

**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-05-88-T
Date: 31 March 2008

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

THE PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
LJUBOMIR BOROVČANIN
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**COMPARISON OF RICHARD BUTLER'S SREBRENICA MILITARY
NARRATIVES**

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Dragan Krgović and David Josse for Milan Gvero
Peter Haynes and Đorđe Sarapa for Vinko Pandurević

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

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I. INTRODUCTION

1. On 27 March 2008, the Trial Chamber admitted into evidence Richard Butler's Srebrenica Military Narrative dated 15 May 2000 ("the Original Narrative") and Srebrenica Military Narrative (Revised) dated 1 November 2002 ("the Revised Narrative").¹ The Trial Chamber also ordered the Prosecution to highlight the differences between the Original Narrative and the Revised Narrative.² The Prosecution hereby responds to the Trial Chamber's request.

II. COMPARISON OF THE NARRATIVES

2. Mr. Butler wrote the Original Narrative for the *Krstić* trial and subsequently produced the Revised Narrative for the *Blagojević* trial. In drafting the Revised Narrative, Mr. Butler kept the structure and most of the text from the Original Narrative. However, he took out certain parts of the Original Narrative which he deemed less relevant for the *Blagojević* trial (for example, sections that were

¹ *Prosecutor v. Popović et al*, Case No. IT-05-88, Decision on the Admissibility of the Narratives of Expert Witness Richard Butler, 27 March 2008 ("Narratives Admissibility Decision").

² Narratives Admissibility Decision, para. 22(b).

primarily focused on General Krstić and his command authority); updated or clarified other parts of the Original Narrative; and included new information and expert analysis.

3. In order to highlight these differences between the Original Narrative and the Revised Narrative, the Prosecution has produced a highlighted copy of the Revised Narrative (“the Highlighted Revised Narrative”) which is attached as **Appendix A**. The Highlighted Revised Narrative illustrates the differences between the Original Narrative and the Revised Narrative as follows:

- a) The black-coloured text is common to both Narratives;
- b) The red-coloured text shows those parts of the Original Narrative which were taken out of, or updated in, the Revised Narrative; and
- c) The blue-coloured text shows new information and expert analysis that only appears in the Revised Narrative (*i.e.*, it was not in the Original Narrative).

Word Count: 307


Peter McCloskey
Senior Trial Attorney

Dated this 31st day of March 2008
At The Hague, The Netherlands

Appendix A

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.

Deleted: 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. 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.

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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.

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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 reburial of 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

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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 Srpska¹ (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 Višegrad². 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

¹ Translated *Vojška Republika Srpska*.

² “Two Years of the Drina Corps,” article by *Srpska Vojška*, (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 08 Apr. 1992. This report, from Muslim SDA representative Mr. Izet Mehinagić to both General Savo

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 of 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 "Žučo's" special purpose volunteer unit from Loznica (aka the Yellow Wasps),¹⁴ the *Pivarski* special purpose unit¹⁵ the *Beli Orlovi* (White Eagles) group,¹⁶ and the *Vukovi sa Drine* (Drina Wolves).¹⁷

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 ŠObrenović 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.

¹⁴ Zvornik Provisional Government Decision 01-22/92, (draft English translation), 27 Apr. 1992 and Zvornik Provisional Government document, (draft English translation), 4 May 1992, authorizing the payment of 10,000 dinar to Žuča 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.

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 Commander¹⁹; Dragan OBRENOVIĆ was the Commander of the JNA 1st Armor Battalion of the 336th Motorized Brigade²⁰; Miloš PANTELIĆ was the Chief of the Public Security Station in Zvornik²¹; 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 from 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 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

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 its 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.

²⁸ Zvornik Provisional Government document 01-023-108/92, (draft English translation), 06 Jul. 1992.

villages had not only their own TO units, but local "Crisis Staffs" as well.²⁹ At the same time, poor discipline 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 1992, 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 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

²⁹ This included local Bosnian Serb TO units in Trišić (Trišić Crisis Staff number 204/92 (draft English translation), 03 Jun. 1992), Čelopek (Listing of soldiers (also bio-data given) of TO unit "Čelopek" (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-drawn 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 Vasilčić.

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-drawn call-up Order 996-2 for STAFF SERG Radivoje Perić as 1pb deputy battalion commander (CLSS English translation), 12 Oct. 1992. This order is typesigned by Chief of Staff CAPT Dragan Obrenović.

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.

B. Bratunac Municipality and the Bratunac Infantry Brigade

1.11 The Bratunac 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 its 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

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

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).

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.

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 DERONJIĆ.⁴⁷ Other listed members of the TO Staff who were on the Crisis Staff are Dragoslav TRIŠIĆ (TO Chief of Staff)⁴⁸, Dragiša LONČAREVIĆ⁴⁹, Rade SUDAR⁵⁰, Dr Veljko MAČEŠIĆ⁵¹, Jovan ŽIVANOVIĆ⁵² and Momir NIKOLIĆ⁵³. 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

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

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.

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.

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 Bratunac 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 of Operational Directive Four (dated 19 November 1992).⁶³ Specific to the Drina Corps, they were directed that:

“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

⁵⁶ Birčani Brigade Order 14-78, (draft English translation), 29 Jul. 1992, re infiltration and other sabotage acts issued by VRS Birač 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 Birač 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.

⁶³ GSVRS order 02/5-210, Operational Directive Four, (CLSS English translation), 19 Nov. 1992.

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 increasingly 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 Army⁶⁹ (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.⁷⁰

Deleted: 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.⁶⁸

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)⁷¹, which created the Srebrenica “safe area”. Shortly thereafter, Security Council resolution 824 (1993)⁷² designated Žepa and Goražde (also within the territory of the Drina Corps) as “safe areas”.⁷³

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.⁷⁴ 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

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 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.

⁶⁹ Translated *Vojaska Jugoslavije*.

⁷⁰ Bratunac Brigade Command Report 2-1942/26 (CLSS English translation), 26 Jan. 1993; Bratunac Brigade Command Report 201, (CLSS English translation), 25 Jan. 1993.

⁷¹ S.C. Res. 819, U.N. SCOR, 48th Year, U.N. Doc. S/INF/49 (1993). (P.Ex. 31)

⁷² S.C. Res. 824, U.N. SCOR, 48th Year, U.N. Doc. S/INF/49 (1993).

⁷³ 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.

⁷⁴ See, *Agreement on a Ceasefire in the Territory of Bosnia and Herzegovina*, 08 May 1993.

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.⁷⁵ 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.⁷⁶ 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.⁷⁷ 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,⁷⁸ 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 1995.⁷⁹

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.⁸⁰

⁷⁵ “Two Years of the Drina Corps,” *supra* n. 2, p. 31.

⁷⁶ Map depicting brigade boundaries for 1.BrIpb and adjoining units, signed by Col Milenko Živanović, Commander of the Drina Corps (hereinafter, 1.BrIpb Map).

⁷⁷ *Ibid.*

⁷⁸ See, TG-1 (Pribicevac) Report 320, (CLSS English translation), 19 Apr. 1994.

⁷⁹ RS Supreme Command Directive 7, (CLSS English translation), 08 Mar. 1995.

⁸⁰ *Ibid.*, p. 8.

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.⁸¹ 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.⁸²

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.⁸³

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”.⁸⁴ 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.”⁸⁵

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 “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”.⁸⁶

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

⁸¹ Col Milovan Milutinović, “How General Mladić was Dismissed,” *Belgrade NIN*, (CLSS English translation), 21 Feb. 1997.

⁸² Operation Flash 01-05 May 1995.

⁸³ Declaration of “Immediate Threat of War,” RS Order 01-1118/95, (CLSS English translation), 16 Jun. 1995.

⁸⁴ Dutch Ministry of Defense, *Debriefing on Srebrenica*, 04 Oct. 1995, p.14 (discussing cumulative effects of RS restrictions of movement).

⁸⁵ *Ibid.*, p.14.

⁸⁶ HQ Dutchbat Sitrep, 07 Jan. 1995.

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.”⁸⁷

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.”⁸⁸

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.”⁸⁹

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”.⁹⁰ This operation forced Dutchbat troops to abandon Observation Post (hereinafter “OP”) Echo south of Srebrenica.⁹¹ 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.⁹² 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”.⁹³ 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.

⁸⁷ RS Supreme Command Directive 7, *supra* n. 78, p. 10.

⁸⁸ *Ibid.*, p. 11.

⁸⁹ *Ibid.*, p. 14.

⁹⁰ 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).

⁹¹ *Debriefing on Srebrenica*, *supra* n. 83, p. 16.

⁹² 1.Brlpbr Order 01-1/95, (CLSS English translation), 04 Jun. 1995.

⁹³ *Debriefing on Srebrenica*, *supra* n. 83, 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 Interior⁹⁴ (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.⁹⁵ Prior to this appointment, General-Major KRSTIĆ was the Corps Chief of Staff, a position he was appointed to in August 1994.⁹⁶

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 ŽIVANOVIĆ 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.⁹⁸ 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.

Deleted: 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 Army⁹⁷ (hereinafter “JNA”). He assumed command of the 2nd Romanija Brigade in July 1992, when it was part of the VRS Sarajevo-Romanija 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.

2.3 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.⁹⁹ 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 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

⁹⁴ Translated *Ministarstvo Unutrašnjih Poslova*.

⁹⁵ Drina Corps Order 05/2-293, (CLSS English translation), 13 Jul. 1995.

⁹⁶ See also Ch. 3.

⁹⁸ Drina Corps Order 05/2-293, *supra* n. 94.

⁹⁹ RS Presidential Decree 01-1369/95, (CLSS English translation), 14 Jul. 1995

of the Corps Staff on behalf of the Commander. Specifically, they were responsible for the areas of Security; Moral, Legal and Religious Affairs; and Rear Services.¹⁰⁰ 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:

Deleted: 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 Staff. However, by virtue of his designation as Corps Deputy Commander, his primacy within the Corps hierarchy over the Assistant Commanders is established.¹⁰¹

- i. Lieutenant Colonel Svetozar KOSORIĆ, Chief of Intelligence;
- ii. Major Pavle GOLIC, 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.)

¹⁰⁰ Refer to the VRS Corps Command Report, dated 05 April 2000, for details pertaining to roles and functions of the Corps Assistant Commanders.

¹⁰⁴ See Annex A: Line and Block Chart of the Drina Corps.

B. Structure of the VRS Drina Corps - July 1995

2.6 Listed below is the organization of the VRS Drina Corps¹⁰⁴ 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”)
- 5th Mixed Artillery Regiment
- 5th Military Police Battalion
- 5th Engineer Battalion
- 5th Communications Battalion
- 1st Skelani Separate Infantry Battalion (hereinafter “Skelani Battalion”)

Deleted: 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.¹⁰² 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”.¹⁰³

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.¹⁰⁵ 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 Brigade¹⁰⁶

- 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.¹⁰⁷ In October 1992 he became the

¹⁰⁵ 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 to VRS Brigade Command Report dated 31 October 2002

¹⁰⁶ See Annex B: Line and Block Chart of the 1st Zvornik Infantry Brigade.

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.
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 1993.¹⁰⁸ By July 1995, he held the rank of 2nd Lieutenant and his post was titled Chief of Security of the Zvornik Brigade.¹⁰⁹

- 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 1994.¹¹⁰ He continued to hold this post through July 1995.¹¹¹

- 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.¹¹² On 5th September 1994 he was promoted as a Captain to the position of Administrator in Intelligence and Security Section.¹¹³

- 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.¹¹⁴ 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.¹¹⁵ He was appointed as the Military Police Company Commander with the rank of Lieutenant on 6th September 1994.¹¹⁶ He continued in this role during the period relevant to the Srebrenica investigation.

- Captain 1st Class Dragan JEVTIĆ, Commander of Engineer Company.

¹⁰⁷ "We are a Young and Strong Army," *Drinski Magazine* Article, pertaining to the interview of KIK Dragan Obrenović, *supra* n. 7, page 2.

¹⁰⁸ PVL (Professional Military File) detail sheet for Drago Nikolić, (CLSS English translation).

¹⁰⁹ Zvornik Brigade Report on Confession of Đokić, Nesko, (CLSS English translation), 29 Jul. 1995.

¹¹⁰ PVL (Professional Military File) detail sheet for Duško Vukotić, (CLSS English translation).

¹¹¹ Zvornik Brigade Intelligence Report 19/38 dated 3rd July 1995.

¹¹² Zvornik Brigade Appointment Order 06-53, (CLSS English translation), 17 Mar. 1994.

¹¹³ Zvornik Brigade Appointment Order 06-138, (CLSS English translation), 5 Sep. 1994.

¹¹⁴ PVL (Professional Military File) detail sheet for Dragan Jokić, (CLSS English translation).

¹¹⁵ PVL (Professional Military File) detail sheet for Miomir Jasikovic, (CLSS English translation).

¹¹⁶ Zvornik Brigade Appointment Order 06-143, (CLSS English translation), 6 Sep. 1994.

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.¹¹⁷

Zvornik Brigade Battalion Commanders/Deputy Commanders.

1st Battalion, Zvornik Brigade

- Lieutenant Milan STANOJEVIĆ, Commander¹¹⁸

2nd Battalion, Zvornik Brigade

- Srečko AČIMOVIĆ, Commander¹¹⁹

3rd Battalion, Zvornik Brigade

- Captain Branko STUDEN, Commander
- Zdravko VASILJEVIĆ, Deputy Commander¹²⁰

4th Battalion, Zvornik Brigade

- 2nd Lieutenant Pero VIDAKOVIĆ, Commander
- Corporal Lazar RISTIĆ, Deputy Commander¹²¹

5th Battalion, Zvornik Brigade

- 2nd Lieutenant Vladen MATIĆ, Commander
- Borisav SAVIĆ, Deputy Commander¹²²

6th Battalion, Zvornik Brigade

- Captain 1st Class Ostoja STANIŠIĆ, Commander
- Marko Milošević, Deputy Commander¹²³

7th Battalion, Zvornik Brigade

- 2nd Lieutenant Drago BEATOVIĆ, Commander
- Milorad DERIĆ, Deputy Commander¹²⁴

8th Battalion, Zvornik Brigade

- Captain 1st Class Radika PETROVIĆ, Commander
- Boško PETROVIĆ, Deputy Commander¹²⁵

Bratunac Brigade¹²⁶

¹¹⁷ Zvornik Brigade Appointment Order 06-55, (CLSS English translation), 20 Jun. 1995.

