

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

Case No. IT-03-69-PT

IN THE TRIAL CHAMBER

**Before: Judge Patrick Robinson, Presiding
Judge Krister Thelin
Judge Frank Hoepfel**

Registrar: Mr Hans Holthuis

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THE PROSECUTOR

V.

JOVICA STANIŠIĆ AND FRANKO SIMATOVIĆ

PROSECUTION PRE-TRIAL BRIEF

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INTRODUCTION

1. This case concerns war crimes and crimes against humanity committed against Croats, Muslims and other non-Serbs in Croatia and Bosnia and Herzegovina (BiH) between 1991 and 1995. Jovica STANIŠIĆ and Franko SIMATOVIĆ (“the Accused”) are charged with persecution, murder, deportation and inhumane acts (forcible transfer) under Article 3 and 5 of the Statute pursuant to Article 7(1) of the Statute. They are charged under various modes of liability in Article 7(1) including commission through their participation in a joint criminal enterprise (JCE). The common purpose of the JCE was the forcible and permanent removal of a majority of the Croat, Muslim and other non-Serb population from large portions of Croatia and BiH, through the commission of the aforementioned crimes, in order to make these areas part of a Serb-dominated state. While the Accused are only charged with persecution through murder and deportation/forcible transfer, the Prosecution will nevertheless rely on evidence of other persecutory acts to show a pattern of conduct that was aimed at causing forcible displacement through deportation and forcible transfer.

2. From the beginning of 1991 until at least the end of the Indictment period¹, Jovica STANIŠIĆ was one of the most powerful people in the Republic of Serbia Ministry of Internal Affairs (“MUP Serbia”). Throughout 1991 STANIŠIĆ was Deputy Head of the Republic of Serbia State Security Service (“DB ”), and from 31 December 1991 until 27 October 1998 he was Head of the DB. Throughout the period of the Indictment, his *de facto* power and influence exceeded his *de jure* authority.

3. Franko (*aka* “Frenki”) SIMATOVIĆ, a senior official of the DB, was very close to Jovica STANIŠIĆ and reported directly to him. During at least the Indictment period (between 1 August 1991 and 30 December 1995) and in fact earlier, SIMATOVIĆ was commander of the “Special Units of the DB”², directing their operations in Croatia and BiH.

4. The Accused - together with other high-ranking members of the MUP Serbia and the DB, Croatian Serb and Bosnian Serb political, police and military figures, and other leading officials in the SFRY, FRY, Serbia and Montenegro - were key participants in the implementation of the common purpose of the JCE in Croatia and BiH. This was achieved through a persecution campaign including the forcible displacement of hundreds of thousands of non-Serb civilians from their homes, the murder of non-Serb civilians, and a range of other persecutory acts designed to drive the non-Serb population out of the targeted regions.

¹ The term “Indictment” refers to the Revised Second Amended Indictment, filed 15 May 2006.

I. THE ACCUSED'S CRIMINAL LIABILITY

5. The Indictment charges the Accused with individual criminal responsibility under Article 7 (1) of the Statute in relation to all counts. Specifically, the Accused each planned, ordered, committed or otherwise aided and abetted in the planning, perpetration or execution of the crimes. The term “committed” in the Indictment refers to their participation, as co-perpetrators³ in a JCE, the objective of which was the forcible removal of non-Serbs from targeted areas in Croatia and BiH by the commission of crimes in those regions.

A. “JCE I”⁴

6. The Accused and their co-perpetrators comprised a plurality of persons which was involved in the commission of crimes proscribed under the Statute – namely, persecution through forcible displacement and murder. The members of the JCE acted pursuant to a common plan, design or purpose which amounted to or involved the commission of these crimes. Though the participation of the Accused did not necessarily involve their physical perpetration of crimes, as will be outlined in this Pre-Trial Brief, by their acts and omissions they furthered the common plan of the JCE.⁵ The Accused also intended to perpetrate these crimes; and this intent was shared by the other members of the JCE.⁶

7. The physical perpetrators of the crimes were members of the JCE.⁷ Alternatively, at the very least, they were used, procured or otherwise directed by core members of the JCE to commit their crimes.⁸

B. “JCE II”⁹

8. As co-perpetrators in a “JCE I”, the Accused can also be held liable for crimes other than the ones agreed upon in the common plan if, in the execution of that common criminal design or purpose it was foreseeable to them that such crimes might be perpetrated by one or

² This term is referred to in para. 3 of the Indictment and addressed in paras. 70 et seq.

³ Indictment, paras.12-13.

⁴ *Tadić* AJ, para.227.

⁵ See in particular para.18.

⁶ Indictment, para.10.

⁷ Indictment, para.12.

⁸ This mode of liability falls within para.13 of the Indictment wherein, for example, it alleges that the Accused directed members and agents of the DB who participated in the perpetration of the crimes in the Indictment.. The concept of members of a JCE carrying out crimes through others who are not members of the JCE will be addressed in the *Brdanin* Appeal Judgement to be rendered 3 April 2007. In light of that Appeals Judgement, the Prosecution may need to seek leave to amend its Indictment to provide further clarification on this mode of liability.

other members of the JCE (or persons who are used, procured or directed to do so by one or more members of the JCE). Moreover, the Accused must willingly have taken that risk, that is, they must have been aware that such a crime was a possible consequence of the execution of the enterprise and with that awareness, decided to participate in the enterprise.

9. In this case the common criminal purpose included all of the crimes charged against the Accused; alternatively the common criminal purpose was to forcibly remove and the Croats, Muslims and other non-Serbs in Bosnia and Croatia,, and the crimes of persecution and murder were reasonably foreseeable to the Accused as a possible consequence of the execution of the enterprise and with that awareness, decided to participate in the enterprise.

1. Planning and Ordering

10. The Accused are also charged with planning and ordering the commission of crimes charged in the Indictment. The Accused contemplated the design of these crimes at both their preparatory and execution phases.¹⁰ In addition, the Accused were in a position of authority, though not necessarily one related to a formal superior-subordinate relationship¹¹, which they used to instruct others to commit offences. The Accused did so either directly or indirectly, implicitly or explicitly.¹² Finally, the Accused intended the commission of the crimes charged in the Indictment or were aware of a substantial likelihood¹³ that such crimes would be committed in the execution of the plan or the order.

2. Aiding and Abetting

Finally, the Accused are charged with aiding and abetting these crimes. They gave practical assistance, encouragement or moral support to the persons who carried out the crimes of persecution, deportation, forcible transfer and murder, thereby substantially effecting the perpetration of these crimes.¹⁴ Throughout the Pre-Trial Brief the acts set out as contribution to the JCE also constitute acts of aiding and abetting.¹⁵ Moreover, the Accused knew or were aware of a substantial likelihood that their acts would assist the commission of these crimes. It is not necessary that the Accused knew the precise crime that was intended and which in the event was committed. If the Accused were aware that one of a number of crimes will

⁹ *Tadić* AJ, para.228; *see also Blaškić* AJ, para.33.

¹⁰ *Akayesu* TJ, para.480; *see also Blaškić* TJ, para.279; *Kordić* AJ, para.26; *Bagilishema* TJ, para.30.

¹¹ *Kordić* AJ, para.28.

¹² *Blaškić* AJ, paras.280-281.

¹³ The Prosecution understands “substantial likelihood” to mean the same as “probability”.

¹⁴ *Blaškić* AJ, para.46.

probably be committed, and one of those crimes is in fact committed, they have intended to facilitate the commission of that crime, and are guilty as aiders and abettors.¹⁶

II. THE FACTS

11. From summer 1990, Serb leaders in Croatia began to create separate Serb political structures, advocating a separate state defined in ethnic terms. Soon afterwards, steps were taken to create ethnic separation, resulting first in violent outbreaks. Increasingly in 1991, the Serb leadership in Croatia and in Serbia used extreme nationalist propaganda to prepare the Serb population for a violent and military solution related to the disintegration of the former Yugoslavia. From summer 1991, Serb forces consisting of JNA, local Serb police and local Serb TO started to persecute non-Serbs within the Croatian SAOs by attacking their villages, arbitrarily arresting non-Serbs (mostly Croats), detaining, beating and killing them, and looting and burning their houses.¹⁷ By the end of 1991, about one-third of Croatia was brought under Serb control.

12. Beginning in early 1992 - and continuing throughout the Indictment period - hundreds of thousands of non-Serbs in BiH were forcibly expelled from their homes¹⁸ and many others killed, assaulted or imprisoned in brutal and degrading facilities in municipalities across BiH.¹⁹ By July 1992, the Bosnian Serbs controlled 70% of the territory in BiH. The principal objective of creating ethnically-homogenous regions by forcibly displacing the non-Serb population ("ethnic cleansing") was largely achieved in a very short time, having been the goal of the war rather than its consequence.²⁰ At the time of the Dayton peace agreement in 1995, most of the targeted areas in BiH were homogeneous Serb territories.

A. The Common Plan

13. The objective of this JCE was the forcible and permanent removal of the majority of non-Serbs from large areas of Croatia and BiH through the commission of the crimes of Persecution, Murder, Deportations and Inhumane Acts (Forcible Transfers) in order to create

¹⁵ For example the acts under paras. 32, 43 et al.

¹⁶ Simić AJ, para.86; Blaškić AJ, para. 50.

¹⁷ Babić; C-1166; C-1220; C-1211. *See also*, 65terExh.726.

¹⁸ Demographic evidence shows that an estimated 329,869 Muslims and 62,373 Croats in the area which later became *Republika Srpska* (as defined by the Dayton Accords 1995) were forcibly transferred or deported from the region; 65terExh.1025.

¹⁹ *See* crime bases in Croatia and BiH (below).

²⁰ 65terExh.2591.

a Serb-dominated state. This state was sometimes referred to as “a State for all Serbs”.²¹ The crimes of persecution, deportation, inhumane acts and murder charged in the Indictment were within the purpose of the JCE (JCE I). Alternatively, the purpose of the JCE was the permanent and forcible removal of the non-Serbs (deportation and forcible transfer) (JCE I), and the crime of murder or persecution was the natural and foreseeable consequence of the execution of this criminal purpose (JCE III).

14. STANIŠIĆ and SIMATOVIĆ, together with other members of the JCE, pursued the common purpose of the JCE throughout the Indictment period. From the inception of the JCE, the common purpose was to persecute non-Serbs by their forcible displacement from large areas of Croatia and BiH. The murders were likewise within the purview of the JCE, or over time, became part of it. The JCE members adopted these crimes as part of their criminal purpose. The common objective of the JCE never changed, but the implementation of this common objective evolved, such that all the crimes charged in the Indictment became part of the criminal means through which the criminal purpose of the JCE was pursued. At the very least, these crimes were the natural and foreseeable consequences of the execution of the criminal purpose to persecute non-Serbs by their forcible displacement from large areas of Croatia and BiH

15. In addition to the two Accused, the members of the JCE included high-ranking political and military leaders as well as members of the JNA (later “VJ”), the VRS and the VRSK, the Serb TO of Croatia, BiH and Serbia and Montenegro, local police forces and MUP Serbia, including the DB and Martić’s Police, and members of Serbian, Montenegrin and Bosnian Serb paramilitary units.²² The core members included: a core group of JCE members in Belgrade, including politicians such as Slobodan Milošević, Vojislav Šešelj, members of the SFRY presidency and high-ranking officers of the JNA/VJ. In addition, other core members of the JCE were in specific regions of Croatia such as the self-declared “Serb Autonomous District” (SAO) Krajina”, including Milan Martić and Milan Babić; and the “SAO Slavonia, Baranja, Western Šrem” (“SAO SBWS”), including Goran Hadžić,²³ and Radovan Stojičić *aka* Badža; and in BiH, including Radovan Karadžić, Momčilo Krajišnik, and Biljana Plavšić. Local components of the JCE were in the municipalities, including Željko Ražnatović *aka* Arkan.

²¹ E.g. 65terExh.1854; 65terExh.1286, p.63.

²² Indictment, para.12.

²³ Babić.

16. Core members of the JCE, alternatively, also effected the common purpose through others. The Accused contributed as JCE members in various ways, including by directing the physical perpetrators as well as participating in the formation, financing, supply and support of special units of the DB and other special units that were involved in the commission of crimes throughout the Indictment period.²⁴ The commission of crimes through such acts required the physical perpetration by others who were not members of the JCE. As such, the core members of the JCE including the Accused shared the intent to commit the crimes although the actus reus may have been carried out by others.

B. Implementing the common criminal plan in Croatia and Bosnia and Herzegovina

17. Members of civilian organs, military organs, police organs, and paramilitary/volunteer formations, who were either members of the JCE or were used by members of the JCE, worked jointly to take-over municipalities and territories throughout Croatia and BiH. They employed similar methods and mechanisms in a co-ordinated effort to quickly and irrevocably wrest control from legal municipal governments that were not solely controlled by Serbs, with the aim of linking targeted Serbian territories in Croatia and BiH to Serbia, so as to create a single State for all Serbs.²⁵ These take-overs were marked by a pattern demonstrating significant organisation, preparation and planning. This pattern exhibited the following common elements designed to effect the expulsion of non-Serbs and to prevent their return:

(i) covertly arming Serbs (including civilians), and forcibly disarming non-Serbs; declaring large parts of Croatia and BiH as “Serb Autonomous Districts” (“SAO”) or Regions (“SAR”);

(ii) taking over public institutions and local governmental structures where practicable, and where not practicable, establishing parallel structures, including a Serb controlled MUP;

(iii) attacking predominantly non-Serb municipalities, towns or settlements with involvement and co-ordination of the JNA²⁶, special forces units of the MUP Serbia, Croatian

²⁴ Indictment, para.13.

²⁵ Regarding the territories *see* Indictment, para.19 and the crime base section in this brief.

²⁶ According to the SFRY Constitution (65terExh715) and the Law on All People’s Defence (65terExh437) the SFRY armed forces consisted of the JNA and the Territorial Defence (TO). The JNA was a federal body, whereas the TO was organised, funded and equipped on the republic level. The TO comprised all armed formations that were not part of the JNA or the police.

Serb police forces, self-established Bosnian Serb police forces, self-established local Serb Territorial Defence (“TO”) forces, and volunteers/paramilitary formations;

(iv) using propaganda and fear to pursue ethnocentric politics, which became the politics of separation and subsequently also persecution as to make non-Serbs flee from the targetted areas;

(v) systematically expelling Croat, Muslim and other non-Serb inhabitants from their homes and plundering or destroying their homes and personal property;

(vi) killing non-Serb civilians on discriminatory grounds;

(vii) incarcerating large numbers of non-Serb civilians in detention facilities where they were subjected to inhumane treatment; and

(viii) systematically destroying Catholic churches, mosques and other cultural property fundamental to the lives of the non-Serb populations.

18. The Accused’s acts and omissions in furtherance of the JCE’s criminal purpose included:

(i) providing channels of communication between and among the core members of the JCE in Belgrade, in the specific regions and locally;

(ii) directing and organising the forming, financing, supply and support of special units of the DB that were involved in the commission of crimes in Croatia and BiH between 1 August 1991 and 31 December 1995; and

(iii) directing and organising the training, arming and support of paramilitary formations, including Arkan’s Tigers, the Scorpions, and volunteers such as “Šešelj’s men”; and

(iv) arming local Serbs in Croatia and BiH;

(v) continuing to send forces and providing support to them over an extended period of time, thereby failing to instruct them to refrain from committing unlawful acts and failing to stop replenishing the forces on the ground.

C. Implementation of the Plan in Croatia

19. Croatian Serbs created their own political party, the Serbian Democratic Party (SDS) in Croatia on 17 February 1990,²⁷ with a platform that foreshadowed the ethnic division by exaggerating the problems faced by Serbs in Croatia and evoking the threat of genocide.²⁸

1. “SAO Krajina”

20. In June 1990, the first Serbian Municipalities were established in the “SAO Krajina”.²⁹ On 25 July 1990, a Serbian Assembly was held in Srb, declaring its autonomy, establishing a Serb Assembly and the Serbian National Council (SNC) as its executive body.³⁰ This assembly was a first step to create a separate Serb state.³¹ During August and September 1990, local Serbs held a referendum in which an overwhelming majority allegedly voted for autonomy and sovereignty for Serbs in Croatia. At the same time, a first violent action took place in Knin involving Babić and Martić.³²

21. The “SAO Krajina”, proclaimed in December 1990 under the leadership of Babić,³³ passed a decision in April 1991 joining the “SAO Krajina” to the Republic of Serbia, thus separating it from Croatia and its authorities.³⁴ The decision further stipulated that the Constitution and laws of Serbia would apply. Financial ties with Croatia were cut off, and newly established with Serbia.

2. SAO Slavonia, Baranja and Western Srem (SBWS)

22. In early 1991, the Serbian National Council (SNC) for SBWS³⁵ was formed and adopted a Declaration on Sovereign Autonomy of the Serbs.³⁶ In June 1991, the “SAO SBWS” was established, with a view to secede from Croatia. Hadžić, President of the SNC, was elected Prime Minister-designate and on 25 September 1991 elected Prime Minister.³⁷

²⁷ Babić; 65terExh.417.

²⁸ 65terExhs.1041,2581,2592.

²⁹ Babić; 65terExhs.419, 449, 1044.

³⁰ Babić; 65terExh.429.

³¹ 65terExh.593.

³² 18 August 1990 so called log revolution, *see* Babić.

³³ Babić; 65ter.Exhs.420, 450.

³⁴ *E.g.* 65terExh.1927

³⁵ Bogunovic.

³⁶ 65terExh.2628.

³⁷ 65terExh.123.

3. Republic of Serbian Krajina (“RSK”)

23. The “SAO Krajina” declared itself the “Republic of Serbian Krajina” (“RSK”) on 19 December 1991 with Babić at its helm.³⁸ On 26 February 1992, the SAOs SBWS and Western Slavonia joined the “RSK”.³⁹ Babić was removed from his position as President of the “RSK” because he had had a falling-out with Milošević. Instead, Hadžić was elected President and remained as such until December 1993 when replaced by Martić.

