are required to operate in order to prevent, investigate and punish criminal acts committed by military units or personnel. These provisions obligate these officers to take proactive and positive measures in dealing with war crimes related issues, even if the criminal acts in

[129] *Supra.* n. 111. Articles 141 - 155. The remaining two articles in Chapter 16 refer to Racism (Article 154) and Slavery, Terrorism, Attacks upon Protected Persons, and the Taking of Hostages. (Article 155 inclusive).
[130] *Supra.* n. 26. Article 239.

question were not committed by troops (or civilians) under their respective command. Further, these same provisions make the Commander, Deputy Commander/Chief of Staff and other officers liable if they take no measures at all, particularly if the failure to do so leads to the commission of additional criminal acts.

SECTION SIX:
Forces of the RS Ministry of the Interior (MUP) units: Command and Control Relationship with VRS

6.0 Aside from the forces of the Army (VRS), the other component of the Armed Forces of the Republika Srpska consists of the units and forces of the Ministry of the Interior ("MUP") police. These MUP assets, when used under the purview of national defense, are directed by the President of the Republic under both the RS *Constitution* and the RS *Law on Defense*.[131]

6.1 This authority to use the MUP in combat tasks is further codified under the RS *Law on the Implementation of the Law on Internal Affairs During an Imminent Threat of War or a State of War*, enacted on 29 November 1994. Pursuant to this law, under a state of war or an imminent threat of war, the MUP "shall be considered a part of the Armed Forces of Republika Srpska and its forces shall be under the command of the President of the Republic as the Supreme Commander." [132] Accordingly, the law vests the Minister of the Interior with the responsibility to establish special police units for the purpose of performing combat tasks.[133] These units were to be further directed by the Ministry of the Interior via an established Police Forces Command Staff.[134] On 16 June 1995, the RS President directed that all entities (official and private) of the Republic of Srpska adhere to the provisions of this law, and other laws associated with the laws governing the RS during a state of imminent threat of war.[135]

6.2 Article 14 of the RS *Law on the Implementation of the Law on Internal Affairs During an Imminent Threat of War or a State of War* defines the conditions and use of police units when the circumstances of their combat use results in their resubordination to the Army. As stated:

> Police units assigned to combat operations by an order of the Supreme Commander 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 Srpska, they shall retain their organisation and may not be split up or separated.
>
> Police units resubordinated to the Army of the Republika Srpska in a certain zone shall be used only for combat operations established in advance by the Supreme Commander 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

[131] RS *Constitution*, Article 80 (7)-conduct other affairs in compliance with the constitution), RS *Law on Defense*; Article 7 (6)-define the basis for the organization 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.
[132] RS *Law on the Implementation of the Law on Internal Affairs During an Imminent Threat of War or a State of War*, 29 November 1994. Article 4.
[133] *Id.* Article 12.
[134] *Id.* Article 13.
[135] RS Presidential Decree 01-1118/95, dated 16 June 1995, paragraph 2.

logistic support for the unit in the same way as to the other units of the Army of the Republika Srpska.

6.3 As noted in the above case, the law requires the integration of these MUP units under the command of the VRS during their use in designated tasks. However, VRS control over them is not absolute, as it provides that MUP units assigned to combat operations retain their own internal command framework and maintain their organizational integrity. Further, it precludes the unilateral tasking (outside the scope of the defined mission) by the relevant army commander(s) to which they are resubordinated, without the express authorization of the Minister of the Interior or the Commander-in Chief.

6.4 In further clarifying this issue on 22 April 1995 (on the basis of problems and confusion in the zone of the 1st Krajina Corps), RS President KARADŽIĆ (as the Supreme Commander) issued order 01-715-1/95.[136] In this order, the Main Staff of the VRS and the RS MUP were directed to explicitly follow the provisions of Article 14 of the *Law on the Application of the Law on Internal Affairs during Imminent Threat of War and State of War*.[137] In this respect, the VRS Main Staff was directed to "precisely and concretely define their request for engagement of the MUP units in combat".[138] The RS MUP was directed to "precisely specify the responsibilities of the commanding officers and commanders when they re-subordinate to the commander of the VRS unit in whose area of responsibility they are carrying out their combat task...with its order to engage and subordinate for execution of the given assignment as per place and time of the engagement, on which to establish the necessary coordination with the GŠVRS."[139]

6.5 The relevant practical application of this procedure is the 10 July 1995 order from the RS Ministry of the Interior (signed by Tomislav KOVAĆ, Headquarters Commander).[140] This order directs the formation of a special unit from the elements of several MUP forces then engaging in combat at the Sarajevo front. The order appoints Ljubiša BOROVČANIN as the commander of this joint special police unit, and directs this unit to be assembled in Bratunac by 1200 hours on 11 July 1995 (except for the 2nd special police detachment; to arrive later in the afternoon).[141] Finally, the order directs that upon arriving, "...the unit commander is obliged to make contact with the [Drina] Corps Chief of Staff General Radislav KRSTIĆ."[142]

[136] CLSS English translation of RS President order 01-715-1/95 dated 22 April 1995.
[137] As published in the Official Gazette of the RS-Special Edition no 1.
[138] *Supra*. n.136, Paragraph 1.
[139] *Id*. Paragraph 2.
[140] CLSS English translation of RS MUP order No. 64/95, 10 July 1995.
[141] *Id*. Paragraphs 3-4.
[142] *Id*. Paragraph 5.

SECTION SEVEN:

Overall Conclusions

7.0 As stated within the context of this report, in fixing the overall roles and responsibility of the VRS Brigade Commander, Chief of Staff, and various Assistant Commanders and staff officers, it is necessary to examine these roles within the regulatory framework of the military structure under which these officers operated.

7.1 As detailed in Sections One, Two and Three, the Army of the Republika Srpska adopted the operating methodologies, rules and instructions of the former Yugoslav National Army. The fundamental structures of the VRS Brigade Command and Staff remained consistent as defined under these JNA regulations. Analysis of a considerable body of documents further demonstrates that the internal command and staff procedures remained the same. In most cases, the VRS directly mandated that existing JNA regulations be adhered to. In other cases when units of the VRS published regulations or operating guidance, it was an almost verbatim extract from relevant JNA regulations. Militarily, this approach made perfect sense, as the former JNA trained Bosnian-Serb officers who made up the leadership of the VRS would naturally rely on the considerable military educational and leadership experience which they collectively possessed. Further, the equipment, support base and training institutions of the former JNA (which the VRS inherited) all supported this approach. In almost all aspects, one can attribute the rules, regulations and operating methodologies of the former JNA as being applicable to the VRS during the wartime period.

7.2 Accepting the premise that the former SFRY and JNA regulatory base is the foundation of VRS organization, and operations, than one must accept the roles, responsibilities and authorities of the Brigade Commander, Chief of Staff, Assistants Commanders and other staff officers as articulated in these documents.

7.3 Relative to the roles, responsibilities and authorities of the Brigade Commander, it is clear that under the former JNA regulations, he is the individual empowered to personally direct the operations of the brigade, and to accept responsibility for those operations. Within the framework of military command, the Brigade Commander, above everyone else in the Brigade, has the institutional, legal, and regulatory authorities to direct the activities of his subordinates, and to be held accountable for their actions. Upon the assumption of 'command', he incurs the obligations of command. While he may delegate many of his authorities to subordinate commanders, assistants and staff officers, he continues to retain the individual responsibility for the situation or actions of those to whom he has delegated these authorities. In exercising his singular "right" to command the Brigade, he incurs the singular obligation of responsibility over the results of this command and the actions of his subordinates.

7.4 Further, the obligation to command extends beyond the active sense, as in the issuance of orders and directives. It extends in a passive sense as well, whereas the Commander is responsible not only for his actions, but for his omissions. This responsibility, particularly with respect to illegal actions by subordinates, is well documented in both RS *Criminal Law*, and relevant military regulations. As Section Five notes, these regulations are explicit with respect to the obligations and liabilities

the military official assumes as either a 'commander' or an 'officer' dealing with violations of the 'laws of war':

> An officer shall be personally liable for violations of the laws of war if he knew or could have known that units subordinate to him or other units or individuals were planning the commission of such violations, and, at the time when it had still been possible to prevent their commission, failed to take measures to prevent such violations. The officer will also be held personally liable who, aware that violations of the laws of war have been committed, fails to institute disciplinary or criminal proceedings against the offender, or if instituting of proceedings does not fall into his jurisdiction, fails to report the breach to his superior officer. [143]

Specific to the Army of the Republika Srpska, responsibilities of the Officer Corps of the VRS in both preventing and reporting 'crimes against humanity' and 'international law' are again delineated 1992 VRS *Guidelines for Determining Criteria for Criminal Prosecution*. In part they read:

> ...from (this guidance) follows the explicit responsibility of the Officer Corps of the Army of the Republika Srpska as the giver of orders in command of the Armed Forces, whose members could commit or are committing some of these offenses, to take uncompromising action and prevent such conduct. This responsibility belongs by its nature to high-ranking individuals and officials in State, Military, or Public organizations who are in the concrete circumstances (sic) in a position to issue orders.[144]

7.5 The above passages clearly demonstrate that within the former JNA and VRS regulations, commanders are held accountable for not only the actions they undertook or were aware of, but also those which they *should have* or *could have* had knowledge of based on their official position or function. At the same time, they are also responsible for failures to act within the capacity of their position, particularly when the failure to act contributes to additional offenses.

7.6 As the Brigade Commander, the individual has the necessary means to effectively command the VRS brigade entity. He has the institutional and regulatory authority to command; he has the means and responsibility to exercise command, and he has the legal mandate and the disciplinary powers to enforce compliance over his subordinates.

7.7 At the same time, the Brigade Chief of Staff, when exercising his authority as the Brigade Deputy Commander, incurs similar obligations during the period and under the specific circumstances which he directs the actions of the brigade. However, his right to command is not singular and absolute, but instead conditional, based on the decisions, and the availability of the commander. As such, he is responsible for the collective actions of the brigade when it is under his control and direction. Only in compelling circumstances would the Chief of Staff/Deputy Commander assume direct and full command of the brigade. However, as noted previously, should such compelling circumstances arise, his authority to issue independent orders is recognized under the relevant military regulations.

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[143] *Supra.* n. 112. *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY.* Paragraph 21.

[144] *Supra.* n. 92. *Guidelines for Determining the Criteria for Criminal Prosecution.* Page 8.

Subordinates would be obligated to carry out these instructions as they were issued, until such time as the Brigade Commander could effectively resume control.

7.8 Despite these limitations on his authority to exercise independent command, the position of the Chief of Staff is one of primary importance and responsibility within the framework of the VRS brigade. First, his duties charge him to be continually aware of the complete situation in the brigade zone of operations, and to ensure the Commander is fully informed of that situation. Further, as the next 'Senior Officer' in the brigade (after the Commander), he is charged by position to give his professional opinions and advice to the Commander pertaining to all aspects of brigade operations and plans. In the performance of these duties, he is responsible for reviewing orders received by the commander (from the superior command), studying them (in conjunction the commander and with the relevant brigade staff personnel), and proposing plans and/or alternatives to the commander for approval. As such, the Chief of Staff is the principal planner and advisor to the Commander.

7.9 The Chief of Staff is the also the main facilitator through which the Brigade Commander's directives are formatted and passed to subordinates for execution. He manages the Brigade Staff in the preparation of the required combat documents, orders and other material, and insures that these instructions are passed to the subordinate commands. In performing this function, he coordinates the activities of the Brigade Staff with those of the subordinate commands, and ensures a total unity of effort in relation to the Commander's directives and intent.

7.10 With respect to Assistant Commanders and other relevant staff officers, as noted in Section Three, they also function within the competence and limits of their authorities (as defined by law and regulation), and within the overall framework of the Commander's directives and intent.

7.11 Despite the more limited authority, the Chief of Staff, the Assistant Commanders and other relevant staff officers still assumes a significant degree of responsibility pertaining to the commission of illegal acts in which they knowingly played a role. This liability is first reflected in *RS Criminal Law*, specifically, Article 239, pertaining to individual responsibility for criminal offenses committed by superior order. As quoted:

> No punishment shall be imposed on a subordinate if he commits a criminal offense pursuant to orders of a superior given in the line of duty, unless the order has been directed towards committing a war crime or any other grave criminal offense, or if it was obvious that the carrying out of the order constitutes a criminal offense.[145]

Under the *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the SFRY* (Responsibility for the breaches of the rules of the law of war committed on orders, Article 22) the following applies:

> A member of the armed forces shall be liable to criminal punishment for violations of the laws of war committed by following orders resulting in the commission of a war crime or other grave criminal offense, if he knew

[145] *Supra.* n. 26. *RS Criminal Law*, Article 239.