¹¹⁸ 1st Battalion Command Zvornik Brigade Command Attendance for July 1995, (CLSS English translation), lists Milan Stanojević as the Commander.

¹¹⁹ 2nd Battalion Command Zvornik Brigade Attendance for July 1995, (CLSS English translation), lists Srečko Ačimović as the Commander.

¹²⁰ 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.

¹²¹ 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.

¹²² 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.

¹²³ 6th Battalion Command Zvornik Brigade Attendance for July 1995, (CLSS English translation), lists Ostoja Stanišić as the Commander and Marko Milošević as the Deputy Commander.

¹²⁴ 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.

¹²⁵ 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.

¹²⁶ See Annex C: 1st Bratunac Light Infantry Brigade Line and Block Chart.

- 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.¹²⁷ 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 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 Commander¹²⁸
- 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.¹²⁹ 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 Services¹³⁰
- Major Ratimir JEVTIĆ, Deputy Commander for Morale, Legal and Religious Affairs¹³¹
- Major Dragomir ESKIĆ, Assistant Chief of Staff for Reinforcement and Personnel Affairs¹³²

Bratunac Brigade Battalion Commanders/Deputy Commanders.

1st Battalion, Bratunac Brigade

- 2nd Lieutenant Lazar OSTOJIĆ, Commander¹³³

¹²⁷ "On the Road to Victory", the Third Anniversary of the Zvornik Brigade, as published in *Drinski Magazine*, June 1995, *supra* n. 4.

¹²⁸ 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.

¹²⁹ Listed as #12 on the May 1992 list of payment of salaries for the TO Staff, *supra* n. 47, page 58.

¹³⁰ Message from 1.Br1pbr 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.

¹³¹ Bratunac Brigade order 04-1890-2/94, (CLSS English translation), 22 Aug. 1994, which is signed by Major Ratimir Jevtić, Deputy Commander for Moral, Legal and Religious Affairs. See also Bratunac Brigade Personnel Roster for July 1995, (BCS only).

¹³² 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.

¹³³ 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.

2nd Battalion, Bratunac Brigade

- Captain 1st Class Lieutenant Goran STAKIĆ, Deputy Commander¹³⁴

2nd Battalion Intervention Platoon

- Staff Sergeant 1st Class Zoran MILOSAVLJEVIĆ¹³⁵

3rd Battalion, Bratunac Brigade

- Major Lieutenant Dragomir ZEKIĆ, Commander
- Captain Streten PETROVIĆ, Deputy Commander¹³⁶

3rd Battalion Red Berets Intervention Platoon

- Staff Sergeant 1st Class Rade PETROVIĆ, Commander until 16 July 1995¹³⁷

4th Battalion, Bratunac Brigade / 8th Battalion Zvornik Brigade

- Captain 1st Class Radika PETROVIĆ, Commander
- Boško PETROVIĆ, Deputy Commander¹³⁸

Military Police Platoon

- Staff Sergeant 1st Class Mirko JANKOVIĆ, Commander¹³⁹

Pioneer Platoon

- Đorđe PEJIĆ, Pioneer Platoon Commander¹⁴⁰

Milići Light Infantry Brigade

- Major Milomir NASTIĆ, Brigade Commander¹⁴¹
- Jvan STOJANOVIĆ, Brigade Chief of Staff and Deputy Commander

Deleted: Major FNU SARKIĆ

Vlasenica Light Infantry Brigade

- Major Mile KOSORIĆ, Commander
- Major Boško SARGIĆ, Chief of Staff/Deputy Commander

Višegrad / Goražde Brigade

¹³⁴ 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.

¹³⁵ *Ibid.* This document lists Staff Sergeant 1st Class Goran Milosavljević as the Commander of the 2nd Battalion Intervention Platoon.

¹³⁶ *Ibid.* This document which lists Major Dragomir Zekić as the 3rd Battalion Commander and Captain Streten Petrović as the 3rd Battalion Deputy Commander.

¹³⁷ *Ibid.* This document lists Staff Sergeant 1st Class Rade Petrović as Commander of the Red Berets Intervention Platoon until 16 July 1995.

¹³⁸ 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.

¹³⁹ Bratunac Brigade Personnel Roster for July 1995, *supra* n. 126, lists Staff Sergeant 1st Class Mirko Janković as the Military Police Platoon Commander.

¹⁴⁰ Bratunac Brigade Order 73, Appointing Lieutenant Pejić as the Commander of the Pioneer Platoon on 01 July 1995, (CLSS English translation).

¹⁴¹ Milići Brigade document number 720/95, (CLSS English translation), 14 Jul. 1995, from the Commander, Captain 1st Class Milokir (*Milomir*) Nastić.

- Major Ratomir FURTULA, Brigade Commander

5th Engineering Battalion

- Major Milenko AVRAMOVIĆ, Commander
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.¹⁴²
- Major Mile SIMANIĆ, Deputy Commander
The Deputy Commander of the 5th Engineering Battalion, at least during July 1995, was Major Mile SIMANIĆ.¹⁴³

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.¹⁴⁴ 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*).¹⁴⁵ 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.¹⁴⁶

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

¹⁴² 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.

¹⁴³ Krstić Defence Exhibit 99 - 5th Engineering Battalion Interim Report 107-1, (CLSS English translation), 13 Jul. 1995, which is signed by Major Mile Simanić.

¹⁴⁴ JNA Military Lexicon, *Privremeni Sastav*, p. 452.

¹⁴⁵ 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.

¹⁴⁶ *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.

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 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.¹⁴⁷

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 reconnaissance missions.¹⁴⁸ 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.¹⁴⁹

Republika Srpska Special Police (MUP)

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 (**PJP-Special Police Forces**) 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

¹⁴⁷ 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”).

¹⁴⁸ 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 Corps Chief of Intelligence).

¹⁴⁹ See also Ch. 7.

¹⁵⁵ MUP Special Police Brigade document 01/1-1-100/95, (CLSS English translation), 20 Feb. 1995, showing the structure of nine Special Police detachments.

Deleted: 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.”¹⁵⁰

This authority could also be delegated to brigade commanders, who controlled the combat activities of MUP forces within their designated zone.¹⁵¹ 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.¹⁵² 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.¹⁵³ 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¶
- 2) . MUP Vlasenica¶
- 3) . MUP Milici¶
- 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.¹⁵⁴¶

or detachments, and garrisoned over the territory of the RS.¹⁵⁵ 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 BOROVIČANIN was the Brigade Deputy Commander.¹⁵⁶

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 Public Security-*Centar Javne Bezbednosti* (hereinafter "CJB").¹⁵⁷ 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.¹⁵⁸ The organization of these units of the PJP was under the direct command of Danilo ZOLJIĆ.¹⁵⁹ 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.¹⁶⁰

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.¹⁶¹

2.19 Finally, in June 1995, the VRS Drina Corps organized a temporary combat formation that it called the "4th Drinski Light Infantry Brigade."¹⁶² 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

¹⁵⁶ 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 designates Ljubiša Borovčanin as the Special Police Brigade Deputy Commander.

¹⁵⁷ The CJB in Zvornik was one of nine in RS in July 1995.

¹⁵⁸ 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.

¹⁵⁹ CJB Zvornik report 01-16-02/1-243/95, (draft English translation), 01 Aug. 1995, describing the situation in the CJB area.

¹⁶⁰ See VRS Brigade Command Report, Section 6.

¹⁶¹ See Annex D: Line and Block Chart, RS Police Structure in the Drina Corps zone, July 1995.

¹⁶² 4.Dlpr Order 538/01-12, (CLSS English translation), 25 Jun. 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;
- 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”

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.¹⁶³

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.¹⁶⁴ 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.¹⁶⁵ 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 1995.¹⁶⁶ This tactical group was lead by Lieutenant Colonel Vinko PANDUREVIĆ, the Brigade Commander, and his appointed deputy was Captain 1st Class Milan JOLOVIĆ, also known as “Legenda”.¹⁶⁷ 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.¹⁶⁸

3.3 Other Drina Corps units which contributed forces were the Birač Brigade, the 2nd Romanija Brigade, and the Vlasenica Brigade.¹⁶⁹ All the units were ordered to begin movement no later than 05 July 1995, and to be prepared to begin offensive operations by 08 July 1995.¹⁷⁰

¹⁶³ 1.Brlpbr Reports and Meetings Journal, (CLSS English translation), 26 Jun. 1995 – 08 May 1997.

¹⁶⁴ KDK Order 01/04-156-1, 02 Jul. 1995, *supra* n. 125.

¹⁶⁵ 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.

¹⁶⁶ 1.Zvpbr Order 01-244, (CLSS English translation), 02 Jul. 1995 (ordering formation of “tactical group” for operations around Srebrenica).

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

¹⁶⁹ KDK Order 01/04-156-1, *supra* n. 125.

¹⁷⁰ *Ibid.*

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.¹⁷¹

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.¹⁷² 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 7.¹⁷³ 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.¹⁷⁴

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.¹⁷⁵ 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.¹⁷⁶

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).¹⁷⁷ 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.”¹⁷⁸ As a further component of that conversation, General KRSTIĆ indicated that he had “something to take care of at the MUP.”¹⁷⁹

¹⁷¹ KDK Order 04/156-2, Operations Order No.1, (CLSS English translation), 02 Jul. 1995.

¹⁷² *Ibid.*

¹⁷³ RS Supreme Command Directive 7, *supra* n. 78, p. 10. This same directive is referenced in Operations Order No.1, *supra* n. 161.

¹⁷⁴ KDK Order 04/156-2, *supra* n. 161.

¹⁷⁵ 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).

¹⁷⁶ 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).

¹⁷⁷ 1.Brlpbr Reports and Meetings Journal, 04 Jul. 1995, *supra* n. 153.

¹⁷⁸ Intercepted military telephone communication between conversants “General Krstić” and “Obrenović”, 04 Jul. 1995, at 11:15 hours.

¹⁷⁹ *Ibid.*

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.¹⁸⁰

3.9 As for the Bosnian Muslim 28th Infantry Division and the Army of Bosnia and Herzegovina’s (hereinafter “ABiH”), II Corps,¹⁸¹ 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 1995.¹⁸² The 28th Infantry Division assessed the objective of the upcoming VRS operation to be the cutting off of communications lines between Srebrenica and Žepa.¹⁸³

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.¹⁸⁴ 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).¹⁸⁵ At the same time, the 28th the Infantry Division positions situated behind these UN positions were also captured by the Drina Corps.¹⁸⁶

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.¹⁸⁷ 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 allowed to depart the battlefield area, and were subsequently detained by the VRS at the Hotel Fontana.¹⁸⁸ 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,

¹⁸⁰ KDK Order 08/8-68, Drina Corps Air Defense Plan, (CLSS English translation), 05 Jul. 1995.

¹⁸¹ The 28th Division of the ABiH was headquartered in Srebrenica and was subordinated to the ABiH II Corps, located in Tuzla.

¹⁸² 28th Infantry Division Combat Report 01-161/95, (CLSS English translation), 05 Jul. 1995.

¹⁸³ *Ibid.*

¹⁸⁴ 28th Infantry Division Interim Report 11-31/95, (CLSS English translation), 06 Jul. 1995.

¹⁸⁵ *Debriefing on Srebrenica*, *supra* n. 83, pp. 24-25.

¹⁸⁶ 28th Infantry Division Combat Report 01-166/95, (CLSS English translation), 08 Jul. 1995.

¹⁸⁷ MUP Logbook of escorts provided for people, bulky loads and other specific cargo, (CLSS English translation), 07 Jul. 1995.

¹⁸⁸ *Debriefing on Srebrenica*, *supra* n. 83, pp. 25-26.

the road to Srebrenica town was open.¹⁸⁹ 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.¹⁹⁰

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.¹⁹¹ 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 demilitarizing Srebrenica.¹⁹²

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.¹⁹³

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.¹⁹⁴ 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.¹⁹⁵ 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.¹⁹⁶ 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.¹⁹⁷ Finally, during the evening hours of 10 July 1995, 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.

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

¹⁸⁹ *Ibid.*, p. 27.

¹⁹⁰ BH Srebrenica Presidency message 01-____/95, (CLSS English translation), 09 Jul. 1995.

¹⁹¹ General-Major GVERO was the Assistant Commander for Moral, Legal and Religious Affairs of the Main Staff of the VRS.

¹⁹² VRS Main Staff Order 12/46-501/95, (CLSS English translation), 09 Jul. 1995.

¹⁹³ 1.BrIpbR Daily Combat Report 03-253-100, *supra* n. 166.

¹⁹⁴ *Debriefing on Srebrenica*, *supra* n. 83, p. 30.

¹⁹⁵ *Ibid.*, pp. 30-31.

¹⁹⁶ *Ibid.*, p. 30.

¹⁹⁷ *Ibid.*, pp. 30-31.

the compound of Bravo Company in Srebrenica.¹⁹⁸ 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.¹⁹⁹ 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.²⁰⁰

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.²⁰¹

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.²⁰² 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.²⁰³

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 BOROVIČANIN \(the deputy commander of the RS Special Police Brigade\), this force consisted of a company of the 2nd Special Police 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.²⁰⁴ As a component of this order, Special Police Commander BOROVIČANIN was directed](#)

¹⁹⁸ *Ibid.*, pp. 31-32.