D. Creation of separate police and military structure

24. In addition to the creation of separate political structures, the Croatian Serbs built up separate police and military structures. The development in the SAOs Krajina and SBWS was distinctly different, because the local members of the JCE in the “SAO Krajina”, in particular Babić, instead tried to gain control over the local Serb police and military forces. However, these attempts were unsuccessful due to interventions by Milošević and the Accused.⁴⁰

25. From summer 1990, the Croatian Serbs sought support from the political, military and police structures in Belgrade in order to prepare for a violent secession from Croatia. At the same time they started to establish local Serb police and TO units. On 18 August 1990, under Martić’s command, reserve police weapons were seized and distributed among the Serbs, and barricades were erected in an organized operation (the so called “log revolution”)⁴¹. Babić proclaimed a state of war with Croatia.⁴² The JNA intervened and prevented a violent clash. Following this event, on 29 May 1991 an official decision to form a special purpose unit of the “SAO Krajina” MUP, the “Krajina police” aka “Milicija”⁴³ was issued,⁴⁴ and Martić gained *de jure* authority over the “SAO Krajina” police forces upon his appointment as Secretary of the Interior. He had previously had *de facto* power over the police forces since 1990. Local Serb TO/police posts and barricades were established in the entire “SAO Krajina”.⁴⁵ When TO/police posts were set up, Martić’s Police clashed with the Croatian police.⁴⁶ Martić’s Police forces intentionally provoked conflicts with the Croatian police in

³⁸ Babić; 65terExh.402.

³⁹ 65terExh.438.

⁴⁰ Babić.

⁴¹ C-058; MM-078; 65terExh.593.

⁴² 65terExh.593.

⁴³ Aka Martić’s *Milicija*, “SAO Krajina’s” *Milicija* or *Martićevci*.

⁴⁴ 65terExh.425.

⁴⁵ C-001.

⁴⁶ Babić.

order to draw the JNA into the confrontation and side with the Serbs. This is what in fact happened.⁴⁷

26. The Serb TO/police posts and barricades, isolating and intimidating Croats in their villages,⁴⁸ remained in place during 1990 and into 1991. They formed the active line of confrontation and starting point for any attacks against Croatian villages or Croat forces.⁴⁹ The (Serb) Council for National Resistance was established in Golubić as a military coordination body under the command of Martić.⁵⁰ The Council prepared for and provoked a military confrontation in Croatia in order to solve the political crisis with violent means. It raised tensions through dramatic statements and announcements,⁵¹ blocked rail traffic, mined tunnels, blew up kiosks and private shops owned by Croats and planned to cut-off electricity for Knin.⁵² Its functions were taken over by the later established “SAO Krajina” MUP and subsequently “RSK” MUP.

27. In March 1991, Croatian Serb forces took over the Pakrac municipal assembly (Western Slavonia) and the Plitvice National Park⁵³ by force. The JNA was deployed in both areas.⁵⁴ Similar events occurred throughout Croatia, following the same pattern: First, the Croatian Serb forces would provoke a conflict with the Croatian police. After that, the JNA would move in as a so-called buffer, at the same time legitimising the Serb rebellion and demarcating the boundaries of the “SAO Krajina”.

28. The arming and training of Serbs in Croatia was an essential part of the implementation of the common plan of the JCE and started as early as August 1990. Local Serbs, in particular Martić’s Police, volunteers from Croatia, BiH and Serbia and other special units were trained in camps, such as the one in Golubić established in March/April 1991. Those trained in these camps were deployed throughout the targeted territories in Croatia.⁵⁵

29. Martić, in his various functions in the “SAO Krajina”/“RSK”, such as Minister of the Interior and at times Minister of Defence and Deputy Commander of the “SAO Krajina” TO, was in charge of the local Serb police and at times other armed forces, including the “SAO

⁴⁷ Babić; 65terExh.593, pp.5 – 6; 65terExh.1046, p.2; 65terExh.1896.

⁴⁸ C-058.

⁴⁹ Babić.

⁵⁰ C-058; Babić.

⁵¹ Babić; MM-078.

⁵² Babić; MM-078; 65terExh.1886, p.218.

⁵³ Babić; C-058; 65terExhs.1875, 1920.

⁵⁴ Babić; Theunens; 65terExh.1886, p.251.

Krajina” TO.⁵⁶ This meant there was no real difference between the TO and the police.⁵⁷ Supported by Milošević and the Accused, Martić established a parallel military structure in the “SAO Krajina” that the local politicians such as Babić were not able to control.

30. In August 1991 the JNA finally openly sided with the local Serb forces in “SAO Krajina” including Martić’s Police in an attack on Kijevo.⁵⁸ This attack was the first visible demonstration that the JNA’s role had transformed from one of interposing between the conflicting parties, to one of creating and controlling Serb-held areas in those parts of Croatia which the Serb leadership in the region and Belgrade considered to be Serb. The JNA, in cooperation with Martić’s Police, and other Serb forces, trained and financed by the DB , participated in wide-scale attacks against predominantly Croat villages throughout the “SAO Krajina” and municipalities bordering the “SAO Krajina”, including Škabrnje, Saborsko, Dubica, Cerovljani, and Baćin.⁵⁹

31. Following a similar pattern, Croatian Serbs in SBWS (under Hadžić), supported by members of the JCE in Belgrade, in particular the Accused, set up their own political structures, as well as a separate Serb police (SBWS Milicija), a Serb National Security Service (SNB) (designed to serve as a security force for Hadžić), and a Serb TO, organised and headed by Stojičić, a highranking official from MUP Serbia and a close associate of the Accused. For this purpose a considerable number of police officials of the MUP Serbia, including DB members, took charge in SBWS,⁶⁰ and also mobilized and armed Serb civilians. Training camps were established by the DB and paramilitary and volunteer units trained and used to pursue the common goal. Together with the JNA, these various Serb forces forcibly took over Croatian villages, towns and settlements throughout 1991 up to the take-over of Vukovar in November 1991, murdering and expelling non-Serbs from the targeted areas.

32. Due to the planning, preparation and extensive support by the Accused, in cooperation with other JCE members, the common criminal purpose of the JCE was largely achieved within a relatively short time in Croatia.

⁵⁵The details will be discussed in para.65 et seq.

⁵⁶ 65terExh1935

⁵⁷ C-058.

⁵⁸ 65terExh.11.

⁵⁹ See “Crimes in Croatia” below.

⁶⁰ C-013.

E. Implementation of the plan in Bosnia and Herzegovina

33. In pursuance of the common goal, the JCE members - especially the Bosnian-Serb leadership - followed a similar pattern as in Croatia by creating separate Serb political as well as police/ military structures⁶¹ in the targeted areas, and mobilizing and arming Serbs in preparation for the take-over and control of these areas. The SDS in BiH, distinctly separate from the SDS in Croatia⁶², and led by Karadžić, Krajišnik, Plavsić and Koljević, played an important role in the creation of Serb territories within BiH.

34. Since early 1991, Serb municipalities⁶³ - even in areas where Serbs were in minority⁶⁴ - and finally several SAOs⁶⁵ were established, aiming at the ethnic division of BiH.⁶⁶ After meetings with the SFRY Presidency, on 24 October 1991 the Assembly of the Serb People in BiH was instituted, to “establish full authority over the Serbian territories in BiH”⁶⁷ and to create a *de facto* situation.⁶⁸ The Assembly immediately authorised a plebiscite of the Serbian people of BiH on whether Bosnian Serbs wished to remain in Yugoslavia. Held on 9-10 November 1991, it resulted in an overwhelming vote in favour of remaining in a Serb dominated Yugoslavia.

35. In December 1991, the Bosnian Serb leadership sent instructions (the “19 December Instructions”) to SDS municipal boards for establishing Serb political structures throughout the targeted areas in BiH.⁶⁹ Preparations for take-over of municipalities started immediately afterwards,⁷⁰ including the creation of Serb Crisis Staffs.⁷¹ The Serbian Republic of Bosnia and Herzegovina (RS⁷²) was proclaimed on 9 January 1992⁷³ (although conditional upon the recognition of the independence of BiH). The RS Ministerial Council prioritised the definition of Bosnian-Serb ethnic territory and the establishment of government organs in that territory⁷⁴ and aimed at enlarging the Bosnian Serb territory.⁷⁵

⁶¹ 65terExhs.1784, 2190.

⁶² *E.g.* 65terExh.94.

⁶³ 65terExhs.1, 128-129, 1638, 1646.

⁶⁴ 65terExh.1709.

⁶⁵ 65terExh.127; *for reference see* 65terExhs.1758, 1848, 1859.

⁶⁶ Babić; Deronjic; 65ter Exhs.1634, 1649.

⁶⁷ 65terExhs.589, 884.

⁶⁸ 65terExh.884.

⁶⁹ Deronjic; 65terExh.1947.

⁷⁰ 65terExhs.588, 1743, 1787, 1838.

⁷¹ *E.g.* 65terExhs.287, 1654, 1767.

⁷² Although the Bosnian Serb Republic was only renamed to *Republika Srpska* (RS) in August 1992, the Prosecution will refer to the Bosnian-Serb republic at any time as RS, for ease of reference. (65terExh1301).

⁷³ 65terExh.89; 65terExh.589; 65terExh.1281, pp 10-13, 62.

⁷⁴ 65terExh.1841.

⁷⁵ 65terExh.1851.

36. The RS leadership established government organs, adopted Laws for the RS and proclaimed the RS constitution. In the face of negotiations on the possibility of an ethnic division, the Bosnian Serbs insisted on a quick preparation of the groundwork for the take-over.⁷⁶

37. Following the international recognition of BiH on 6 April 1992, the Bosnian Serbs declared the RS independent on 7 April 1992⁷⁷ and intensified the take-over of territories. By 12 May 1992, many municipalities had been taken over, including Bijeljina around 1 April, Zvornik on 9 April, Bosanski Šamac on 17 April, Sanski Most on 21 April and Doboj on 3 May 1992.⁷⁸

38. In May 1992, the RS Presidency and the Bosnian Serb Army (VRS)⁷⁹ were established and the RS Assembly adopted “six strategic objectives”, i.e. constituting a plan to seize and control territory, establishing a Bosnian Serb state, defending defined borders and separating the ethnic groups within BiH as well as creating a corridor to link the Croatian Krajina.⁸⁰

F. Arming of Bosnian Serbs and armed forces

39. As in Croatia, the organising, arming and training of Serbs played an important part in the implementation of the common plan and in preparation of the forcible takeover of targeted areas.⁸¹ Local Serbs were armed, local Serb TO, police and volunteer/paramilitary units were established, and many senior JNA officers in BiH (i.e. the 2nd Military District (MD)), by then in charge of a largely Serbian force, were co-ordinating closely with Crisis Staffs.⁸² By spring of 1991, the SDS in coordination with the JNA and officials of MUP Serbia - including the Accused - started arming and mobilizing the Serb population, in preparation for a violent solution to achieve ethnic division.⁸³ JNA and MUP officers assisted the Serb population in acquiring and distributing weapons.⁸⁴

40. In January 1992, the cooperation of the RS leadership with the JNA through officers and supply of material and weapons as well as support in the take-over of “Serbian

⁷⁶ 65terExh.587.

⁷⁷ 65terExh.1833.

⁷⁸ See “Crimes in Bosnia and Herzegovina” below.

⁷⁹ 65terExh.105.

⁸⁰ 65terExh.268.

⁸¹ 65terExhs.521, 1801.

⁸² 65terExh.105.

⁸³ 65terExh.590. Further details relating to the Accused’s participation will be addressed below.

⁸⁴ *E.g.* 65terExhs.1842, 1843.

territories” and securing important areas was formalised through the Rules of Procedure of the (RS) Ministerial Council.⁸⁵ In March 1992, the most senior JNA Commander in BiH stated that “the leadership of Serbian people and all Serbs are ready for the war” and indicated that the SDS had distributed 17.298 weapons to “volunteers units” in the 2nd Military District, that almost 70.000 Serbs had been armed (mostly volunteers outside the TO or JNA) and that SDS leaders at all levels were trying to obtain weapons from the JNA and the MUP Serbia.⁸⁶ In turn, the Bosnian Serbs promised to enlist volunteers and coordinate joint operations with the JNA.⁸⁷

41. In spring 1992, the Serb TO was put under JNA command.⁸⁸ The RS MoD in April requested further reinforcement for the Serb TOs from the JNA, in accordance with an agreement reached at Belgrade.⁸⁹ When the VRS was officially created on 12 May 1992, the acquisition of territory was declared as the ultimate goal.⁹⁰ With the formal withdrawal of the JNA on 19/ 20 May 1992, much of what remained of the JNA in BiH was transformed into the VRS. The VRS was totally dependent on the JNA/ VJ and support from Belgrade, continuing to receive substantial financial and material support from the JNA and (S)FRY.⁹¹ VRS officers received salaries and pensions from the JNA⁹² and large quantities of military supplies were delivered in 1992 to the VRS.

42. The RS Presidency regularly received oral and written reports on the military situation throughout the territory as recorded in various minutes. The same situation pertained for the Serbian authorities and the two Accused.⁹³ The RS Ministry of Internal Affairs co-ordinated and co-operated with SFRY forces and forces of the Republic of Serbia in the take-over of power and maintenance of power on the territories claimed by the Serbs in BiH. From at least July 1991 the Bosnian Serbs in SRBiH MUP collaborated with MUP Serbia in arming the Serbian people on the territory of BiH.⁹⁴ RS MUP could obtain material assistance from and report to the DB.⁹⁵

⁸⁵ 65terExh1841, p. 3.

⁸⁶ 65terExh.1751.

⁸⁷ 65terExh.412.

⁸⁸ 65terExh.1295, p. 23; 65terExh.2163, item 3.

⁸⁹ 65terExh.1734.

⁹⁰ 65terExh.2110, pp.50-52.

⁹¹ C-039; 65terExhs.105, 1341.

⁹² 65terExhs.105, 1299, 1733.

⁹³ *E.g.* 65terExhs.1114, 1117, 1177, 1808, 2222.

⁹⁴ 65terExhs.567-568.

⁹⁵ B-161; 65terExhs.308, 523, 527, 529.

G. The Accuseds' Participation

43. In both the planning and execution of the objective of the JCE, both Accused played a major role by coordinating the actions of the JCE members. STANIŠIĆ was a key player in the lines of communication between the top echelons of the JCE. SIMATOVIĆ coordinated actions in the field to further the goal of the JCE. STANIŠIĆ's involvement in the JCE was quite secretive, which he made an effort to maintain. In a conversation with Karadžić in January 1992 about the events in BiH, he admitted "it is not very simple for me to show up there right now", and later asked "could you maybe do it in a way so that I am not shown as a part of the initiative? I can't afford that, you know."⁹⁶

III. STANIŠIĆ'S ROLE AS COORDINATOR AMONG THE CORE GROUPS OF THE JCE⁹⁷

A. The Structure of the MUP Serbia

44. The MUP Serbia had enormous resources. It consisted of two basic departments: the State Security Department ("DB"), and the Public Security Department ("RJB"). The RJB contained secretariats of Internal Affairs, ("SUPs"), which were in charge of particular territories where departments and police ("*milicija*")⁹⁸ were organised. Organisational units outside the departments, called administrations, were constituted. Radmilo Bogdanović resigned as Minister of the Interior in March 1991,⁹⁹ but retained his influence after his resignation.¹⁰⁰ Both STANIŠIĆ and Stojičić *aka* Badča, head of RJB and Deputy Minister of the Interior from 31 December 1991 to April 1997, were very close to Bogdanović. Bogdanović's successor Zoran Sokolović was generally regarded as a figurehead; the real power within the MUP resided in STANIŠIĆ.¹⁰¹

⁹⁶ 65terExh.943.

⁹⁷ See para. 18 (a)

⁹⁸ Later "*policija*." *Milicija* is sometimes erroneously translated as "militia."

⁹⁹ C-013.

¹⁰⁰ C-039.

¹⁰¹ C-039; B-161.

IV. STANIŠIĆ AS (DE FACTO) HEAD OF THE DB

A. General

45. STANIŠIĆ had a very close relationship with Milošević. This was the main reason why he had *de facto* authority in the DB, and more widely within the MUP.¹⁰² In March 1991, Bogdanović resigned¹⁰³ and while he was succeeded by Zoran Sokolović, he retained his influence.¹⁰⁴ An example of STANIŠIĆ's significant authority can be seen in his appointment of Milan Tepavčević, former Deputy of Zoran Janačković, as Senior Advisor of the DB.¹⁰⁵ Tepavčević's appointment as Deputy when Janačković was the Head of the DB was signed by Sokolović, the Minister of Interior; on the other hand, his appointment as Senior Advisor during STANIŠIĆ's time was signed by STANIŠIĆ himself. The fact that STANIŠIĆ was apparently referred to as the Minister of Internal Affairs by the chief of the Banja Luka RDB on at least one occasion illustrates his perceived authority.¹⁰⁶

46. STANIŠIĆ reported to, and received instructions from, Milošević directly. In the Indictment period (and later), STANIŠIĆ was Milošević's number two. He was described as Milošević's executioner and protector,¹⁰⁷ referred to by some as the "man of ice",¹⁰⁸ or "Ledeni".¹⁰⁹ STANIŠIĆ once said to Babić that he dealt with the internal affairs of the country, whereas Milošević dealt with foreign affairs.¹¹⁰ Milošević, in his direct contacts with both STANIŠIĆ and Stojičić, would bypass not only the Minister but also Janačković (while he was head of the DB). Thus while STANIŠIĆ became the official Head of DB in January 1992, he was its *de facto* head in 1991.¹¹¹

47. This dynamic is illustrated by an intercepted telephone conversation in June 1991, in which Mihalj Kertes, Assistant Federal Minister for Internal Affairs from April to August 1992, complained to Karadžić about problems in providing assistance due to Janačković's interference.¹¹² According to Kertes "it", i.e. the assistance for the Bosnian Serbs by the DB, could be going well but for Janačković "slowing things down", so that nothing on the list

¹⁰² B-161.