> that the orders were intended to bring about a violation of laws of war which constitutes a criminal offense.[146]

Finally, as noted from the 1992 VRS *Guidelines for Determining Criteria for Criminal Prosecution*:

> ...If officers merely find out that units of the Armed Forces of the Army of the Republika Srpska or their members have committed or are committing such acts and take no measures to prevent the consequences or the acts themselves, and expose perpetrators to criminal prosecution, this in itself makes them answerable for these criminal offenses.[147]

7.12 As noted above, under RS law, and relevant military regulations and orders, the individual officer (or soldier) is held responsible for personal compliance with international law, specifically the refusal to follow an order which is understood to be or bring about a violation of the law of war. Also, as an 'officer' in the Army of the Republika Srpska, the officer assumes responsibility for an offense if he is aware that one was committed, or is being committed, and takes no action to prevent it, or expose the perpetrators to the relevant authority.

[146] *Supra.* n. 112. Paragraph 22.
[147] *Supra.* n. 92. Page 8.

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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-04-81-T

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC ANNEX 6 TO

SUBMISSION OF EXPERT REPORTS BY RICHARD BUTLER:

VRS Main Staff Command Responsibility Report

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09 June 2006

VRS Main Staff Command Responsibility Report

Introduction

Based on the continuing investigation into the events regarding crimes related to the Army of the Republika Srpska's (VRS) capture of Srebrenica in July 1995, a number of officers are presently awaiting trial. These individuals held various positions (including senior leadership positions) in either the Zvornik Infantry Brigade, the Drina Corps or on the Main Staff of the VRS during the period. In addition, one individual held a senior position of command in the Special Police Brigade of the Republika Srpska Ministry of the Interior (MUP).

Previous reports have analyzed the roles and functions of many of these organizations, particularly with respect to their specific activities related to July 1995. The VRS Corps Command Responsibility Report, dated 05 April 2000, and tendered as a Prosecution exhibit in the case of the *Prosecutor v. Radislav Krstić*, detailed the roles and functions surrounding the VRS Corps Commander and Chief of Staff positions. Related to this examination, the roles played by the various Assistant Commanders, to include the Corps Assistant Commander for Security, were also outlined. The VRS Brigade Command Report (31 October 2002) was subsequently tendered as a Prosecution exhibit in the case of the *Prosecutor v. Vidoje Blagojević and Dragan Jokić*. This report detailed the roles and responsibilities of VRS Brigade Commands and Staffs, specifically relating to the 1st Zvornik Infantry Brigade and the 1st Bratunac Light Infantry Brigade of the Drina Corps. Section Six of the Brigade Command Report also dealt with the relationship between the RS MUP Special Police and the VRS in the conduct of military operations.

These command responsibility reports were accompanied by "narrative reports" which examined the military documents in the possession of the Office of the Prosecutor, and how they related to the crimes as charged. The original Srebrenica Military Narrative (15 May 2000) was revised on 01 November 2002. This revised narrative somewhat expanded the scope of the original report and incorporated new information which had become available in the intervening years. As such, the revised narrative examined documents and material not only related to the VRS Drina Corps' conduct at Srebrenica, but also the subordinate units of the Drina Corps, the VRS Main Staff and the RS MUP Special Police.

In the context of the upcoming trial, *Prosecutor v. Miletić et al.* Case No. IT-05-88, this author reviewed his prior reports in order to ascertain if they remained valid and accurate. This review was mandated in part by the Office of the Prosecutor successfully obtaining a large documentary collection commonly referred to as the "Drina Corps" archives. It was also mandated by the indictment of three Accused who were members of the VRS Main Staff, but whose duties may not have been adequately documented due to the previous reports' necessary emphasis on the Corps and Brigade echelons of command.

With respect to the first of these issues, the Drina Corps archives are said to compose the bulk of the wartime records of the VRS Drina Corps and its subordinate units. This collection, potentially exceeding over 250,000 pages, has yet (as of this writing) to be fully indexed. However, by prioritizing the indexing and limited translations to focus on material surrounding the Accused and their activities in July 1995, I believe that this recently obtained material substantially supports my past analytical work and conclusions with respect to the involvement of the VRS and RS MUP at Srebrenica. Many of the relevant documents (particularly pertaining to the activities of the 1st Zvornik Infantry Brigade and the 1st Bratunac Light Infantry Brigade) are copies originated by those units, and were subsequently available during my earlier analysis. Material that I have subsequently had an opportunity to review from this collection tends to conform with the general conclusions of my prior analytical work. While I believe that under the circumstances my prior analytical work remains valid, I do hold open the possibility that material yet to be reviewed by any party (due to indexing and translation limitations) may cause me to modify some of my prior or presently held views in some manner. I stand available to both the Prosecution and the Defense to insure that any such emerging material is fully and fairly addressed to the satisfaction of the Court.

With respect to the second issue, a review of my earlier analytical products does indicate a necessity to expand on a number of issues directly related to the VRS Main Staff, particularly with respect to the positions and functions of the Assistant Commander for Morale, Legal and Religious Affairs; the Chief of Operations; and to a lesser extent, the Chief of Security. While Chapter Twelve of the Revised Srebrenica Narrative details the involvement of the Main Staff in Srebrenica-related military operations, and the ensuing criminal acts (as charged), that work did not discuss in detail the *de jure* and *de facto* authorities inherent in these particular positions.

In addressing these areas, this report is organized into four specific sections:

Section One section provides a background synopsis of the origins of the VRS Main Staff, in context with the wider development of the Army.

Section Two describes the organization, roles and functions of the Main Staff, with particular respect to the areas with the most relevance to the current indictment; those being the Chief of the Operations and Training Branch, the Assistant Commander for Morale, Legal and Religious Affairs, and the Assistant Commander for Intelligence and Security.

Section Three outlines the role of the VRS Main Staff in the events leading up to Krivaja 95. While much of this material has already been examined in the Revised Srebrenica Military Narrative, this section will highlight the long-term objectives which the Main Staff tried to implement pertaining to gaining control over the Eastern enclaves.

Section Four discusses the role of the VRS Main Staff in Stupčanica 95 (Žepa). Capitalizing on the success of the Drina Corps attack against the Srebrenica "safe area", and the resulting shock to both the ABiH and the UN following the fall of the town itself, a number of key Main Staff personnel were dispatched to rapidly coordinate follow-on operations to seize Žepa before the international community could effectively respond.

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As noted above, this report is designed to be read in conjunction with the VRS Brigade Command, VRS Corps Command, and Srebrenica Military Narrative (Revised) reports. Various references and author's notes will refer the reader to specific sections in these various reports as necessary. In their totality, these reports form the foundation of my understanding of VRS military command, and the specific linkage to the crimes as charged in the Indictment. Also, utilizing the same methodology as noted in these earlier works, I continue to rely primarily on a document-based analytical approach.

References and analytical judgments are noted accordingly.

Richard J. Butler

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VRS Main Staff Command Responsibility Report

SECTION ONE

Formation of the Main Staff of the Army of the Serbian Republic of Bosnia and Herzegovina

A. Background Synopsis

1.0 The Army of the Serbian Republic of Bosnia and Herzegovina, later to become the Army of the Republika Srpska (VRS), was organized on 12 May 1992. It was created by merging the remnants of the former Yugoslav National Army (JNA) that remained in Bosnia after the withdrawal, with the amalgamation of various Territorial Army (TO), municipal and paramilitary units that were then fighting in Bosnia.[1] As organized, the former JNA components consisted of the 1st Krajina Corps (formerly the JNA 5th Corps), the 2nd Krajina Corps (formerly the JNA 10th Corps), the East Bosnia Corps (formerly the JNA 17th Corps), the Sarajevo-Romanija Corps (formerly the JNA 4th Corps), and the Herzegovina Corps (consisting of elements of the former JNA 9th Corps).[2] Command and control of these formations was exercised by an organization referred to as the Main Staff. Throughout the course of the Bosnian War, this Main Staff was commanded by General Ratko MLADIĆ.

1.1 In the similar manner as the above-listed Corps formations were initially organized around the nucleus of existing JNA Corps headquarters elements, the Main Staff was organized from the nucleus of a JNA headquarters, this being the Headquarters of the 2nd Military District, located in Sarajevo, Bosnia. Formerly the 5th Military District Headquarters (garrisoned in Zagreb), this headquarters element had been withdrawn from Croatia in the late autumn of 1991, pursuant to a brokered agreement under UN auspices. The headquarters was subsequently garrisoned in Sarajevo, and on 10 January 1992, was re-designated the 2nd Military District.[3]

1.2 As organized under the former JNA, a Military District Command was responsible for overseeing the command and control of regional land forces military operations, which often involved overlapping republic boundaries. While the combat power was primarily found in the subordinate Corps formations, the Military Districts were responsible for ensuring the Corps military activities were in concert with each other, as well as with the strategic plan. The Military District Headquarters also dealt with many of the more strategic issues associated with military operations, such as ensuring the long-term sustainability of forces in the field, maintaining and securing the garrison infrastructure, managing regional mobilization and training bases, and ensuring adequate support of the military by the regional political bodies and industrial infrastructure.[4] In turn, the Military District Commands fell

[1] ERN 0110-3019-0110-3182, CLSS English translation of the *Analysis of the Combat Readiness of the Army of the Republika Srpska in 1992*, published by the Main Staff of the VRS, Han Pijesak, Apr. 1993, p. 14.
[2] In November 1992, the Drina Corps was organized. Unlike the above listed Corps Commands, this headquarters did not have the benefit of an existing JNA Corps nucleus to build off of.
[3] ERN 0110-9699-0110-9799, CLSS English translation of the *Report of the State of Combat Readiness for 1991*, published by the 2nd Military District Command, Sarajevo, 23 Jan. 1992, p. 4.
[4] *Ibid.*

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under the General Staff of the Armed Forces of the SFRY (GŠ SFRY), which managed the land warfare effort on the national level, pursuant to the direction of the national political leadership (SSNO).

B. The 2nd Military District: January 1992 - April 1992

1.3 Like many of the JNA units that had fought, and later withdrew from Croatia, the newly designated 2nd Military District Command was well below its effective combat capability in January 1992. In terms of personnel, the headquarters command was often less than 60% of peacetime manning requirements, let alone wartime needs. While the Corps were generally able to evacuate most of their organic combat equipment from Croatia, the District Command had been forced to abandon vast quantities of logistical and technical support stocks necessary for sustained combat. Moreover, despite the withdrawal from Croatia, and a growing UN presence, elements of the JNA 5th Corps, 10th Corps and 17th Corps continued to skirmish with Croatian National Guard units across the Sava River.

1.4 Coupled with this military situation, the senior leadership of the 2nd Military District was also faced with the growing political crisis in Bosnia. As political and other regional governance organs began to split along ethnic lines, the JNA 2nd Military District remained the sole Federal institution that could at least nominally claim to still represent most of the people in Bosnia. In the period before Bosnia declared independence from the former Socialist Federal Republic of Yugoslavia, the senior leadership of the 2nd Military District took great pains to work to accommodate the views of Bosnian Muslim political leaders, in an effort maintain some unity within it own ranks. Lacking significant political guidance from Belgrade during this period, these senior leaders, particularly the District Commander, Colonel-General KUKANJAĆ, often tried to steer a neutral direction, or advance a more Federal point of view, than most of the ethnic parties were willing to accept.

1.5 Possibly the most serious issue facing the Command of the 2nd Military District was the growing ethnic and professional polarization of the JNA Officer Corps that was then occurring throughout Bosnia. This manifested itself in two distinct manners, both of which seriously undermined the unity of the 2nd Military District. Many of the key staff positions were held by professional JNA officers, most of whom were originally from the republics of Serbia, Montenegro or Macedonia. These officers had fought in Slovenia and Croatia in 1991, and in light of what many saw as a pending civil war in Bosnia, were now actively seeking re-assignment to military units in their home republics. This left many of the remaining professional staff officers of the 2nd Military District as being either ethnically Muslim (primarily from Bosnia) or Serbian (either from Serbia or Bosnia). As ethnic tensions grew in Bosnia, most of these Muslim officers would leave the JNA, and join with local "Territorial Organization" units or cells organized by local political or municipal defense factions. At the same time, many of the officers of Bosnian Serbian ethnicity, particularly the junior officers who had substantially less vested in maintaining a multi-ethnic JNA, began to actively support the interests of the local Bosnian Serb political movements.

1.6 In terms of general manpower, the 2nd Military District had also been suffering as a result of the broader boycotts by reserve soldiers from Bosnia.[5] In the spring of 1991, ethnic

[5] *Supra* n. 3. p. 11.