¹⁹⁹ *Ibid.*, p. 32.

²⁰⁰ *Ibid.*, pp. 34-36.

²⁰¹ *Ibid.*, p. 35.

²⁰² *Ibid.*, pp. 34-36.

²⁰³ 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.

²⁰⁴ 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.

that when his unit arrived in Bratunac, he was "...obliged to make contact with the Corps Chief of Staff, General KRSTIĆ."²⁰⁵

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.²⁰⁶ 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.²⁰⁷ 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.²⁰⁸

²⁰⁵ *Ibid*, Paragraph Five.

²⁰⁶ *Debriefing on Srebrenica*, *supra* n. 83, p. 37.

²⁰⁷ 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.

²⁰⁸ 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”.²⁰⁹ 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.²¹⁰

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.”²¹¹

4.2 The second order was RS Presidential Order 01-1341, which ordered the formation of a Public Security Station for Serb Srebrenica.²¹² 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.”²¹³ [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 KOVAČ.](#)²¹⁴

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),²¹⁵ Lieutenant Colonel KOSORIĆ, Chief of Drina Corps Intelligence, and

²⁰⁹ 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.

²¹⁰ *Ibid.*

²¹¹ *Ibid.*

²¹² 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.

²¹³ *Ibid.*

²¹⁴ RS MUP order k/p-1-407/95 (draft English translation), 12 Jul. 1995 to CJB Zvornik (attention Chief of the CJB).

²¹⁵ 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.

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 BOERING, and his assistant, Sergeant-Major RAVE. The interpreter was Petar UŠĆUMLIĆ, a Serb interpreter for the United Nations Mission Observers (UNMO). Serb civilian representatives were also present, but played no active role in the meeting.²¹⁶

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.²¹⁷ 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.²¹⁸ 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.²¹⁹

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.²²⁰ 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.”²²¹

4.6 The second meeting followed at approximately 2300 hours.²²² The same three Dutch military representatives attended the meeting, and with them was one Muslim representative, Mr. Nesib MANDŽIĆ, who was a civilian.²²³ The VRS was represented by General MLADIĆ, General-Major KRSTIĆ, Colonel JANKOVIĆ, Lieutenant Colonel KOSORIĆ, and Captain First Class NIKOLIĆ.²²⁴ Also present were the civilian commissioner for Srebrenica, Mr. Miroslav DERONJIĆ and Ljubisav SIMIĆ, introduced

²¹⁶ Krstić Trial Testimony of Witness B, (T. 870).

²¹⁷ Meeting 1 at Hotel Fontana (Transcript of Video), 11 Jul. 1995, p. 7-10.

²¹⁸ *Ibid.*

²¹⁹ *Ibid.*

²²⁰ *Ibid.*

²²¹ *Ibid.*

²²² Krstić Trial testimony of Witness B, (T. 883).

²²³ *Ibid.*

²²⁴ *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, (Krstić Prosecution Exhibits 40/a, 40/b, 40/c).

as the mayor of Bratunac, among other civilians.²²⁵ General-Major ŽIVANOVIĆ was not present for the second meeting.²²⁶

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".²²⁷ 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 1995.²²⁸

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/.²²⁹

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.²³⁰

²²⁵ Krstić Trial testimony of Witness B, (T. 884). *See also*, Pale 1 and 2 tapes from Antelope-BBC.

²²⁶ *Ibid.*, (T. 925).

²²⁷ *Ibid.*, (T. 887).

²²⁸ (Krstić Prosecution Exhibit 40/a), *supra* n. 214, p. 4-5. *See also*, Message from CO Dutchbat, *supra* n. 197, 12 Jul. 1995.

²²⁹ (Krstić Prosecution Exhibit 40/a), *supra* n. 214, p. 4-5.

²³⁰ *Ibid.*, p. 5.

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.²³¹ 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 “Zlatař” (the telephonic code name for the Drina Corps Command).²³² 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.²³³

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.²³⁴ The report reflects that “...Generals MLADIĆ and KRSTIĆ were present, and that tasks were assigned to all participants.”²³⁵ 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).”²³⁶ 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.²³⁷ 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.²³⁸

²³¹ 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).

²³² Intercepted military telephone communication between “X” (Duty Officer at Badem) and “Y” (Zlatař), 12 Jul. 1995, at 1156 hours.

²³³ 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).

²³⁴ CJB Zvornik Report 227/95, (draft English translation), 12 Jul. 1995, signed by CJB Chief Dragomir Vasić.

²³⁵ *Ibid*, Para 2.

²³⁶ *Ibid*, Para 3.

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

²³⁸ 1.Brlpbr Order 03-253-102-1, (CLSS English translation), 12 Jul. 1995.

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."²³⁹ 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."²⁴⁰

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.²⁴¹

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.²⁴²

4.15 The following excerpts 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.²⁴³

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

²³⁹ CJB Zvornik Report 227/95, *supra* n. 224.

²⁴⁰ *Ibid*, Para 6.

²⁴¹ Krstić Prosecution Exhibit 49. Video of Meeting 3.

²⁴² Krstić Trial testimony of Witness C, (T. 1174-75); *see also*, Testimony of Lieutenant Colonel Karremans, Pros Ex. 122, p. 13.

²⁴³ Meeting 3 at Hotel Fontana (Transcript of Video) (P. Ex. 49/a), p. 9.

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...²⁴⁴

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."²⁴⁵

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.

²⁴⁴ *Ibid.*, p. 10.

²⁴⁵ 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 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 located there. These Muslim civilians began arriving through the day of 11 July 1995, and well into the morning hours of 12 July 1995.

Deleted: indictment against General-Major Radislav KRSTIC

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.²⁴⁶ This officer was formerly assigned to the staff of the VRS Drina Corps, and had recently assumed command of the Brigade on 25 May 1995.²⁴⁷ He remained the Brigade Commander through early 1996. The Brigade Chief of Staff and Deputy Commander was Major Novica PAJIĆ.²⁴⁸ As noted previously (see paragraph 2.8), the Assistant Commander for Intelligence and Security Affairs was Captain First Class (KIK) Momir NIKOLIĆ.²⁴⁹

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.

Deleted: 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."²⁵⁰

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".²⁵¹ 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

²⁴⁶ 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.

²⁴⁷ *Ibid.*

²⁴⁸ 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.

²⁴⁹ 1.Brlpbr Roster, Jul. 1995, *supra* n. 126.

²⁵¹ 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).

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 (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.²⁵² 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.²⁵³ 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.²⁵⁴

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.²⁵⁵ 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.²⁵⁶

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."²⁶⁰

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.²⁶¹ Logistically supporting this effort, the Bratunac Brigade Command began disbursing and accounting for fuel. According to a hand-written fuel disbursement log, at least 42 different buses from commercial firms in the RS arrived and received fuel in Potočari on 12 July 1995.²⁶² A further 17 military and commercial trucks also received

²⁵² RS MOD Order 02-21/3614/95, (CLSS English translation), 12 Jul. 1995.

²⁵³ RS MOD Order 02-21/3615/95, (CLSS English translation), 12 Jul. 1995.

²⁵⁴ RS MOD Order 02-21/3638/95, (CLSS English translation), 12 Jul. 1995.

²⁵⁵ Intercepted military telephone communication between Krstić and Lt. Col. Krsmanović, 12 Jul. 1995, at 0735 hours.

²⁵⁶ 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.

²⁶⁰ CJB Zvornik Report 227/95, *supra* n. 224, para 5.

²⁶¹ 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.

²⁶² Fuel disbursement logsheets with license plate numbers of buses that received fuel on 12 Jul. 1995.

Deleted: 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.²⁵⁷ 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 all capitulated and surrendered and we'll evacuate them all - those who want to and those who don't want to."²⁵⁸ ¶

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".²⁵⁹

Deleted: In examining the transportation of Muslims from Potočari, fuel was disbursed and accounted for by the Bratunac Brigade.

fuel on 12 July 1995.²⁶³ 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.

Deleted: 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 AČAMOVIĆ on 13 and 14 July 1995 in diverting fuel received by UNPROFOR in Potočari to the VRS.

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.²⁶⁴ 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.”²⁶⁵

5.11 In the same video segment, another individual was interviewed as well. He is captioned as Zoran KOVAČEVIĆ.²⁶⁶ 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.²⁶⁷

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.²⁶⁹

Deleted: 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.²⁶⁸

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.²⁷⁰

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.²⁷¹ That same day the Ministry of Defense issued two

²⁶³ Fuel disbursal logsheet of military and civilian vehicles.

²⁶⁴ SRNA video footage of Potočari on 12 July 1995; *See also* Krstić Trial testimony of Captain van Duijn, (T.1749).

²⁶⁵ *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.

²⁶⁶ *Ibid*, interview with Zoran Kovačević.

²⁶⁷ 1.Br1pbr Roster, *supra* n. 126.

²⁶⁹ *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).

²⁷⁰ UN Military Observer Srebrenica fax to UNPROFOR Sector NE, 130800B Jul. 1995.

²⁷¹ RS MOD Order 02/21-3655/95, (CLSS English translation), 13 Jul. 1995.

additional orders.²⁷² 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”.

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,...”²⁷³

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-PIROČANAC, who was accompanying RS Special Police Brigade Deputy Commander Ljubiša BOROVČANIN²⁷⁴

5.17 At 2000 hours on 13 July 1995, the removal of the refugee population from Potočari was complete.²⁷⁵ 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.²⁷⁶

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

²⁷² RS MOD Order 02/21-3656/95, (CLSS English translation), 13 Jul. 1995.

²⁷³ CJB Zvornik Report 283/95, (draft English translation), 13 Jul. 1995, para 1.

²⁷⁴ 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.)

²⁷⁵ 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).

²⁷⁶ See Krstić Trial testimony of Witness C, (T. 1174-75) and witness Mandžić (T. 899).

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.²⁷⁷ When the officers returned, sometime after 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 1995.²⁷⁸ 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:²⁷⁹

NIKOLIĆ (son of Vaso) Momir ²⁸⁰	Captain	1.Brlpbr Cmd
RAKIĆ (son of Momčilo) Goran ²⁸¹	Soldier	Artillery
MILOSAVLJEVIĆ (son of Dimitrije) Zoran ²⁸²	Commander	DIV, 2 nd Battalion
PETROVIĆ (son of Ilija) Streten ²⁸³	Dep Cdr	3 rd Battalion
SPAJIĆ (son of Radoje or Blagoje) Zoran ²⁸⁴	Soldier	2 nd Battalion
GRUJICIC Slavoljub ²⁸⁵	Soldier	3 rd 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 (hort) 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.²⁸⁶ The vehicle is filmed remaining in the area

²⁷⁷ See Krstić Trial testimony of Witness B, (T. 894).

²⁷⁸ 1.Brlpbr list of suspected Muslim War Criminals, (CLSS English translation), 12 Jul. 1995.

²⁷⁹ 1.Brlpbr Roster, *supra* n. 126.

²⁸⁰ Krstić Trial testimony of Nesib Mandžić, (T.1002-03); Witness H, (T.1693-94, 1699); Witness F, (T.1525); Major Kingori, (T. 1836-38, 1906).

²⁸¹ Krstić Trial testimony of Witness H, (T.1684-85).

²⁸² Krstić Trial testimony of Bego Ademović, (T.1587).

²⁸³ Krstić Trial testimony of Witness E, (T. 1351); Camila Omanović, (T.1089).

²⁸⁴ Krstić Trial testimony of Mirsada Malagic, (T.1969, 1972).

²⁸⁵ Krstić Trial testimony of Hava Hajdarevic, (T. 2583-84).

²⁸⁶ DK Document 21/8-281, (CLSS English translation), 23 Aug. 1995 (listing vehicles requiring technical support in the Command of the Drina Corps).

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.

5.23 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.*

Deleted: the Milići 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 1995.²⁸⁷ 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.²⁸⁸ 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

²⁸⁷ 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.

²⁸⁸ Krstić Trial testimony of Witness D, (T. 1262)

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.

5.29 On 13 July 1995, the presence of Lieutenant Colonel Ljubiša BOROVČANIN, an RS MUP Special Police commander was documented in the PETROVIĆ video.²⁸⁹ During this period, his unit remained under the control of the Army, specifically the VRS Drina Corps.²⁹⁰

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.

²⁸⁹ Zoran Petrović video (Krstić Prosecution Exhibit 3), *supra* n. 259.

²⁹⁰ 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.

Deleted: 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.

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”.²⁹¹ 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.²⁹²

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.²⁹³ 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).²⁹⁴

²⁹¹ Krstić Trial testimony of Witness N, (T. 2801). In testimony, the facility is described as an “abandoned warehouse.”

²⁹² *Ibid.*

²⁹³ *Ibid.*

²⁹⁴ *Ibid.*

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.²⁹⁵ Once the house was full, the men were put on three or four buses, and taken to the “old school” in Bratunac.²⁹⁶ 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 1995.²⁹⁷ During this period, the remaining prisoners were provided with no food, and little water. They were also frequently beaten.²⁹⁸ 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).²⁹⁹

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 1995.³⁰⁰

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.³⁰¹

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.³⁰² 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 Grbavci school (associated with the Orahovac mass execution site), arriving sometime in the mid-afternoon of 14 July 1995.³⁰³

²⁹⁵ Krstić Trial testimony of Witness I, (T. 2372-73).

²⁹⁶ *Ibid.*

²⁹⁷ *Ibid.* (T. 2375).

²⁹⁸ *Ibid.* (T. 2377).

²⁹⁹ *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.

³⁰⁰ 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.

³⁰¹ OTP Witness Statement of Mevludin Orić, 12 Aug. 1995.

³⁰² Krstić Trial testimony of Witness L, (T. 2665-66).