¹⁰³ C-013.

¹⁰⁴ C-039; Bogdanović exerted a strong influence on key persons in the ministry after his retirement.

¹⁰⁵ 65terExhs.2384-2385.

¹⁰⁶ 65terExh.1808. See also 65terExh3660 for another reference to Stanišić as "Minister".

¹⁰⁷ Babić.

¹⁰⁸ B-252.

¹⁰⁹ C-058.

¹¹⁰ Babić.

¹¹¹ Babić; 65terExhs.813, 828.

¹¹² 65terExh.796.

written by Karadžić had been done. He went on to say that “Slobo¹¹³ has given Jovica and me *carte blanche*, but then he’s Jovica’s boss and he’s driving Jovica crazy.”

48. On STANIŠIĆ’s appointment to Head of the DB, his participation in the JCE continued, remaining as secretive as before. After 1992, STANIŠIĆ made the DB the most powerful institution in the Former Yugoslavia. He was responsible for a consolidation of power in the DB which brought the Security Services of both the military and the Federal MUP under its control.¹¹⁴ Nedelkjo Bošković, a retired air force Colonel, was brought in to put the JNA Security Administration (UB) under the full control of the DB. In March 1992, Bošković was appointed head of the security organs (OB) of the Air Force and Air Defence (RV I PVO), and on 10 June 1992 he was appointed head of the VJ’s Security Administration, replacing General Vasiljević.¹¹⁵ On 9 October 1992, members of the MUP Serbia, including members of the DB, broke into the Federal MUP building and took over its archives.¹¹⁶ Kertes assisted in the takeover.

B. Significance in “SAO Krajina”

49. STANIŠIĆ’s role *vis-à-vis* the JCE members in Croatia was already apparent during 1990. Martić had a direct telephone line to STANIŠIĆ;¹¹⁷ members of the governments of both “SAO SBWS” and “RSK” had access to a “special line” which connected them directly with the MUP and Milošević’s office.¹¹⁸ Martić referred to STANIŠIĆ as “my brother” who would always give him anything he asked for.¹¹⁹ During a visit to Golubić in spring 1991 he introduced STANIŠIĆ to Babić as “a friend, someone who can help”.¹²⁰

50. In September 1991, Martić was detained by BiH police in Otoka, a Muslim majority village in northwestern BiH. In a series of intercepted telephone conversations Milošević, STANIŠIĆ, Babić, Karadžić and other JCE members reacted to Martić’s arrest and arranged his release, sharing information and co-ordinating actions.¹²¹

¹¹³ i.e. Milošević.

¹¹⁴ C-039.

¹¹⁵ C-039.

¹¹⁶ C-039.

¹¹⁷ C-058.

¹¹⁸ Milanović.

¹¹⁹ C-058.

¹²⁰ Babić.

¹²¹ Intercepts of telephone conversations as follows: 65terExhs.827-828, 830-834, 836, 842, 844.

51. STANIŠIĆ arranged the supply of weapons and ammunition as well as the payment of large sums of money to Serbs in the “SAO Krajina” as early as August 1990.¹²² In January 1991, Martić went to Belgrade to visit Bogdanović, STANIŠIĆ, and SIMATOVIĆ in order to receive equipment, money and support for expanding the barricades in the “SAO Krajina” and thus extending Serb territory. Martić was satisfied with the meeting, having been promised he would get everything he needed. After that, he would often go to Belgrade to meet first with STANIŠIĆ and afterwards with Milošević.¹²³

52. Babić would also regularly meet with Milošević in Belgrade. Sometime around 20 March 1991, Babić visited Milošević at his Belgrade office asking for protection of the “SAO Krajina” after the introduction of a state of emergency and deployment of the JNA. Milošević told him that he would assist the “SAO Krajina”, and that indeed he had purchased 20,000 weapons in Hungary. He called Bogdanović and STANIŠIĆ to join the meeting. Bogdanović promised that they would receive weapons.¹²⁴ During this meeting, Babić also asked Milošević to assist the “SAO Krajina” in internal affairs.¹²⁵

53. Then, on 1 April 1991, Babić issued an order requesting, among other things, that the Government of Serbia order its MUP to provide the “SAO Krajina” with technical and professional support.¹²⁶ In April 1991, STANIŠIĆ introduced SIMATOVIĆ to Babić at Babić’s apartment in Knin.¹²⁷ SIMATOVIĆ remained in Knin to set up the training centre at Golubić together with Dragan Vasijlković *aka* Captain Dragan.¹²⁸ STANIŠIĆ would continue to visit the region regularly.¹²⁹

54. A decision on 1 August 1991 declared that the state security service on the territory of the “SAO Krajina” was abolished. This was Babić’s unsuccessful attempt to reduce the influence of the DB in the “SAO Krajina” and to gain some control over armed Serbs.¹³⁰ However, the Accused retained their influence.

¹²² For further details see paras. 85 et seq.

¹²³ C-058.

¹²⁴ Babić; B-179.

¹²⁵ Babić.

¹²⁶ Babić; 65terExh.717.

¹²⁷ Babić.

¹²⁸ Details will be addressed in paras. 65 et seq.

¹²⁹ Babić; 65terExh.813.

¹³⁰ Babić.

C. Significance in “SAO SBWS”

55. STANIŠIĆ also had substantial influence in the “SAO SBWS”. When the government of the “SAO SBWS” was established in August 1991, STANIŠIĆ acted as coordinator between Belgrade and the government of “SAO SBWS”. Hadžić would meet Milošević and STANIŠIĆ in Belgrade and return with instructions.¹³¹ STANIŠIĆ would likewise go to the “SAO SBWS” to confer with Hadžić. He visited the “SAO SBWS” Government building around 19 or 20 September 1991, complaining that Vukovar had not yet surrendered and trying to solve the situation around the area.¹³² The role of co-ordinator in “SAO SBWS” was placed in the hands of Stojičić who then handled the operational side.¹³³ Stojičić came to “SAO SBWS” after STANIŠIĆ’s visit in September¹³⁴ and commanded the “SAO SBWS” TO from then until the end of December 1991.¹³⁵ Stojičić’s task was to monitor the “SAO SBWS” Government whose meetings he attended regularly.¹³⁶ He sent reports from the field in “SAO SBWS” to the DB;¹³⁷ and he received directions from the DB on operational matters. Stojičić also exerted pressure on the local authorities.¹³⁸

D. Significance in BiH

56. STANIŠIĆ’s impact is also evident in the events in BiH. In May 1991, STANIŠIĆ ordered Martić and Babić to meet him and Karadžić at Karadžić’s Sarajevo apartment. While Martić and Babić sat in one corner, Karadžić and STANIŠIĆ sat and spoke in the other corner, analyzing some maps of BiH.¹³⁹ In the months that followed, further coordination between STANIŠIĆ and Karadžić continued. Various intercepted telephone conversations between STANIŠIĆ and Karadžić between August 1991 and January 1992¹⁴⁰ show that they were working together on a common plan. They discussed aid for the Bosnian Serbs on the telephone in careful, coded language¹⁴¹ and spoke strategically about whom to meet, what to say publicly and so forth.¹⁴²

¹³¹ Bogunović.

¹³² C-013.

¹³³ Bogunović; C-029; 65terExh.379.

¹³⁴ C-013.

¹³⁵ K-1; C-013; C-015.

¹³⁶ Bogunović.

¹³⁷ B-215.

¹³⁸ Bogunović.

¹³⁹ Babić.

¹⁴⁰ 65terExhs.813, 828, 839, 913-914, 927, 931, 943.

¹⁴¹ 65terExh.813.

¹⁴² 65terExh.943.

57. In almost every conversation, STANIŠIĆ asked Karadžić when he would be coming to meet in Belgrade.¹⁴³ Karadžić arranged meetings with Milošević through STANIŠIĆ.¹⁴⁴ STANIŠIĆ also offered to put a message through to Milošević¹⁴⁵ and informed Karadžić of his own meetings with Babić and Hadžić.¹⁴⁶

58. On 4 December 1991, STANIŠIĆ confirmed that he would provide men for Karadžić.¹⁴⁷ Karadžić later updated STANIŠIĆ on the course of talks on the future of Bosnia.¹⁴⁸ Their further regular conversations about the course of these talks in December 1991 and January 1992 further reveals STANIŠIĆ's role as a channel of communication between Milošević and the Bosnian Serb leadership.¹⁴⁹

59. STANIŠIĆ's pivotal role as one of Milošević's closest confidantes also becomes evident in connection with the release of UN soldiers that had been taken hostage by the VRS in June 1995. He acted as Milošević's "special envoy" and negotiator between the UN representatives and the Bosnian Serb leadership and took part in the press conference during which Karadžić announced the release of the hostages.¹⁵⁰

E. SIMATOVIĆ's role as coordinator among the local components of the JCE

60. SIMATOVIĆ acted as both assistant chief of the DB,¹⁵¹ and head of its Intelligence Department/Second Administration. He was also in charge of special task forces or Special Operations Units in the State Security. Regardless of his official title he was a very close associate of STANIŠIĆ during the Indictment period.¹⁵² SIMATOVIĆ had close ties to Milošević, and coordinated and carried out significant acts in furtherance of the JCE. His main role within the DB - and the JCE - was as the coordinator in the field. Therefore, SIMATOVIĆ was referred to as "the man who called the shots" in Krajina, "Milošević's man in Knin".¹⁵³

¹⁴³ 65terExh.813.

¹⁴⁴ 65terExh.927.

¹⁴⁵ 65terExh.913.

¹⁴⁶ 65terExh.927.

¹⁴⁷ 65terExh.914.

¹⁴⁸ 65terExh.927.

¹⁴⁹ 65terExhs.913, 931 935, 938, 940, 2592.

¹⁵⁰ Kirudja.

¹⁵¹ B-161.

¹⁵² C-058; Babić.

¹⁵³ K-1.

61. SIMATOVIĆ directly coordinated with other JCE members, particularly STANIŠIĆ and Martić. SIMATOVIĆ and STANIŠIĆ visited the Krajina in August 1990¹⁵⁴ and continued to do so from then on. In conversations they both referred to being supported by Milošević whom they called “the boss”, and claimed that because of this support there was no need to worry about anything.¹⁵⁵ Furthermore, a report discussing the involvement of Captain Dragan in the events mentioned Dragan’s “close” connection with “several organs of the MUP Serbia who are engaged in the same mission”. These “organs” are identified in a footnote of the document, the first being “Franko Stamatović *aka* “Frenki””.¹⁵⁶

62. SIMATOVIĆ was in overall charge of all the training camps that were organised by the DB. Golubić, the first training camp to be established, was set up with the active participation of SIMATOVIĆ, Martić, and Captain Dragan.¹⁵⁷ The camp, used in particular to train members of Martić’s Police, was under the command of Martić. However, SIMATOVIĆ was the person who kept in contact with Belgrade, organising the provision of money, weapons and further supplies. SIMATOVIĆ attended meetings at Golubić¹⁵⁸ and gave orders about the transport of weapons and armaments.¹⁵⁹ Captain Dragan who reported to the DB¹⁶⁰ was subordinate to SIMATOVIĆ as were other instructors.¹⁶¹ In July 1991 Martić tried to have SIMATOVIĆ and Captain Dragan called back to Belgrade because he feared losing control of the police unit to them.¹⁶² However Martić was not successful. Although SIMATOVIĆ was called to Belgrade, he returned within two weeks, sent back by Milošević who insisted on SIMATOVIĆ’s presence in Knin.¹⁶³

63. SIMATOVIĆ spent most of his time in the targeted regions, communicating on a daily basis with the local components of the JCE.¹⁶⁴ From around May 1991, he commanded, under STANIŠIĆ’s - and ultimately Milošević’s - authority, special units of the DB in operations in Croatia and BiH. He gave orders to destroy villages and told soldiers which

¹⁵⁴ Babić.

¹⁵⁵ B-050.

¹⁵⁶ 65terExh.719. “Stamatović is an evident miss-spelling of “SIMATOVIĆ”.

¹⁵⁷ Babić; C-058; 65terExh.718.

¹⁵⁸ 65terExh.1890.

¹⁵⁹ 65terExh.718.

¹⁶⁰ 65terExh.1891.

¹⁶¹ Babić; C-058.

¹⁶² Babić; C-058.

¹⁶³ C-058; Babić.

¹⁶⁴ B-161; C-001.

weapons to use.¹⁶⁵ Reports addressed to the leadership of “SAO Krajina” would be sent to him, too.¹⁶⁶

64. STANIŠIĆ and SIMATOVIĆ were both members of the so-called “Vojna Linija” (“Military Line”). This was an informal structure which bypassed the *de iure* civilian and military chain of command, which operated principally in 1991-1992 in order to allow for the coordination, command and control of military operations by members of the MUP Serbia and chosen units and commanders of the JNA.¹⁶⁷ Others associated with it included Stojičić, Bogdanović, and Kertes. MUP Serbia members of the Vojna Linija communicated with the Croatian and Bosnian Serb leadership about military matters. The Vojna Linija were also in contact with JNA generals and other senior officers who adhered to the goals and purpose of the JCE, and offered their service to co-ordinate the activities of MUP forces/volunteers/paramilitaries with those of the JNA units operating in the area.

F. Formation, Training, Arming and Supporting of Serb forces in Croatia and BiH

65. STANIŠIĆ and SIMATOVIĆ authorised and directed the formation and operation of special units of the DB, and the establishment of training centres in Croatia, Bosnia, and Serbia which were used to train members of special units of the DB, Martić’s Police, the *milicija* of the “SAO SBWS”, the TOs of both “SAO Krajina” and “SAO SBWS”, and Serb volunteers from Croatia, Bosnia, and Serbia. These trainees would then be deployed - as members of Martić’s Police, the *milicija* of the “SAO SBWS”, DB units, or paramilitary units assisted by the DB; or as members of the VRS, the TO or other local units - during the attempts to expel the non-Serb population from what was viewed as Serb-owned territory, participating in the persecution campaign and the crimes set out in the Indictment.

STANIŠIĆ and SIMATOVIĆ also authorised and participated in financing, arming and supplying of Serb forces including special forces of the DB. Those units were then used to fight for the JCE’s common plan in Croatia and BiH between 1 August 1991 and 31 December 1995 with ruthless efficiency.

¹⁶⁵ B-104.

¹⁶⁶ 65terExh.1902, 65terExh1112.

¹⁶⁷ C-039.

**V. TRAINING CENTRES FOR SERB FORCES WERE SET UP IN CROATIA, BIH
AND SERBIA UNDER SIMATOVIĆ AND STANIŠIĆ'S AUTHORITY AND
DIRECTION**

A. Golubić

66. Following Milošević's affirmation in March 1991 that he had ordered the mobilization of the reserve police-force and the engagement and formation of new police forces,¹⁶⁸ and Babić's request for assistance to Milošević and the Serbian Government,¹⁶⁹ the DB set up a training camp for the "SAO Krajina" police forces, TO and volunteers loyal to the Serbian cause.¹⁷⁰ The camp, located in Golubić near Knin, was established in April 1991. Instructors were provided by the DB.¹⁷¹ Martić participated in establishing the Golubić training camp, to centralise the formation of his police.¹⁷²

67. SIMATOVIĆ and STANIŠIĆ were responsible for supplying everything required to run the camp, including the salaries for the trained men.¹⁷³ STANIŠIĆ, who visited the training camp,¹⁷⁴ said in August or September 1991 that the DB had funded Golubić.¹⁷⁵ Training in the camp was of military character. It included shooting on a shooting range as well as with infantry weapons and canons and using a 76 mm tank.¹⁷⁶ Training courses at first lasted not longer than two months; later they were even shorter.¹⁷⁷ The men were trained to have special combat skills.¹⁷⁸

68. The first group of trainees, after finishing their own training, became trainers for other volunteers, thus creating new formations.¹⁷⁹ In accordance with the training received at Golubić, the "SAO Krajina" police became more and more militarised, and were deployed in combat operations in different areas of the "SAO Krajina" and subsequently BiH. Members of the "SAO Krajina" police that had undergone training through the DB would call themselves and be known as Martić's Police or Martić's men (*Martićevci*).

¹⁶⁸ 65terExh.432.

¹⁶⁹ 65terExh.717.

¹⁷⁰ C-058.

¹⁷¹ C-058; B-050; 65terExhs.482, 1891.

¹⁷² Babić; C-058.

¹⁷³ C-058; 65terExhs.1538, 2866.

¹⁷⁴ B-050.

¹⁷⁵ Babić.

¹⁷⁶ Babić; C-058.

¹⁷⁷ C-058.

¹⁷⁸ C-058.

¹⁷⁹ C-058; 65terExhs.1809, 1891, 1902.