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Croats refused to serve in the JNA after hostilities began in Croatia. Later that year, a growing number of Bosnian Muslims began ignoring reserve call-ups after prominent Bosnian Muslim politicians questioned the JNA's conduct in Croatia, particularly with respect to operations in Vukovar. To replace these personnel losses, the 2nd MD allowed Bosnian Serb "volunteers" to join the ranks, under the provisions of the existing *Law on All-Peoples Defense*, and an SFRY Presidency order that provided for the service of "volunteers" in the Armed Forces during immediate threat of war.[6] These volunteers considerably swelled the numbers of Bosnian Serbs under the command of the 2nd Military District, ultimately numbering almost 70,000 by mid-March 1992.[7] One side effect of this situation was to foster the wider perception among the population that the JNA in Bosnia was becoming the military arm of the Bosnian Serbs.

1.7 Notwithstanding this perception among the populace, the Bosnian Serb political leadership also had problems with the leadership of the JNA, and particularly the 2nd Military District. A number of prominent Serbian Democratic Party (SDS) officials felt that the JNA should be "their" Army, and openly questioned the loyalties of senior military officers whom they suspected did not share their goals.[8] In the Krajina region, then under direct threat from Croatian military or para-military forces, the JNA was actively involved and overtly supported the forming and arming of Serbian TO formations, often hand in hand with the SDS.[9] However, in other areas, the Bosnian Serbs were often surprised by the actions of the JNA. This was particularly acute with respect to Sarajevo, where they perceived many decisions made by the 2nd Military District as undermining the goals of the evolving Bosnian-Serb state.[10]

1.8 Following the March 1992 referendum on Bosnian independence from the SFRY (boycotted by the Bosnian Serbs), the 2nd Military District leadership found itself in an untenable position. Garrisons were blockaded, weapons and munitions were being stolen or appropriated by all factions, and military manpower was continuing to diminish as a result of desertions. Shortly thereafter, on 01 April 1992, Bosnian Serb para-military and locally organized militia units moved to secure key towns or cities in the municipalities of Bijeljina, Zvornik, Šekovići, Vlasenica, and Bratunac. In a number of instances, JNA units became

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[6] SFRY Presidency order 73, 10 Dec. 1991, and the Law on All People's Defense, Article 119.
[7] 2nd Military District Conclusions on the assessment of the situation in the 2nd Military District Zone, 19 Mar. 1992.
[8] ERN 0083-6983, CLSS English translation of the "Minutes of the 12th Session of the Assembly of the Serbian People of Bosnia and Herzegovina", held on 11 Mar 1992, comments of Mr. Nikola Perišen, p. 28-32.
[9] This involvement in the establishment, arming and equipping the Bosnian Serb TO (as well as some police units) is noted as early as 06 April 1992. In the Daily Combat and Operations Report of the 2nd Military District to the Armed Forces General Staff Operations Center (SFRY-GŠ), the activities of the JNA 10th Corps are noted. These activities (in part) were reported as, "TO and police units were being formed in the area of responsibility according to plan." This plan (not specified), may be the same plan referenced in a later 2nd Military District order dated 24 April 1994, in which Colonel-General Kukanjac directs the JNA 10th Corps Command and the 530th Logistics Brigade to equip the TO units of Bosanska Krupa as soon as possible. In turn, this order references an order from the Federal Secretariat for National Defense (SSNO) number 359-1, dated 21 February 1992 (the content of this order is presently unknown). In the same vein, on 08 April 1992, the JNA 9th Corps was noted as being engaged in "forming TO and MUP units". Further, an 07 April 1992 report from the 2nd Military District Command to the 2nd Military District Rear Command Post (RKM) and the General Staff of the SFRY (Operations Center) indicates that in some combat zones, the local Serb TO units were considered to be, and accounted for as "our forces".
[10] *Supra* n. 8, p. 22-24, comments of Deputy Dragan Kalinić.

actively involved in the process of securing majority Bosnian Muslim municipalities or areas, and then turning these areas over to the local SDS organs of power, often without the knowledge or approval of the senior JNA leadership in Bosnia.[11]

1.9 As the military campaign in Eastern Bosnia and the Krajina region intensified, the SDS leadership became more vocal about demands that the JNA leadership actively pursue Serbian interests in Bosnia. This criticism reached a fever pitch after the 2nd Military District began withdrawing units and material out of the center of Sarajevo at the request of the UN in mid-April 1992.[12] Many members of the Bosnian Serb Assembly viewed this development as tantamount to the leadership of the JNA ratifying the existence of an independent Bosnian Muslim state by providing them their declared capital.[13] In the same vein, as calls for the withdrawal of the JNA from Bosnia grew, Bosnian Serbs feared they would be left without the means to defend their territory. Combined, these issues triggered a series of personnel moves within the command of the 2nd Military District to emplace experienced JNA officers of Bosnian Serb ethnicity who would be in a position organize a coherent Bosnian Serb military, and direct continued combat activity after the JNA departed. By 25 April 1992, the SFRY Presidency had assigned General-Major Ratko MLADIĆ to the post of Chief of Staff of the 2nd Military District.[14] Three other Bosnian Serb officers were also appointed to the 2nd Military District Staff, General-Major GVERO, General-Major ĐUKIĆ and Colonel TOLIMIR. Also assigned to the 2nd Military District Staff, ostensibly to coordinate the withdrawal of the JNA out of Bosnia, was General-Major MILOVANOVIĆ.

1.10 Following the public announcement of the withdrawal of the JNA on 05 May 1992,[15] a series of events occurred which set the stage for the SDS leadership to organize the Army of the Serbian Republic of BH. On 10 May 1992, General MLADIĆ was subsequently appointed as the commander of the 2nd Military District.[16] Two days later, General MLADIĆ was approved by the Bosnian Serb Assembly as the Commander of the Main Staff of the Army.[17]

[11] In a 1994 interview with *Drinski* magazine, then-Captain First Class Obrenović (a former officer JNA tank battalion commander involved in the capture of Zvornik on 10 Apr. 1992), noted that the JNA 17th Corps Commander (General Janković) was "quite hesitant, and did not understand all the relationships that existed at the time."
[12] ERN 0124-1390, CLSS English translation of JNA 4th Corps document 75-1, dated 07 May 1992, pertaining to events in Bosnia and Herzegovina and their effect on the situation of the JNA.
[13] *Supra* n. 8.
[14] ERN 0190-1997, CLSS English translation of 5th Corps Command Order 436-2, dated 12 May 1992.
[15] ERN 0302-8203, CLSS English translation of 5th Corps Command order 414-2, dated 07 May 1992.
[16] *Supra* n. 14.
[17] *Supra* n. 8.

C. The Main Staff: The Transition Period

1.11 The period from the inception of the Main Staff on 07 May 1992 until roughly 15 June 1992 covers a significant transitional period where the Main Staff and the Army in general sought to organize itself, while at the same time supporting the ongoing military activities. This period encompassed three specific objectives: first, to oversee the overt withdrawal of the JNA from Bosnia to the remaining republics of the SFRY; second, the staffing and organization of the Main Staff and the Army itself; and third, assuming direct management of the actual combat activities from the various local, municipal, and regional authorities.[18]

1.12 With respect to the first goal, while significant stores of military equipment were abandoned "in place" in Bosnia, and in effect turned over to the Bosnian Serb military, as evidenced by the actual withdrawal, the JNA decided to evacuate as much of the most modern military equipment as possible. This included most of the modern tanks, infantry fighting vehicles, rocket launchers, air defense equipment, signal equipment and their associated logistics. It also called for the evacuation of JNA garrisons, records, administrative material and hundreds of professional officers who manned these units, as well as their families. The withdrawal had to be implemented by 20 May 1992, and in many cases required transiting areas where significant fighting was taking place. The evacuation of garrisons in and around Sarajevo was particularly difficult, as ethnic factions on all sides sought to seize equipment from the JNA forces.[19] For the most part, this withdrawal was successfully accomplished by 19 May 1992.

1.13 Much more complex was the actual organization of the structure of the Army itself, which in large part would dictate how the Main Staff would also be organized. As discussed earlier, the combat formations could, and ultimately were, organized around the former JNA Corps headquarters. However, while necessarily expedient, it was at best an uneven solution. While the 1st Krajina Corps in Banja Luka was relatively well organized, manned and equipped, the East Bosnia Corps (former JNA 17th Corps) and Sarajevo-Romanija Corps (former JNA 4th Corps) were far less effective. Due to their proximity to Serbia, these units had been particularly depleted by the withdrawal of personnel and equipment.[20] Further, many of the logistical, technical, medical and other support facilities depended on by the former JNA were no longer available to the Main Staff, primarily due to their location in territory controlled by Muslim and Croat military forces. Moreover, Bosnian Serb military intelligence and security functions and services were essentially non-existent outside Banja Luka.[21] Most significantly, the withdrawal of the most modern JNA elements from Bosnia also resulted in the loss of almost half of the professional JNA officers who were of Bosnian Serb ethnicity, and who could have served in the newly organized Army.[22] The immediate loss of this cadre of trained, and in many cases, combat experienced officers would significantly impact the VRS through the course of the war.

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[18] *Supra* n. 1, p. 70-71.
[19] ERN 0124-1390, CLSS English translation of JNA 4th Corps document 75-1, dated 07 May 1992, pertaining to events in Bosnia and Herzegovina and their effect on the JNA.
[20] *Supra* n. 1, p. 75.
[21] *Ibid*, p. 83.
[22] *Ibid*, p. 79.

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1.14 With respect to organization, the Army leadership was able in many respects to use the former staff and organization of the 2nd Military District as the nucleus of what would be called the Main Staff of the Army. This hybrid command and staff organization provided the means by which the civilian and military leadership of the Republika Srpska would manage the war effort and plan overall strategy. By necessity, it filled a broad military organizational gap between the Corps Commands, which (by doctrine) focus on the conduct of short-term operations, and senior military and civilian leadership, which generally exercise direction over the broader strategic goals. Primarily, much of the effort of the Main Staff, particularly early on, was dedicated to providing the necessary logistical, service and administrative support to keep the various Corps formations at a reasonable state of combat efficiency. For the most part, this meant managing and allocating the various munitions and technical supply stockpiles left by the JNA in Bosnia. It also included organizing and managing the myriad administrative requirements inherent in maintaining a modern army. Finally, the Main Staff was comprised of an "operations" department, in order to plan, direct and monitor the conduct of ongoing combat activities. In most of these areas, the actual functions of the Main Staff evolved over both time and the course of the war as lessons were learned, or as new requirements emerged. Details of the actual Main Staff organization and functions are discussed in later sections of this paper, particularly as they relate to July 1995.

1.15 The last of the transitional tasks before the newly organized Main Staff in the late spring of 1992 was to gain control over the overall conduct of military operations then underway throughout Bosnia. While the JNA was involved in active combat against Croatian separatist forces in Northern Bosnia, the leadership of the JNA in Bosnia was not overtly involved in the early military activities aimed at establishing a viable Bosnian Serb "state" within Bosnia. Local, municipal or regional militias organized under the SDS Crisis Staffs generally undertook the planning and execution of these initial combat actions. While effective to various degrees during the early stages of the conflict, this decentralized approach greatly hindered coordination and cooperation against more significant objectives. Most of these local leaders had almost no JNA training in the higher command and staff skills, and as a result, were not able to view the overall situation in a broader military context. Enemy activities were often ignored in neighboring municipalities, even in cases where they would clearly impact the future security of their own areas. Moreover, as the conflict had a decidedly "local" character, officers and soldiers were reluctant to place themselves at risk defending Bosnian Serb-held territory elsewhere. For most, once their village or municipality was deemed secure, their war was viewed as won, regardless of what was happening over the horizon.

1.16 In contrast, the SDS leadership was already envisioning far more strategic goals as early as mid-May 1992. Concurrent with the creation of an Army and the appointment of General MLADIĆ to command it, the Bosnian Serb Assembly laid out goals reflecting a more "national" character to this conflict.[23] As articulated by Dr. Radovan KARADŽIĆ, then the President of the National Security Council, these goals were as follows:

1. The first such goal is the separation from the other two national communities-separation of states.

[23] *Supra* n. 8.

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2. The second strategic goal, is a corridor between Semberija and Krajina.

3. The third strategic goal is to establish a corridor in the Drina Valley, that is, the elimination of the Drina as the border between two worlds.

4. The fourth strategic goal is the establishment of the border on the Una and Neretva rivers.

5. The fifth strategic goal is the division of the city of Sarajevo into Serbian and Muslim parts and implementation of an effective state government in each of these two parts of the constitutive state.

