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IN TRIAL CHAMBER I

Before: **Judge Alphons Orie, Presiding**
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: **Mr John Hocking**

Judgement of: **30 May 2013**

PROSECUTOR

v.

JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ

PUBLIC

JUDGEMENT

VOLUME II OF II

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5. The law on responsibility

5.1 Joint criminal enterprise

1254. The Indictment charges both of the Accused as participants in a JCE, pursuant to Article 7 (1) of the Statute, for all the crimes charged.[2181]

1255. In the context of the Tribunal's jurisprudence, the JCE doctrine received its first detailed treatment in the *Tadić* Appeal Judgement.[2182] The *Tadić* Appeals Chamber found in broad terms that a person who in execution of a common criminal purpose contributes to the commission of crimes by a group of persons may be held criminally liable subject to certain conditions.[2183] The Appeals Chamber's analysis of customary international law resulted in the identification and definition of three forms of JCE liability. In the first JCE form:

> all co-defendants, acting pursuant to a common design, possess the same criminal intention; for instance, the formulation of a plan among the co-perpetrators to kill, where, in effecting this common design (and even if each co-perpetrator carries out a different role within it), they [...] all possess the intent to kill.
>
> The objective and subjective prerequisites for imputing criminal responsibility to a participant who did not, or cannot be proven to have effected the killing are as follows:
>
> (i) the accused must voluntarily participate in one aspect of the common design (for instance, by inflicting non-fatal violence upon the victim, or by providing material assistance to or facilitating the activities of his co-perpetrators); and
>
> (ii) the accused, even if not personally effecting the killing, must nevertheless intend this result.[2184]

1256. The second form of JCE, which is described as a type of the first form, was found to have served cases where the offences charged were alleged to have been committed by members of military or administrative units, such as those running concentration camps and comparable "systems".[2185]

1257. The third form of JCE is characterized by a common criminal design to pursue a course of conduct where one or more of the co-perpetrators commit an act which, while outside the common design, is a natural and foreseeable consequence of the implementation

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[2181] Indictment, paras 6, 10, 12-17, 22, 25-26, 63-64, 66.
[2182] *Tadić* Appeal Judgement, paras 172-185.
[2183] *Tadić* Appeal Judgement, para. 190.
[2184] *Tadić* Appeal Judgement, para. 196.

of that design.[2186] There are two additional requirements for this form, one objective, the other subjective.[2187] The objective element does not depend upon the accused's state of mind. This is the requirement that the resulting crime was a natural and foreseeable consequence of the JCE's execution. It is to be distinguished from the subjective state of mind, namely that the accused was aware that the resulting crime was a possible consequence of the execution of the JCE, and participated with that awareness.[2188]

1258. To summarize the elements of the first and third forms of JCE:

(i) Plurality of persons. A joint criminal enterprise exists when a plurality of persons participates in the realization of a common criminal objective.[2189] The persons participating in the criminal enterprise need not be organized in a military, political, or administrative structure.[2190] They must be identified with specificity, for instance by name or by categories or groups of persons.[2191]

(ii) A common objective which amounts to or involves the commission of a crime provided for in the Statute. The first form of the JCE exists where the common objective amounts to, or involves the commission of a crime provided for in the Statute. The *mens rea* required for the first form is that the JCE participants, including the accused person, had a common state of mind, namely the state of mind of intent in relation to the statutory crime(s) through which the common objective were to be achieved.[2192]

The third form of the JCE depends on whether it is natural and foreseeable that the execution of the JCE in its first form will lead to the commission of one or more other statutory crimes. In addition to the intent of the first form, the third form requires proof that the accused person took the risk that another statutory crime, not forming part of the common criminal objective, but nevertheless being a natural and foreseeable consequence of the JCE, would be committed.[2193]

[2185] *Tadić* Appeal Judgement, paras 202-203. For the notion of "system", see *Krnojelac* Appeal Judgement, para. 89, and *Vasiljević* Appeal Judgement, para. 105.
[2186] *Tadić* Appeal Judgement, para. 204; *Prosecutor v. Radovan Karadžić*, Appeals Chamber, Decision on Prosecution's Motion Appealing Trial Chamber's Decision on JCE III Forseeability, 25 June 2009, para. 18.
[2187] *Prosecutor v. Radoslav Brđanin and Momir Talić*, Trial Chamber, Decision on Form of Further Amended Indictment and Prosecution Application to Amend, 26 June 2001, paras 28-30; *Haradinaj et al.* Trial Judgement, para. 137.
[2188] *Blaškić* Appeal Judgement, para. 33; *Haradinaj et al.* Trial Judgement, para. 137.
[2189] *Kvočka et al.* Trial Judgement, para. 307; *Haradinaj et al.* Trial Judgement, para. 138.
[2190] *Tadić* Appeal Judgement, para. 227.
[2191] *Brđanin* Appeal Judgement, para. 430; *Krajišnik* Appeal Judgement, paras 156-157.
[2192] *Tadić* Appeal Judgement, paras 227-228; *Krajišnik* Appeal Judgement, paras 200, 707.
[2193] *Tadić* Appeal Judgement, paras 227-228; *Blaškić* Appeal Judgement, para. 33; *Martić* Appeal Judgement, para. 83; *Prosecutor v. Radoslav Brđanin and Momir Talić*, Trial Chamber, Decision on Form of Further