B. Further training camps in Croatia, BiH and Serbia

69. After setting up the Golubić training camp, Stanisić and SIMATOVIĆ established an additional camp at Knin and further training camps in Serb-held areas in Croatia and BiH as well as in Serbia.¹⁸⁰ Men trained under Captain Dragan's command at Knin were usually known as *Knindžas*. After the violent takeover of the Croatian village of Bruška,¹⁸¹ Dragan set up a training centre there on or around 20 January 1992.¹⁸² In June 1992, SIMATOVIĆ informed Serb municipal leaders from Bratunac, Višegrad and Zvornik that training camps were to be established and that volunteers from the municipalities had to be sent there for training.¹⁸³ The list of camps also included Dinara, Obrovac, Gračac, Plitvice, Šamarice, Petrova Gora, Lički Osik, Benkovac, Ležimir, Ilok and Vukovar; Banja Luka, Doboj, Šamac, Brčko, Bijeljina, Trebinje, Višegrad, Ozren and Mrkonjić Grad.¹⁸⁴

VI. UNIT FOR ANTI-TERRORIST OPERATIONS OF THE STATE SECURITY SERVICE (JATD) WAS FORMED UNDER STANIŠIĆ AND SIMATOVIĆ'S AUTHORITY AND DIRECTION

70. From the first groups of trainees in Golubić, 28 men were identified as being the most qualified.¹⁸⁵ Among them were Zivojin Ivanović *aka* Zika Crnogorac, Dragan Filipović *aka* Fico and Radojica (Rajo) Božović. This was the core group of the DB's Special Operations Unit, the Unit for Anti-Terrorist Operations of the State Security Service ("JATD").¹⁸⁶ The unit was constituted on 4 May 1991.¹⁸⁷ On 25 August 1991, it was deployed under SIMATOVIĆ's command in an operation at Plitvice. Afterwards they were transferred to one of the DB training camps at Mount Fruška Gora, travelling by DB helicopters via the DB headquarters in Belgrade. SIMATOVIĆ was in charge of the unit, introducing STANIŠIĆ who frequently visited the unit at Mount Fruška Gora as his superior.¹⁸⁸ A group led by Crnogorac and Božović were participating in operations in Eastern Slavonia in autumn 1991,¹⁸⁹ "cleaning the terrain around Bapska," near Ilok.¹⁹⁰ Special commemorative

¹⁸⁰ 65terExh.583.

¹⁸¹ Cf. para.115

¹⁸² MM-043.

¹⁸³ Deronjić.

¹⁸⁴ 65terExh.582.

¹⁸⁵ B-050.

¹⁸⁶ 65terExh.583: "*its core was made up of members of our forces, Republic of Serbian Krajina Police and volunteers from Serbia*".

¹⁸⁷ 65terExh.583.

¹⁸⁸ B-050.

¹⁸⁹ 65terExhs.583, 2577.

¹⁹⁰ C-039; 65terExh.2218.

certificates were issued to unit members from 1991 onwards, signed by both SIMATOVIĆ and STANIŠIĆ.¹⁹¹

71. The unit wore patches with “Vuk” (Wolf) insignia.¹⁹² At one time they were supplied with red berets¹⁹³, and were known under the name “Red Berets” since then. They were also called “Frenki”’s men”.¹⁹⁴ Men under SIMATOVIĆ’s command did what they wanted and did not answer to anyone locally.¹⁹⁵ Although STANIŠIĆ initially told them that they would be deployed in anti-terrorist and security activities, they were mainly used to train volunteers at training camps. The number of men trained by this unit finally amounted to approximately 5.000.¹⁹⁶ Crnogorac was in charge of the training camp at Mount Tara; and Božović commanded the camps at Mount Ozren near Doboj¹⁹⁷ and Skelani.¹⁹⁸ SIMATOVIĆ and STANIŠIĆ, however, remained in overall control. The volunteers trained by members of the JATD regarded themselves as staying under the command of the MUP Serbia, even when they joined with other forces.¹⁹⁹ Since these men were trained at JATD training camps, by JATD members or by men trained by JATD members, people would also refer to them as “Red Berets”.

72. Training volunteers was not, however, the only task assigned to the unit. They were also involved “in battles with armed Croatian police forces” as well as combat operations in BiH and “provide(d) important support in the liberation of all areas of the Republic of Serbian Krajina”.²⁰⁰ These tasks, as well as the unit’s joint operations since 1992,²⁰¹ and their highly professional military equipment (which included grenade launchers, rocket launchers and other anti tank weapons, armoured vehicles, helicopters etc),²⁰² reveal that the unit’s purpose far exceeded that of fighting domestic terrorism, or civilian protection. Special forces of the DB, headed by “Red Berets”, participated in the persecution campaigns and the crimes in the Indictment. They were also involved in committing crimes in Ilok, Vukovar Bapska, Mohovo, Opatovac,²⁰³ and Grabovac²⁰⁴ (“SAO SBWS”) from 1991. Following the setting up

¹⁹¹ 65terExh.431.

¹⁹² 65terExh.31.

¹⁹³ B-050.

¹⁹⁴ B-174.

¹⁹⁵ C-001.

¹⁹⁶ B-050; 65terExh.583.

¹⁹⁷ B-174; Deronjić; B-050.

¹⁹⁸ 65terExh.1802.

¹⁹⁹ 65terExh.1802.

²⁰⁰ 65terExh.583.

²⁰¹ See par. 91 et seq.

²⁰² The equipment can be seen on 65terExh.583.

²⁰³ B-224 .

of training camps at Ilok, and Tito's castle in Tikveš, Baranja, the DB special units based in these places would carry out operations in the Baranja region.²⁰⁵

73. In 1996, a further training camp was opened at Kula in Serbia.²⁰⁶ The original JATD was transformed into the Special Operations Unit (JSO). This included former JATD members and also former members of the paramilitary units "Arkan's Tigers" and "Scorpions". Milorad Ulemek *aka* Legija, a former prominent member of Arkan's Tigers, became the new unit's leader.²⁰⁷ A ceremony in Kula camp in May 1997 to celebrate the founding of the JATD/JSO was attended by, among others, SIMATOVIĆ, STANIŠIĆ, and Milošević as well as political and military leaders and members of the JATD/JSO including Legija, Božović, Crnogorac and other initial members of the JATD.²⁰⁸ SIMATOVIĆ held a speech describing the foundation and development of the JATD; STANIŠIĆ in addressing Milošević said, "Mr President, *we* are proud of *our unit*."²⁰⁹ On 13 May 1997 during a celebration of Security Day at the MUP Serbia headquarters in Belgrade, STANIŠIĆ spoke about the results the DB had achieved. He ended his speech by addressing Milošević and saying, "Mr. President, everything we have done so far we did with your knowledge and with your consent."²¹⁰

VII. VOLUNTEERS RECRUITED THROUGH POLITICAL PARTIES ASSISTED BY AND UNITS ESTABLISHED AND OPERATING WITH THE ASSISTANCE OF THE DB

A. Volunteers

74. Volunteers recruited through political parties, in particular Vojislav Šešelj's Serbian Radical Party (SRS), were trained by the JNA or at DB training camps. They received training and were armed; however, they retained their links with their respective parties. Šešelj publicly declared that STANIŠIĆ called him and asked him to get 120 people together to be dispatched.²¹¹ Local volunteers from Bosanski Šamac and from the SRS were trained at both Ležimir camp in Serbia and Pajžos camp, near Ilok, by JATD instructors and then

²⁰⁴ C-029.

²⁰⁵ C-025.

²⁰⁶ K-2.

²⁰⁷ C-039.

²⁰⁸ 65terExh.583.

²⁰⁹ 65terExh.583.

²¹⁰ C-039.

²¹¹ K-001; 65terExh.1259.

deployed as members of a DB unit to Bosanski Šamac on 11 April 1992. SIMATOVIĆ addressed the men at the camp in Ilok before they left.²¹² At the training camp at Mount Tara, volunteers were informed that they were “in the training facility of SIMATOVIĆ’s Unit for Special Purposes”.²¹³ The men would refer to SIMATOVIĆ as their boss,²¹⁴ and salute him when he visited the camps.²¹⁵ Volunteers trained by the DB later participated in the persecution campaigns and the crimes in the Indictment.

B. Arkan’s Tigers

75. Arkan’s Tigers (also known as “Serbian Volunteer Guard” (SDG) or Tigers or *Arkanovići*) were established by Željko Ražnatović *aka* Arkan in October 1990 as a paramilitary unit.²¹⁶ The men were known for their brutality and criminality. Arkan said publicly that he and his men would kill rather than take prisoners.²¹⁷ Arkan had worked as an agent for the DB as early as the 1970s and 1980s and continued to work closely together with the DB even after his unit was established.²¹⁸ The foundation of Arkan’s Tigers was approved by the DB, and Arkan carried a DB ID card with him.²¹⁹ In May 1991, he set up a base in Tenja (Eastern Slavonia)²²⁰ followed by the establishment of the training centre at Erdut in August 1991. Arkan’s paramilitary unit was financed and equipped by the DB. He received weapons and ammunition from the MUP and the MOD of Serbia.²²¹ The training centre was partly financed by “Dalj” company, a company owned by the government of the “SAO SBWS”²²² and under the influence of the DB. He came to Croatia and BiH with the support and under the direction of the DB, and was involved in coordinated actions with TO and JNA, as well as other units such as the Scorpions.²²³ Arkan was under STANIŠIĆ’s command,²²⁴ and met with SIMATOVIĆ regularly.²²⁵ He declared that the Tigers would do nothing without orders and permission from the DB.²²⁶

²¹² B-258.

²¹³ B-200.

²¹⁴ Bogunović.

²¹⁵ Todorović.

²¹⁶ B-129; 65terExh.737.

²¹⁷ 65terExh.595.

²¹⁸ 65terExh.722.

²¹⁹ B-224.

²²⁰ B-232; Milanović.

²²¹ 65terExhs.412, 721.

²²² 65terExh.2622.

²²³ 65terExhs.721-722.

²²⁴ Bogunović.

²²⁵ B-129.

²²⁶ B-129.

76. At times Arkan's and Šešelj's men trained in camps and acted with units that came under SIMATOVIĆ's overall control.²²⁷ Arkan's Tigers and the "Red Berets" interacted with each other without difficulty. They could not be distinguished since they wore the same uniforms and had the same equipment. They immediately instilled fear among the population.²²⁸ Arkan's Tigers later participated in the persecution campaigns and the crimes in the Indictment.

77. Arkan's Tigers were supplied by the MUP Serbia, the Serbian MoD,²²⁹ and by the JNA (VJ). In 1991, Arkan distributed weapons and other military equipment provided by the MUP Serbia and by the Serbian MoD to Serb TO staffs in Eastern Slavonia.²³⁰ The DB provided cash to pay members of the SDG.²³¹ Stojičić was involved in supplying weapons and equipment to Arkan in autumn 1991.²³² The training centre at Erdut was very well-equipped: a report dated 29 October 1991 stated: "There is a big warehouse in the Centre with large quantities of different infantry weapons, grenade launchers, hand grenades, Zolja hand-held launchers etc, that Arkan is issuing to whomever he wants".²³³ Radovan Kostić, an official of the DB, made sure that logistical support for Arkan's unit would be secured before the take-over of Zvornik.²³⁴ Before arriving there, Arkan was paid by the local SUP. In 1995, SIMATOVIĆ provided special equipment from his base in Pajžos.

78. By assisting and supporting Arkan's Tigers with financial means and other supplies, the Accused ensured that the unit could be used whenever needed. They demanded support for - and deployed - Arkan's Tigers together with other Serb forces in the takeover of Serb-held areas and the subsequent persecution campaigns, with the intention or at least awareness that crimes would be committed.

C. Scorpions

79. The Scorpions unit was first formed after the fall of Vukovar in late 1991 following a request for support by the director of the Đeletovci oil company to Milan Milanović, the then Assistant Minister for Transport and later Acting Minister for Defence of the "SAO

²²⁷ C-039; B-161.

²²⁸ C-001.

²²⁹ 65terExh.379.

²³⁰ 65terExh.721.

²³¹ B-129.

²³² 65terExh.379.

²³³ 65terExh.721.

²³⁴ B-024.

SBWS".²³⁵ Its commander was Slobodan Medić *aka* Boca.²³⁶ The unit's initial task was to protect the oil fields in Đeletovci.²³⁷ However it would be called up for military activities officially within the framework of the SVK when needed. In the beginning it consisted of 20-30 men. It grew fast and by 1993 it had several hundred members.²³⁸ In mid-1995, it was organised into two companies and six platoons, one reconnaissance platoon and one working platoon.

80. The DB provided the Scorpions with significant support including equipment and salaries paid in cash to unit members.²³⁹ From 1991, the Scorpions were provided with arms by Milanović,²⁴⁰ and with uniforms and other logistics by the Oil Industry Krajina. From 1993, the SVK was responsible for providing logistics.²⁴¹ In addition, the DB also provided whatever equipment was needed.²⁴²

81. Thirty percent of the unit's members had received training at the DB's training camps at Kula, Mount Tara, Lipovaca, and Golubić.²⁴³ From 1993 onwards the DB also provided the Scorpions with equipment and salaries paid in cash to unit members. The Scorpions also received ID booklets indicating membership of the DB.²⁴⁴ Milanović was the intermediary between Medić and SIMATOVIĆ and STANIŠIĆ. He received orders from them and passed them on to Medić.²⁴⁵ Medić also boasted about having had meetings with STANIŠIĆ at Ilok.²⁴⁶ SIMATOVIĆ visited the unit at their headquarters at Đeletovci and at their bases in Jahorina, Bihac and Velika Kladuša.²⁴⁷

82. Like Arkan's Tigers, the Scorpions were used by the Accused wherever and whenever needed. They later participated in the persecution campaigns and the crimes in the Indictment, being deployed in joint combat actions together with Arkan's Tigers and

²³⁵ Milanović.

²³⁶ Milanović; Stoparić.

²³⁷ The oil fields were situated near the Serbian border in Croatia. Although being the property of the Republic of Croatia, they were seized and exploited by the "RSK" during the conflict.

²³⁸ Milanović.

²³⁹ Stoparić.

²⁴⁰ Milanović; Kosanović.

²⁴¹ Milanović.

²⁴² Stoparić.

²⁴³ Stoparić; Kosanović.

²⁴⁴ Stoparić; Kosanović.

²⁴⁵ Stoparić.

²⁴⁶ Stoparić.

²⁴⁷ Kosanović.

members of the JATD (“Red Berets”) in Velika Kladuša, during operation “Pauk” and in Trnovo.²⁴⁸ After the unit was disbanded in 1996, some of its members joined the JSO.²⁴⁹

VIII. THE DB, UNDER THE AUTHORITY OF STANIŠIĆ, AND WITH SIMATOVIĆ’S PARTICIPATION, ARMED AND FINANCED SERB FORCES OPERATING IN CROATIA AND BIH

A. Association of Serbs and Emigrant Serbs

83. The Association of Serbs and Emigrant Serbs,²⁵⁰ a humanitarian organisation run by Milošević’s associate, Brana Crnčević,²⁵¹ was closely involved in the arming of Serbs in both Croatia and BiH on the instructions of the DB and in direct collaboration with senior officers of the JNA. Crnčević was a close friend of both Milošević and STANIŠIĆ.²⁵² In Belgrade, STANIŠIĆ arranged the arming of Serbs in this manner, or worked through his subordinates, Milan Tepavčević and Milan Prodanić.²⁵³ Meetings took place every day at the premises of the DB in Belgrade attended by Prodanić, STANIŠIĆ, Tepavčević and Mihalj Kertes. Prodanić then went to the JNA warehouses at Bubanj Potok outside Belgrade to meet with Lieutenant Colonel Borisav STANIŠIĆ. Their discussions were about arrangements for arming Serbs in Croatia and BiH.²⁵⁴

84. The transportation unit at Matica transported arms from Bubanj Potok or other MUP Serbia facilities near Belgrade, amongst humanitarian supplies,²⁵⁵ to locations on the battlefield in Croatia and BiH. Vehicles from the MUP Serbia were also engaged in transporting arms and other military equipment to Serb-controlled parts of Croatia and BiH. This included rifles, pistols, silencers, and hand grenades paid for by the DB.²⁵⁶ Crnčević had direct lines installed in his office at the Matica premises to Milošević and the DB.²⁵⁷

²⁴⁸ B-129; 65terExh.1177. Details of these operations are addressed below.

²⁴⁹ Stoparić.

²⁵⁰ Matica Iseljenika, hereinafter “Matica”.

²⁵¹ 65terExhs.485, 3827.

²⁵² B-179.

²⁵³ B-161; Todorović.

²⁵⁴ B-179.

²⁵⁵ 65terExhs.487, 537.

²⁵⁶ B-179; 65terExh.536.

²⁵⁷ B-179.

B. Arming, financing, supply and support of the “SAO Krajina” police

85. In August 1990, STANIŠIĆ began arranging with Martić to supply weapons to Serbs in the Krajina.²⁵⁸ In November and December 1990, Croatia stopped paying the police in the “SAO Krajina”. At around the same time, SIMATOVIĆ started transporting weapons and ammunition to Knin, using trucks of the MUP Serbia.²⁵⁹ In January 1991, Martić met with STANIŠIĆ and Radmilo Bogdanović, then Serbian Minister of Internal Affairs, at the DB building in Belgrade. SIMATOVIĆ took Martić to the DB building. The meeting concerned arms, equipment, uniforms and payment for the “SAO Krajina” police who were going to start training at Golubić camp, and for whose supply STANIŠIĆ was responsible.²⁶⁰ When police stations were set up by Martić in the Krajina in January 1991, the money came through STANIŠIĆ, often delivered in cash at first by SIMATOVIĆ.²⁶¹ A witness was present in 1992 on a number of occasions when the “money-man” from Belgrade arrived and distributed money to members of the police and military units in the Krajina.²⁶² Martić sent official letters requesting help in financial matters to the MUP Serbia and directly to STANIŠIĆ.²⁶³

C. Arming, financing, supply and support of Serb forces in the “SAO SBWS”

86. Arming in the “SAO SBWS” was carried out through Mihalj Kertes and Radovan Kostić.²⁶⁴ Kertes confirmed that he (Kertes) was responsible for arming Serbs in Croatia and BiH and was involved in “looking after the Serbs outside of Serbia, specifically in Slavonia and in the Krajinas”.²⁶⁵

87. Since April 1991, the DB was involved in supplying and transporting weapons from the JNA barracks at Bubanj Potok to the TO in Borovo Selo,²⁶⁶ the transport being overseen by members of the DB.²⁶⁷ From around July 1991, members of the DB from Belgrade held meetings at the local Serb TO HQ and issued instructions almost daily to the local Serb TO

²⁵⁸ C-058; Babić.

²⁵⁹ C-058.

²⁶⁰ C-058.

²⁶¹ C-058.

²⁶² C-001.

²⁶³ 65terExhs.380, 384.