6. The sixth strategic goal is the access of Serbian Republic of Bosnia and Herzegovina to the sea.[24]

1.17 By early June 1992, the Main Staff of the Army published what would be the seminal order in establishing itself as the primary body behind the conduct of military operations. GŠ SRBH order 02/5-31, dated 04 June 1992, specifically designates the areas of responsibility, as well as the forthcoming tasks of the five Corps which would initially comprise the Army.[25] It also directs each Corps Command to form at least one brigade-sized unit which was to be trained and equipped to fight anywhere inside, or if necessary, outside the Corps area of responsibility.[26]

1.18 This order further reviewed a number of the problems the Army was presently facing in gaining control of the various military formations already in existence, as well as coordinating their combat activities towards broader objectives. As stated:

> In analyzing the general situation in the Serbian Republic of BH, the Main Staff of the Army of the SR concluded among other things, the following: (1) in their activities to date, the commands of the corps and most units of the Army of the SR of BH are controlling the situation in their zones, holding the fronts and defeating various enemy groups in our rear; (2) after carrying out mobilization, all corps, with the exception of the Herzegovina Corps, have reached a satisfactory percentage in unit manning levels; (3) command and control in the 1st and 2nd Krajina Corps, the Herzegovina Corps and Eastern Bosnia Corps has been stabilized, while the same cannot be said for the Sarajevo-Romanija Corps, due to a lack of officers and also due to some subjective weaknesses; (4) the inclusion into the Army of the SR and BH of forces of the previous Serbian Territorial Defense, various forces of crisis staffs and political parties in the Eastern Bosnia Corps and Sarajevo-Romanija Corps is developing slowly or not at all; (5) in certain areas, local, municipal and particularly "village" wars are being waged between various ethnic circles, in which mostly weapons are used to settle problems that arose

[24] *Ibid*, p. 13-15.
[25] ERN 0190-3980, CLSS English translation of GŠ SRBH order 02/5-31, Areas of Responsibility and forthcoming tasks of the Army of the SRBH, dated 04 June 1992.
[26] *Id.*

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> between them before the war, and then they try and drag army units into this, which draws us away from the front; (6) local leadership, love of power and self-advertisement do serious damage to the struggle we are waging, particularly when because of this there are casualties, massacres and looting; (7) the international community, having accepted untruths about the war in BH, is seriously hampering our fight, which means that we must close our ranks even tighter and demonstrate the real truth through a just and successful fight.[27]

1.19 Following this order, on 15 June 1992, the Presidency of the Serbian Republic of Bosnia and Herzegovina formally established the organization, formation and command of the Army.[28] The next day, the commander of the Main Staff directed the Army to formally pursue operations in the basic strategic interests of the Serbian people.[29]

[27] *Id.*
[28] *See generally* ERN 0084-8544, CLSS English translation, *RS Law on the Army*, published 01 Jun. 1992 in the Official Gazette of the Serbian Peoples of Bosnia and Herzegovina, Year One, Issue Seven.
[29] *Supra* n. 1, p. 11.

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SECTION TWO

Organization of the VRS Main Staff

A. Hierarchy within the Armed Forces establishment

2.0 Within the broader hierarchy of the various organizations that comprised the Armed Forces of the Republika Sprska, the Main Staff filled an important role. Under the direction of its commander, General Ratko MLADIĆ, the Main Staff was the highest operative body directing the conduct of army (to include air and air defense force) military operations. It operated under the direction of the RS Supreme Command, and in concert with both the Ministry of Defense and Ministry of the Interior.

2.1 In accordance with the relevant laws of the Republika Srpska at the time, the pinnacle of command of the RS armed forces was the President of the Republic, functioning as the "commander-in-chief" of the armed forces.[30] While this granted the president unitary powers with respect to command, the broader area of the strategic war aims of the republic were exercised much more collectively among the civilian leadership.[31] In this respect, the Supreme Command, created in November 1992, served as the focal point for this process.[32] The body consisted of the President, Vice President, Speaker of the Assembly, the Minister of Defense, and the Minister of the Interior. Uniformed members of the Army and Police Forces advised the Supreme Command, but were not members of the body. The Supreme Command did not interact daily with the RS Armed Forces, but instead relegated itself to wider strategic issues. This work is best manifested in the "Operational Directives".[33]

2.2 While the Minister of Defense was a member of the Supreme Command, he was not, under law, within the codified chain of command.[34] Moreover, the Ministry of Defense did not exercise direct oversight authority over the conduct of operations by the Army. Instead, the Ministry of Defense (MOD) was organized to manage the various state-owned institutions and activities that were necessary to ensure the viability of the Army as an effective institution.[35] These activities included the administration and mobilization of the reserve soldiers who made up the bulk of the Army, their pay and benefits under law, the mobilization of state-owned assets or resources to support the Army requirements, broader budgetary issues on behalf of the Army, and finally, the administration of the Military Court system. In this manner, while the Ministry of Defense was responsible for ensuring the Army had the resources necessary from the state in order to plan and manage combat activities, it was generally not a party to how the combat activities were planned or conducted.

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[30] *Supra* n. 28, Chapter 11, Command, Article 174.
[31] *See* previous VRS Brigade Command Report (Section Two) and Corps Command Report (Section Three and Four) for additional details reflecting how the commander-in-chief operated within the context of the relevant laws.
[32] The RS Supreme Command concept surfaced at roughly the same time that the "Co-presidency" arrangement of leadership within the Republika Srpska was abandoned.
[33] *See* Srebrenica Narrative (revised), Chapter One, for details pertaining to various strategic directives.
[34] *Supra* n. 28, Chapter 11, Command,
[35] *See generally*, ERN 0084-8628-0084-8643, *RS Law on Defense*, as published 01 June 1992, in the Official Gazette of the Serbian Peoples of Bosnia and Herzegovina, Year One, Issue Seven.

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2.3 The actual planning and conduct of the conflict at the operation-strategic level was the domain of the Main Staff of the VRS. This organization was at the core of the RS war effort. It was comprised of experienced, professional officers, most still holding rank and positions with the Yugoslav Army (VJ).[36] The Main Staff was the top level of command where the necessary professional expertise resided in the fields of operations, logistics, security and administration, to ensure that the VRS could perform the necessary combat operations as required. It was also the appropriate level to ensure that the military activities of the VRS could be fully harmonized with the ongoing political and diplomatic efforts undertaken by other branches of the RS government. In this regard, senior officers of the Main Staff not only planned and managed combat operations, they often daily dealt with senior military and civilian officials from the UN Protection Force (UNPROFOR) operating throughout Bosnia.

B. Main Staff Bodies

2.4 As previously noted, the nucleus of the Main Staff originated from the components and personnel of the former JNA 2nd Military District Headquarters that remained in Bosnia after 20 May 1992. Yet, the Main Staff was not a "mirror" of that organization. Nor was it the vast military bureaucracy that composed the General Staff of the Yugoslav Army (GŠVJ) in Belgrade. In part, this was due to the realization that much of the military activity that was to be undertaken was of a more immediate nature due to the ongoing conflict. Those functions of administering the Army that could not be ignored, but did not directly impact combat activities, fell under the purview of the RS Ministry of Defense. Where possible, the VRS Main Staff also took advantage of its relationship with the GŠVJ for administering other important but non-combat related activities, including finance and administration for the professional officers, the use of VJ military education and training facilities, and most important to the VRS, the recruitment of other VJ officers to serve in the VRS. In shedding these tasks to other bodies, the VRS Main Staff could thus focus the bulk of its direct efforts towards the successful prosecution of the war in Bosnia.

2.5 While there is no requisite JNA manual pertaining to the organization or composition of a "Main Staff" *per se*, it is clear that the actual staff organization itself was modeled to closely parallel the staff organization of the former JNA corps which made up the bulk of the VRS combat capability. This is well in keeping with the JNA doctrine then being used by the VRS.[37] Still, there are several documents which serve to outline the organization, structure and functions of the Main Staff, the most instructive being the Main Staff's own report detailing combat activities of the VRS during 1992. This report, the *Analysis of the Combat Readiness and Activities of the Army of the Republika Srpska in 1992*, details not only the relevant activity of the Army, but also discusses the organization and functions of the various bodies of the Main Staff. This particular document forms the basis for much of the general organization to follow.

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[36] *Supra* n. *1*, p. 69-82.

[37] The use of the doctrine of the former JNA, as well as the extensive use of the various Rules and Regulations by the VRS, has been extensively documented by this author in both the VRS Corps Command and the VRS Brigade Command Reports.

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2.6 Much in line with the organizations of the VRS Corps Commands, the VRS Main Staff was composed of a number of different structures (generally referred to at this level as sectors), each organized to provide the necessary technical expertise to the Commander. First and foremost, there was a Chief of Staff, who functioned as the Deputy Commander as necessary. The Chief of Staff manages the work of the operative sector of the staff, and insures that this work is fully coordinated with the work of the other sectors.[38] There were also the usual assistant commanders, those being the Assistant Commander for Morale, Legal and Religious Affairs; the Assistant Commander for Intelligence and Security; and the Assistant Commander for Logistics. Later in the war, reflecting the expanded roles of the Main Staff versus a Corps Command, several departments normally resident in the Operative or Rear Services sectors were expanded and ultimately designated as separate staff sectors. These consist of the Assistant Commander for the Air Force and Anti-Aircraft Defense, the Assistant Commander for Mobilization and Personnel Affairs, and finally, the Assistant Commander for Development and Finance. In the context of this report, the roles of the Chief of Operations and Training, the Assistant Commander for Moral, Legal and Religious Affairs, and the Assistant Commander for Intelligence and Security are discussed below.

C. Operations and Training Branch

2.7. The operative sector of the Main Staff was most directly responsible for the actual planning and management of most combat-related activity undertaken by the Staff.[39] This activity is directed by the Chief of Operations and Training. The Chief of Operations and Training also functions as the Deputy Chief of Staff.[40] Under the Chief of Operations, there were additional departments dealing with a number of the more specialized operative branches or service units, including infantry units, armor and mechanized units, missile and artillery units, engineer units, signal units and electronic warfare units. As described in the relevant JNA Corps rules, the Operations and Training staff is responsible principally for:

> ...the planning of operations and other forms of combat actions. It compiles data, makes calculations, appraisals, analyses and conclusions required for decision-making, organization and implementation of combat actions in an operation. It constantly monitors the situation, is familiar with the Commander's decision, the status of units of the Corps, and the decisions of the commanders of subordinated units...[41]

Further, the Chief of Operations and Training is responsible for creating the broader work plan of the command with regards to operational planning. Following the receipt of orders from the Commander or the Chief of Staff, he briefs the command and subordinate commands on the envisioned assignment, basic concepts, appraisal of the situation, and issues deadlines for the submission of proposals. Once a decision is enacted by the

[38] *See* VRS Corps Command Report, Section Two (paragraphs 2-12 through 2.20) for details pertaining to the roles and responsibilities of the Chief of Staff position within the context of the doctrine of the former JNA.
[39] ERN 0079-7104-0079-7232,. OTP English translation of the *Rules for Ground Forces Corps, Provisional (1990)*, para. 67.
[40] *Id.*
[41] *Id.*

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commander, he notifies all parties, and where necessary, elaborates on the decision to ensure proper execution of the assignment.[42]

2.8 Reflecting its role in the wider hierarchy, the Main Staff Operations and Training department was the focal point for planning much of the broader military strategy of the VRS. This effort manifested itself in a series of "Operational Directives" periodically drafted by the VRS for approval and ratification by the RS leadership. These Directives corresponded to various phases of the conflict, and were designed to ensure the full integration of all political and military elements of the RS in support of the war effort. Also evident is the growing sophistication of the strategic planning process through the course of the conflict. Operational Directive No. 4, coinciding with the initial creation of the RS Supreme Command, outlines a traditionally narrow military view on many issues. Operational Directive No. 7, drafted in March 1995, reflects a far broader context of the political military situation, and is directly tailored to the decision-making processes of the RS civilian leadership.

2.9 Finally, the Main Staff Operations and Training branch played an important role in dealing with the myriad issues related to UNPROFOR, particularly with managing its impact on VRS military operations. Most UNPROFOR logistics traveled via land convoy routes which took them through VRS-controlled territory, and subsequently required clearance from the Main Staff. More significantly, given the context of the conflict, UNPROFOR often represented a major obstacle to military activities undertaken by the Sarajevo-Romanija Corps and the Drina Corps against Bosnian Muslim forces. By 1995, efforts to effectively marginalize the ability of UNPROFOR and NATO to intervene in VRS military operations had become a key component in operational planning (discussed in detail in Section Three).

D. Assistant Commander for Morale, Legal and Religious Affairs

2.10 The sector dealing with Morale, Legal and Religious Affairs (MViPP) was an important component of the Main Staff during the conflict. First and foremost, this staff element was responsible for managing the information/propaganda campaign in support of war aims. This was considered to be particularly important given western media coverage of the war, and the perception that it was heavily biased against Serbian interests. Administering the military justice system also initially fell to this staff element. As organized, this branch managed both the military prosecutor's offices operating in the Corps areas, as well as newly established military courts. However, by mid-1993, this responsibility was transferred from the VRS to the Ministry of Defense. With respect to Religious Affairs, this relatively new field (in the context of the former JNA) received little immediate attention in the initial stages of the conflict. As the war progressed, this particular service took on a number of duties relating to the support of families of killed or wounded soldiers, as well as other issues relating to veterans affairs.