³⁰³ *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 1995.³⁰⁴ 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.³⁰⁵ 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.³⁰⁶ This convoy departed Bratunac, and arrived at the school in Petkovci (associated with the Petkovci Dam execution site, see Chapter Seven, paragraph 7.28).³⁰⁷

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.³⁰⁸ Soldiers of the Military Police Battalion of the VRS 65th Protection Regiment guarded the men at this location.³⁰⁹ 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.³¹⁰ 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).³¹¹

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.³¹² 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.³¹³

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-Sandići road to Konjević Polje.](#) Further, an undated list shows that number of police officers from

³⁰⁴ Krstić Trial testimony of Witness O, (T. 2872-76).

³⁰⁵ *Ibid.* (T. 2881).

³⁰⁶ *Ibid.* (T. 2882).

³⁰⁷ *Ibid.* (T. 2887).

³⁰⁸ Krstić Trial testimony of Witness P. (T. 2950-51).

³⁰⁹ 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.)

³¹⁰ Krstić Trial testimony of Witness Q. (T. 3026).

³¹¹ *Ibid.* (T. 3027-31).

³¹² Krstić Trial testimony of Witness P. (T. 2959).

³¹³ *Ibid.* (T. 2963).

Bratunac were mobilized as part of the PJP companies.³¹⁴ 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,³¹⁶ and the 4th Infantry Battalion commanded by Captain 1st Class Radika PETROVIĆ.³¹⁷

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 1995.³¹⁸ 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.³¹⁹ In fact, this unit is the 8th Battalion of the Zvornik Brigade.³²⁰ 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.³²¹

Deleted: 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.

Deleted: 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 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).³¹⁵ 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. ¶

³¹⁴ 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.

³¹⁶ 1pb/1.Brlpbr request, (CLSS English translation), 04 Jul. 1995 (Commander Lazar Ostojić requests ammunition and fuel for upcoming operations).

³¹⁷ Drago Gajić, “Where Radika’s Army Goes. Portrait of Radika Petrović,” *Drinski Magazine* (CLSS English translation), March 1995, p.13.

³¹⁸ 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).

³¹⁹ “Where Radika’s Army Goes. Portrait of Radika Petrović,” *supra* n. 301.

³²⁰ 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.)

³²¹ 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.

6.16 Regardless of the origin of the “4th Battalion”, it remained under the control of the Bratunac Brigade until 19 July 1995.³²²

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.³²³ Major Mile SIMANIĆ was the Deputy Commander of the 5th Engineer Battalion.³²⁴

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.³²⁵ 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.³²⁶ 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.³²⁷ 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.³²⁸ 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.³²⁹

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;

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

³²³ 5.Inžb Order 9-4/94, *supra* n. 137; VP 7469/05 Record of Vehicle transfer, *supra* n. 137.

³²⁴ Krstić Defence Exhibit 99 - 5th Inžb Interim Report to the Drina Corps, 107-1, *supra* n. 138.

³²⁵ GŠVRS (Intelligence and Security Sector) report 12/46-2211/95, (CLSS English translation), 19 Mar. 1995.

³²⁶ RS Presidential order 01-509-1/95, (CLSS English translation), 21 Mar. 1995.

³²⁷ RS Ministry of the Interior order K/P 273-95, (CLSS English translation), 23 Mar. 1995.

³²⁸ CJB Zvornik Report 281/95, (CLSS English translation), 13 Jul. 1995.

³²⁹ *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.³³⁰

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.³³¹ 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-Purković-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* Šarea of responsibility of the content of this information. OBP organs Šintelligence 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.³³²

The report was released under the signature of Genera-Major Radilsav Krstić.³³³

³³⁰ 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.

³³¹ KDK Intelligence Service Report 17/896, (draft English translation), 12 Jul. 1995.

³³² *Ibid.* See also Krstić Defense Exhibit D 165b.

³³³ *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 Municipal building. The second version is noted as Krstić Defense Exhibit D 165. Both documents reflect

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.³³⁴ 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.³³⁵

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.³³⁶ 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.”³³⁷

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.”³³⁸ 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),³³⁹ 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 BOROVCANIN (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 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.

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.

³³⁴ Zvornik Brigade Intelligence Report 19/39, (CLSS English translation), 12 Jul. 1995.

³³⁵ *Ibid.*

³³⁶ CJB Zvornik Report 282/95, (draft English translation), 13 Jul. 1995.

³³⁷ *Ibid.*

³³⁸ CJB Zvornik Report 283/95, *supra* n. 258, para 2.

³³⁹ 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.

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.³⁴⁰ 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).”³⁴¹ 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.³⁴² 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.”³⁴³ 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.³⁴⁴ 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.³⁴⁵ ~~SIMOVIĆ is believed to be Major Mile SIMANIĆ, the Deputy Commander of the 5th Engineer Battalion.~~³⁴⁶

Deleted: The identification of SIMOVIĆ is currently unknown.

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 Agricultural Warehouse.³⁴⁷ These Muslims were part of the column who had surrendered

³⁴⁰ Krstić Defence Exhibit 99 - 5th Inžb Interim Report to the Drina Corps, 107-1, *supra* n. 138.

³⁴¹ 1. Brlpbr Daily Combat report 03-253-103, *supra* n. 238.

³⁴² Krstić Trial testimony of Witness M, (T. 2724).

³⁴³ Intercepted military telephone communication between “M” Milanović and “P” Palma Duty Officer, 13 Jul. 1995, at 1355 hours.

³⁴⁴ Synopsis of intercepted military telephone communication of conversation by Milanović, 13 Jul. 1995, at 1553 hours.

³⁴⁵ 5.Inžb Order 9-4/94, *supra* n. 137; VP 7469/05 Record of Vehicle transfer, *supra* n. 137.

³⁴⁶ Krstić Defence Exhibit 99 - 5th Inžb Interim Report to the Drina Corps, 107-1, *supra* n. 138.

³⁴⁷ Krstić Trial testimony of Witness J, (T. 2463-64), and Testimony of Witness K (T. 2523-26).

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.³⁴⁸ 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.³⁴⁹ 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.³⁵⁰ Bodies could be seen from the road, and one witness observed the bodies as he was driven past the warehouse.³⁵¹ 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 1995.³⁶² 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."³⁶³

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

³⁴⁸ Petrović Video, *supra* n. 142.

³⁴⁹ Zoran Petrović video (Krstić Prosecution Exhibit 3), *supra* n. 259. See also CJB Zvornik Report 01-16-02/1-205/95 (draft English translation), 15 Jul.1995, para 4, noting these assets as reinforcing the police units.

³⁵⁰ Krstić Trial testimony of Witness J (T. 2469-70), and Witness K (T. 2535-37).

³⁵¹ Krstić Trial testimony of Witness Q (T. 3026).

³⁶² Krstić Trial testimony of Witness J, (T. 2459), and Testimony of Witness K (T. 2509).

³⁶³ 1.BrIpb Military Police Daily Log, *supra* n. 165.

Deleted: Tanks and other military vehicles were observed at that collection point, which greatly helped the VRS forces maintain security over the prisoner

Deleted: 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,³⁵² and the 4th Infantry Battalion commanded by Captain 1st Class Radika PETROVIĆ.³⁵³ ¶

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 1995.³⁵⁴ 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 "Drinski" magazine, the unit assigned to that area was the unit of Captain First Class Radika PETROVIĆ.³⁵⁵ In fact, this unit is the 8th Battalion of the Zvornik Brigade.³⁵⁶ 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.³⁵⁷ This battalion remained under the control of the Bratunac Brigade until 19 July 1995.³⁵⁸ ¶

¶ 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.³⁵⁹ 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."³⁶⁰ 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.³⁶¹

forces guarding the Muslim prisoners at Sandići were from the MUP. As noted in Paragraph 6.29, video evidence of from Zoran PETROVIĆ-PIROČANAC, who accompanied Ljubiša BOROVIČANIN details the significant MUP presence. Highlights of the unit activity were also discussed in the article subsequently written by Zoran PETROVIĆ-PIROČANAC.³⁶⁴

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 ČUTURIĆ (of the MUP Special Police Brigade) were admitted, having been injured at Kravica.³⁶⁵ 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.³⁶⁶ 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).³⁶⁷ He is listed as being a member of the 2nd Detachment (Šekovići) of Special Police detachment, killed at Kravica on 13 July 1995.³⁶⁸ 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.³⁶⁹ He was subsequently given command of the 2nd Detachment on 24 August 1995, and killed in action on 23 September 1995 in Ozren.³⁷⁰

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 BOROVIČANIN passed in front of the warehouse as this was occurring. As noted above (paragraph 6.33) a Mr. Zoran PETROVIĆ-PIROČANAC was present in the car with Ljubiša BOROVIČANIN 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.³⁷¹ However, no reference of these events are made when at 2040 hours on 13 July 1995, Ljubiša BOROVIČANIN briefs General-Major KRSTIĆ on the general situation, and if any additional support (unspecified) is required.³⁷²

³⁶⁴ Article from *Belgrade Intervju Magazine* by Zoran Petrović about Operations in Srebrenica, 21 Jul. 1995.

³⁶⁵ Bratunac Health Center patient log (CLSS English translation). Extract page lists Stanojević as 1489, and Čuturić is listed at 1490.

³⁶⁶ *Ibid.* Dragicević is listed as 1491.

³⁶⁷ 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.

³⁶⁸ 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.

³⁶⁹ 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.

³⁷⁰ Death Certificate of Rado Čuturić, (draft English translation), 31 Oct. 1996.

³⁷¹ Zoran Petrović video (Krstić Prosecution Exhibit 3), *supra* n. 259.

³⁷² Intercepted military telephone communication between "K" Krstić and "X" Borovčanin, 13 Jul. 1995, at 2040 hours.

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 STANOJEVIĆ is found in Bratunac Brigade Interim Combat Report to the Drina Corps on 13 July 1995.³⁷³ 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.³⁷⁴

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~~.

Deleted: two infantry battalions were capturing Muslims and the MUP Special Police units were also along the road during the period,

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.³⁷⁵ 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

³⁷³ 1.Brlpbr Interim Combat Report 03-253-103/1, *supra* n. 238.

³⁷⁴ 1.Brlpbr Daily Combat Report 03-253-104, (CLSS English translation), 14 Jul. 1995.

³⁷⁵ 1.Brlpbr Military Police Daily Log, *supra* n. 165, 19 Jul. 1995 entry.

enclave area. During the early evening hours of 13 July 1995, the Drina published order 01/4-157-5.³⁷⁶ 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 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 1995.³⁷⁷

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.”³⁷⁸ 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.³⁷⁹ 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.³⁸⁰

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 Bratunac, 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

³⁷⁶ KDK Order 01/4-157-5, (CLSS English translation), 13 Jul. 1995.

³⁷⁷ 1. Brlpbr order 453-2, (CLSS English translation), 14 Jul. 1995.

³⁷⁸ 1. Brlpbr order 03-253-104, *supra* n. 347.

³⁷⁹ CJB Report 01-16-02/1-205/95, *supra* n. 332.

³⁸⁰ *Ibid.*

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.³⁸¹ 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 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.”³⁸² He further 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.³⁸³ Further on 15 July 1995 the Bratunac Brigade reflects units still involved in sweep operations 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.³⁸⁴

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.”³⁸⁵ Moreover, the report reflect that “...from statements taken from enemy soldiers, there are about 2000 in the wider area of the village of Pobude.”³⁸⁶ 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).³⁸⁷

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.”³⁸⁸

This report was released under the name of Colonel Vidoje BLAGOJEVIĆ, Commander of the Bratunac Brigade, and had the number 03/253-106/1.³⁸⁹

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).³⁹⁰

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.³⁹¹ These forces consisted of elements of the Bratunac Brigade, the

³⁸¹ Colonel Ignjat Milanović (Bratunac) document 03-253-103-3, *supra* n. 142.

³⁸² *Ibid.*, (proposal 1).

³⁸³ *Ibid.*, (proposal 2).

³⁸⁴ 1.Brlpbr Daily Combat Report 03-253-105, (CLSS English translation), 15 Jul. 1995.

³⁸⁵ Bratunac Brigade Daily Combat Report 03-253-106, *supra* n. 142.

³⁸⁶ *Ibid.*, Para 1.

³⁸⁷ 1.Brlpbr deployment order 468-2, (CLSS English translation), 16 Jul. 1995.

³⁸⁸ 1.Brlpbr report 03-253-106/1, (CLSS English translation), 17 Jul. 1995.

³⁸⁹ *Ibid.*

³⁹⁰ 1.Brlpbr report 03-253-106/2, (CLSS English translation), 17 Jul. 1995.

³⁹¹ VRS Main Staff Order 03/4-1670, (CLSS English translation), 17 Jul. 1995, refer to para 3.

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 sweep tasks completed by 2000 hours on 19 July 1995, and was further directed to propose plans for further engagements towards Cerska.³⁹²

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).³⁹³ 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

³⁹² *Ibid.*

³⁹³ 1.Brlpbr Daily Combat Report 03-253-106, *supra* n. 142.

the area. According to an intercepted telephone conversation between Miroslav DERONJIĆ (the appointed Civilian Commissioner for Srebrenica) and the office of RS President KARADŽIĆ, DERONJIĆ was to deal with the Army and get the Muslim prisoners out of Bratunac.³⁹⁴

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 Bratunac 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.”³⁹⁵ 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.³⁹⁶ Further, this vehicle was under the control of three members of the Zvornik Brigade Military

³⁹⁴ Intercepted military telephone communication between “D” Deronjić, “B” Badem Duty Officer and an unidentified conversant, 13 Jul. 1995, at 2010 hours.

³⁹⁵ 1.Brlpbr Military Police Daily Log, *supra* n. 165.

³⁹⁶ Vehicle Log for Opel Rekord P-4528, *supra* n. 314.

Police Company.³⁹⁷ 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 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.³⁹⁸

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.