²⁶⁴ B-217; C-013.

²⁶⁵ C-039.

²⁶⁶ B-215.

²⁶⁷ C-013.

commander in Borovo Selo. In Novi Sad, Kertes arranged the regular supply of huge quantities of weapons and ammunition through the Novi Sad DB.²⁶⁸

88. In July/August 1991, the MUP Serbia, in co-operation with the JNA, trained and equipped MUP Serbia units at the barracks at Bubanj Potok for deployment to Eastern Slavonia, where they formed part of police units or *milicija* of the “SAO SBWS”. Uniforms, weapons, equipment and the “SAO SBWS” insignia for these units were provided by the MUP Serbia.²⁶⁹ The MUP Serbia provided cash for the salaries of policemen serving in the *milicija* of the the “SAO SBWS”, and later the “RSK” police.²⁷⁰ In September 1991, representatives of the DB arrived in the Baranja region. The DB Centre in Beli Manastir reported, in parallel to the local chain of command, to the MUP Serbia in Belgrade and received equipment from the DB.²⁷¹

D. Arming, financing, supply and support of Serb forces in BiH

89. By 1991, arming of Bosnian Serbs was taking place.²⁷² The transport of weapons and ammunition was also effected with the help of Matica.²⁷³ Kostić was partly responsible for arming Serbs in Zvornik in 1991 and 1992 on behalf of the DB from a base in Beli Manastir in Croatia.²⁷⁴ Bosnian Serbs were also armed by Kertes from MUP or JNA stores, including the military base at Bubanj Potok.²⁷⁵ In August 1991, STANIŠIĆ and Karadžić were intercepted discussing aid intended for Bosnian Serbs in careful, coded language.²⁷⁶

90. Towards the end of 1993, a number of individuals including Tepavčević, SIMATOVIĆ, Prodanić, and Božović, and various institutions such as municipal assemblies and hospitals received letters of thanks from the RS MUP, recognising their contribution to the war effort in BiH.²⁷⁷

²⁶⁸ B-224.

²⁶⁹ B-215.

²⁷⁰ B-215.

²⁷¹ C-025.

²⁷² 65terExh.796.

²⁷³ B-179.

²⁷⁴ B-217.

²⁷⁵ Deronjić.

²⁷⁶ 65terExh.813.

²⁷⁷ B-161; 65terExh.2583.

E. Involvement of special units of the DB in operations in Croatia and BiH

91. Acting under STANIŠIĆ's authority, SIMATOVIĆ directed and coordinated the involvement of special units of the DB in operations in Croatia and BiH. Details regarding each of the crime base locations are provided below.

1. Examples of coordinated actions of Serb forces

92. Stanisić and SIMATOVIĆ also directed and coordinated actions by Serb forces including special units of the DB in Eastern Bosnia in 1992 and 1993 and in Western Bosnia and Sarajevo in 1994 and 1995.

(a) Operations in Drina Valley

93. Operations carried out in Eastern Bosnia in 1992 and 1993 involved a coordinated body of forces - MUP Serbia, the VJ, the VRS, paramilitaries from Serbia, and the RS MUP.²⁷⁸ Some members of these forces were placed at the disposal of SIMATOVIĆ, who established and maintained a command centre in Bajina Bašta, and who regularly travelled between there and Belgrade in military aircraft.²⁷⁹ SIMATOVIĆ's secretary organized the billeting of these forces in a nearby hotel. Participating "Red Berets" were led by Božović under SIMATOVIĆ's direct command.²⁸⁰ These operations were conducted in a manner that ensured Serbian involvement was disguised.²⁸¹ During the winter and spring of 1993, the operations focused on the area of Skelani and resulted in the deaths of up to 1,000 people.²⁸²

(b) Operations in Western Bosnia

94. STANIŠIĆ and SIMATOVIĆ also played pivotal roles in the joint covert operations of military and police forces in Western BiH. These operations were aimed at supporting and, when necessary, re-establishing the so-called Autonomous Province of Western Bosnia (APWB). The APWB was declared on 27 September 1993 by Fikret Abdić in the Bihać enclave, an area of strategic importance for Serbs. In November 1994, a special covert command centre was established in Petrova Gora to conduct combat operations against ABiH forces in the Bihać pocket. This command centre was code-named "Pauk". In April 1995 the Scorpions were deployed to Velika Kladuša under the Pauk Command²⁸³, operating in joint operations with Arkan's unit and the "Red Berets" commanded by Legija and Božović

²⁷⁸ B-104; B-108; B-174.

²⁷⁹ B-104.

²⁸⁰ B-104; 65terExhs.1802-1803.

²⁸¹ B-104; B-174.

²⁸² B-174; 65terExhs.1802-1803, 3824.

respectively.²⁸⁴ SIMATOVIĆ came into the area to meet Medić and Legija. Sometimes Legija went by helicopter to Belgrade to meet SIMATOVIĆ there.²⁸⁵ During these operations, STANIŠIĆ regularly stayed in Petrova Gora.²⁸⁶ He and SIMATOVIĆ met with Martić, Fikret Abdić, Legija and others.²⁸⁷

95. Other similar joint operations in BiH included the deployment of approximately 1,000 men under Arkan's command near Mrkonjić Grad in an attempt to halt advancing BiH forces in the Prijedor area.²⁸⁸ When the Krajina finally fell, one of the last calls made by the DB operative in the SVK before the retreat was to STANIŠIĆ who told him to "persevere."²⁸⁹

(c) Operations in Sarajevo

96. The DB was also involved in joint operations to perpetuate the siege of Sarajevo. In one such operation in 1994 Vaso Mijović, a DB Colonel, led a DB operation in Treskavica that involved between 60 and 70 of Arkan's Tigers. During the course of this operation Mijović regularly visited Arkan's headquarters.²⁹⁰ During summer 1995 a "Red Berets" unit was deployed directly in the area of Koševo in Sarajevo.²⁹¹

97. After the operation in Velika Kladuša, the Scorpions returned to their base in Đeletovci.²⁹² Milanović then told them to prepare for an operation in the Trnovo area.²⁹³ The details of this operation are addressed below.

IX. CRIMES IN CROATIA AND BOSNIA

A. Crimes in Croatia

1. "SAO Krajina"

98. From spring 1991 Martić and his police were present in all areas of tension and conflict within the "SAO Krajina", provoking or aggravating clashes as a means of claiming

²⁸³ Milanović; Kosanović.

²⁸⁴ Stoparić; Kosanović.

²⁸⁵ Stoparić.

²⁸⁶ 65terExh.1808.

²⁸⁷ 65terExh.1170.

²⁸⁸ B-071.

²⁸⁹ C-001.

²⁹⁰ B-129.

²⁹¹ K-002; Stoparić.

²⁹² Kosanović.

²⁹³ Kosanović; Stoparić.

territory.²⁹⁴ Starting in August 1991, JNA, local Serb TO, Martić's Police, and paramilitary/volunteer formations engaged in a wide-scale, carefully planned attack against predominantly Croat villages throughout the "SAO Krajina" and municipalities bordering the "SAO Krajina". These attacks were conducted in a recurring pattern intended to take over the villages and cleanse the area of its non-Serb population. First the JNA attacked the villages using heavy weapons; afterwards members of local Serb TOs, Martić's Police and/or paramilitary/volunteer formations entered the villages and violently harassed and assaulted the Serb population. This was accomplished by arbitrarily arresting non-Serbs and establishing a system of persecution that included restricting movement, detaining non-Serbs, beatings, killings, looting and destruction of property.²⁹⁵ As a result of these attacks virtually the entire non-Serb population of the "SAO Krajina" was forcibly displaced, detained or killed, thereby fulfilling the objective of an ethnically pure territory.

2. Dubica, Cerovljani, Baćin²⁹⁶

99. Hrvatska Dubica²⁹⁷ is situated in the municipality of Kostajnica on the Croatian border to BiH.²⁹⁸ In 1991, about 5,000 inhabitants lived in the municipality; half of them were Serb, half of them Croat, with a small Muslim minority. The villages of Cerovljani and Baćin were predominantly Croat.

100. Relations between the Serbs and Croats were friendly and harmonious until 1991 when the situation in the municipality worsened. Every month, an increasing number of Serb soldiers roamed the area of Dubica, threatening the Croats.²⁹⁹ Serb forces attacked and took control of Dubica in mid-September 1991, shelling and destroying houses, roads and the churches in both Dubica, Baćin and the neighbouring villages.³⁰⁰ The local Croats finally retreated, advising the Croat population to flee.³⁰¹

101. In October 1991, Martić's police and JNA reservists controlled the entire area, including the villages of Dubica, Cerovljani and Baćin. Martić's Police set up a police station

²⁹⁴ 65terExhs.117, 375, 593, 726.

²⁹⁵ C-1091; C-1220; C-1063; MM-043; C-1201; C-1202; C-1234.

²⁹⁶ Indictment, paras.19-21, 24, 62.

²⁹⁷ Hereinafter "Dubica".

²⁹⁸ 65terExh.2650.

²⁹⁹ C-1141.

³⁰⁰ C-1084.

³⁰¹ B-1235.

in Dubica. They had “Milicija “SAO Krajina”” on their sleeves and cars; their commanders were under Martić’s command and went to Knin several times to get directions from him.³⁰²

(a) Murder³⁰³

102. On or about 20 October 1991, Martić’s Police arrested 53 civilians, mostly Croats, and detained them in the village fire station.³⁰⁴ Ten of them were released during the day and the following night because Serb acquaintances or relatives intervened on their behalf.³⁰⁵ The next day, the remaining 43 Croat detainees,³⁰⁶ together with thirteen people from Cerovljani and Dubica, were taken to a site in Baćin (Krečane) located on the banks of the Una River. There, they were brutally massacred by “SAO Krajina” forces. Most of them were elderly people; the majority were shot. The bodies remained there unattended for days, decomposing. Later on, they were buried in a mass grave at the site of the killing. An additional thirty civilians from Baćin and twenty-four from the villages of Dubica and Cerovljani were taken away by the Serb forces to unknown locations and killed. In 1997, exhumations in Baćin revealed more than 100 bodies, 37 of which could be identified.³⁰⁷

(b) Deportation, Forcible Transfer

103. Under the pressure of the attacks, and in fear of further persecution by the Serb forces, most of the Croat inhabitants fled their houses and escaped to other parts of Croatia.³⁰⁸ Of the approximately 3,000 inhabitants of Dubica, Cerovljani and Baćin, nearly 1,200 were displaced.³⁰⁹

3. Saborsko, Poljanak, Lipovača³¹⁰

104. The village of Saborsko is located in the Municipality of Ogulin close to Plitvice.³¹¹ In 1991, 93, 9 % of the population were Croat.

105. Following an increasing Serb military build-up, the JNA started a shelling attack on Saborsko in August 1991. Its purpose was to link up the Serb territories that were separated by Saborsko and, through the commission of crimes, to eliminate the Croat presence in these

³⁰² C-1211; B-1235; C-1141.

³⁰³ Indictment, para.23.

³⁰⁴ C-1063; C-1084; B-1235; C-1141.

³⁰⁵ C-1141; B-1235.

³⁰⁶ 65terExh.2825 (under seal).

³⁰⁷ C-1141; C-1063; 65terExh.729; 65terExh.730; 65terExh.3314, pp.4-6.

³⁰⁸ C-1141.

³⁰⁹ 65terExh.2585.

³¹⁰ Indictment, paras.19-21, 25-28, 62.

³¹¹ 65terExh.2650.

villages. In a large-scale attack commencing on 12 November 1991 and following the pattern described above, JNA, local Serb TO and members of Martić's Police finally took over Saborsko.³¹² Many Croat civilians were forced to leave their houses and were then shot or hanged.³¹³

(a) Murder

(i) Lipovača³¹⁴

106. The neighbouring villages of Poljanak and Lipovača were attacked starting in late October 1991 and ultimately taken over at the beginning of November 1991. On or about 28 October 1991, TO units entered Lipovača and shot seven civilians. A family of three was killed as they went about their normal daily work; a further group of four, including three elderly, were shot in their house with an automatic rifle.³¹⁵

(ii) Poljanak³¹⁶

107. On or about 7 November 1991, JNA soldiers, including an elite unit of the JNA, and local Serb TO units entered the Croat hamlet of Vukovići near Poljanak and executed nine civilians.³¹⁷

Saborsko³¹⁸

108. During the final attack on 12 November 1991, soldiers entered Saborsko and forced the civilian population to come out of their cellars. As they were going from house to house they separated the men from the women, killing at least twenty Croat civilians in the process.³¹⁹

(b) Deportation, Forcible Transfer

109. Most of the Croat inhabitants of Saborsko fled their houses and escaped to other parts of Croatia and BiH for fear of being harrassed and persecuted if they stayed; they did not

³¹² C-1231; C-1234; C-1230; C-1232; C-1220.

³¹³ C-1232.

³¹⁴ Indictment, para.26. The Prosecution clarifies that the number of persons killed amounts to seven as set out in para. 187 of the Pre-Trial Brief filed 19 July 2004; the Prosecution further clarifies that in divergence from the Indictment and the Pre-Trial Brief filed 19 July 2004, the date of the crime cannot be specified other than as set out in this paragraph.

³¹⁵ C-1203; C-1153; 65terExh.657.

³¹⁶ Indictment, para.27.

³¹⁷ C-1232; C-1230; C-1231; Babić.

³¹⁸ Indictment, para.28.

³¹⁹ C-1231; C-1247; 65terExh.667.

return until after Croatian Operation “Storm”.³²⁰ Of the 800 Croat inhabitants of Saborsko, 689 were later recorded as displaced persons.³²¹

4. Škabrnja, Nadin, Bruška³²²

110. The villages of Škabrnja, Nadin and Bruška are situated in Northern Dalmatia.³²³ In 1991, 97, 59 % of the population were Croat.

(a) Murder

(i) Škabrnja³²⁴

111. Following the pattern already described in this brief, Serb forces with the participation of the “SAO Krajina” police shelled and then attacked Škabrnja, Nadin and the surrounding hamlets from August to late November 1991, cleansing and destroying them.³²⁵ The villagers of Škabrnja sought refuge in basements or fled. Taking over the village section by section, the Serb forces moved from house to house, ordered the people to leave basements and summarily executed at least 38 non-Serb civilians, including several elderly people, some of whom were killed in their beds.³²⁶

(ii) Nadin³²⁷

112. On 19 November 1991, with Škabrnja firmly under control, the JNA started to take over Nadin in a similar fashion. Afterwards, Serb troops invaded the village. They captured six women, one elderly man and a young man and executed the young man by shooting him in his mouth. They then shot six of the other persons.³²⁸ One further woman survived by chance.³²⁹

(iii) Škabrnja³³⁰

113. Twenty-six of the remaining elderly and infirm Croat civilians in Škabrnja were subsequently killed by Serb forces between 18 November 1991 and February 1992.³³¹

³²⁰ C-1230; C-1231; C-1247.

³²¹ 65terExh.2585.

³²² Indictment, paras.19-21, 29-32, 62.

³²³ 65terExh.2650.

³²⁴ Indictment, para.29.

³²⁵ C-1166; 65terExh.1925, p. 2.

³²⁶ C-1072; C-1123; C-120; C-1202; 65terExhs.1884, 2817.

³²⁷ Indictment, para.30.

³²⁸ 65terExhs.232-244.

³²⁹ C-1205.

³³⁰ See Indictment, para.31. The heading above paras.197 *et. seq.* in the Pre-Trial Brief filed on 19 July 2004 is an obvious mistake.

114. After the 18 November attack, a delegation of the Civil Protection Unit of the Croatian National Guard (ZNG) and the JNA collected the bodies from the killing sites in Škabrnja and Nadin. The bodies were later identified.³³²

(iv) Bruška³³³

115. On 21 December 1991, Serb forces, in particular members of Martić's Police, entered the village of Bruška and the hamlet of Marinović where they killed ten civilians, among them nine Croats.³³⁴

(b) Deportation, Forcible Transfer

116. In fear of further persecution by the Serb forces, most of the Croat inhabitants fled their houses and escaped to other parts of Croatia. Of the almost 2,900 inhabitants of the vilage, 2,500 were later recorded as displaced persons.³³⁵

(i) "SAO SBWS"

117. Beginning in the summer of 1991, clear signs of the implementation of the common plan to create homogeneous Serb territories outside of Serbia emerged in the "SAO SBWS". The murders in the "SAO SBWS" for which the Accused have been indicted were committed in Erdut and Dalj, though the victims included refugees from the Baranja region and residents of nearby villages.

118. On 2 August, the JNA arrived in Erdut,³³⁶ a village located in Eastern Slavonia along the Danube River. Shortly thereafter, a unit of the "SAO SBWS" police (SBWS *milicija*) and Arkan's Tigers led by Arkan established themselves in Erdut.³³⁷ Arkan's Tigers moved into the TO barracks and used them as a training centre and to provide security for the newly-formed "SAO SBWS" government.³³⁸ They acted in coordination with the Serb TO, JNA, local police and a special police unit acting under Hadžić called the Serb National Security (SNB).³³⁹ Following the pattern described above and acting together with TO and "SAO SBWS" *milicija*, Arkan established a regime of terror directed against the non-Serb

³³¹ C-1072; C-1113; C-1214.

³³² C-1123; C-1214; C-1113.

³³³ Indictment, para.32.

³³⁴ C-1152; C-1214; C-1091; 65terExh.539.

³³⁵ 65terExh.2585.

³³⁶ C-057.

³³⁷ C-1050.

³³⁸ C-1050.

³³⁹ C-057; C-1118; C-1051; C-020.

population by erecting a makeshift prison in the Erdut training centre. A large number of detainees were maltreated, beaten and subsequently killed.³⁴⁰ Many of their bodies were found in various mass graves, Exhumed, and identified.³⁴¹

119. Also in early August 1991 another Serbian police unit was established in Dalj.³⁴² The police headquarters was used as a detention facility for non-Serbs including those who fled following the attack in August, as well as refugees finding shelter in Borovo Selo after the fall of Vukovar in November.