2.11 Focusing on the broader information and propaganda campaign, the Assistant Commander for MViPP orchestrated what may be described as a three-part campaign in support of the broader war aims. During the early stages of the conflict, much of the

[42] *Ibid*, para. 88.

propaganda effort dealt with countering western media coverage directed against Bosnian Serb military and political interests.[43] In part, this was managed by the creation of information and propaganda centers at the Main Staff, as well as Corps Commands. Also during this time, considerable effort was expended with propaganda directed towards fostering a wider unity among the Bosnian Serb people towards the greater war effort, as well as towards their own Army. This effort was necessary on two fronts. First, as a result of the successes by Bosnian Serb forces throughout most of the conflict area during 1992 (Eastern Bosnia being a notable exception), much of the population (as well as the RS political leadership) felt that the war was close to ending in their favor. It was perceived by many in the military that the population and the civilian leadership were unwilling to make the necessary commitment to ensure a complete military victory. Second, at the same time, the professional VRS officer corps was also working to counter a continuing resentment by radical SDS members, who often disparaged these professional officers as "communists". Much of this resentment stemmed from the neutral stances of the JNA leadership at the early stages of the Bosnian conflict.[44] This resentment increased following the 1993 Banja Luka mutiny, when General MLADIĆ was viewed as publicly siding with the soldiers instead of with the RS political leadership.

2.12 The third part of this campaign evolved over the course of the conflict, and consisted of efforts to marginalize the international community, and specifically UNPROFOR forces, from interfering in VRS military operations by hampering their decision-making process. To accomplish this, the VRS engaged in a "disinformation" campaign of increasing sophistication throughout the war. This activity reached a zenith in 1995, when UNPROFOR (and later the NATO Rapid Reaction Force) were seen by the VRS leadership as significant obstacles to their objectives. They were ultimately formalized in the relevant Operational Directives, and were used in concert with the activities of the intelligence and security sector activities to keep the true intent of VRS military objectives obscured.

E. Assistant Commander for Intelligence and Security

2.13 This particular sector of the Main Staff had a number of distinct, yet complimentary roles. These included the active and passive collection of information of intelligence value on the forces opposing the VRS. It was also engaged in the denial of this same type of information to these opposing forces (counter-intelligence). As necessary, it planned and directed select "high-value" sabotage or diversionary actions. This sector also had a number of overt security functions, including the physical protection of key military personnel and facilities, as well fostering an overall climate of security through military-related crime-prevention activities. In performing these functions, the Intelligence and Security sector provided technical support for reconnaissance troops and units, radio reconnaissance units, sabotage or diversionary units, specialized security units, and the military police services.[45]

2.14 In performing this mission, the sector was comprised of two administrations, the Intelligence Administration, and the Security Administration. The Intelligence

[43] *Supra* n. 1, p. 45.
[44] *Ibid*, p. 49.
[45] *Ibid*, p. 83-92.

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Administration operated under the Chief of Intelligence Operations, and consisted of an intelligence center (the 410th ObC), an associated analytical element, and the respective heads of the reconnaissance and sabotage units and radio reconnaissance units. The Security Administration operated under the Chief of Security, and consisted of a counter-intelligence group (KOG), and an associated analytical element. It also included the respective chief of the Military Police, and an officer responsible for ensuring the personal security of key officers of the Main Staff.

2.15 As was the case throughout the VRS, the Intelligence and Security Administrations operated within the context of existing JNA rules and regulations to the greatest extent possible, particularly with respect to dealing with the more technical aspects of specialized management activities.[46] Pertinent to this discussion are instructions by the VRS Main Staff concerning command and control over security and intelligence organs of the VRS, dated 24 October 1994.[47] This particular instruction specifies that while they are directly commanded by the commander of the unit or institution to which they are assigned their professional activities with respect to intelligence and counter-intelligence activities fall under the purview of the Main Staff Intelligence and Security Sector. These specific rules, as well as the relationships between command and specialized management-related activities, are extensively detailed in the previously published Brigade Command Report (paragraphs 3.10-3.19). Of note, in this particular context, it was indicated that 80% of the work engagement of intelligence and security organs should normally fall in the area of intelligence or counter-intelligence, with the remaining 20%, including administrative, staff, military police and criminal-legal tasks.

[46] *See generally Rules of Service of the Security Organs of the Armed Forces of the SFRY (1984)*, the *SFRY Manual for Intelligence Support to the Armed Forces (1987)*, and the *Service Regulations of the SFRY Armed Forces Military Police (1985)*.

[47] ERN 0308-9290-0308-9292, CLSS English Translation of GŠVRS order 18/20-414/94, dated 24 October 1994.

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SECTION THREE

The VRS Main Staff and Operation Krivaja 95

Author's Note: Many of the details of the activities of the VRS Main Staff in the events pertaining to Srebrenica during the month of July 1995 have been previously documented in the Srebrenica Military Narrative (Revised), either as part of the historical background (Chapters One, Three and Four) or specifically within Chapter Twelve: The Role of the VRS Main Staff. While it is not the intent to completely recount previous work on this subject, some re-examination of this work is necessary in order to set the context, in terms of the role the Main Staff played during the period leading up to the initiation of Operation Krivaja 95 on 06 July 1995.

A. The Drina Valley, August 1992

3.0 From the strategic perspective of the nascent state of what would be known as the Republika Sprska, absolute control over the Drina (or Podrinje) region was of vital importance. This was recognized as early as May 1992, when the Six Strategic Objectives specifically reflected that the Drina River should not be a border, but should instead be what is frequently referred to as the backbone of Serbian ambitions in Bosnia.[48] Yet, in August 1992, the situation in the Lower Podrinje (principally made up of the municipalities of Srebrenica, Bratunac, Vlasenica, Milići, Šekovići and Zvornik) hardly reflected that desire. At the local level, Bosnian Serb military forces were just able to hold territory seized in April and May in Zvornik, Šekovići, Milići and Vlasenica. Bosnian Muslim forces operating in the rugged Cerska and Kamenica regions were growing stronger over time. In Srebrenica and Bratunac, the Bosnian Serb military forces were actually losing territory, with Muslim forces under the direction of Naser ORIĆ systematically expanding their territory and pushing Bosnian Serb military and civilians back towards the town of Bratunac.[49]

3.1 Still, in the broader context of the VRS military objectives in that stage of the war, there was little that could be done at the time to immediately improve the situation. While this area fell within the zone of the East Bosnia Corps, the Corps Command, as well as the VRS Main Staff, had more immediate concerns. Looking to establish secure boundaries for their state meant reducing the vulnerability of the Posavina corridor to attack by Bosnian Muslim, as well as Bosnian Croatian forces.[50] This corridor of Serb-held territory connected the Serb Krajina territory to Serb-held territory in Eastern Bosnia, and then to Serbia proper. Expanding the size of this land-bridge was vital to ensure the viability of a future Serb state within Bosnia. Dealing with this situation occupied much of the East Bosnia Corps, as well as the 1st Krajina Corps, until late October 1992. Moreover, the Sarajevo-Romanija Corps, which was responsible for adjacent parts of the Upper Drina Valley, as well as the Romanija region, was fully dedicated to maintaining the blockade around Sarajevo, as well as dealing with serious issues related to its own command structure.[51]

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[48] *Supra* n. 8.
[49] *See generally* ERN 0084-0170-0084-0191, CLSS English translation of *The Situation in Bosnia and Herzegovina before the war-History of the Bratunac Municipality.*
[50] ERN 0190-5849-0190-5855, CLSS English translation of Main Staff of the Army of the SRBH Directive for Further Operations Three (5-92), 03 August 1992.
[51] *Id.*

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3.2 By November 1992, the VRS Main Staff felt that it was in a position to start working to reduce the Muslim-held territory in Eastern Bosnia. After recognizing that the East Bosnia Corps Command could not effectively manage operations of such a broad area, the VRS organized a new Corps-level headquarters in Vlasenica. Known as the Drina Corps, this command consolidated areas of responsibility which formerly belonged to two separate Corps Commands, as well as to several independent units.

B. The VRS Drina Corps and Operational Directive Four

3.3 Within the month of the formation of the Drina Corps, it was faced with a major crisis, as Muslim forces operating from the Srebrenica area began a two-stage military campaign. Their first objective was to link up with another group of Muslim forces in Cerska, thus isolating the Serbian forces holding the towns of Bratunac and Skelani, and second, the actual capture of Bratunac itself. In response, the military and political leadership of the VRS devised a plan to secure the Podrinje region, as a component of Operational Directive Four (dated 19 November 1992).[52] The Drina Corps was directed as follows:

> From its present positions, its main forces shall persistently defend Višegrad (the dam), Zvornik and the corridor, while the rest of its forces in the wider Podrinje region shall exhaust the enemy, inflict the heaviest possible losses on him and force him to leave the Birač, Žepa and Goražde areas together with the Muslim population. First, offer the able-bodied and armed men to surrender, and if they refuse, destroy them. After that, unblock and repair the Konjević Polje-Zvornik road, make it fit for traffic, and stand by for intensive combat against infiltrated sabotage, terrorist, surprise and ambush attacks and paramilitary groups. Set up Command Post in Vlasenica and a Forward Command Post as decided by the Corps Commander.[53]

While there were sound military reasons for finally moving ahead with reducing the Muslim military presence in the Podrinje Valley, there may have also been more political undertones behind this motive. By early November 1992, serious peace initiatives by the international community (the London Conference) were well underway, and the outlines of what would be referred to as the "Vance-Owen Peace Plan" were already becoming known. Given that the overall population in the Lower Podrinje region still heavily weighed in favor of the Muslim inhabitants, it would be difficult to claim these as inherently Serb lands should that factor arise in the negotiations.[54]

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[52] ERN 0190-0424-0190-0431, CLSS English translation of GŠVRS order 02/5-210, Operational Directive Four, 19 Nov. 1992.
[53] *Ibid*, paragraph 5 (d).
[54] For details pertaining to the events of this period, see *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica*, UN GA Doc. A/54/549, 15 Nov. 1999.

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C. 1993 and the establishment of the "safe areas"

3.4 By January 1993, the Bosnian Muslim military operations had successfully isolated the Bratunac area from the rest of the Drina Corps. This was accomplished, in part, by the capture of the Bosnian Serb village of Kravica on Orthodox Christmas by Bosnian Muslim military forces.[55] Later that month, the military situation was so critical around Bratunac that Yugoslav Army units were introduced west of the Drina River to assist in the defense of the town, and stem a major refugee crisis into Serbia proper.[56] In response, the Main Staff directed the Drina Corps to undertake a major winter counter-offensive in late January 1993 to eliminate the Bosnian Muslim strongholds of Cerska and Srebrenica. By March, the Bosnian Muslim forces in Cerska had been routed, and thousands of refugees were fleeing southeast towards Srebrenica or west to Tuzla. Bosnian Serb forces continued to attack through the spring, and by early April, VRS forces were within two kilometers of Srebrenica.

3.5 As reports of a building humanitarian crisis at Srebrenica surfaced, UNPROFOR officials, to include the UNPROFOR Commander General Morillion, traveled to Srebrenica to observe the situation firsthand. At Srebrenica, they were faced with a situation where between 50,000-60,000 people were compressed into a roughly 150 square kilometer area around the town. This population had no access to electricity, little running water, and dwindling food and medical supplies.[57] To facilitate the removal of the population, the VRS permitted UNPROFOR to send trucks for this purpose. Approximately 9000 Bosnian Muslims were successfully removed to the Tuzla area before the Sarajevo authorities forced the UN to suspend these activities.[58] Subsequently, on 16 April 1993, the United Nations Security Council passed resolution 819 (1993)[59], which created the Srebrenica "safe area".

3.6 The VRS Main Staff was quick to realize the wider implications of the UN "safe area" of Srebrenica, and attempted to redirect immediate combat activities towards Žepa and Goražde, in an attempt to capture that territory before the UN could also designate those areas as well. On 01 May 1993, the Main Staff issued combat order 02/2-402, pertaining to the liberation of Žepa and Goražde.[60] This order, drafted by Colonel Radivoje MILETIĆ, and signed by General-Major Manojlo MILOVANOVIĆ (as the Deputy Commander of the Main Staff), directed the Drina Corps, the Sarajevo-Romanija Corps and the Herzegovina Corps Commands to coordinate their attacks in this regard. In a manner similar to what occurred in Srebrenica, the operation did not necessarily envision capturing the towns proper, but directed the areas to be encircled, thus creating the conditions for disarming the Muslim military formations, and leaving the civilian population the choice of being removed to Central Bosnia, or remaining in the town(s), provided they recognize the authorities of the

[55] ERN 0091-2251-0091-2253, CLSS English translation of 1.Zvlpbr Order 01-21, 22 Jan. 1993.
[56] ERN 0090-4919-0090-4920, CLSS English translation of Bratunac Brigade Command Report 2-1942/26, 26 Jan. 1993; ERN 0090-4916-0090-4918, CLSS English translation of Bratunac Brigade Command Report 201, 25 Jan. 1993.
[57] *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica*, UN GA Doc. A/54/549, 15 Nov. 1999, para. 37.
[58] *Ibid*, para. 40.
[59] S.C. Res. 819, U.N.SCOR, 48th Year, U.N. Doc. S/INF/49 (1993).
[60] ERN 0444-3188-0444-3197/part, English translation of Main Staff Combat Order 02/2-402, dated 01 May 1993.