Deleted: 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. ¶

³⁹⁷ 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 (CLSS English translation), Jul. 1995.

³⁹⁸ 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 1995 Standard-Orahovac-Divić-Orahovac-Ročević-Orahovac-Zvornik-Standard-Loko-Karakaj-Ročević-Loko. Total vehicle mileage on 14 July 1995 was 164 kilometers.

15 July 1995 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.³⁹⁹

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.⁴⁰⁰ At the same time, Milorad BIRČAKOVIĆ was a member of the protection detail assigned to the Brigade Commander.⁴⁰¹

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.⁴⁰² 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.⁴⁰³ The Commander of the 4th Infantry Battalion was 2nd Lieutenant Pero VIDAKOVIĆ.⁴⁰⁴ 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.⁴⁰⁵ The Commander of the Military Police Company was Miomir JASIKOVAC.⁴⁰⁶

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.⁴⁰⁷ 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

³⁹⁹ *Ibid.*

⁴⁰⁰ 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 370.

⁴⁰¹ 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.

⁴⁰² 1.Zvpbr map graphic. (Krstić Prosecution Exhibit 2).

⁴⁰³ 1.Zvpbr Engineer Company Daily Orders Log, (CLSS English translation), 01-30 Jul. 1995.

⁴⁰⁴ Death Certificate of Gojko Simić, (CLSS English translation), 27 Jul. 1995.

⁴⁰⁵ 1.Zvpbr Order 01-262, (CLSS English translation), 18 Jul. 1995.

⁴⁰⁶ 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 370.

⁴⁰⁷ Vehicle Log for Opel Rekord P-4528, *supra* n. 314.

the Brigade.⁴⁰⁸ The last entry of the day lists a trip to Orahovac, with the notation “police”.⁴⁰⁹

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.”⁴¹⁰ 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).⁴¹¹

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.⁴¹² Afterwards, each was put in a military truck, and taken to the execution site at Orahovac.⁴¹³

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.⁴¹⁴ Several times during the course of the day, he heard soldiers address each other by name, and heard the names “Gojko”, “Risto” and “Vojo”.⁴¹⁵

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

⁴⁰⁸ 1 Zvpbr Delivery Truck Log, (CLSS English translation), 01-31 Jul. 1995.

⁴⁰⁹ 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.

⁴¹⁰ 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.

⁴¹¹ Statement of Witness L (T. 2673), *supra* n. 287.

⁴¹² *Ibid.*, statement of Witness L (T. 2684-86); Statement of Witness N (T. 2824).

⁴¹³ *Ibid.*, (T. 2686-89).

⁴¹⁴ *Ibid.*, (T. 2694).

⁴¹⁵ *Ibid.*, (T. 2694).

him to flee the execution site.⁴¹⁶ The other survivors also noted the presence and activities of yellow earthmoving equipment at the execution site.⁴¹⁷

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.⁴¹⁸ According to documents from the Zvornik Brigade, Gojko SIMIĆ was a member and Commander of the 4th Infantry Battalion heavy weapons detachment.⁴¹⁹ Further, the death certificate issued by the Zvornik Brigade confirms that Gojko SIMIĆ and Witness "L" worked at the same construction firm in Belgrade.⁴²⁰

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).⁴²¹ 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")⁴²² 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:⁴²³

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".

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

⁴¹⁶ *Ibid.* (T. 2699-2700).

⁴¹⁷ Testimony of Witness N (T. 2827).

⁴¹⁸ Death Certificate of Gojko Simić, *supra* n. 377.

⁴¹⁹ 1.Zvpbr Appointment Order 06-72, (CLSS English translation), 08 Apr. 1994.

⁴²⁰ Death Certificate of Gojko Simić, *supra* n. 377.

⁴²¹ 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 370.

⁴²² Dutch Forensic Analysis Report (CLSS English translation), 15 Nov. 1995.

⁴²³ 1.Zvpbr Military Police Company Unit Attendance Roster, *supra* n. 370.

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 Križevici (located one kilometer from Orahovac); an excavator (rovokopač), 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 (rovokopač "Torpedo") from "Birač-Holding" which went from the base to Orahovac and operated for 5 1/2 hours.⁴²⁴

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.⁴²⁵

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.⁴²⁶

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.⁴²⁷

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.⁴²⁸

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.⁴²⁹

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,

⁴²⁴ 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 (rovokopač) (C-3117), (CLSS Revised English translation), 01-31 Jul. 1995; Vehicle Log for excavator-loader (rovokopač "Torpedo" – from Birač-Holding) (CLSS Revised English translation), 01-31 Jul. 1995.

⁴²⁵ 1.Zvlbpr Fuel disbursal log 7 Feb. 1994 to 14 May 1996.

⁴²⁶ 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.

⁴²⁷ Vehicle Log for ULT 220 (Birač-Holding), (CLSS English translation), 01-31 Jul. 1995; Vehicle Log for TAM 75 (M-5264), *supra* n. 397.

⁴²⁸ 1.Zvlbpr Fuel disbursal log 7 Feb 1994 to 14 May 96, *supra* n. 398.

⁴²⁹ 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.

before returning to the Zvornik Brigade headquarters, located in the former “Standard” shoe factory compound.⁴³⁰

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.⁴³¹ 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.⁴³² 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).⁴³³

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.⁴³⁴ 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.⁴³⁵

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.⁴³⁶

⁴³⁰ Vehicle Log for Mercedes 2626 (M-5195), *supra* n. 397; Vehicle Log for TAM 75 (M-5264), *supra* n. 397.

⁴³¹ There are no vehicle utilization records for a BGH-700 by the Zvornik Bde for the month of July 1995.

⁴³² 1.Zvlpbr map graphic, *supra* n. 375.

⁴³³ Testimony of Witness P (T. 2963).

⁴³⁴ Testimony of Witness O (T. 2867-88).

⁴³⁵ *Ibid.*, (T. 2889-10 and 2902-03).

⁴³⁶ Testimony of Witness O (T. 2910); Testimony of Witness P (T. 2975).

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.⁴³⁷ As it became light, both saw earth moving equipment that was loading bodies onto a tractor truck.⁴³⁸ 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.⁴³⁹

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.⁴⁴⁰

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 1995.⁴⁴¹ Another truck, a TAM 75 (license plate M-5329), made a total of four trips on that same day.⁴⁴² 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.⁴⁴³

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.⁴⁴⁴ 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.⁴⁴⁵

7.37 Witness “I”, a survivor of this execution, was taken into VRS custody on 13 July 1995 at the separation line in Potočari.⁴⁴⁶ 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 school” about noon, and the bus was escorted by soldiers.⁴⁴⁷ 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

⁴³⁷ *Ibid.* Testimony of Witness O (T. 2918-22), and Testimony of Witness P (T. 2977-79).

⁴³⁸ *Ibid.* Testimony of Witness O (T. 2925), and Testimony of Witness P (T. 2981).

⁴³⁹ 1.Zvpbr Engineer Company Daily Orders Log *supra* n. 376.

⁴⁴⁰ 1.Zvpbr Vehicle Transportation Logs for July 1995 reflect no Engineer Company vehicles at the Petkovci Dam site.

⁴⁴¹ Vehicle Log for TAM 80 (M-5300), (CLSS English translation), 01-31 Jul. 1995.

⁴⁴² Vehicle Log for TAM 75 (M-5329), (CLSS English translation), 01-31 Jul. 1995.

⁴⁴³ 1.Zvpbr 6th Battalion Logistics Platoon Roster – TOPALović, (CLSS English translation), Jul. 1995;

1.Zvpbr 6th Battalion Command Roster – JOSIĆ, *supra* n. 118.

⁴⁴⁴ M. Pantić, “They Produce Their Own Food,” *Drinski Magazine*, (CLSS English translation), Jun. 1995, p. 21.

⁴⁴⁵ Erdemović, Drazen

⁴⁴⁶ Testimony of Witness I (T. 2370-71).

⁴⁴⁷ *Ibid.* (T. 2372-79).

part of a group of ten men who were captured at the time.⁴⁴⁸ 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 1995.⁴⁴⁹

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.⁴⁵⁰

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).⁴⁵¹

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.⁴⁵² 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.⁴⁵³

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.⁴⁵⁴ 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.”⁴⁵⁵

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.⁴⁵⁶

⁴⁴⁸ Testimony of Witness Q (T. 3017-18).

⁴⁴⁹ *Ibid.* (T. 3018-39).

⁴⁵⁰ Erdemović, Drazen.

⁴⁵¹ Testimony of Witness I (T. 2388); Testimony of Witness Q (T. 3040).

⁴⁵² Erdemović, Drazen.

⁴⁵³ Testimony of Witness I (T. 2407-08); Testimony of Witness Q (T. 3046).

⁴⁵⁴ Vehicle Log for ULT 220 (Birac-Holding), *supra* n. 400; Vehicle Log for Mercedes 2626 (M-5195), *supra* n. 397.

⁴⁵⁵ 1.Zvpbr fuel disbursal log, *supra* n. 236.

⁴⁵⁶ 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.

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.⁴⁵⁷

7.46 Finally, the Branjevo Military Farm is an installation operated under the control of the 1st Infantry Battalion of the Zvornik Brigade.⁴⁵⁸ 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.⁴⁵⁹

E. Cultural Center in Pilica

7.47 The Cultural Center in Pilica is located in the area of the 1st Battalion, Zvornik Brigade.⁴⁶⁰ 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.”⁴⁶¹

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.⁴⁶² 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 they weren’t brought in on time, and that’s why the commander who was here had problems.”⁴⁶³

(See Chapter Ten, paragraphs 10.44-10.45 for additional details pertaining to this conversation)

⁴⁵⁷ Krstić Prosecution Exhibit 24/2 and 24/3.

⁴⁵⁸ “They Produce Their Own Food,” *supra* n. 417.

⁴⁵⁹ 1st Battalion Roster for 42 men of logistics platoon for 1 BAT (CLSS English translation), Jul. 1995; 1st Battalion Command Roster, *supra* n. 113.

⁴⁶⁰ 1.Zvpbr map graphic, *supra* n. 375. (Krstić Prosecution Exhibit 2).

⁴⁶¹ 1.Zvpbr Interim Combat Report 06-218, (CLSS English translation), 16 Jul. 1995.

⁴⁶² “Zlatar” is the telephonic code name for the Drina Corps Command Post.

⁴⁶³ Intercepted military telephone communication between “P” Popović and “R” Rašić at Operations Centre, 16 Jul. 1995, at 2116 hours.

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."⁴⁶⁴

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 1995.⁴⁶⁵ 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).⁴⁶⁶

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.⁴⁶⁷ Also on 16 July, a TAM 75 truck (license plate M-5246) made two trips between Orahovac and Kozluk during the day.⁴⁶⁸

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.⁴⁶⁹

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 1995.⁴⁷⁰

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.⁴⁷¹

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

⁴⁶⁴ 1.Brlpbr Military Police Daily Log, *supra* n. 165.

⁴⁶⁵ Vehicle Log for TAM 130 (ZV-369-57), (CLSS Revised English translation), 01-31 Jul. 1995.

⁴⁶⁶ 1.Zvpbr Order 01-244, *supra* n. 53; 1.Zvlpbr map graphic, *supra* n. 375. (Prosecution Exhibit 2).

⁴⁶⁷ Vehicle Log for excavator-loader (rovokopač "Torpedo"), *supra* n. 397.

⁴⁶⁸ Vehicle Log for TAM 75 (M-5246), *supra* n. 397.

⁴⁶⁹ 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.

⁴⁷⁰ Vehicle Log for Bulldozer TG-75, (CLSS English translation), 01-31 Jul. 1995.

⁴⁷¹ 1.Zvpbr Engineer Company Daily Orders Log, *supra* n. 376.

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 1995.⁴⁷² 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.⁴⁷³

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.⁴⁷⁴ 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.⁴⁷⁵

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.⁴⁷⁶ 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

⁴⁷² 1.Zvpbr Order 01-244, *supra* n. 53.

⁴⁷³ 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.

⁴⁷⁴ KDK Order 02/04-158-1, (CLSS English translation), 13 Jul. 1995.

⁴⁷⁵ 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.

⁴⁷⁶ 1.Zvpbr Daily Combat Report 06-216, (CLSS English translation), 14 Jul. 1995.

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.⁴⁷⁷

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.⁴⁷⁸ In the course of the call, he is connected to Colonel BEARA, and tells him that “Superior Command” urgently needs him.⁴⁷⁹ Major JOKIĆ further states that there are “big problems with the people, I mean, with the parcel.”⁴⁸⁰

7.65 One and a half hours later that evening, ABiH II Corps intercepted a call from a “General VILOTIĆ” for “OBRENOVIĆ”.⁴⁸¹ 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...”⁴⁸²

General VILOTIĆ cuts Major JOKIĆ off at that point, noting he “doesn’t want to discuss that”.⁴⁸³

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.⁴⁸⁴ 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

⁴⁷⁷ 1.Zvpbr Interim Combat Report 06-216/2, (CLSS English translation), 14 Jul. 1995.

⁴⁷⁸ “Badem” is the telephonic code name for the 1st Bratunac Light Infantry Brigade Command Post.

⁴⁷⁹ Intercepted military telephone communication between “J” Jokić (Palma Duty Officer) and “X” Beara, (CLSS English translation), 14 Jul. 1995, at 2102 hours.

⁴⁸⁰ As noted in various other telephonic communications, the phrase “parcel or package” refers in general to prisoners or people.

⁴⁸¹ Intercepted military telephone communication between “V” Vilotić and “J” Jokić (Palma Duty Officer), 14 Jul. 1995, at 2227 hours.

⁴⁸² 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.

⁴⁸³ *Ibid.*

⁴⁸⁴ (P. Ex. 2).