(c) Murder³⁴³

(i) Murder of eleven people³⁴⁴

120. In mid-September, Hadžić brought approximately 25-30 Croat civilians to the Dalj police headquarters building. He said the prisoners were “Ustašas” from Baranja and that they would stand trial.³⁴⁵

121. During the night of 21 to 22 September 1991, Hadžić and Arkan visited the detention facility in Dalj along with approximately 20 of Arkan’s Tigers. They ordered the release of two of the detainees.³⁴⁶ Arkan and his men took the remaining eleven prisoners from the building and shot them.³⁴⁷

(ii) Murder of twenty eight people³⁴⁸

122. On 4 October 1991, again accompanied by approximately twenty of his men, Arkan arrived at the Dalj police station. After ordering the policemen guarding the prisoners to leave, Arkan and his men shot or otherwise killed twenty-eight of the Croat civilian detainees, including prisoners taken by Serb forces in the Baranja region.³⁴⁹ The bodies of the victims were dumped into the nearby Danube River.³⁵⁰

(iii) Murder of at least 12 people³⁵¹

³⁴⁰ Antunović.

³⁴¹ 65terExh.736.

³⁴² Bogunović.

³⁴³ Indictment, paras.19-22, 33-40.

³⁴⁴ Indictment, para.33.

³⁴⁵ C-029; C-025.

³⁴⁶ C-029; C-013; C-1215.

³⁴⁷ C-1113; C-1214; C-029; 65terExh.1881.

³⁴⁸ Indictment, para.34.

³⁴⁹ C-029; C-025.

³⁵⁰ C-1113; C-1214; C-029; 65terExhs.372, 2621.

³⁵¹ Indictment, para.35.

123. On 9 November 1991, at least nine non-Serb villagers from Erdut, Dalj Planina and Erdut Planina were arrested by Arkan's soldiers in co-operation with the Erdut police and Dalj TO,³⁵² and taken to the Erdut detention centre where they were interrogated and then shot.³⁵³

124. Several days after this abduction, the mother of one abductee started making inquiring with the Erdut police and the Erdut TO training centre about her son and other family members. As a result, Ulemek intervened with Stevo Bogić, Head of the SNB, in order to "liquidate" the rest of the family. Three of the remaining family members were arrested by members of the SNB and executed.³⁵⁴

(iv) Murder of five people³⁵⁵

125. In October 1991, Arkan ordered Ulemek to bring Croats who were living close to the Klisa airfield to Erdut. On 11 November 1991, several of Arkan's Tigers led by Ulemek and including Crnogorac, arrested five non-Serb civilians and one Serb civilian in the village of Klisa.³⁵⁶ They were transported to Erdut and kept with two others who had been arrested in Dalj and Bijelo Brdo.³⁵⁷ The Serb civilian was quickly released.³⁵⁸ On 13 November 1991, after being transferred to the Erdut detention centre and having enduring interrogation and beatings, two of the detainees who had Serb relatives were released as well.³⁵⁹ The remaining five were executed.³⁶⁰

(v) Murder of 34 people³⁶¹

126. After the fall of Vukovar, the JNA made arrangements for large numbers of non-Serbs to be deported. When the Government of "SAO SBWS" realised that Croats were being taken from the territory under their jurisdiction, Hadžić demanded that the JNA hand over men and women who were suspected of participation in the military operations.

127. On 20 November 1991, a large number of people were brought to the village of Dalj. Those suspected of participating in the defence of Vukovar were turned over to the Dalj TO.

³⁵² C-1129.

³⁵³ C-020; 65terExh.732.

³⁵⁴ C-020; C-1113; 65terExh.733.

³⁵⁵ Indictment, para.36.

³⁵⁶ C-1089; C-1169.

³⁵⁷ C-1089; C-1169.

³⁵⁸ C-1118; C-015; C-1089; C-1169.

³⁵⁹ C-1089; C-1169; C-015.

³⁶⁰ 65terExhs.332-334, 734-735.

³⁶¹ Indictment, para.37.

They were detained in the TO detention facilities where they were interrogated, beaten and tortured. At least 34 were executed.³⁶²

(vi) Murder of five people³⁶³

128. On 10 December 1991, at least one member of the SBWS *milijica*, accompanied by members of Arkan's Tigers, arrested five non-Serb villagers from Erdut.³⁶⁴ The victims were taken to the TO training centre in Erdut and subsequently killed.³⁶⁵

(vii) Murder of seven people³⁶⁶

129. Between 22 and 25 December 1991, members of the SBWS TO led by Arkan and members of the SBWS *milicija* arrested seven ethnic Hungarian and Croat civilians in Erdut and took them to the TO training centre in Erdut.³⁶⁷ On 26 December 1991, they were shot and killed.³⁶⁸

(viii) Murder of four people³⁶⁹

130. On 21 February 1992 Arkan and members of the SBWS TO and the SBWS *milicija* arrested four members of the Albert family in Erdut.³⁷⁰ They were all interrogated in the TO training centre in Erdut and then murdered.³⁷¹

(ix) Murder of one person³⁷²

131. Marija Senaši, a family member of the victims abducted and murdered in Erdut in November 1991, continued to make inquiries about the fate of her relatives. As a result, she was arrested on 3 June 1992 by members of the SNB acting on Ulemek's orders,³⁷³ transported to Erdut and murdered.³⁷⁴

³⁶² C-1118; C-1183; 65terExh502; C-1175; C-1194.

³⁶³ Indictment, para.38.

³⁶⁴ C-1050; C-1075; C-1215.

³⁶⁵ C-1075; C-105; C-1113; 65terExh.736.

³⁶⁶ Indictment, para.39.

³⁶⁷ C-1051 knows of four who disappeared. C-1162 saw one of those in the training camp.

³⁶⁸ C-1051; C-1162; C-1050; C-1113; 65terExh.736.

³⁶⁹ Indictment, para.40.

³⁷⁰ C-020; C-1050.

³⁷¹ 65terExh.736; C-1113.

³⁷² Indictment, para. 35.

³⁷³ C-020; C-1129.

³⁷⁴ C-020.

(d) Deportation and Forcible Transfer³⁷⁵

132. Between 18 and 20 November 1991, the JNA completed their military operations in and around the town of Vukovar. Large-scale deportation of Croats was arranged. Buses and trucks were brought and used to deport thousands of Croat and other non-Serb inhabitants of Vukovar into the territory of the Republic of Serbia.³⁷⁶ Arkan's Tigers and TO members were present while the civilians were separated into groups of fighting age men, and elderly men, women and children.³⁷⁷ At least one of the trucks passed through Dalj, where the Croats and Serbs were separated into two groups. The Serbs were given the option of returning to Borovo Selo; the Croats were deported.³⁷⁸

133. On 9 April 1992, Arkan's Tigers forcibly expelled a large group of Croats from Erdut to the Republic of Croatia.³⁷⁹

B. Crimes in BiH1. Strategic importance of the crime sites:

134. The crime base locations in BiH lay within areas of strategic importance to the JCE and the implementation of the common plan. This is evident from the decision on strategic objectives of the Bosnian Serbs.³⁸⁰ In line with the common plan, the second strategic objective was to establish a corridor between Semberija and Krajina. Bosanski Šamać and Doboj lie within that corridor, known as Posavina Corridor.³⁸¹ Their takeover, and that of Bijeljina, were crucial for the establishment of the Posavina corridor. Karadžić stressed the importance of seizing control of this territory during his speech at the Assembly Session on 12 May 1992.³⁸² Sanski Most lies within the Autonomous Region of Krajina (ARK), which itself was a targeted area as well as being a link to the "RSK". Bijeljina, Zvornik and the Srebrenica municipalities, all in Eastern BiH along the Serbian border, fell within the Drina valley corridor (third strategic goal) and were also important for ensuring Serbia's access to the sea (sixth strategic goal). The crimes in Trnovo must be seen in the context of the importance of Sarajevo (fifth goal) and Srebrenica.

³⁷⁵ Indictment, paras.19-22, 63-64.

³⁷⁶ C-1183; C-1194; Bogunović.

³⁷⁷ C-1194; C-1183.

³⁷⁸ C-1183; C-1175.

³⁷⁹ C-1050; Antunović; C-1051.

³⁸⁰ 65terExh.268.

³⁸¹ 65terExh.759; 65terExh.762, p. 8.

³⁸² 65terExh.1297.

2. Bijeljina³⁸³

135. When Eastern Slavonia fell, all military equipment from that area was brought to Bijeljina.³⁸⁴ Further, by March 1992 Arkan's Tigers and Šešelj's men had already based themselves in a camp near Bijeljina, and trained and armed local Serb men in preparation for the takeover.³⁸⁵

136. On 31 March, in response to attacks and increasing tensions, Muslims raised barricades around the centre of town.³⁸⁶ Within the next day or two, Arkan and his men, along with other Serb forces, including Šešelj's men and the Bijeljina TO led by Ljubiša Savić *aka* Mauser (soon to be known as the Serbian National Guard)³⁸⁷ attacked Bijeljina.³⁸⁸ Arkan worked together with the local police and took advantage of the situation to install the SDS and establish a parallel authority.³⁸⁹ By 4 April 1992 they had taken control of the town.³⁹⁰ In Arkan's words, "the fighting was merciless".³⁹¹

137. On 3 April the JNA recorded the increase in paramilitary activities and noted the rumoured slaughtering of Muslims.³⁹² On 4 April, Plavšić arrived in Bijeljina and praised Arkan for the takeover.³⁹³ She saw hundreds of refugees. Despite hearing from Major General Janković, Commander of the 17th Corps, that "many, many more Muslims" were killed in the conflict than Serbs, she maintained her support for Arkan.³⁹⁴ Arkan refused to allow the army to takeover the town, claiming that "first, I must clean out this place".³⁹⁵ Within the next few days, the SDS Municipal Board of Bijeljina made clear its support of TOs and paramilitaries and its expectation that the JNA would refrain from conflict with the Serb people.³⁹⁶

138. In April 1992, trains came from Serbia to Bijeljina carrying weapons, ammunition and other military equipment.³⁹⁷ On 4 April, the local Bijeljina police force began wearing red

³⁸³ Indictment, paras.19-22, 41-42.

³⁸⁴ B-1453; B-1738.

³⁸⁵ B-1738; B-1453; B-1103; B-1003.

³⁸⁶ B-1453.

³⁸⁷ B-1738.

³⁸⁸ B-1738; B-1453; 65terExh.111.

³⁸⁹ 65terExh.116.

³⁹⁰ 65terExhs.75, 111, 116, 596.

³⁹¹ B-1488; 65terExh.403.

³⁹² 65terExh.740.

³⁹³ B-1488.

³⁹⁴ B-1488.

³⁹⁵ B-1488; 65terExh.403.

³⁹⁶ 65terExh.739.

³⁹⁷ B-1453.

berets and badges that arrived in a shipment from the MUP Serbia.³⁹⁸ “Red Beret” forces from Serbia were seen in Bijeljina at that time as well.³⁹⁹ Members of the Federal MUP were also present during the first week of April,⁴⁰⁰ as well as Federal SUP Coordinator Peter Mihajlović who visited the police station on several occasions in early April.⁴⁰¹

(a) Murder⁴⁰²

139. During the takeover of Bijeljina, Muslim civilians did not engage in any real resistance, having been disarmed. Yet, many civilians were killed.⁴⁰³ On 4 April 1992, one of the TO members admitted that they had killed quite a lot of the Muslims.⁴⁰⁴ That same day, a woman in extreme distress claimed that 22 people had been killed in a basement.⁴⁰⁵ Another witness saw at least 48 bodies in the streets shortly after the takeover. These people were unarmed and not in uniform, scattered out in the open; some were women and children.⁴⁰⁶ The names of 41 people killed, including two children, were announced publicly.⁴⁰⁷

140. After the takeover was complete, Arkan’s Tigers continued to terrorise the civilian population in a persecutory campaign aimed at terrorising the non-Serb population and forcing them to flee in fear – stealing, raping and killing non-Serbs.⁴⁰⁸ They set up patrols that went from house to house, carrying lists of citizens and taking people away. Those taken away “disappeared”.⁴⁰⁹ One witness was told by a local Serb that he had managed to get the witness taken off an execution list.⁴¹⁰ The entire family of a man suspected of erecting the barricades was killed.⁴¹¹ Large numbers of civilians were taken to detention centres where they were interrogated and beaten; many were also killed.⁴¹²

(b) Deportation and Forcible Transfer⁴¹³

141. Many thousands of non-Serbs were forcibly expelled from their homes and deported or forcibly transferred from the municipality following the Serb takeover in Bijeljina. By the

³⁹⁸ B-1003; 65terExh.111.

³⁹⁹ B-1453.

⁴⁰⁰ B-1003.

⁴⁰¹ 65terExh.111.

⁴⁰² Indictment, paras.19-22, 42.

⁴⁰³ B-1453; B-1003.

⁴⁰⁴ B1488.

⁴⁰⁵ B1488.

⁴⁰⁶ B-1003.

⁴⁰⁷ B-1453.

⁴⁰⁸ 65terExh.116.

⁴⁰⁹ B-1453; B-1723.

⁴¹⁰ B-1750.

⁴¹¹ B-1453.

⁴¹² B-1103.

end of the war, only 800 - 2,000 of Bijeljina's 30,000 Muslims remained.⁴¹⁴ Initial expulsions were targeted at people of wealth, political influence and religious influence, so as to remove the leadership of the non-Serbs and to destroy the morale of those remaining.⁴¹⁵ On or about 22 August 1992 approximately 30 Muslim residents were taken in a cattle truck towards Tuzla.⁴¹⁶ Many people chose to leave in large convoys of transport trucks provided by Serb authorities around August and September 1992.⁴¹⁷

142. The Muslim presence in Bijeljina decreased from 29.8% of the population in 1991, to 2.6% in 1997-1998. In the same time period, the Serb presence increased from 60,8% to 91,1%.⁴¹⁸

3. Zvornik⁴¹⁹

143. In preparation for the forcible takeover of the municipality, by April 1992 the Bosnian Serb authorities had established their own police force in Zvornik and declared Zvornik a Serbian Municipality.⁴²⁰ In addition, the Serbian inhabitants of Zvornik were armed by the JNA, and local Serbs who had received weapons from Serbia distributed them through a pre-established SDS network. In this Kostić played a crucial role.⁴²¹ He also informed local Serb officials that Arkan would arrive in the municipality and that preparations should be made to accommodate him and his men.⁴²²

144. During the first week of April 1992, a JNA military build-up commenced on Serbian territory on the opposite side of the Drina River.⁴²³ Around this time, Serbian paramilitary units with Arkan's tigers among them arrived in Zvornik municipality.⁴²⁴ Captain Dragan arrived in May or June 1992. He was responsible for training members of the local Serb TO.⁴²⁵ On one occasion he used a Muslim man as a live target during training exercises.

⁴¹³ Indictment, paras.19-22, 63-64.

⁴¹⁴ B-1750.

⁴¹⁵ B-1750.

⁴¹⁶ B-1750.

⁴¹⁷ B-1750; B-1486.

⁴¹⁸ 65terExh.2620.

⁴¹⁹ Indictment, paras.19-21, 60, 62.

⁴²⁰ B-024.

⁴²¹ B-161; B-024; B-217.

⁴²² B-024.

⁴²³ B-1237; Mujić.

⁴²⁴ B-1237; Banjanović; Mujić.

⁴²⁵ B-024; B-217.

145. On or about 7 April 1992, Arkan, accompanied by a DB official,⁴²⁶ presented an ultimatum to local Muslim leaders in Mali Zvornik to “surrender”, threatening them with an attack by Serb forces.⁴²⁷ On 8 and 9 April 1992, Serb forces, including Arkan’s Tigers, SRS volunteers,⁴²⁸ local Serb TO, police and the JNA attacked and took control of Zvornik town.⁴²⁹ During the attack unarmed civilians were forced out of their dwellings by Serb forces. Adult males were separated from the women and children.

(a) Murder⁴³⁰

146. While the inhabitants of Zvornik were separated, Serb paramilitary forces executed approximately 20 unarmed non-Serb civilians.⁴³¹ After the takeover, the bodies of numerous Muslim civilians were recovered from Zvornik town.⁴³²

(b) Deportation, Forcible Transfer

147. Following the attack on Zvornik town, Serb forces deliberately targeted Muslim monuments;⁴³³ interrogated and searched the houses of Muslims on a massive scale;⁴³⁴ and detained, beat and killed Muslim males in twenty-five facilities within the municipality. These incidents enveloped the Muslim inhabitants of Zvornik in a climate of terror. It was against this backdrop that Serbian authorities implemented the plan to transfer the Muslim population out of the municipality.⁴³⁵ For example, on 26 June 1992, after Serbian forces had taken over the village of Kozluk, Serbian authorities, including Brano Grujić, President of the Zvornik SDS, directed the Muslim inhabitants to leave the village pursuant to the deportation order issued in the name of Major Pavlović/Popović.⁴³⁶ The Muslims were informed that if they did not, they would face an “all-out attack” in which all Muslims would be killed.⁴³⁷ Prior to their departure, the Muslims were forced to sign documents according to which ownership of their property was transferred to the Serb Municipality of Zvornik.⁴³⁸

⁴²⁶ B-1237.

⁴²⁷ B-1237; Mujić.

⁴²⁸ B-1058.

⁴²⁹ B-1058; B-1237; B-217; 65terExhs.1499, 1534.

⁴³⁰ Indictment, para.60.

⁴³¹ B-1237; B-1058.

⁴³² B-1775; B-217; 65terExh.569.

⁴³³ B-024; 65terExh.2891.

⁴³⁴ 65terExh.1534.

⁴³⁵ 65terExh.2837.

⁴³⁶ Banjanović; 65terExhs.85-86, 104.

⁴³⁷ Banjanović.