RS. However, before this plan could be substantively implemented, Security Council resolution 824 (1993)[61] designated both Žepa and Goražde as "safe areas".[62]

D. May 1993 - December 1994

3.7 With the establishment of the Security Council designated "safe areas", and the subsequent 08 May 1993 agreements, the military confrontation lines around Srebrenica and Žepa stabilized.[63] However, the VRS Main Staff did not lose sight of the larger objectives, particularly with respect to Goražde. As early as 22 May 1993, the VRS Main Staff was already considering preparations for capturing this area, in the event of outside military intervention.[64] Less than a year later, on 31 March 1994, units of the Drina Corps and the Sarajevo-Romanija Corps were conducting overt military operations against Goražde.[65] As the situation escalated, UNPROFOR requested NATO air strikes against the VRS in order to halt the VRS attack at the town's outskirts. In response, VRS soldiers seized over 150 UNPROFOR soldiers. In negotiations brokered by FRY President Slobodan Milošević in Belgrade, the RS political and military leaders subsequently agreed to call off the attack on Goražde, but were permitted to keep much of the hills surrounding the town which the VRS had recently captured. Further, UNPROFOR recognized VRS claims that the confines of the demilitarized zone only extended three kilometers from the town center.

3.8 Following this, the VRS Main Staff began to completely re-examine its procedures *vis-a vis* the "safe areas," in conjunction with the Command elements of the Drina Corps. On 22 July 1994, the Main Staff issued order 03/4-1325, regulating measures, actions and tasks related to the enclaves at Srebrenica, Žepa and Goražde.[66] Among the many measures, this document also served to define the VRS position on what was agreed to by them with respect to the actual size of the Eastern "safe-areas". In the case of Srebrenica, the "safe area" incorporated only the town. In the cases of Žepa and Goražde, the "safe-areas" incorporated the towns, and a 3 kilometer area.[67]

E. 1995 and the Eastern Enclaves

3.9 By early January 1995, the decision had already been made by the RS government to apply additional pressure to the Eastern "safe areas". Part of this pressure was the restriction of movement by UN forces in Eastern Bosnia, particularly for supply convoys to the three "safe areas".[68] The limitations on fuel, ammunition and provisions that could be sent to the UN forces seriously degraded their ability to effectively monitor the activities in the "safe area". At the same time, Muslim military forces inside the Srebrenica "safe area" were also restricting the movement of the Dutch Battalion (DutchBat) forces, particularly in the area

[61] S.C. Res. 824, U.N.SCOR, 48th Year, U.N. Doc. S/INF/49 (1993).
[62] *Supra* n. 57. *See* paras. 41-69 for detailed background.
[63] ERN 0026-3474-0026-3477, *Agreement on a Ceasefire in the Territory of Bosnia and Hercegovina*, 08 May 1993.
[64] ERN 0444-3180-0444-3184 part, GŠ VRS Main Staff order 02/2-436, dated 22 May 1993.
[65] *Supra* n. 57, paras. 131-145.
[66] Referenced and incorporated into KDK order 01/5-373, dated 24 July 1994.
[67] *Ibid*, para. 13.
[68] Dutch Ministry of Defense, *Debriefing on Srebrenica*, 04 Oct. 1995, p. 14 (discussing cumulative effects of RS restrictions of movement). Cited in the Srebrenica Military Narrative (Revised), at note 83.

known as the "Bandera Triangle".[69] In the same vein, RS political and military leaders began to press for a substantial reduction in the actual physical area of the enclaves. The first indication came at a reception organized to celebrate the Orthodox New Year in Bratunac. UN Military Observers (UNMOs) from Srebrenica, as well as the new UN DutchBat Commander, Lieutenant Colonel KARREMANS, attended. At this meeting, General-Major ŽIVANOVIĆ, then the Commander of the Drina Corps, offered the UNMOs the opportunity to "define" the enclave border in cooperation with his representatives.[70]

3.10 On 08 March 1995, RS Supreme Command Directive No. 7 clearly spelled out the RS strategy concerning the Eastern "safe areas". The role of the VRS Drina Corps was to:

> ...complete the physical separation of Srebrenica from Žepa as soon as possible, preventing even communication between individuals in the two enclaves. By planned and well-thought out combat operations, create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica. [71]

Further,

> In the case that UNPROFOR forces leave Srebrenica and Žepa, the Drina Corps Command shall plan an operation named *Jadar* with the task of breaking up and destroying the Muslim forces in these enclaves and definitively liberating the Drina Valley region.[72]

Also, with respect to supporting this effort,

> The relevant State and military organs responsible for work with UNPROFOR and humanitarian organizations shall, through planned and unobtrusively restrictive issuing of permits, reduce and limit the logistics support of UNPROFOR to the enclaves and the supply of material resources to the Muslim population, making them dependant on our good will while at the same time avoiding condemnation by the international community and international public opinion.[73]

On behalf of General MLADIĆ, this directive was drafted by then-Colonel Radivoje MILETIĆ, the Chief of Operations and Training of the Main Staff. It was signed by Dr. Radovan KARADŽIĆ, as the Supreme Commander.

3.11 In shaping the goals spelled out in Operational Directive No.7, the Main Staff exercised significant control over issues that directly impacted the combat capability of UNPROFOR, particularly those forces garrisoned inside the Eastern enclaves. Since July 1994, all UNPROFOR supply convoys had to be approved at the Main Staff level, as well as

[69] *Ibid*, p. 14.
[70] HQ DutchBat Sitrep, 07 Jan. 1995.
[71] ERN 0081-7121-0081-7135, CLSS English translation of RS Supreme Command Directive 7, p. 10.
[72] *Ibid*, p. 11.
[73] *Ibid*, p. 14.

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most liaison contacts.[74] This included a full accounting of all personnel entering or leaving any of the enclaves, and detailed monitoring of fuel to ensure that no more was delivered to UNPROFOR units in the enclaves than was authorized.[75] As previously noted, by early 1995, these efforts were already having an adverse impact in particular on the DutchBat forces inside the Srebrenica enclave.

3.12 While it was initially envisioned that operations against the safe-areas were to commence as soon as possible following the issuing of Operational Directive No. 7, a number of situations arose that forced the postponement of this plan. ABiH military operations in the II Corps area along the East Bosnia Corps-Drina Corps boundary in March 1995, and the VRS counterattack in early April (referred to as Spreča 95), engaged a significant part of the Zvornik Infantry Brigade. Later, in mid-May 1995, preliminary operations to create the necessary conditions for attacking both Srebrenica and Žepa were suspended, after the necessary reinforcements were detailed to the Sarajevo-Romanija Corps zone to blunt the ABiH I Corps offensive underway there.[76] Less than two weeks later, NATO air bombardment activity against VRS logistical facilities around Sarajevo, and the corresponding actions by the VRS to take UNPROFOR soldiers hostage, further limited the scope of preparatory activities undertaken.[77]

3.14 Finally, on 31 May 1995, the elements of the Drina Corps were able to undertake operation "Jadar-95", a much scaled-down version of that envisioned in Operational Directive No. 7.[78] This operation forced DutchBat troops to abandon Observation Post (OP) Echo south of Srebrenica.[79] The UN abandonment of this checkpoint ultimately led to the fall of the village of Zeleni Jadar, a key junction which the VRS needed as a jumping-off point for future operations.[80] By 05 June 1995, the limited initial military goals of "Jadar-95" were realized, and the VRS ceased offensive operations along the Zeleni Jadar road. Dutch UN forces hastily erected two new OPs, Sierra and Tango, to monitor the southern approach into the "safe area".[81]

Author's Note: For the continuation of the contextual and temporal sequence of events tied to Krivaja 95, please refer to Chapters Three and Four of the Srebrenica Military Narrative (Revised).

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[74] ERN ET0429-9047-0429-905 (draft translation) KDK order 01/5-373, dated 24 July 1994.
[75] ERN 0425-4341-0425-4342 (draft translation) GŠVRS order 06/18-249, dated 18 June 1995.
[76] ERN ET0430-2804-0430-2807 (draft translation), KDK order 04/112-14, dated 15 May 1995, Subject: Order to Stabilize Defense around Žepa and Srebrenica Enclaves and Establish Conditions for the Liberation of the Enclaves; followed by ERN ET0430-2822-0430-2822, KDK order 04/112-15, Subject: Stabilization of Defense around Žepa and Srebrenica Enclaves, Additional Order.
[77] ERN 0362-9841-0362-9842, (draft translation) GŠVRS order 03/4-1037, dated 27 May 1995, Subject: The admission and deployment of the UNPROFOR members in the Corps' area of responsibility, order-.
[78] ERN 0071-6533-0071-6554, CLSS English translation of 1.Brlpbr Report 433-1, 04 Jul. 1995, Subject: Analysis of the combat readiness of the 1.Brlpbr from 1 January - 30 June 1995.
[79] *Supra* n. 68, p. 16.
[80] ERN 0070-0840-0070-0841, CLSS English translation of 1.Brlpbr Order 01-1/95, 04 Jun. 1995.
[81] *Supra* n. 68, p. 15.

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SECTION FOUR

The VRS Main Staff and Operation Stupčanica 95

A. Background Synopsis

4.0 Just as was the case with respect to the Srebrenica enclave, ABiH military activities in the Žepa "safe area" mandated that VRS units had to be engaged in securing the Žepa enclave. This was a particularly acute security issue for the Main Staff, given the relative proximity of Žepa to the Main Staff's own garrison facilities at Han Pijesak and the nearby communications facilities at Veliki Žep. From within the Drina Corps, responsibility fell to the 1st Podrinje Light Infantry Brigade, whose troops were generally recruited from the Rogatica municipality. This unit was under the command of Major Rajko KUŠIĆ, a reserve officer who had been the commander since the unit was organized as a local TO formation before the outbreak of the war. Outside the Drina Corps, this responsibility fell to the 65th Motorized Protection Regiment, an asset directly subordinate to the Main Staff. This uniquely organized unit, consisting of two mechanized battalions, and one military police battalion, traces its origin back to the former JNA 1st Protection Regiment (garrisoned in Sarajevo at the beginning of the conflict). It was commanded by Lieutenant Colonel Milomir SAVČIĆ, a professional former JNA officer. As one of the few mobile units of the VRS, this particular unit had participated in extensive combat throughout the territory of the Republika Srpska.

4.1 On the Bosnian Muslim side, the Žepa enclave was manned by the 285th Eastern Bosnia Light Infantry Brigade, often usually referred to as the 1st Žepa Brigade. This unit, nominally under the command of the 28th Infantry Division in Srebrenica, operated with some autonomy in part based on its physical separation (in much the same manner as the 28th Division itself operated separately from its superior command, the ABiH II Corps in Tuzla). Like many of the ABiH soldiers of the 28th Infantry Division who were originally from other areas outside the municipality, many of the Žepa Brigade's soldiers came from Muslim families forced from their towns or villages in the Rogatica and nearby Višegrad municipalities at the beginning of the war.

4.2 Within the framework of the VRS Drina Corps, Srebrenica and Žepa were normally viewed as part of the same larger security issue. Despite sharing some of the security responsibility for the Žepa enclave, both enclaves tied up a considerable number of troops that could usefully be deployed elsewhere. As evidenced by a number of VRS military documents on these issues, it is clear that the reduction or elimination of the Žepa enclave was always part of the greater objective, because tolerating a continued active Bosnian Muslim military presence in Žepa would dilute much of the anticipated military advantages to be gained by attacking Srebrenica in the first place.