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.⁴⁸⁵ 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.⁴⁸⁶

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 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.⁴⁸⁷

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

⁴⁸⁵ Intercepted military telephone communication between Pandurević and Milosević, 15 Jul. 1995 at 0855 hours.

⁴⁸⁶ Intercepted military telephone communication between Pandurević and Mijatović, 15 Jul. 1995 at 0910 hours.

⁴⁸⁷ 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.

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 1995.⁴⁸⁸

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.⁴⁸⁹ 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).”⁴⁹⁰

“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.”⁴⁹¹

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 Platoon from the East Bosnia Corps.”⁴⁹² 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.”⁴⁹³

⁴⁸⁸ 1.Zvpbr Daily Combat Report 06-217, (CLSS English translation), 15 Jul. 1995.

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

⁴⁹⁰ 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 conducive 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, *Vojnoizdavački zavod*, (1981).

⁴⁹¹ 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 462.

⁴⁹² 1.Zvpbr Interim Combat Report 06-218, *supra* n. 434.

⁴⁹³ *Ibid.*, para. 3.

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.⁴⁹⁴ 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.”⁴⁹⁵

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.

7.77 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

⁴⁹⁴ 1.Zvpbr Interim Combat Report 06-222, (CLSS English translation), 18 Jul. 1995, para. 2.

⁴⁹⁵ *Ibid.*, para. 4.

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).⁴⁹⁶ 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 until 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.

⁴⁹⁶ 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 through 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.⁴⁹⁷ 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.⁴⁹⁸ 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”.⁴⁹⁹

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 1995.⁵⁰⁰ 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 prisoners were 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 1966.⁵⁰¹
4. Rešid SINANOVIĆ, son of Rahman, date of birth: 15 October 1949.⁵⁰²

⁴⁹⁷ IKM Drina Corps Report 08-444-10, *supra* n. 260.

⁴⁹⁸ 1.Brlpbr Report 03-253-106/2, *supra* n. 363.

⁴⁹⁹ Osman Halilović survived the war and was released from VRS custody in early 1996.

⁵⁰⁰ 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).

⁵⁰¹ 1. Brlpbr Interrogation Notes, (CLSS English translation), o/a 13 Jul. 1995.

5. Mujo HUSIĆ, son of Osman, date of birth: 27 August 1961.⁵⁰³
6. Hasib IBIŠEVIĆ, son of Ibrahim, date of birth: 27 February 1964.⁵⁰⁴

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 1995.⁵⁰⁵

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.⁵⁰⁶

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 Pobude 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 Pobude.⁵⁰⁷ 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.

Deleted: 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 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 in 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.⁵⁰⁸ It was also noted in this report that he was turned over to the Intelligence Department of the Main Staff of VRS.⁵⁰⁹ Of note, this individual is not on the ICRC missing list.

⁵⁰² *Ibid.*

⁵⁰³ *Ibid.*

⁵⁰⁴ *Ibid.*

⁵⁰⁵ Krstić Trial testimony, Witness "S" (T. 3266).

⁵⁰⁶ *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), 30 Jun. 1998.

⁵⁰⁷ 1. Brlpbr Daily Combat Report 03-253-106, *supra* n. 142.

⁵⁰⁸ 1. Zvpbr Intelligence Organ Report 17/104, (CLSS English translation), 18 Jul. 1995.

⁵⁰⁹ 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

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.⁵¹⁰ 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 Nežuk, 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 “Krajsnici” 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.⁵¹¹

Deleted: a trial witness (known by the prosecution as the “Nežuk” survivor)

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.⁵¹² 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 1995.⁵¹³ 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.”⁵¹⁴ On 22 July 1995, General TALIĆ requested the return of this unit from the Drina Corps.⁵¹⁵

8.12 Also on 19 July 1995, RS MUP forces operating with the VRS were apparently taking some prisoners.⁵¹⁶ 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 region 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.

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.”⁵¹⁷

unidentified subscriber and an individual named “Mirko” (believed to be Lt Mirko Petrović, the Commander of the Drina Corps Radio Reconnaissance Platoon)).

⁵¹⁰ Vehicle work log from 12-31 July for TAM 2001 M-5342, (CLSS Revised English translation).

⁵¹¹ Krstić Trial Testimony, Witness “R” (T. 3196-3206).

⁵¹² 1.Zvpbr Daily Combat Report 06-244, (CLSS English translation), 19 Jul. 1995.

⁵¹³ 1.KK Order 264-1/95, (CLSS English translation), 16 Jul. 1995.

⁵¹⁴ *Ibid.*

⁵¹⁵ 1.KK Order 270-1/95, (CLSS English translation), 22 Jul. 1995.

⁵¹⁶ CJB Zvornik report 01-16-02/1-206/95, (draft English translation), 19 Jul. 1995.

⁵¹⁷ 1.Zvpbr Report to Bijelina Military Prosecutor, (CLSS English translation), 26 Jul. 1995.

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 1995.⁵¹⁸ Faud ĐOZIĆ (son of Senusija) was noted missing from Konjević Polje on 13 July 1995.⁵¹⁹ Almir HALILOVIĆ (son of Suljo) was noted missing from the forest on 11 July 1995.⁵²⁰ Sakib KIVERIĆ (son of Salko) was noted missing from Sučeska on 11 July 1995.⁵²¹ 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.

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

⁵¹⁸ *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 479, listing number BAZ 901050.

⁵¹⁹ *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 479, listing number BAZ 906271.

⁵²⁰ *Missing Persons in the Territory of Bosnia and Herzegovina* (4th ed.), *supra* n. 479, listing number BAZ 914374.

⁵²¹ *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.)

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."⁵²²

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.⁵²³

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.⁵²⁴ 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."⁵²⁵ Subsequent daily Combat Reports from the Zvornik Brigade note additional Muslims being captured by the Brigade.⁵²⁶

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."⁵²⁷ 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."⁵²⁸

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.⁵²⁹

⁵²² Zvornik Military Police VP 7469 Statement of Neško Đokić, (CLSS English translation), 25 Jul. 1995.

⁵²³ Krstić Trial testimony, Witness "I" (T. 2396-2397)

⁵²⁴ 1.Zvpbr Interim Combat Report 06-229, (CLSS English translation), 22 Jul. 1995.

⁵²⁵ *Ibid.*, para. 3.

⁵²⁶ 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.

⁵²⁷ 1.Zvpbr Daily Combat Report 06-232, (CLSS English translation), 25 Jul. 1995.

⁵²⁸ 1.Zvpbr Daily Combat Report 06-233, (CLSS English translation), 26 Jul. 1995.

⁵²⁹ 1.Zvpbr Daily Combat Report 06-234, (CLSS English translations), 27 Jul. 1995; 1.Zvpbr Daily 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”),⁵⁴² 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.”⁵⁴³ 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.⁵⁴⁴ It was noted that this order was issued by “the Drina Corps Chief of Staff”.⁵⁴⁵ Also on 04 July 1995, General-Major ŽIVANOVIĆ was in the zone of the Bratunac Brigade.⁵⁴⁶ 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.”⁵⁴⁷ As a further component of that conversation, General KRSTIĆ indicated that he had “something to take care of at the MUP.”⁵⁴⁸

⁵⁴² 1.Zvpbr Interim Combat Report 06-218, *supra* n. 434.

⁵⁴³ 1.Brlpbr Reports and Meetings Journal, *supra* n. 153.

⁵⁴⁴ 1.Brlpbr Combat Report 03-253-94, (CLSS English translation), 04 Jul. 1995.

⁵⁴⁵ 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.

⁵⁴⁶ 1.Brlpbr Military Police Daily Log, *supra* n. 165.

⁵⁴⁷ CLSS English translation of Intercepted military telephone communication between conversants “General Krstić” and “Obrenović”, 04 Jul. 1995, at 11:15 hours.

⁵⁴⁸ *Ibid.*

Deleted: 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 Romanija Motorized Brigade.⁵³⁰ This unit, formerly subordinate to the VRS Sarajevo-Romanija 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.⁵³¹ ¶

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.⁵³² 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.⁵³³ 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.⁵³⁴ ¶

Colonel (later General-Major) KRSTIĆ as Chief of Staff: Pre-“Krivaja 95”⁵³⁵¶

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.⁵³⁶ 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-Major SKOČAJIĆ on 29 September 1994; however, the actual report is dated 10 September 1994.⁵³⁷ ¶

¶ 8.4 . On 02 October 1994, Colonel ... [1]

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.”⁵⁴⁹ A copy of this message was also forwarded to the Main Staff, personally for General-Major TOLIMIR.

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”.⁵⁵⁰ 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.⁵⁵¹

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 BOROVIČANIN (the deputy commander of the RS Special Police Brigade).⁵⁵² As a component of the order by MUP Deputy Minister KOVAČ, Special Police Commander BOROVIČANIN was directed that when his unit arrived in Bratunac, he was “...obliged to make contact with the Corps Chief of Staff, General KRSTIĆ.”⁵⁵³

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).⁵⁵⁴ He was also in attendance at the 12 July 1995 meeting with the UNPROFOR and Muslim representatives.⁵⁵⁵ 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.⁵⁵⁶

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).

⁵⁴⁹ KDK Order 04/156-5, (CLSS English translation), 08 Jul. 1995.

⁵⁵⁰ VRS Main Staff Order 12/46-501/95, *supra* n. 182.

⁵⁵¹ 1.Br1pbr Daily Combat Report 03-253-100, *supra* n. 166; (Krstić Prosecution Exhibit 39).

⁵⁵² RS MUP order 64/95, *supra* n. 194. Order signed by Tomislav Kovač, who was then the Deputy Minister of the Interior.

⁵⁵³ *Ibid*, Paragraph Five.

⁵⁵⁴ (Krstić Prosecution Exhibit 39, with associated transcripts Krstić Prosecution Exhibits 39/a, 39/b).

⁵⁵⁵ *Ibid*.

⁵⁵⁶ Statement of RS Civilian Affairs Committee for Srebrenica No. 07-27/95, *supra* n. 235.

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."⁵⁵⁷ He also noted that they are not afraid of NATO air-strikes, and that they are "going all the way."⁵⁵⁸

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.⁵⁵⁹ 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.⁵⁶⁰

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 Commander was carried out on 13 July 1995.

General-Major Radislav KRSTIĆ, father's name Milorad, assumed the post of Corps Commander and General-Major Milenko ŽIVANOVIĆ the previous Corps Commander, was appointed to new duties 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."⁵⁶⁷

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

⁵⁵⁷ (Krstić Prosecution Exhibit 67/a).

⁵⁵⁸ *Ibid.*

⁵⁵⁹ KDK order 02/04-158-1, *supra* n. 447.

⁵⁶⁰ KDK Order 03/156-12, (CLSS English translation), 13 Jul. 1995.

⁵⁶⁷ Drina Corps order 05/2-293, *supra* n. 94

Deleted: 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.⁵⁶¹ 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.⁵⁶² ¶

¶ 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."⁵⁶³ 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.⁵⁶⁴ ¶

¶ 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.⁵⁶⁵ ¶

¶ 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 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.¶

Deleted: is on 13 July 1995, with the publishing of Drina Corps Order 01/4-157-5.⁵⁶⁶

order was received by the center at 2000 hours, on 13 July 1995, and dispatched by 2035 hours that same day.⁵⁶⁸

9.13 Almost immediately after the assumption of command, Drina Corps Order 01/4-157-5 is published.⁵⁶⁹ 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 BOROVIČANIN, 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).⁵⁷⁰ In this conversation, General-Major KRSTIĆ and Lieutenant Colonel BOROVIČANIN discuss the general situation, and if any additional support (unspecified) is required.⁵⁷¹

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.⁵⁷² 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.⁵⁷³ 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

⁵⁶⁸ 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.

⁵⁶⁹ KDK Order 01/4-157-5, *supra* n. 349.

⁵⁷⁰ Intercepted military telephone communication between “K” Krstić and “X” Borovčanin, 13 Jul. 1995, at 1945 hours, *supra* n. 158; Zoran Petrović-Piročamac, *Belgrade Intervju*, *supra* n. 337, 21 Jul. 1995 (identifying Ljubiša Borovčanin as the MUP commander along the Žuti List-Potočari line).

⁵⁷¹ Intercepted military telephone communication between “K” Krstić and “X” Borovčanin, 13 Jul. 1995, at 2040 hours.

⁵⁷² Intercepted military telephone communication between “M” Živanović and “J” Jokić, 14 Jul. 1995, at 0910 hours.

⁵⁷³ 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.

Corps order 05/2-295, dated 14 July 1995.⁵⁷⁴ 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.⁵⁷⁵ 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.⁵⁷⁶ In this 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 during our liberation war and to wish you a lot of success in your new duty.”⁵⁷⁷

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.”⁵⁷⁸ 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.⁵⁷⁹ 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).⁵⁸⁰

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.⁵⁸¹ 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.⁵⁸²

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).⁵⁸³ The unidentified

⁵⁷⁴ 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.

⁵⁷⁵ *Ibid.*

⁵⁷⁶ 1.Mlpbr message 720/95, *supra* n. 136.

⁵⁷⁷ *Ibid.*

⁵⁷⁸ 1.Brlpbr Order 453-2, *supra* n. 350.

⁵⁷⁹ RS Presidential Decree 01-1369/95, *supra* n. 97.

⁵⁸⁰ *Ibid.*

⁵⁸¹ Intercepted military telephone communication 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.

⁵⁸² Intercepted military telephone communication between unidentified conversants “X” and “Y”, 14 July 1995, at 2048 hours.

⁵⁸³ Intercepted military telephone communication between “X” an unidentified conversant and Malinić, 14 Jul. 1995, at 2236 hours.

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.

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 1995.⁵⁸⁴

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.⁵⁸⁵ 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.”⁵⁸⁶ 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”.⁵⁸⁷ 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.”⁵⁸⁸ 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”.⁵⁸⁹ 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).