⁴³⁸ Banjanović.

Approximately 1,822 people left Kozluk under these circumstances.⁴³⁹ As part of a prearranged plan, deportees were sent through Serbia to Hungary and Austria.⁴⁴⁰

148. The Muslim population of Zvornik was largely extinguished as a result of the Serb conquest of the municipality. The Muslim presence in the Zvornik area that later became part of the RS decreased from 54,8% of the population in 1991, to 0.6% in 1997-1998. In the same period, the Serb presence increased from 41, 9% to 96, 7%.⁴⁴¹

4. Bosanski Šamac⁴⁴²

149. On 29 February 1992, the SDS established the “Serbian Municipality of Bosanski Šamac” and a municipal Assembly of the Serbian People,⁴⁴³ which, on 28 March 1992, elected the representatives of the Executive Board of the Serbian Municipality of Bosanski Šamac in preparation for the forcible takeover of the municipality. Stevan Todorović was appointed as Chief of Police.⁴⁴⁴ A Serb Crisis Staff was established on 15 April 1992.⁴⁴⁵ Blagoje Simić was appointed as President of the Crisis Staff on 17 April 1992.⁴⁴⁶

150. Prior to the takeover of the municipality, local Serb authorities sought the assistance of the DB. In particular, in late February or early March 1992, Todorović and Miloš Bogdanović, the Municipal Secretary for National Defence, travelled to Belgrade and met Colonel Jugoslav Maksimović of the Federal Secretariat for National Defence (SSNO) and Milan Prođanić of the DB . During this meeting, arrangements were made to send a group of 20 local men from the Šamac area for special training at Ilok Camp in Eastern Slavonia.⁴⁴⁷

151. On 11 April 1992, a group of DB-trained paramilitaries consisting of the 20 local men and approximately 30 Serbian Radical Party (SRS) “volunteers”, who were armed and trained at the DB-operated Ležimir and Pajžos camps, were deployed to Bosanski Šamac by JNA helicopter to assist in the takeover of the municipality.⁴⁴⁸ Prior to their departure, SIMATOVIĆ had informed the SRS volunteers that they would be deployed to Bosanski Šamac. The commanders of the DB-trained paramilitaries were Dragan Djorđević *aka* Crni, Srećko Radovanović *aka* Debeli and Slobodan Miljković *aka* Lugar. Members of the unit

⁴³⁹ Banjanović; 65terExhs.86, 104.

⁴⁴⁰ Banjanović.

⁴⁴¹ 65terExh.2620.

⁴⁴² Indictment, paras.19-21, 43-47, 62.

⁴⁴³ 65terExhs.748-749.

⁴⁴⁴ Todorović; 65terExh.749.

⁴⁴⁵ 65terExh.749.

⁴⁴⁶ Todorović; 65terExh.755.

⁴⁴⁷ Todorović.

⁴⁴⁸ Todorović; B-258; 65terExhs.1658, 1660, 2580.

wore camouflage uniforms with Grey Wolf patches. Crni and Debeli wore red berets.⁴⁴⁹ With the agreement of the local JNA command and local Serb officials, including Todorović and Simić, the unit was integrated into the 17th Tactical Group of the JNA (responsible for Bosanski Šamac).⁴⁵⁰ During the course of the conflict, Todorović participated in further meetings with Prodanić, STANIŠIĆ and SIMATOVIĆ concerning the events in the municipality and Crni's presence there.⁴⁵¹

(a) Murder⁴⁵²

152. On 17 April 1992, the DB-trained paramilitaries, sections of the JNA, and local police, attacked and took control of the town of Bosanski Šamac and neighbouring areas.⁴⁵³ Thereafter, Serb forces effected the forcible removal of the non-Serb population from the municipality through a persecutory campaign characterised by arbitrary arrests and detention, abuse, forced labour,⁴⁵⁴ and the looting of property belonging to non-Serbs.⁴⁵⁵

153. The DB-trained paramilitaries participated in the abuse of non-Serb detainees and in doing so murdered at least seventeen detainees. In particular, on 26 April 1992, Lugar murdered Anto Brandić, a Croat detainee at the TO building, by beating him with a wooden club and then shooting him.⁴⁵⁶ Moreover, on 7 May 1992, DB-trained paramilitaries including Debeli and Lugar beat non-Serb detainees held in a warehouse in Crkvina, near the town of Bosanski Šamac, and shot approximately 16 of them.⁴⁵⁷

(b) Deportation, Forcible Transfer

154. After being subject to a regime of abuse, forced labour, and confinement under inhumane conditions, non-Serb detainees were deported to Croatia or transferred to other parts of BiH in "exchange" for Serbs.⁴⁵⁸ In some cases people were forced to be exchanged. In others they were "asked" whether they wished to leave the area, but in an environment of fear that vitiated any possibility of real choice.

155. As a result of the Serb takeover of Bosanski Šamac, Croat and Muslim presence in the part of the municipality which became Srpski Šamac decreased from 29,8 % Croat and 8,7 %

⁴⁴⁹ B-258.

⁴⁵⁰ Todorović; 65terExhs.113, 1658, 1660, 2580.

⁴⁵¹ Todorović.

⁴⁵² Indictment, paras.46-47.

⁴⁵³ Todorović; Tihic; B-1626; B-1108; 65terExhs.752-754, 1658, 2580.

⁴⁵⁴ B-1639; 65terExh.785.

⁴⁵⁵ B-1639; Todorović; Bičić; Tihic.

⁴⁵⁶ Tijic; Bičić.

⁴⁵⁷ B-1108; Todorović; Bičić.

Muslim population in 1991, to 1,9 % and 1,3 % respectively in 1997-1998. In the same period, Serb presence increased from 53, 8% to 91, 5%.⁴⁵⁹

5. Doboj⁴⁶⁰

156. In early 1992, various Serb special units including Arkan's Tigers, Šešelj's men⁴⁶¹ (referred to as White Eagles⁴⁶²), Wolves from Vučjak Mountain, Predini Vukovi, the *Martićevci* from the Krajina and *Knindžas* from Knin⁴⁶³ arrived in Doboj. Special units of the DB established a training centre at Mt. Ozren in the municipality in early 1992,⁴⁶⁴ where special units and local Serbs were trained and equipped before being used in the forcible takeover of Doboj.⁴⁶⁵

157. Following the common pattern, a Serb Crisis Staff was established by April 1992⁴⁶⁶ and a Serb TO formed.⁴⁶⁷ In spring 1992 non-Serbs were dismissed from work⁴⁶⁸ and checkpoints erected by Serb forces in the Doboj municipality.⁴⁶⁹ Restrictions on movement were imposed upon all Muslims⁴⁷⁰ and the non-Serb population was disarmed.⁴⁷¹ Even before the official takeover of Doboj, Muslim property was destroyed and Muslims were beaten.⁴⁷²

158. On or about the night of 2 May 1992 Serb forces, including the special units trained and equipped at Mt. Ozren, forcibly took over the undefended town,⁴⁷³ occupying vital municipal institutions and cutting telephone lines.⁴⁷⁴

159. Arkan's Tigers and Šešelj's men were particularly noticeable.⁴⁷⁵ The special units from Mt. Ozren under the command of Božović were referred to as "Red Berets". Over the next few weeks Serb forces attacked different towns and villages in the municipality. When the radio station was taken over it was announced that a Serb Crisis Staff would exist, that

⁴⁵⁸ B-1108; B-1639; Bičić; Todorović; Tihčić.

⁴⁵⁹ 65terExh.2620.

⁴⁶⁰ Indictment, paras.19-21, 48-51, 62.

⁴⁶¹ B-1445.

⁴⁶² B-1457.

⁴⁶³ B-1115.

⁴⁶⁴ B-1115; B-1445; 65terExh.583.

⁴⁶⁵ B-1115.

⁴⁶⁶ B-1445.

⁴⁶⁷ 65terExh.764.

⁴⁶⁸ B-1778.

⁴⁶⁹ B-1457; B-1116; B-1115; B-1778.

⁴⁷⁰ B-1778; B-1115.

⁴⁷¹ B-1116; B-1778.

⁴⁷² B-1445.

⁴⁷³ B-1778; B-1455.

⁴⁷⁴ B-1778.

movement was restricted, and that the population had to turn in their weapons.⁴⁷⁶ The Serb forces established a regime of persecution against the non-Serbs and began deporting them from the municipality. The non-Serbs who did not flee the town were targeted in various ways by the Serb forces including by harassment, beatings, arrests, interrogations and killings.⁴⁷⁷ Soldiers wearing camouflage uniforms and red berets with “four Cyrillic S” insignia entered the town and beat people.⁴⁷⁸ The “Red Berets”, White Eagles and other paramilitaries committed many crimes.⁴⁷⁹ They arrested non-Serb civilians, brutally raped women⁴⁸⁰ and looted property.⁴⁸¹ Many flats in Dobož were searched, and many Muslim and Croatian citizens were arrested.⁴⁸² A large number of private houses owned mainly by Muslim and Croatian citizens were seriously damaged.⁴⁸³

160. Serb forces, including “Red Berets” and other special units connected to the DB detained non-Serb civilians in several locations in Dobož.⁴⁸⁴ At the detention facility at Bare, a former JNA facility, established in May 1992,⁴⁸⁵ men were kept in pig stalls with the pigs,⁴⁸⁶ forced to work very long hours and to compromise their religious beliefs by eating pork fat.⁴⁸⁷ Another facility was the Spreča Prison (*Dobož Central Prison*).⁴⁸⁸ At night, prisoners were taken out of their cells and never seen again.⁴⁸⁹ The “Red Berets” would come to the prison almost daily and beat the prisoners. Another detention facility, the Usora Camp, was located on the premises of former JNA barracks, close to the Bosanko plantation (also known as the “Hangars” or “Bosanka Camp”) and housed between 50 and 220 prisoners in one warehouse.⁴⁹⁰ Conditions were bad, there was a lack of food and people were beaten.⁴⁹¹ Some of the men had to perform forced labour at an agricultural estate.⁴⁹² Perčin’s Disco was

⁴⁷⁵ B-1445.

⁴⁷⁶ B-1116; B-1778.

⁴⁷⁷ B-1116; B-1115; 65terExhs.118, 766.

⁴⁷⁸ B-1778.

⁴⁷⁹ 65terExh.1832.

⁴⁸⁰ 65terExh.118.

⁴⁸¹ B-1116.

⁴⁸² 65terExhs.118, 759, 1832.

⁴⁸³ B-1457; B-1445; 65terExhs.118, 759, 1832.

⁴⁸⁴ B-1778; B-1115.

⁴⁸⁵ B-1115; B-1116.

⁴⁸⁶ B-1116.

⁴⁸⁷ B-1457.

⁴⁸⁸ B-1116; B-1457.

⁴⁸⁹ B-1115; B-1457; B-1116.

⁴⁹⁰ B-1115.

⁴⁹¹ B-1457; B-1115.

⁴⁹² B-1778.

converted into a camp run by the Serb police, holding up to 200 detainees.⁴⁹³ Prisoners were beaten by different soldiers, including “Red Berets”.⁴⁹⁴ They were forced to beat one another and carry out acts of gross sexual indecency upon one another.⁴⁹⁵ Prisoners were forced to collect and bury human and animal corpses from surrounding villages.⁴⁹⁶ Detainees were also sent to the front lines to perform forced labour under difficult and dangerous conditions.⁴⁹⁷

(a) Murder⁴⁹⁸

161. The regular and military police were in charge of the camps.⁴⁹⁹ Members of the special units of the DB entered these facilities and killed detainees.⁵⁰⁰ In the central prison, at least one prisoner, an elderly paralysed man, was killed by a “Red Berets” member in front of all prisoners.⁵⁰¹ From May 1992 many prisoners were taken out of the cells and never seen again, while at the same time dead bodies were thrown into the river Bosna.⁵⁰² At least one prisoner was beaten to death.⁵⁰³ At Perčin’s disco, at least one other prisoner was beaten to death⁵⁰⁴ and at least one prisoner died due to the inhumane conditions.⁵⁰⁵ At the Usora Camp, at least one prisoner was killed.⁵⁰⁶ “Red Berets” and members of other forces seriously mistreated prisoners in these camps.⁵⁰⁷ Prisoners as well as woman and children were expelled or “exchanged” for other prisoners, after having signed over their property to the RS.⁵⁰⁸ The Serbs instigated fear among the non-Serb civilian population in order to make them flee the area.⁵⁰⁹

162. On or about 12 July 1992, Serb forces, including special units of the DB, used non-Serb detainees from Perčin’s Disco as human shields. They ordered 50 inmates to walk towards a frontline between the ABiH and Serb forces. One of the soldiers shot a prisoner in the head to encourage the others to keep walking. The ABiH called to the prisoners to run

⁴⁹³ B-1457; B-1778.

⁴⁹⁴ B-1459.

⁴⁹⁵ B-1457.

⁴⁹⁶ B-1778; B-1115; B-1459.

⁴⁹⁷ B-1116; 65terExh.772.

⁴⁹⁸ Indictment, paras.50-51.

⁴⁹⁹ 65terExhs.766, 770.

⁵⁰⁰ B-1457; B-1459.

⁵⁰¹ B-1779.

⁵⁰² B-1778; B-1115; B-1116; B-1457.

⁵⁰³ B-1115.

⁵⁰⁴ B-1778; B-1459.

⁵⁰⁵ B-1457.

⁵⁰⁶ B-1116.

⁵⁰⁷ B-1457; B-1115; B-1779; B-1116.

⁵⁰⁸ B-1116.

⁵⁰⁹ B-1457.

towards them. As they did, the Serb forces shot at them, killing approximately twenty-seven civilians.⁵¹⁰

(b) Deportation, Forcible Transfer

163. Due to the attacks, the persecution and the fear spread among the civilians, more than 15,000 non-Serbs escaped towards Tešelj.⁵¹¹ On 8 May 1992 Radislav Vukić, the President of the SAO regional board, announced that Doboj had been liberated.⁵¹² The “Wolves from Vučjak” were clearing the terrain.⁵¹³ The non-Serb population of Doboj was largely expelled as a result of the Serb takeover. While in 1991 the part of this municipality which later became part of the RS had a population of 30% Muslims, 11,5% Croats and 50% Serbs, by 1997, Serbs constituted 92,5% and Muslims and Croats constituted 0,6% and 1,5% of the population respectively.⁵¹⁴

6. Trnovo⁵¹⁵

164. On 8 March 1995, Karadžić, as VRS Supreme Commander, issued a directive ordering the VRS to eliminate the Bosnian Muslim enclaves of Srebrenica and Žepa, in furtherance of the “six strategic objectives” of 12 May 1992.⁵¹⁶ Karadžić planned this operation to start in June 1995.⁵¹⁷ Following an RS Government request for assistance, Stojičić and other officials decided during a meeting at the MUP Serbia in Belgrade in late June 1995, in which Arkan, Slobodan Medić and Milanović took part, that a unit consisting of members of the Scorpions, the Tigers and 10 men under the command of Mijović (who was overall commander of the unit) should go to RS to participate in joint military operations with the VRS in the Trnovo area during the attack on the enclaves.⁵¹⁸

165. A few days after the meeting about 150 Scorpion members left their base in Đeletovci, entered into Serbia near Šid (about 80 km north-west of Belgrade) and were escorted by the DB to the border crossing with Bosnia at Raća, from where they travelled to Trnovo and Treskavica. They normally wore badges with a sword, indicating membership of the DB, but once they left for Trnovo they replaced their DB badges with MUP Serbia

⁵¹⁰ B-1778; B-1459; B-1457.

⁵¹¹ B-1116.

⁵¹² 65terExh.767.

⁵¹³ 65terExh.769.

⁵¹⁴ 65terExh.2620.

⁵¹⁵ Indictment, paras.55-59.

⁵¹⁶ 65terExh.1178.

⁵¹⁷ Deronjić.

⁵¹⁸ Milanović; B-129.

badges.⁵¹⁹ Medić had various activities of his unit videotaped.⁵²⁰ On 25 June 1995, the unit took part in a religious ceremony at their base in Deletovci.⁵²¹ The following day the Scorpions came to Pale using cars with registration plates belonging to the Bosnian RS MUP.⁵²² They then travelled to Jahorina where a command post was located. They stayed there for several days⁵²³ and were then moved to Trnovo⁵²⁴ where they joined Arkan's unit. Their task, together with the DB unit led by Mijović, was to cut the Muslim communication lines around Sarajevo.⁵²⁵ The joint unit was engaged as a combat group in several attacks around Trnovo both before and after the beginning of the attack on Srebrenica on 6 July 1995.⁵²⁶ On 7 July 1995 SIMATOVIĆ visited the VRS Drina Corps Headquarters in Vlasenica.⁵²⁷ STANIŠIĆ was also in Bosnia during the offensive against Srebrenica, meeting Karadžić in Pale on 9 July 1995.⁵²⁸ On 10 July 1995, an order under the name of the RS Deputy Minister of the Interior Tomislav Kovač required that a unit consisting of police companies, "the joint "RSK" /Republic of Serbian Krajina/, *Serbian and RS MUP forces and a company from the training camp on Jahorina*"⁵²⁹ should be sent to Srebrenica the following day. Srebrenica fell to the Bosnian Serb forces on 11 July 1995.⁵³⁰

166. The Bosnian Muslim refugees who had taken shelter in Srebrenica fled to Potočari. Fearful they would be killed if they fell in the hands of Bosnian Serbs, a column of 10,000 to 15,000 young men started moving along the axis between Konjević Polje and Bratunac around midnight of 11 July 1995. On 12 July 1995, the VRS launched an artillery attack against the column and captured thousands of men who had survived the attack. Following Karadžić's directive to eliminate the enclaves, the prisoners were executed. Some were killed individually or in small groups by the soldiers who captured them. Some were killed in places where they were temporarily detained. Most, however, were slaughtered in carefully orchestrated mass executions commencing on 13 July 1995 in the region just north of

⁵¹⁹ Kosanović.