4.3 Unlike the somewhat more organized approach undertaken with respect to planning and executing the early stages of the Srebrenica attack, plans to move against the Žepa "safe area" were more belatedly organized. This was principally due to the realization on 09 July 1995 that the ABiH 28th Division and the DutchBat component of UNPROFOR could not (or would not) effectively defend the enclave from the ongoing ground assault. This created the opportunity that Srebrenica-town itself could be captured, thus eliminating the enclave. In

turn, it also opened the opportunity for the VRS to reduce, and possibly even eliminate, the Žepa enclave if they could organize an attack before the ABiH or UNPROFOR could respond. In this light, on 10 July 1995, the VRS Main Staff issued order 03/4-1807, instructing the Command of the Drina Corps to begin planning for operations around Žepa (starting as early as 12 July 1995) and for the 65th Motorized Protection Regiment and the 1st Podrinje Light Infantry Brigade to assume various defensive position in anticipation of an impending attack towards Žepa.[82]

4.4 Yet, while the initial concepts of the Žepa operation were being considered by the Main Staff, by 12 July the situation in Srebrenica remained fluid. By the late morning hours, it became clear that the bulk of the 28th Division was neither in the Bandera Triangle, nor in Potočari ready to surrender. It was in fact attempting to break-out towards the rest of II Corps. Gathering information on this matter not only occupied the Drina Corps intelligence and security staff, but also General TOLIMIR, the VRS Main Staff Assistant Commander for Intelligence and Security. At some point during the afternoon hours of 12 July 1995, he was present at the Drina Corps Command in Vlasenica. During the late afternoon hours, the Drina Corps Intelligence Department published order 17/896, reporting on the debriefing of a captured Bosnian Muslim solder.[83] Shortly after, the Drina Corps Intelligence Department published order 17/897, discussing the results of VRS radio reconnaissance intercepts of II Corps radio communications.[84] This order provided information concerning the probable route that 28th Division units would be taking through the Zvornik and Birač Brigade areas of responsibility. This order also noted the following:

> The Muslims wish to portray Srebrenica as a demilitarized zone with nothing but a civilian population in it. That is why they ordered all armed men fit for military service to illegally pull out from the area, cross RS territory and reach the Muslim-controlled area so that they could accuse the VRS of an unprovoked attack on civilians in a safe haven.
>
> Although it is very important to arrest as many members of the shattered Muslim units as possible, or liquidate them if they resist, it is equally important to note down the names of all men fit for military service who are being evacuated from the UNPROFOR base in Potočari.[85]

Although issued under a sequence number normally associated with the Drina Corps Intelligence and Security Department (17/XXX series), this order was released under the type-signed signature of General-Major Zdravko TOLIMIR.

4.5 Later that evening, at the Headquarters of the Bratunac Light Infantry Brigade, the Commanders and key staff members of the VRS Main Staff, Drina Corps and a number of subordinate brigades discussed the operation against Žepa. By the end of the meeting, a basic attack concept had been drafted.[86] Further, the commanders of the Zvornik Infantry

[82] ERN 0425-7963-0425-7965 (draft translation) GŠVRS order 13/4-1807 dated 10 Jul. 1995.
[83] ERN 0307-7178-0307-7179, CLSS English translation of KDK order 17/896, dated 12 Jul. 1995. See Srebrenica Military Narrative (Revised), Section Six, paragraph 6.21, for details.
[84] ERN 0308-3838-0308-3839, CLSS English translation of KDK order 19/897, dated 12 Jul 1995.
[85] *Id.*
[86] ERN 0438-8412-0438-8412, Military map graphic dated 12 July 1995, outlining basic axis of attack on Žepa.

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Brigade, the Birač Infantry Brigade, and the 2nd Romanija Motorized Brigade were directed to begin moving their units towards the Žepa area. These units had been engaged in sweeping the terrain west of Srebrenica. Finally, the Drina Corps Command was directed to establish a forward command post (IKM) in the village of Krivače by 1800 hours on 13 July 1995, as well as draft the requisite operation plan for the attack.[87]

4.6 In conjunction with this new mission concerning the Žepa enclave, General-Major TOLIMIR relocated to the Headquarters of the 1st Podrinje Light Infantry Brigade, in Rogatica, south of the Žepa enclave. While the main attack axis would come from the northwest, being in Rogatica allowed him the most immediate access to both the Bosnian Muslim leadership in Žepa, as well as the Ukrainian UNPROFOR Company monitoring the safe-area perimeter. It also gave him access to the VRS telecommunications network, so he could keep General MLADIĆ and other VRS elements dealing with Žepa fully advised of the situation in the enclave. Most important, General-Major TOLIMIR was to try to influence the Muslim leadership in Žepa to surrender, if at all possible.[88]

4.7 Pursuing this objective, General-Major TOLIMIR reported that at 12:00 hours on 13 July 1995, he had contacted several members of the Žepa leadership. He indicated that he believed the terms of the VRS offer for an immediate surrender (including a plan to offer the safe evacuation of all civilians and military-aged men) had created disorganization in their ranks of the leadership and soldiers.[90] Later that same day, General-Major TOLIMIR reported that it appeared that while the local leadership in Žepa favored surrender, they were being blocked from this approach by the government in Sarajevo.[91]

4.8 Despite his work in Žepa, General-Major TOLIMIR remained informed with respect to the Bosnian Muslim prisoners who were being captured along the Nova Kasaba-Sandići arc on 13 July 1995. A message from the IKM of the 65th Motorized Protection Regiment (65. Zmpt) drafted at 14:00 hours forwards a number of proposals which originated from the Assistant Commander for Intelligence and Security of the GŠ VRS. These proposals concerned measures to secure the over 1000 prisoners then under the control of the Military Police Battalion of the 65. Zmpt at Kasaba. These included banning non-military traffic from various roads, and prohibiting unauthorized individuals from photographing or filming the prisoners.[92] This message, under the signature block of Lieutenant Colonel Milomir SAVČIĆ, and also addressed to the Assistant Commander for Morale, Legal and Religious Affairs, further directs the commander of the Military Police battalion to contact General-Major MILETIĆ upon receiving the message, so that MILETIĆ could determine if the

[87] ERN 0092-0249-0092-0253, CLSS English translation of KDK order 02/04-158-1, dated 13 Jul. 1995, Subject: Attack on the Žepa enclave, operation order 1.
[88] ERN 0092-0588-0092-0589, CLSS English translation of KDK order 03/156-11, dated 13 Jul. 1995, Subject: Condition in the enclave, Žepa-warning-.
[90] ERN 0425-8573-0425-8573 (draft translation), 1. Plpbr order 04-520-50/95, dated 13 Jul. 1995. *See also* ERN R001-5518, UNPROFOR 13 July 1995 memo, Subject: Report of a meeting held in Lukavica between Lt. Col. Indić and MA to DSCU and UKRBAT LO-13 July afternoon, paras. 2, 7, 8, 9, 10, and 11.
[91] ERN 0425-8572-0425-8572 (draft translation), 1. Plpbr order 04-520-52/95, dated 13 Jul. 1995.
[92] ERN 0425-8580-0425-8580 (draft translation) 65.Zmpt order dated 13 Jul. 1995, Subject: Procedure for treatment of war prisoners.

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proposed security measures had been accepted by the Commander of the GŠ VRS, and if there were any additional orders.[93] Subsequent to this proposal, the Main Staff issued order 03/4-1638, which directs a number of road closures, and forbids the disclosure of combat activities of information about prisoners or civilians to media.[94] This order was sent under the signature block of Colonel-General Ratko MLADIĆ.

4.9 The Main Staff was also issuing additional orders pertaining to preventing the further escape of Srebrenica Muslims to Tuzla or Kladanj. One such order instructs the Drina Corps and subordinate brigades to ensure that the most likely escape routes are blocked.[95] It also directs that captured Muslims be placed in areas where they can be guarded by the minimum number of soldiers, and that units capturing them immediately inform their superior command of this fact. Finally, it directs that the Main Staff be keep informed of ongoing activities through the timely use of interim combat reports. This order is type-signed by Lieutenant-General Milan GVERO.

4.10 On 14 July 1995, General-Major TOLIMIR continued his work keeping the Main Staff and the Drina Corps informed of developments at Žepa. His first report of the day reflects that his conversations with the Ukrainian UNPROFOR commander in Žepa revealed that the Bosnian Muslim leadership in Sarajevo had refused to approve the evacuation of troops from Žepa.[96] UNPROFOR intelligence information also indicated that the Bosnian Muslim military was at the front lines, and that the civilian population was taking refuge outside the town. General-Major TOLIMIR also noted that he was working to convince UNPROFOR to consolidate its personnel in two locations which were under VRS control, as a means of "...controlling the work and reporting of UNPROFOR to their superiors."[97] Finally, he notes that since 0500 hours, an unmanned aerial vehicle has been operating over the enclaves of Žepa, Srebrenica, Goražde, and over the general area of the 1 Plpbr. In other separate messages, General-Major TOLIMIR requests that General MILETIĆ provide secure tactical radio equipment so that he can adequately monitor the Drina Corps command radio network,[98] and advises the Main Staff and Drina Corps about UNPROFOR dispositions.[99]

4.11 At the same time, the VRS Drina Corps initiated offensive operations against the Žepa enclave. As elements of particularly the Zvornik and Birać Brigades were moving into their final jump-off positions, the 1st Podrinje Light Infantry Brigade initiated offensive operations against the southern part of the Žepa enclave. In his interim combat report to the Drina Corps and Main Staff, Lieutenant Colonel KUŠIĆ notes that VRS forces had broken through some of the initial defense lines, and has also gained control over one of the UNPROFOR checkpoints.[100]

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[93] *Ibid*, paragraph 4.
[94] ERN 0092-6022-0092-6023, CLSS English translation of GŠ VRS order 03/4-1638, dated 13 Jul. 1995, Subject: Prevention of leakage of confidential military information in the area of combat operations-order.
[95] ERN 0308-4819-0308-4820, CLSS English translation of GŠ VRS order 03/4-1629, dated 13 Jul. 1995 Subject: Order to prevent the passage of Muslim groups crossing towards Tuzla or Kladanj.
[96] ERN 0425-8627-0425-8627EDT (draft translation) of 1.Plpbr order 04-520-53/95, dated 14 Jul. 1995, Subject: Situation in Žepa.
[97] *Id.*
[98] ERN 0425-8558-0425-8558-EDT (draft translation), 1.Plpbr order 04-520-56/95, dated 14 Jul. 1995.
[99] ERN ET 0425-8576-0425-8576 (draft translation), 1.Plpbr order 04-520-55/95, dated 14 Jul. 1995, Subject: Placing the UNPROFOR Checkpoints Under Control.
[100] ERN ET 0425-8574-0425-8574 (draft translation), 1.Plpbr interim combat report, undated but marked as

4.12 Despite this initial success, the Drina Corps Command (both the Main Command post in Vlasenica, and the IKM at Krivače) were growing increasingly concerned about the developing situation in the Zvornik municipality. Radio reconnaissance and prisoner of war information indicated that the escaping Muslim soldiers from Srebrenica were rapidly causing a security problem. As most of the mobile forces from the Zvornik Brigade were slated to attack Žepa, there was serious concern on the part of Major Dragan OBRENOVIĆ that the remaining forces could cope with these Muslim forces.[101]

4.13 In the same vein, the scale of Bosnian Muslims who had been executed also required attention, particularly from engineer assets needed to bury the bodies. In his 14 July 1995 Regular Combat report delivered to the Drina Corps Command (by courier), Major Mile SIMANIĆ, Deputy Commander of the 5th Engineer Battalion, candidly discussed this situation.[102] He noted that between 1000-1500 enemy civilians and soldiers were arrested and killed. He further noted that the battalion was already conducting "preparatory activities on the loading machines which will be engaged in burying the killed enemy soldiers".[103]

4.14 As a result of the situation in the Zvornik Brigade area of responsibility, all the Zvornik Brigade elements which were to attack Žepa were hastily withdrawn, and returned to Zvornik. This meant that the VRS no longer had the necessary combat power to force a rapid military solution around the Žepa enclave. Still, the VRS remained active, taking advantage of every opportunity to move forward. However, by 21 July 1995, there was concern on the part of General TOLIMIR that NATO might intervene before Žepa fell. In his situation report to General MILETIĆ, he noted that the Muslims were shooting at the UN bases, in an effort to provoke NATO involvement.[104] He also indicated that if the number of Muslim military casualties could be increased, it might pressure them to a surrender sooner; to this end, he suggested that the most effective means of accomplishing this would be the use of "...chemical weapons, or aerosol grenades and bombs."[105] TOLIMIR also noted that, "We believe that we could force Muslims to surrender sooner if we would destroy groups of Muslims [sic] refugees fleeing in the direction of Stublić, Radava and Brloška Planina."[106]

4.15 By 24 July 1995, the local Muslim leaders had signed a document for the cessation of combat at Žepa, and by the next day, talks were underway with senior UNPROFOR officials over the potential surrender of Muslim forces in Žepa. At one point, General MLADIĆ and General GVERO met in discussions with General SMITH, UNPROFOR Commander in Bosnia.[107] As this was occurring, General-Major TOLIMIR was working to ensure that the

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delivered at 01:00 hours on 15 Jul. 1995.

[101] Refer to the Srebrenica Military Narrative (Revised) Chapter Seven, paragraphs 7.59 through 7.75 for details.

[102] ERN 0439-2942-0439-2943 EDT (draft translation), 5th Engineering Battalion Regular Combat Report, 38-56, dated 14 Jul. 1995.