⁵⁸⁴ RS Presidential Decree 01-1419/95, (CLSS English translation), 15 Jul. 1995.

⁵⁸⁵ 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).

⁵⁸⁶ Intercepted military telephone communication between “B” Beara and “Ž” Živanović, 15 Jul. 1995, at 0954 hours.

⁵⁸⁷ 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.

⁵⁸⁸ The individual referred to as Furtula is most probably Major Radomir Furtula, the Commander of the 5th Ponderje 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 Inđić.

⁵⁸⁹ 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.

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.⁵⁹⁰ In the course of 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-Romanija Corps.⁵⁹¹ In this intercepted conversation, General-Major KRSTIĆ instructed Colonel VELETIĆ to have Lieutenant Colonel VLAČIĆ return to his unit by 1300 hours.⁵⁹² 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).⁵⁹³

9.26 Also on 17 July 1995, Drina Corps order 05/1-245 was published.⁵⁹⁴ 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.⁵⁹⁵

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.⁵⁹⁶

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 1995.⁵⁹⁷ This video is purported to be a “farewell luncheon” in honor of General ŽIVANOVIĆ. Present at this

⁵⁹⁰ Intercepted military telephone communication between “K” Krstić, “T” Trbić and “P” Pandurević, 17 Jul. 1995, at 0615 hours.

⁵⁹¹ 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).

⁵⁹² Intercepted military telephone communication between “X” Krstić and Veletić, 17 Jul. 1995, at 0910 hours.

⁵⁹³ 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.

⁵⁹⁴ Drina Corps Order 05/1-245, (CLSS English translation), 17 Jul. 1995.

⁵⁹⁵ 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 between “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” Jevdević, 19 Jul. 1995, at 2157 hours.

⁵⁹⁶ 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.

⁵⁹⁷ Video of General Milenko ŽIVANOVIĆ’s leaving celebration in July 1995.

event is General MLADIĆ, General KRSTIĆ, General ŽIVANOVIĆ, General Momir TALIC (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.⁵⁹⁸ 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.

9.32 On 29 July 1995, Drina Corps orders 01/158-1 and 01/159-1 were published.⁵⁹⁹ 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.⁶⁰⁰

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.”⁶⁰¹

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.⁶⁰² 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.⁶⁰³

⁵⁹⁸ KDK Order 05/2-362, (CLSS English translation), 25 Jul. 1995.

⁵⁹⁹ KDK Order 01/158-1, (CLSS English translation), 29 Jul. 1995; KDK Order 01/159-2 (CLSS English translation), 29 Jul. 1995.

⁶⁰⁰ I.Brlpbr Daily Combat Report 03-253-125, (CLSS English translation), 04 Aug. 1995.

⁶⁰¹ (P.Ex. 99/a).

⁶⁰² VRS Main Staff Document 04-12/973, *republished in, Krajiški Vojnik*, (CLSS English translation) Aug. 1995.

⁶⁰³ Borislav Đurđević, “Podrinje Is Free At Last,” *Srpska Vojska*, (CLSS English translation), 25 Aug. 1995, p. 10-12.

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.⁶⁰⁴

9.38 On 14 October 1995, General-Major KRSTIĆ presided over a ceremony commemorating the first anniversary of the 10th Sabotage Detachment.⁶⁰⁵ 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”.⁶⁰⁶ 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

⁶⁰⁴ 1. Zvpbr Daily Combat Report 06-276, (CLSS English translation), dated 03 September 1995, para 2.

⁶⁰⁵ 14 October 1995 Video tape of the 10th “Sabotage Unit” RS Army, *supra* n. 143.

⁶⁰⁶ D. Radan, “Turning Towards Peace,” *Srpska Vojska*, 28 Dec. 1995, p. 7.

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 Presidential Decree(s) that relieved General-Major ŽIVANOVIĆ effective 15 July 1995, and appointed General-Major KRSTIĆ as 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 relieve 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 acquiescence) to the change of Drina Corps command that occurred by 2000 hours on 13 July 1995.

Deleted: 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.

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.⁶⁰⁷ Further, by 14 July 1995, subordinate Drina Corps formations were aware of this change of command, and were responding accordingly.

Deleted: (and should not be taken as to even imply)

Deleted: 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 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.

⁶⁰⁷ 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.

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A. Prior Instructions and Directives⁶⁰⁸

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).”⁶⁰⁹

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

⁶⁰⁸ 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.

⁶⁰⁹ *Agreement on a Ceasefire in the Territory of Bosnia and Herzegovina*, 08 May 1993, *supra* n. 73.

prisoners of war and the civilian population, behave in every way in accordance with the Geneva Conventions.”⁶¹⁰

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).⁶¹¹ 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.”⁶¹²

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.”⁶¹³

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).

⁶¹⁰ KDK Order 04/156-2, Operations Order No.1, 02 Jul. 1995, *supra* n. 58, p. 7.

⁶¹¹ 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.)

⁶¹² *Ibid.*

⁶¹³ 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.⁶¹⁴

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).⁶¹⁵ The time period of these efforts roughly coincides with the executions in the Cerska Valley.

Deleted: and later the Kravica Warehouse.

10.11 At approximately 1730 hours on 13 July 1995, it appears from video that police commander Ljubiša BOROVIČANIN 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, BOROVIČANIN 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 03/156-11.⁶¹⁶ 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."⁶¹⁷

⁶¹⁴ 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.

⁶¹⁵ Intercepted military telephone communication between "M" Milanović and "P" Palma Duty Officers, 13 Jul. 1995, at 1355 hours, *supra* n. 327.

⁶¹⁶ 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".

⁶¹⁷ *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”.⁶¹⁸ 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.”⁶¹⁹

10.14 Finally on the evening of 13 July 1995, bus and truck convoys of Muslim males begin moving from the zone of the Bratunac 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).⁶²⁰

Deleted: 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 Bratunac on 13 July 1995 (refer to Chapter Seven, paragraph 7.3).

10.15 Just prior to the arrival of the first known Bosnian Muslim prisoners from the Bratunac 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).⁶²¹

Deleted: Further, starting the afternoon of 14 July 1995, the process of executing Muslim males at Orahovac begins.

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 area of the 6th Infantry Battalion of the Zvornik Brigade. They are placed in the “new”

⁶¹⁸ VRS Main Staff Order 3/4-1638, (CLSS English translation), 13 Jul. 1995.

⁶¹⁹ *Ibid.*

⁶²⁰ 1.Brlpbr Military Police Daily Log, *supra* n. 165.

⁶²¹ 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.

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 1995.⁶²² 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”.⁶²³

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”.⁶²⁴ 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...”⁶²⁵

General VILOTIĆ cuts Major JOKIĆ off at that point, noting he “doesn’t want to discuss that”.⁶²⁶

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 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

⁶²² 1.Zvlpbr, *supra* n. 449.

⁶²³ Intercepted military telephone communication between “Ž” General Živanović (from Zlatar) and “J” Major Jokić (Palma Duty Officer), *supra* n. 527.

⁶²⁴ Intercepted military telephone communication between “V” Vilotić and “J” Jokić (Palma Duty Officer), *supra* n. 454.

⁶²⁵ 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.

⁶²⁶ *Ibid.*

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.⁶²⁷

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.⁶²⁹

Deleted: On 15 July 1995, at 0952 hours,

Deleted: which possibly belonged to the Zvornik Brigade Chief of Security, Lieutenant Drago NIKOLIĆ.⁶²⁸

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.
 B: Say again?

⁶²⁷ Intercepted military telephone communication between "Z" Zlatar Duty Officer and "P" Palma Duty Officer-Major Jokić, at 0939 hours, 15 Jul. 1995.

⁶²⁹ 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".

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)⁶³⁰

"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.
 B: They're not there, only four of them are still there. They took off, fuck 'em, they're not there anymore.

⁶³⁰ Intercepted military telephone communication between "B" Beara and "Ž" Živanović, 15 Jul. 1995, at 0954 hours, *supra* n. 541.

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).⁶³¹

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.⁶³² In the other complete version, the individual identified as "INĐIĆ" is identified as "Boban INĐIĆ", and is noted as "LUKIĆ's deputy".⁶³³ 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 referring to Lieutenant Drago NIKOLIĆ the Chief of Security of the Zvornik Infantry Brigade) support this.

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⁶³¹ Intercepted military telephone communication between "K" Krstić and "B" Beara, 15 Jul. 1995, at 1000 hours, *supra* n. 542.

⁶³² Intercepted military telephone communication between "K" Krstić and "P" Beara, 15 Jul. 1995, at 0955 hours.

⁶³³ Intercepted military telephone communication between "B" Beara and Krstić, 15 Jul. 1995, at 0957 hours, *supra* n. 542.

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 July 1995 (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 Miodir 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.⁶³⁴ This report also reflects that the Bratunac-Konjević Polje road is "still not 100% safe from Turkish fugitives."⁶³⁵ 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.⁶³⁶ 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 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.⁶³⁷

⁶³⁴ 1.Brlpbr Daily Combat Report 03-253-105, *supra* n. 357.

⁶³⁵ *Ibid*, paragraph 3.

⁶³⁶ 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.

⁶³⁷ 1. Zvpbr Regular Combat Report 06-217, *supra* n. 461

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.⁶³⁸ 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 Glodansko Brdo.⁶³⁹ 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)." ⁶⁴⁰

"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 1995.⁶⁴¹ 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 Dobo, and one platoon of the company from Zvornik.⁶⁴² 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).⁶⁴³

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 the Zvornik Brigade.⁶⁴⁴ They 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

⁶³⁸ 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 462.

⁶³⁹ *Ibid.* Paragraph 1.

⁶⁴⁰ Vojni Lexicon, *supra* n. 463.

⁶⁴¹ 1.Zvpbr Interim Combat Report 06-217-1, *supra* n. 462; see 1.Zvpbr communications centre processing stamp.

⁶⁴² CJB Zvornik Report 01-16-02/1-205/95, *supra* n. 332.

⁶⁴³ 1.Brlpbr Military Police Daily Log, *supra* n. 165.

⁶⁴⁴ Krstić Trial testimony of Dražen Erdemović, (T.3119)

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”.⁶⁴⁵

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)⁶⁴⁶

The individual identified as “CEROVIĆ” is almost certainly Colonel Slobodan CEROVIĆ, the Drina Corps Assistant Commander for Moral, Legal and Religious Affairs.⁶⁴⁷ The individual identified as “TRKULJA” is probably Colonel Nedo TRKULA, from the VRS Main Staff.⁶⁴⁸

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 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.

⁶⁴⁵ *Ibid.*, (T.3133-3136).

⁶⁴⁶ Intercepted military telephone communication between “C” Cerović and “B” Beara, 16 Jul. 1995, at 1111 hours.

⁶⁴⁷ Colonel CEROVIĆ is identified in other intercepts on both 16 and 17 July 1995.

⁶⁴⁸ 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.

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).⁶⁴⁹

Conversation Two - 16 July 1995: 1358 hours (P=Palma / G= Major GOLIC / C= Unknown)

P: Is Major GOLIC there?

C: Yes.

P: Let me talk to him.

P: GOLIC, 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).⁶⁵⁰

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.

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.

⁶⁴⁹ 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.

⁶⁵⁰ Intercepted military telephone communication between “G” Golić and “C” unknown, 16 Jul. 1995, at 1358 hours.

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)⁶⁵¹

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)⁶⁵²

As previously noted, Lieutenant Colonel POPOVIĆ is the Drina Corps Assistant Commander for Security Affairs. Major GOLIC 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 1995.⁶⁵³ 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 disbursement 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 1995.⁶⁵⁴

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.⁶⁵⁵ 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:

⁶⁵¹ Intercepted military telephone communication between "B" Basević, "X" unknown and "P" Palma Duty Officer, 16 Jul. 1995, at 1358 hours.

⁶⁵² Intercepted military telephone communication between "P" Palma Duty Officer and "X" unknown, 16 Jul. 1995, at 1358 hours.

⁶⁵³ 1.Zvpbr Dispatch Order 21/1-2140, (CLSS English translation), 16 Jul. 1995.

⁶⁵⁴ Technical Material Disbursement Logbook, 11 May 1994.

⁶⁵⁵ Intercepted military telephone communication between "P" Popović and "R" Rašić at Operations Centre, at 2116 hours, *supra* n. 436.

“...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.”⁶⁵⁶

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.”⁶⁵⁷

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.”⁶⁵⁸ 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 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.⁶⁵⁹ 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.

⁶⁵⁶ *Ibid.*

⁶⁵⁷ *Ibid.*

⁶⁵⁸ 1 Zvpbr Interim Combat Report 06-218, *supra* n. 434.

⁶⁵⁹ Intercepted military telephone communication between “K” Krstić, “T” Trbić and “P” Pandurević, 17 Jul. 1995, at 0615 hours, *supra* n. 545.

10.49 At 1242 hours on 17 July 1995, a subscriber identified as “Zlatar 01” called Major GOLIC, looking for POPOVIC. In the course of the conversation, Major GOLIC told “Zlatar 01” that “POPOVIC is still in Zvornik, but will be back in the afternoon”. Major GOLIC also identified “Zlatar 01” as a “General”. “Zlatar 01” finished the conversation by instructing Major GOLIC to “find POPOVIC, and have him call the Forward Command Post immediately”.⁶⁶⁰

10.50 Reacting to this conversation, at 1244 and 1249 hours, the following two conversations occurred:

Conversation One - 17 July 1995: 1244 hours. (T=TRBIC / 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)⁶⁶¹

Conversation Two - 17 July 1995: 1249 hours.

T: Hello
 X: Hey, TRBIC!
 T: Yes?
 X: Listen.
 T: Yes?

⁶⁶⁰ Intercepted military telephone communication between “MG” Major Golic and “G” General at Zlatar 01, 17 Jul. 1995, at 1242 hours.