⁵²⁰ Kosanović.

⁵²¹ Kosanović; Stoparić.

⁵²² Kosanović; 65terExh.1186, video timer, 11.00; 65terExh.1187.

⁵²³ Kosanović.

⁵²⁴ Kosanović; 65terExh.1186, timer 16.25.

⁵²⁵ B-129.

⁵²⁶ 65terExhs.411, 782, 1189, 1197.

⁵²⁷ 65terExh.1196.

⁵²⁸ Deronjić.

⁵²⁹ 65terExh.1187.

⁵³⁰ Secretary-General's Report, para.304.

Srebrenica. Prisoners not killed on 13 July 1995 were subsequently bussed to execution sites further north where large-scale executions took place between 14 and 17 July 1995.⁵³¹

(a) Murder⁵³²

167. Captured civilians were distributed for killing so as not to kill too many at one place.⁵³³ Between 12 and 25 July 1995 about 15 prisoners from Srebrenica were given to the Scorpions at their base at Trnovo as their “share”.⁵³⁴ Medić and a group of Scorpions, among them Petrašević, Šiptar, Davidović, Momić, Aleksandar Medić, Vukov, Branislav Medić, and Stojković, took six of the prisoners by truck to an isolated area about five kilometres from Trnovo in order to “dispose of them”.⁵³⁵ Stojković had been ordered by Slobodan Medić to videotape the incident.⁵³⁶ The prisoners whose hands were tied behind their backs were forced to get off the truck, while the Scorpions shouted at them in abusive language, kicked them in the heads and beat them. The prisoners were forced to walk into a lightly wooded area where the Scorpions ordered two of them to lie face down and the other four to stand in a line. They then shot the four prisoners one after the other, Davidović also shooting them in the heads after they had fallen onto the grass.⁵³⁷ The Scorpions then untied the hands of the remaining two prisoners and made them carry the bodies into a deserted building, where they again fired several shots at the dead.⁵³⁸ Petrašević and Branislav Medić then shot the remaining two prisoners through the window and door of the building.⁵³⁹

7. Sanski Most⁵⁴⁰

168. The Banja Luka operation started in September 1995. It encompassed Sanski Most, Mrkonjić Grad, Ključ and Prijedor. This coordinated operation, involving the MUP Serbia,⁵⁴¹ Arkan’s Tigers, VRS and RS MUP units, was to prevent the fall of Banja Luka and to secure the corridor between the “RSK” and Serbia.⁵⁴² Rajo Božović was in charge on the DB side. Arkan was engaged in the operation, although the Tigers were subordinated to the DB .

⁵³¹ For these and further details of the events around the attack on Srebrenica, the Prosecution refers to *Krstić* TJ, paras.1, 31, 33, 36, 48-49, 60-64, 67, 171.

⁵³² Indictment, paras.57-59.

⁵³³ Stoparić.

⁵³⁴ Stoparić.

⁵³⁵ Stoparić; Stojković.

⁵³⁶ 65terExh.1186, timer 1.39.15 *et. seq.*

⁵³⁷ Kosanović.

⁵³⁸ 65terExh.1186.

⁵³⁹ 65terExh.1186.

⁵⁴⁰ Indictment, paras.19-21, 52-54, 62.

⁵⁴¹ 65terExh.773.

⁵⁴² B-108.

Ljuban Ećim, commander of the Banja Luka DB , worked closely with Arkan on the operation. Ećim would visit SIMATOVIĆ and Arkan on visits to Belgrade.⁵⁴³

169. On 26 May 1992 Serb paramilitary units, “Red Berets” and JNA troops attacked and took over over Sanski Most.⁵⁴⁴ Over the next few months, these forces – following the common pattern –established Serb authorities, persecuted, arrested and killed non-Serbs systematically, destroyed Muslim villages and finally expelled the Muslim inhabitants of villages in the municipality, including Mahala, Hrustova and Vrhpolje.⁵⁴⁵

170. In mid 1995, ABiH troop advances threatened to re-takeover the municipality of Sanski Most.⁵⁴⁶ In September 1995, to stop the ABiH advances and ensure that Sanski Most remained Serb-held territory, the municipal President Nedeljko Rašula⁵⁴⁷ called in Arkan’s Tigers from Serbia. In the operations, Arkan’s Tigers participated along with RS MUP and VRS forces.⁵⁴⁸ On about 19 September 1995 Arkan’s Tigers arrived in Sanski Most in large numbers and rounded up the remaining Muslim male population, arrested them and incarcerated them in the Hotel “Sanus”.⁵⁴⁹ About 30 Muslim men were imprisoned in a small “boiler room”, in extremely cramped and unhygienic conditions, and were severely beaten by their captors. As a result of the severe beatings two of the men died.⁵⁵⁰

(a) Murder⁵⁵¹

171. On about 20 September 1995, Arkan’s Tigers took several of the men who were held at the Hotel by bus to an abandoned house in the village of Trnova, close to Sanski Most, where they were executed two at a time. The victims were shot in the back, except for two who had their throats cut. In order to ensure that the victims were dead, final shots were fired in their heads. At least 11 victims were killed, and only one person survived.⁵⁵²

172. On about 21 September 1995 Arkan’s Tigers took another group of approximately 65 prisoners in buses to Sasina, where a similar mass-execution took place.⁵⁵³

⁵⁴³ B-129.

⁵⁴⁴ B-108.

⁵⁴⁵ B-108; B-1049.

⁵⁴⁶ 65terExh.773.

⁵⁴⁷ B-108.

⁵⁴⁸ 65terExhs.103, 773.

⁵⁴⁹ B-1047.

⁵⁵⁰ B-1048.

⁵⁵¹ Indictment, paras.53-54.

⁵⁵² B-1047.

⁵⁵³ B-1049; B-1048.

(b) Deportation/Forcible Transfer

173. A few days later, about 350 non-Serb detainees were expelled by bus to Prijedor.⁵⁵⁴
On 10 October 1995 the ABiH took over the terrain and freed the prisoners.⁵⁵⁵

174. In the part of Sanski Most which later became part of the RS, in 1991 Muslims constituted 12,5% of the population, Serbs 61,4% and Croats 23,4%. By 1997, Serbs constituted 94,8% of the population, Muslims 0,2% and Croats 2,6%.⁵⁵⁶

Word count: 17,875

⁵⁵⁴ B-1049; B-1048.

⁵⁵⁵ B-1048.

⁵⁵⁶ 65terExh.2620.

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR

V.

JOVICA STANIŠIĆ AND FRANKO SIMATOVIĆ

Case No. IT-03-69-PT

A N N E X A

APPENDIX OF ABBREVIATIONS

Term	English	B/C/S
2nd MD	2nd Military District	Druga vojna oblast
ABiH	Army of the Republic of BiH	Armija Bosnia i Hercegovina
Adžić, General Blagoje	Acting SSNO 15-5-88 to 8-5-92, CGS JNA 21-9-89 to 8-5-92	
Akayesu TJ	Trial Judgement: <i>Prosecutor v Jean-Paul Akayesu</i> , Judgement 9 February 1998, ICTR – 96 – 4	
ARK	Autonomous Region of Krajina (originally ZOBK)	Autonomna Regija Krajina
Arkan's Tigers / Volunteer Guards	Paramilitary group lead by Željko Ražnatović (alias Arkan)	
Babić, Milan	President of the SAO Krajina	
Bagilishema TJ	Trial Judgement: <i>Prosecutor v Ignace Bagilishema</i> , Judgement 7 June 2001, ICTR – 95 - 1	
BiH	Bosnia and Herzegovina	Bosna i Hercegovina
Blaškić AJ	Appeal Judgement: <i>Prosecutor v Tihomir Blaškić</i> , Judgement (on appeal) 29 July 2004	
Bogdanović, Radmilo	Minister of Internal Affairs of the Republic of Serbia	
Chetnik	A Royalist anti-Communist Serb	Četnik

Term	English	B/C/S
	resistance movement during WW2	
CGS	Chief of General Staff	
Ćosić, Dobrica	President of FRY 1992-1993	
Crisis Staff (existed at the federal, regional, municipality and local levels)	Replaced the Assemblies (federal and Municipal) if there was a threat of war or actual war	
CSB	Security Services Centre	Centar službi bezbjednosti
DB	State Security Division of MUP	Državna bezb(j)ednost
Drašković, Vuk	Leader of the SPO	
FRY	Federal Republic of Yugoslavia	Savezna Republika Jugoslavija
Hadžić, Goran	President of SAO SWBS, and later of the RSK	
HDZ	Croatian Democratic Union	Hrvatska demokratska zajednica
ICTR	International Criminal Tribunal for Rwanda	
ICTY	International Criminal Tribunal for the former Yugoslavia	
ILC	International Law Commission	
JATD	Units for anti-terrorist activities	Jedinice za antiteroristička dejstva
JB	Public Security Division of MUP	Javna bezb(j)ednost
JNA	Yugoslav People's Army (ceased to exist in May 1992 when it was divided into the VJ and VRS)	Jugoslovenska Narodna Armija
Jović, Mirko	Political leader and organiser of the White Eagles	
JSO	Units for Special operations	Jedinice za specijalne operacije
JUL	Yugoslav United Left	Jugoslovenska ujedinjena levica
Kadijević, General Veljko	SSNO 15-5-88 to 6-1-92. Retired 28-2-92	
Karadžić, Radovan	President of the SDS-BiH, President of Republika Srpska	
Kertes, Mihalj	Assistant Federal Minister of Internal Affairs in 1992	

Term	English	B/C/S
Knindžas	Paramilitary group commanded by Dragan Vasiljković, trained at Golubić camp and later based in the fortress in Knin, SAO Krajina.	
Koljević, Nikola	Member of BiH Presidency, then Acting President and member of Presidency of Serb Republic	
Kordić AJ	Appeal Judgement: <i>Prosecutor v Dario Kordić and Mario Čerkez</i> , Judgement (on appeal) 17 December 2004	
KOS	Informal term for Serbian military intelligence which consisted of 2 parts: (a) the Security Administration; and (b) the Intelligence Administration	Kontraobaveštajna Služba
Krajišnik, Momčilo	Senior SDS-BiH member who was President of the BiH Assembly and then the Bosnian Serb Assembly.	
Krstić TJ	Trial Judgement: <i>Prosecutor v Radislav Krstić</i> , Judgement, 2 August 2001	
Martić, Milan	Minister of Internal Affairs of the SAO of Krajina as well as heading the RSK Police commonly known as Martić's Police	
Martić's Police	Police force of the RSK led by Milan Martić	
Milošević, Slobodan	1990 President of SPS, 1990-96 President of Serbia, 1997-2000 President of FRY.	
Mladić, General Ratko	Senior Officer of 9 th Corps JNA who participated in the Croatian War. From May 1992 he was Commander of the main staff of the VRS.	
MoD	Ministry of Defence	
MUP (existed at both the federal and municipality levels)	Ministry of Internal Affairs / Police (this consisted of two separate parts known as the JB and DB)	Ministarstvo unutrašnjih poslova

Term	English	B/C/S
NSC	National Security Council	
OG	Operational group	Operativna Grupa
OU	Intelligence Administration or Second Administration	Obaveštajna uprava
Panić, Života	CGS JNA/VJ 8-5-92 to 26-8-92	
Plavšić, Biljana	Member of BiH Presidency, then Acting President and member of Presidency of Serb Republic	
Ražnatović, Zeljko (alias Arkan)	Led his own paramilitary group known as Arkans Tigers	
Raškovic, Jovan	Leader of SDS-Croatia	
RDB	State Security Department	Resor državne bezbednosti
RJB	Public Security Department	Resor javne bezbednosti
RS	Republika Srpska	Republika Srpska
RSK	Republic of Serbian Krajina	Republika Srpske Krajine
SAO	Serbian Autonomous Region	Srpska Autonomna Oblast
SAO Krajina	Serbian Autonomous Region of Krajina	
SAO SWBS	Serbian Autonomous Region of Eastern Slavonia, Baranja and Western Šrem	
SAO WS	Serbian Autonomous Region of Western Slavonia	
SDA	Party of Democratic Action	Stranka demokratske akcije
SDC	Supreme Defence Council	Vrhovni savet odbrane
SDS-BiH	Serbian Democratic Party of Bosnia and Herzegovina	Srpska demokratska stranka Bosna i Hercegovina
SDS-Croatia	Serbian Democratic Party of Croatia	Srpska demokratska stranka
SČP	Serbian Chetnik Movement	
Šešelj, Vojislav	President of SRS as well as leading his own paramilitary group known as Šešelj's men	
Šešelj's Men / Chetniks	Paramilitary groups led by Šešelj	Šešeljevci/Četnici
SFRY	Socialist Federal Republic of Yugoslavia	Socijalistička Federativna Republika Jugoslavija
Simić AJ	Appeal Judgement: <i>Prosecutor v Blagoje Simić</i> , Judgement (on appeal) 28 November 2006	

Term	English	B/C/S
Simović, Tomislav	Serbian Minister of Defence	
SJB	Public Security Station	Stanica javne bezbjednosti,
SNB	National Security Service	Služba nacionalne bezbjednosti
SNC	Serbian National Council	
Sokolović, Zoran	Succeeded Bogdanović as Minister of Internal Affairs	
SPO	Serbian Renewal Movement	Srpski pokret obnove
SPS	Socialist Party of Serbia	Socialistička partija Srbije
SR BiH	Serbian Republic of Bosnia and Herzegovina	
Srpska Garda	Paramilitary group associated with Vuk Drašković's SPO	
SRS	Serbian Radical Party	Srpska radikalna stranka
SSNO	Federal Secretary for National Defence	Savezni Sekretar za Narodnu Odbranu
Stojičić, Radovan (alias Badža)	Deputy Minister of the MUP Serbia and head of its JB	
SUP (Later known as MUP)	Secretariat for Internal Affairs	Sekretarijat za unutrašnje poslove
SVK	Army of the Republika Srpska (formerly SAO Krajina TO and RSK TO) after May 1992 merged with the remnants of the JNA left in Bosnia to form the VRS	Srpska vojska Krajine
Tadić AJ	Appeal Judgement: <i>Prosecutor v Duško Tadić</i> , Judgement (on appeal) 15 July 1999	
TG	Tactical group	Taktička Grupa
TO	Territorial Defence	Teritorijalna odbrana
Tuđman, Franjo	President of Croatia	
UB	Security Administration	Uprava bezbednosti
UNPROFOR	United Nations Protection Force	
Ustaša	Ruling political (fascist) party of the Croatian Independent State (NDH) of WW2 led by Ante Pavelić	
Vance, Cyrus and Owen, Lord David	Unsuccessfully tried to broker peace through the Vance/Owen Peace Plan	

Term	English	B/C/S
VJ	Army of the Federal Republic of Yugoslavia (came into existence after May 1992 when the JNA ceased to exist)	Vojska Jugoslavije
VRS/BSA	Bosnian Serb Army	Vojska Republike Srpske
War Commissions	In some municipalities War Commissions replaced the Crisis Staff / War Presidencies	
War Presidencies (existed at both federal and municipality level)	In some municipalities War Presidencies replaced the Crisis Staff when war broke out	
White Eagles	Paramilitary group lead by Dragoslav Bokan and Mirko Jović	
ZNG	Croatian National Guard	Zbor Narodne Garde

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

THE PROSECUTOR

V.

JOVICA STANIŠIĆ AND FRANKO SIMATOVIĆ

Case No. IT-03-69-PT

A N N E X B

P E R S E C U T O R Y A C T S

The Accused are charged with persecution through murder and deportation/forcible transfer. No other specific acts of persecution have been charged. Nevertheless, the Prosecution will rely on evidence of other persecutory acts to show a pattern of conduct that was aimed at causing forcible displacement through deportation and forcible transfer. These acts include, but are not limited to, the ones set out in the table below.

SAO KRAJINA
<i>Dubica, Cerovljani, Baćin</i> Baćin was burnt down and almost razed to the ground in late October 1991. The Catholic Church was completely destroyed. The same happened to churches in the neighbouring villages. The neighbourhood of Dubica where Croats lived was completely destroyed.
<i>Saborsko</i> The entire village and the Catholic Church were burnt down.
SAO SBWS
<i>Erdut</i>

In Arkan's makeshift prison, a large number of non-Serb detainees were maltreated and beaten.

Bosnia and Hercegovina

Bijeljina

In the early days of April 1992, members of Arkan's Tigers and the special units of the Serbia DB terrorised the civilian population by stealing, raping and killing non-Serb civilians. People were raped, killed, and forced to flee in fear. Many Muslim men were arrested, interrogated, beaten or tortured at the police station. Detainees were subject to inhumane conditions and continued maltreatment including beatings, torture and forced labour.

Zvornik

A regime of persecution was instituted against non-Serbs, which included detention, torture, forced labour, and the destruction of mosques.

Bosanski Šamac

In Bosanski Šamac a regime of persecutions was introduced which included arbitrary arrest and detention, forced labour, and the implementation of discriminatory policies against the non-Serbs. Several hundred non-Serb males, in particular, the most influential Muslims and Croats, were arrested and detained in makeshift detention centres. The detainees were subject to psychological, physical, and sexual abuse.

Doboj

Restrictions on movement were imposed upon all Muslims and the non-Serb population was disarmed. Prior to the take-over of Doboj, Muslim property was destroyed and Muslims were beaten. The non-Serbs who did not flee the town were harassed, beaten, arrested and interrogated. At the detention centres the men were beaten, kept in stalls with pigs, forced to work long hours and to compromise their religious beliefs by eating pork fat. Some of the men were transferred to an agricultural estate in trucks to perform forced labour. Prisoners were forced to beat one another and carry out acts of sexual indecency upon one another. Detainees were also sent to the front lines to perform forced labour under dangerous conditions. Women were raped, property was looted. A large number of private houses owned mainly by Muslim and Croatian citizens were seriously damaged. Three mosques and the Catholic church in Doboj town were destroyed in 1992.