[103] *Id.*

[104] ERN 0425-8568-0425-8568 EDT (draft translation) 1.Plpbr order 04-520-61/95, dated 21 Jul. 1995, Subject: Situation at Žepa.

[105] *Id.*

[106] *Id.*

[107] ERN R001-1439-R001-1440, UNPROFOR Confidential memo, Meeting Notes General Smith/General Mladić 25 July, dated 26 Jul. 95.

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RS State Commission of War Prisoners reflected the view of the VRS.[108] In a dispatch addressed to "General GVERO or General MILETIĆ," he noted that of particular concern with respect to the exchange of Muslim and Serb prisoners was that the issue of prisoners from Srebrenica was not to be linked to the Žepa negotiations.[109] Later that day, Colonel Jovica KARANOVIĆ responded to General-Major TOLIMIR by informing him of the results of the war prisoners meeting, and his discussions with General-Major MILETIĆ on that same subject.[110]

4.16 By 25 July 1995, the VRS had agreed to allow UNPROFOR to manage the evacuation of the wounded, and had begun itself to remove the civilians. *(Author's note: For additional details pertaining to the transfer of these civilians, refer to the Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica, UN GA Doc. A/54/549, 15 Nov. 1999, paragraphs 422 through 431).*

4.17 Despite the local agreement, the VRS leadership maintained a high degree of concern that a surrender by the 1st Žepa Brigade would not take place. By 29 July 1995, almost all of the civilians had been removed from the enclave, and there was unconfirmed information that many of the remaining Muslim military fighters would try to break out of the enclave, cross the Drina River, and surrender to Serbian MUP units guarding the border.[111] In response, General-Major TOLIMIR passed instructions to ensure that combat operations were to continue against the 1st Žepa Brigade until the Muslims abided by the 24 July agreement, and that they should also not register or report to international organizations any people captured before the ceasefire takes effect.[112] Regardless of their efforts to prevent this, hundreds of Muslim soldiers did eventually make it to Serbia. On 02 and 03 August 1995, the last of the UNPROFOR forces abandoned the enclave, and it fell fully under VRS control. In less than a month, the VRS had eliminated two of the three Eastern enclaves, with only Goražde remaining.

[108] ERN 0425-8578-0425-8578 EDT (draft translation), 1. Plpbr order 04-520-63-95 dated 25 Jul. 1995, Subject: Agreement on disarmament of Žepa.
[109] *Id.*
[110] ERN 0425-8577-0425-8577 EDT (draft translation) GŠ VRS OB order 12/45-936, dated 25 Jul. 1995.
[111] ERN 0425-8565-0425-8565 EDT (draft translation) 1. Plpbr order 18-250/2 dated 29 Jul. 1995.
[112] ERN 0425-8566-0425-8566, (draft translation), GŠ VRS OB order 12/45-975, dated 29 Jul. 1995.

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Case No. IT-04-81-T

THE PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC ANNEX 7 TO

CURRICULUM VITAE OF RICHARD BUTLER

Curriculum Vitae
01 October 2007

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Professional Background

I am a professional Intelligence Officer, having served in a variety of military intelligence and civilian law enforcement intelligence positions over the past 26 years. Specifically, this expertise includes:

-Sixteen years of traditional military intelligence and analysis in support of tactical and operational level U.S. military commanders involved in deterrence, contingency and combat situations.

-Six years of combined military and criminal analytical intelligence support for international prosecutors and related law enforcement professionals conducting investigations into violations of International Humanitarian Law (to include the Law of Armed Conflict) during the conflict in the former Yugoslavia.

-Four years of intelligence and criminal analytical intelligence support for U.S. domestic law enforcement activities focusing on the identification, prosecution and removal of foreign war crimes suspects and human rights violators residing in the United States.

Based on this experience, I have authored several articles pertaining to the military aspect of international war crimes and the law of war, as well as lectured at various domestic and international training seminars concerning international war crime prosecutions and investigative techniques. I have provided expert testimony on war crimes related issues pertinent to the Balkans conflict at the International Criminal Tribunal for the former Yugoslavia. I have also testified as an expert on the field of war crimes related issues in U.S. Federal District Court and in U.S. Immigration Court.

Specific Professional Details

February 2004-present- Criminal Research Officer, Office of Investigations, Human Rights Violator/Public Safety Unit, Immigration and Customs Enforcement, U.S. Department of Homeland Security.

Job Description: As a member of the headquarters-based Human Rights Violators Unit (HRVU), I support national law enforcement objectives concerning the identification, prosecution and removal of foreign war crime suspects and human rights abusers who have fled their home jurisdictions, and are presently located in the United States. Specifically, I provide expert technical assistance to 'human rights' case investigations undertaken by Immigration and Customs Enforcement (ICE). In the pre-investigative stage, I coordinate with various U.S. government and international law enforcement or intelligence agencies that may have any information in order to identify the requisite crime-base and to determine if adequate information exists to support the opening of an investigation. Upon the opening of a formal investigation, I coordinate or assist the activities of ICE special agents in undertaking the unique investigative and analytical processes inherent in these types of investigations. This includes framing the contextual background of foreign crime scenes, examining the specific allegations of the suspected perpetrator(s), and reviewing other pertinent factors that impact on the factual or legal basis of the allegations, such as conflict classification or command responsibility. Upon the completion of the investigative phase, I assist Federal prosecutors and ICE immigration counsel in the criminal prosecution (where warranted) and/or administrative removal of war crimes suspects and human rights violators to the affected jurisdiction(s). In this capacity, I have testified as an expert witness in U.S. Federal District Court proceedings, as well as in U.S. Immigration Court proceedings.

My current intelligence oversight responsibilities include monitoring ICE human rights violator/war crimes derived cases from South and Central America, as well as the former Yugoslavia. I am also responsible for managing the ICE Human Rights Violator Database initiative, which seeks to identify suspected human rights abusers, war criminals and other persecutors who are statutorily barred from admission into the United States by the Immigration and Nationality Act. Further, as directed, I support various U.S. government sponsored training initiatives pertaining to the investigation or prosecution of foreign war crimes or human rights abuses. This includes continuing military analysis support to the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia.

April 1997 to November 2003- Chief Warrant Officer Three, United States Army Military Intelligence Branch, attached to the U.S. Department of State, with duty at the International War Crimes Tribunal for the Former Yugoslavia (ICTY), the Hague, Netherlands. Upon retirement in September 2001, I was employed as a United Nations Military/Criminal Analyst within the Office of the Prosecutor, ICTY.

Job Description: As a senior All Source Intelligence Technician on loan from the U.S. Army, and later as a senior UN military/criminal analyst employed by the Investigative Division of the Office of the Prosecutor, I directed research on conflict-related incidents that occurred during the various Balkans conflicts, in order to determine if any such incidents warranted further investigation as possible war crimes. Upon the initiation of a formal investigation, I assisted investigators and trial attorneys with respect to military related analytical and intelligence issues. This entailed creating and managing analytical support processes and teams to identify information to support the ongoing investigation efforts, as well as material that could be used as evidence. It also required me to maintain a working knowledge of ongoing 'Law of Armed Conflict' related legal issues as they proceeded through the various ICTY trials and appellate branches, in order to focus the analytical process in light of the evolving judicial decisions.

Specifically, on behalf of the Office of the Prosecutor, I served as the military subject matter expert on the Army of the Republika Srpska, and its operations in Eastern Bosnia from 1992-1995. This includes its participation in the July 1995 genocide and war crimes following the capture of the Bosnian Muslim town of Srebrenica. This event is often described as the largest mass-murder in Europe since the end of World War II, and resulted in the organized executions of over 5000 Bosnian-Muslim prisoners of war and civilians during a five-day period. As a component of my analysis, I authored various expert reports pertaining to the conduct of the surrounding military operations, and the positions and roles of the various war crimes suspects. These reports were tendered in a number of cases as prosecution exhibits, and I have testified as an expert witness to this effect before two ICTY Trial Chambers.

August 1992-March 1997- Chief Warrant Officer Two, and later Chief Warrant Officer Three, 513th Military Intelligence Brigade, in support of U.S. Army Central Command and Third Army, Fort McPherson, Atlanta, GA.

Job Description: As an All Source Intelligence Technician, I was responsible for supporting the Indications and Warning intelligence efforts for US Army units operating in and around Southwest Asia, the Persian Gulf region, the Horn of Africa and select other Middle Eastern countries. Further, I was responsible for detailed analysis of potential hostile ground forces in the region to include command and control, mobilization, operational movements, tactical operations and logistics. This analysis included combat and training methodologies, as well as critical node analysis in order to support war planning and target nomination requirements. This posting entailed frequent travel to the region due to contingency and exercise related missions.

February 1989-July 1992- Warrant Officer One, and later Chief Warrant Officer Two, U.S. Third Infantry Division, U.S. Army Europe, Wuerzburg, Germany.

Job Description: As an All Source Intelligence Technician assigned to the Headquarters of the Third Infantry Division, U.S. Army Europe, I was responsible for analysis of traditional battlefield operating systems of potential hostile land forces, which at the time included the former Western Group of Forces of the (then) Soviet Army and Warsaw Pact allies. During this period, I was also deployed and was attached to the Intelligence Production Section, US VII Corps (Saudi-Arabia, Iraq, Kuwait), during *Operation Desert Storm*. I was responsible for tactical intelligence on Iraqi ground forces at Division and Corps level in support of allied ground combat operations.

August 1981-January 1989- Various intelligence related assignments as an enlisted soldier and later non-commissioned officer in the U.S. Army.

Advanced Civilian Education

1992-Baccalaureate Degree, Government and Political Science Major, Computer Studies Minor, University of Maryland, European Division.

Significant Professional Education

2004- Basic Intelligence Training Course, Intelligence and Customs Enforcement Academy, Federal Law Enforcement Training Center, Glynco, GA

1997- U.S. Army Military Intelligence Warrant Officer Advance Course, U.S. Army Intelligence Center and School, Fort Huachuca, AZ

1988- U.S. Army Military Intelligence Warrant Officer Technical Certification Course, U.S. Army Intelligence Center and School, Fort Huachuca, AZ

Professional Honors and Awards

United States: Army Meritorious Service Medal (1997, 2001); Joint Meritorious Unit Citation (2000); Army Commendation Medal (1995, 1991, 1985); Joint Services Achievement Medal (1988); Army Achievement Medal (1982, 1984); National Defense Service Medal (2001, 1990); Southwest Asia Campaign Medal (1991); Kuwait Liberation Medal, Kuwait (1995); Kuwait Liberation Medal, Saudi Arabia (1992).

International: United Nations Special Service Medal (2003).

Significant Writings and Lectures

April 2006- Techniques for Investigating Foreign War Crimes and Human Rights Abuse Cases in the U.S., and Command Responsibility; panel discussions before investigators and legal advisors at the ICE 2006 Human Rights Conference. Sponsored by the Human Rights Law Division (HRLD), Office of the Principal Legal Advisor, Immigration and Customs Enforcement, U.S. Department of Homeland Security, Washington DC.

April 2005- Document Based Investigative Approaches regarding Military and Security Units and Establishing their Involvement in War Crimes; lecture before investigators and investigative judges of the Iraqi Special Tribunal. Sponsored by the U.S. Department of Defense Institute for International Legal Studies (DILLS), Newport, Rhode Island.

February 2005- Military Documents and Order of Battle in War Crimes Prosecutions; lecture before judges and prosecutors of the Iraqi Special Tribunal. Sponsored by the U.S. Department of State-Regime Crimes Liaison Office, the International Human Rights Law Institute, College of Law, DePaul University, Chicago, IL and the International Institute of Higher Studies in Criminal Science (IIHSCS), Siracusa, Italy.

Significant Writings and Lectures (cont.)

March 2004- *The Customary Origins and Elements of Select Conduct of Hostilities Charges before the ICTY: A Potential Model for use by Military Commissions*, (co-authored with Ms. Melissa Epstein, 1st Lt. USMC). Military Law Review, Vol. 179 (Spring 2004).

November 2002- *Srebrenica Military Narrative, Operation Kravija 95* (Revised), and *Army of the Republika Srpska (VRS) Brigade Command Responsibility Report*. Tendered as Prosecution Exhibits in the case of the Prosecutor v. Blagojevic, et al. (IT-02-60). Original narrative and *Army of the Republika Srpska (VRS) Corps Command Responsibility Report* (April 2000) tendered in the case of the Prosecutor v. Radislav Krstic. (IT-98-33).

January 2002- *Modern War, Modern Law and Army Doctrine: Are we in step for the 21st Century*? Parameters, the US Army War College Quarterly, Vol. XXXII, No.1, Spring 2002.

Professional Association Memberships

Association of the United States Army (AUSA), Atlanta, GA Chapter.

Lieber Society on the Law of Armed Conflict; American Society for International Law (ASIL).