⁶⁶¹ Intercepted military telephone communication between “T” Trbic and “X” unknown, 17 Jul. 1995, at 1244 hours.

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)⁶⁶²

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.⁶⁶³ 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.⁶⁶⁴

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).⁶⁶⁵

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

⁶⁶² Intercepted military telephone communication between "T" Trbić and "X" unknown, 17 Jul. 1995, at 1249 hours.

⁶⁶³ Refer to intercepted military telephone communication, 17 Jul. 1995, at 0910 hours for an additional reference to General Krstić being identified as "Zlatar 01", *supra* n. 547.

⁶⁶⁴ Roster of the "Command of the 1st Zvornik Infantry Brigade Headquarters", (CLSS English translation), Jul. 1995.

⁶⁶⁵ Intercepted military telephone communication between "P" Popović and an unidentified individual, 17 Jul. 1995, at 1622 hours.

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 continued 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.”⁶⁶⁶

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.⁶⁶⁷ 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.”⁶⁶⁸

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

⁶⁶⁶ Intercepted military telephone communication between “K” Krstić and “C” Cerović, 18 Jul. 1995, at 0716 hours, *supra* n. 362.

⁶⁶⁷ 1.Zvpbr Interim Combat Report 06-222, *supra* n. 467.

⁶⁶⁸ *Ibid.*, para. 4.

informed PANDUREVIĆ that the “Interim Report” was received, and that he (CEROVIĆ) “...presented it to KRSTIĆ, along with his own report...”⁶⁶⁹

10.58 On 22 July 1995, the Command of the Zvornik Brigade sent Interim Combat Report 06-229 to the Drina Corps Command.⁶⁷⁰ 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.”⁶⁷¹ Subsequent daily Combat Reports from the Zvornik Brigade note additional Muslims being captured by the Brigade.⁶⁷²

10.59 On 23 July 1995, the 3rd Radio Reconnaissance 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 the Republika Srpska had so far executed by firing squad about 2500 persons from Srebrenica and its environs.”⁶⁷³

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.

Deleted: 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.

⁶⁶⁹ 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.

⁶⁷⁰ 1.Zvpbr Interim Combat Report 06-229, *supra* n. 497.

⁶⁷¹ *Ibid.*, para. 3.

⁶⁷² 1.Zvpbr Daily Combat Report 06-230/1, *supra* n. 499; 1.Zvpbr Daily Combat Report 06-231/1, *supra* n. 499.

⁶⁷³ IBK 3rd Radio Recon Platoon Report 25/2-202, (CLSS English translation), 23 Jul. 1995. Page 1.

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 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.⁶⁷⁴ 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

⁶⁷⁴ *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.

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.”

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."⁶⁷⁵ 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.⁶⁷⁶ 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 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 Nedžad 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.

⁶⁷⁵ 1. Zvpbr Interim Combat Report 06-217-1, *supra* n. 462.

⁶⁷⁶ 1. Brlpbr Intelligence Report 08-34/95, (CLSS English translation), 18 Jul. 1995.

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 Hodžići;
- 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.”⁶⁷⁷ 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.⁶⁷⁸

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.⁶⁷⁹

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.

⁶⁷⁷ VRS Main Staff Order 03/4-2341, (CLSS English translation), 14 Sep. 1995.

⁶⁷⁸ VRS Main Staff Order 10/34/2-3-701, (CLSS English translation), 14 Sep. 1995.

⁶⁷⁹ Zvornik Brigade Command and Staff Billets (circa late 1995-early 1996), (CLSS English translation).

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)."⁶⁸⁰ Of note, since "Krajava 95" in July 1995, there had not been significant combat activity in the zone of the Bratunac Brigade. Moreover, 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)."⁶⁸¹

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).⁶⁸² 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.

⁶⁸⁰ 1.BrIpbR 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.

⁶⁸¹ *Ibid.*

⁶⁸² Zvornik Brigade Daily Combat Report 06-287, (CLSS English translation), 14 Sep. 1995.

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.⁶⁸³

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.⁶⁸⁴ 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.⁶⁸⁵

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.

⁶⁸³ 1.BrIpbR Daily Combat Report 03-253-100, *supra* n. 166, 10 Jul. 1995.

⁶⁸⁴ 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).

⁶⁸⁵ 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.⁶⁸⁶ 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.⁶⁸⁷

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.⁶⁸⁸ 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).⁶⁸⁹ 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.⁶⁹⁰

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”.⁶⁹¹ 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.

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

⁶⁸⁶ CJB Zvornik Report 283/95, (draft English translation), *supra* n. 258, para 1.

⁶⁸⁷ *Ibid*, para 2.

⁶⁸⁸ Intercepted military telephone communication between “B” Beara and Lučić, 13 Jul. 1995, at 1009 hours.

⁶⁸⁹ VRS Main Staff Order 03/4-1629, (CLSS English translation), 13 Jul. 1995.

⁶⁹⁰ KDK Order 03/156-12, *supra* n. 521.

⁶⁹¹ VRS Main Staff Order 3/4-1638, *supra* n. 573.

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...”⁶⁹²

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.⁶⁹³ 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).⁶⁹⁴

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).⁶⁹⁵ 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.⁶⁹⁶

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.”⁶⁹⁷ 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

⁶⁹² IKM DK Message 08-444-10, *supra* n. 260.

⁶⁹³ “Badem” is the telephonic code name for the 1st Bratunac Light Infantry Brigade Command Post.

⁶⁹⁴ As noted in various other telephonic communications, the phrase “parcel or package” refers in general to prisoners or people.

⁶⁹⁵ Intercepted military telephone communication between “C” Cerović and “B” Beara, 16 Jul. 1995, at 1111 hours, *supra* n. 600.

⁶⁹⁶ Intercepted military telephone communication between “M” Mladić and “D” Duty Officer, 16 Jul. 1995, at 1615 hours.

⁶⁹⁷ VRS Main Staff Order 03/4-1670, *supra* 364.

and opinion of the Commander of the 1. Zvpbr Š1st Zvornik Infantry BrigadeĆ. 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.”⁶⁹⁸

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 ŠBratunac Light Infantry BrigadeĆ, the 1. Mlpbr ŠMilići Light Infantry BrigadeĆ, the 67. PV ŠCommunications RegimentĆ, the VP Battalion of the 65. Zmpt ŠMilitary Police Battalion of the 65th Protection RegimentĆ 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 ŠVRS Main StaffĆ 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 ŠMilitary PoliceĆ Battalion of the 65. Zmpt.”⁶⁹⁹

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).⁷⁰⁰ This task must be carried out at the same time that the terrain is being swept.⁷⁰¹

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 Bešići. 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.⁷⁰² 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.⁷⁰³

⁶⁹⁸ *Ibid.*

⁶⁹⁹ *Ibid.*

⁷⁰⁰ Vojni Leksikon, *supra* n. 463.

⁷⁰¹ VRS Main Staff Order 03/4-1670, *supra* n. 364.

⁷⁰² 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 Milići 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.”

⁷⁰³ 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).

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.⁷⁰⁴ 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.”⁷⁰⁵

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.”⁷⁰⁶ Related to this order, the Main Staff Technical Service Division issued order 10/34/2-3-701, releasing the fuel to the Drina Corps.⁷⁰⁷ 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 campaign 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 Srinje 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.⁷⁰⁸ As noted on the order, this documentation was required so that the VRS could then request the 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 alleged discovery of two decomposed bodies from “earlier battles with the Muslim side in the Pilica area.”⁷⁰⁹ This commission was to request competent

⁷⁰⁴ 1.Zvpbr Interim Combat Report 06-218, *supra* n. 434.

⁷⁰⁵ Intercepted military telephone communication between “K” Krstić and “M” Mladić, 17 Jul. 1995, at 1950 hours, *supra* n. 548.

⁷⁰⁶ VRS Main Staff Order 03/ 4-2341, *supra* n. 631.

⁷⁰⁷ VRS Main Staff Order 10/34/2-3-701, *supra* n. 632.

⁷⁰⁸ 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.

⁷⁰⁹ RS Presidential order 01-445/96, CLSS English translation), dated 23 March 1996.

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.”⁷¹⁰ 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.⁷¹¹ 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.”⁷¹²

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 who would then obtain accurate information about the issues referenced in the RS President’s order.⁷¹³

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 subordinates remained fully involved in the reburial process.

⁷¹⁰ *Ibid.*

⁷¹¹ 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”.

⁷¹² *Ibid.*

⁷¹³ *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.⁷²⁹ 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.⁷³⁰ 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.⁷³¹

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".

⁷²⁹ These are outlined in the *VRS Brigade Command Responsibility Report*.

⁷³⁰ See *VRS Brigade Command Report*; Section Two, Brigade Commander, Authorities and Responsibilities.

⁷³¹ 1.Brlpbr Report 433-1 - Analysis of Combat Readiness for the first-half of 1995, *supra* n. 89, refer to Page 5, Conclusions.

Deleted: 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.⁷¹⁴ 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-Maj[... [2]

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 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."⁷³² 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

⁷³² 1. Brlpbr Daily Combat Report, supra n. 142., Refer to paragraph 2.

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 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 1995.⁷³³ Either personally, or through 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 Bratunac 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.⁷³⁴

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.⁷³⁵

⁷³³ 1.BrIpbR Interim Combat Report 03-253-113, (CLSS English translation), 23 July 1995.

⁷³⁴ 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.

⁷³⁵ See VRS Brigade Command Report; Section Three, Paragraphs 3.10 to 3.19.

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.

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 Bratunac 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 primary 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 Dragan 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 deployed 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 inconceivable that this could have occurred without the knowledge of the Brigade Command, and by extension, the Brigade Deputy Commander. Particularly 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 knowledge 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. Particularly 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.⁷³⁶

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.⁷³⁷

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

⁷³⁶ *Supra.* n. 673.

⁷³⁷ See *VRS Brigade Command Responsibility Report*, Chapter Three, paragraphs 3.7 and 3.8 for Duty Officer functions.

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.

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 process would entail.

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16. Criminal Code of the SFRY, (CLSS English translation), *SFRY Official Gazette*, 1990.
17. Federal Secretariat for National Defense, *Rules of Service of the Security Organs in the Armed Forces of the SFRY*, (CLSS English translation), 21 March 1984.
18. Federal Secretariat for National Defense, *Service Regulations of the SFRY Armed Forces Military Police*, (CLSS English translation), 24 September 1985.
19. Federal Secretariat for National Defense, *Directions on the Methods and Means of Work of the JNA Security Organs*, (CLSS English translation), 01 August 1986.
20. 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.
21. 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.
22. 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.
23. Document collection seized by the Office of the Prosecutor from the Headquarters of CSB Zvornik, and associated MUP stations in the Republika Srpska.
24. Document collection seized by the Office of the Prosecutor from the Headquarters of the Federation Army II Corps (Tuzla), formerly the II Corps of the Army of Bosnia and Herzegovina.

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.¹ 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.²

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.³ 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.⁴ 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.⁵

Colonel (later General-Major) KRSTIĆ as Chief of Staff: Pre- “Krivaja 95” ⁶

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.⁷ The appointment

1 Vuk Kovačić, “The Youngest, But An Elite Corps Already,” *Drinski* (OTP English translation), Nov. 1995, p. 7-9.

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

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

4 *Ibid.*, para. 84.

5 *VRS Corps Command Responsibility Report*, *supra* n. 33, s. 2.

6 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.

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

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-Major SKOČAJIĆ on 29 September 1994; however, the actual report is dated 10 September 1994.⁸

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.⁹ 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 1995.¹⁰ By 26 April 1995, Colonel KRSTIĆ was back with the VRS Drina Corps, and signed Drina Corps order 05/03-11.¹¹ 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.¹² 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.

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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.¹³ 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.

⁸ KDK Order 575-1, (OTP English translation), 10 Sep. 1994.

⁹ KDK Order 05/1-326, (OTP English translation), 02 Oct. 1994.

¹⁰ Medical records of Radislav Krstić in his possession at the time of his apprehension by SFOR.

¹¹ KDK Order 05/3-11, (OTP English translation), 26 Apr. 1995.

¹² KDK Order 05/2-151, (OTP English translation), 02 May 1995.

¹³ These are outlined in the *VRS Corps Command Responsibility Report*, *supra* n. 33.

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 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.¹⁴ He was the principal advisor to the Corps Commander, and the primary facilitator through which the Commander’s intent,

¹⁴ *Rules for Land Forces Corps (Provisional)*, *supra* n. 309.

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.¹⁵

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.”¹⁶

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.”¹⁷

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.

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

¹⁵ *Ibid.*, para. 65.

¹⁶ *Instructions on How the 4th Corps Command is to Operate when carrying out Priority Assignments in Peacetime and Wartime*, *supra* n. 336, p. 14.

¹⁷ *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime*, *supra* n. 37, art. 6.

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 ŠheĆ 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 CEROVIC) 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*),¹⁸ 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.¹⁹

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.²⁰

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 the rules of the law of war have been committed, fails to institute disciplinary or criminal

18 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).

19 *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.

20 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.

proceedings against the offender, or if instituting of proceedings does not fall into his jurisdiction, fails to report the violation to his superior officer.²¹

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.”²²

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.²³

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.”²⁴

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.²⁵

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.

²¹ *Regulations on the Application of the Rules of International Law of War in the Armed Forces of the* supra n. 475, para. 21.

²² *Ibid.*

²³ 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.

²⁴ *Vojni Leksikon, Vojnoizdavacki zavod*, p. 222.

²⁵ *Regulations Regarding the Responsibility of Corps Command of the Ground Forces during Peacetime*, supra n. 37, art. 6.

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 for the situation in those units, and for the work of the officers to whom he has transferred some of his rights.²⁶

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.²⁷

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

²⁶ *Ibid.*

detailed by the Commander of the Zvornik Brigade on two separate occasions), the activities that these staff officers were coordinating.