According to the Appeals Chamber, the common objective need not have been previously arranged or formulated.[2194] This means that the second JCE element does not presume preparatory planning or explicit agreement among JCE participants, or between JCE participants and third persons.[2195]

Moreover, a JCE may exist even if none or only some of the principal perpetrators of the crimes are members of the JCE. For example, a JCE may exist where none of the principal perpetrators are aware of the JCE or its objective, yet are procured by one or more members of the JCE to commit crimes which further that objective. Thus, "to hold a member of a JCE responsible for crimes committed by non-members of the enterprise, it has to be shown that the crime can be imputed to one member of the joint criminal enterprise, and that this member – when using a principal perpetrator – acted in accordance with the common plan".[2196]

(iii) Participation of the accused in the objective's implementation. This is achieved by the accused's commission of a crime forming part of the common objective (and provided for in the Statute). Alternatively, instead of committing the intended crime as a principal perpetrator, the accused's conduct may satisfy this element if it involved procuring or giving assistance to the execution of a crime forming part of the common objective.[2197] A contribution of an accused person to the JCE need not be, as a matter of law, necessary or substantial, but it should at least be a significant contribution to the crimes for which the accused is found responsible.[2198]

1259. In relation to the first two elements of JCE liability, it is the common objective that begins to transform a plurality of persons into a group, or enterprise, because what this plurality then has in common is the particular objective. It is evident, however, that a common objective alone is not always sufficient to determine a group, because different and independent groups may happen to share identical objectives. It is thus the interaction or cooperation among persons – their joint action – in addition to their common objective, that

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Amended Indictment and Prosecution Application to Amend, 26 June 2001, para. 31; *Krstić* Trial Judgement, para. 613; *Haradinaj et al.* Trial Judgement, para. 138. It follows from that and the above that the first form of the JCE requires intent in the sense of *dolus directus*, and that recklessness or *dolus eventualis* does not suffice.

[2194] *Tadić* Appeal Judgement, para. 227.

[2195] *Kvočka et al.* Appeal Judgement, paras 115-119; *Brđanin* Appeal Judgement, para. 418, *Haradinaj et al.* Trial Judgement, para. 138.

[2196] *Brđanin* Appeal Judgement, para. 413; *Martić* Appeal Judgement, para. 168; *Krajišnik* Appeal Judgement, paras 225-226, 235.

[2197] *Tadić* Appeal Judgement, para. 227; *Prosecutor v. Milorad Krnojelac*, Trial Chamber, Decision on Form of Second Amended Indictment, 11 May 2000, para. 15; *Krajišnik* Appeal Judgement, paras 215, 218, 695.

[2198] *Kvočka et al.* Appeal Judgement, paras 97-98; *Brđanin* Appeal Judgement, para. 430; *Krajišnik* Appeal Judgement, paras 215, 662, 675, 695-696.

forges a group out of a mere plurality.[2199] In other words, the persons in a criminal enterprise must be shown to act together, or in concert with each other, in the implementation of a common objective, if they are to share responsibility for crimes committed through the JCE.[2200]

5.2 Planning, ordering, and aiding and abetting

1260. Each Count of the Indictment charges each of the Accused, in addition to their participation in a JCE, with individual criminal responsibility under Article 7 (1) of the Statute pursuant to the modes of liability of planning, ordering, and/or aiding and abetting the planning, preparation, and/or execution of the crimes charged.[2201]

1261. Article 7 (1) also reflects the principle that criminal responsibility for a crime in Articles 2 to 5 of the Statute does not attach solely to individuals who commit crimes, but may also extend to individuals who plan, instigate, order, and/or aid and abet the crimes. For an accused to be found liable for a crime pursuant to one of these modes of responsibility, the crime in question must actually have been committed.[2202] Furthermore, his or her actions must have contributed substantially to the commission of the crime.[2203] Liability may also attach to omissions, where there is a duty to act.[2204]

1262. *Planning*. Liability may be incurred by planning a crime that is later committed by the principal perpetrator.[2205] The planner must intend that the crime be committed, or intend that

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[2199] *Krajišnik* Trial Judgement, para. 884; *Haradinaj et al.* Trial Judgement, para. 139.
[2200] *Brđanin* Appeal Judgement, paras 410, 430; *Haradinaj et al.* Trial Judgement, para. 139.
[2201] Indictment, paras 10, 16-17, 25, 63, 66.
[2202] For planning, see *Kordić and Čerkez* Appeal Judgement, para. 26. For instigating, see *Kordić and Čerkez* Appeal Judgement, para. 27. For ordering, see *Kamuhanda* Appeal Judgement, para. 75. For aiding and abetting, see *Simić et al.* Appeal Judgement, para. 85.
[2203] For planning, see *Kordić and Čerkez* Appeal Judgement, para. 26; *Nahimana et al.* Appeal Judgement, para. 479; *Dragomir Milošević* Appeal Judgement, para. 268. For instigating, see *Kordić and Čerkez* Appeal Judgement, para. 27; *Nahimana et al.* Appeal Judgement, paras 480, 660. For ordering, see *Kayishema and Ruzindana* Appeal Judgement, para. 186; *Kamuhanda* Appeal Judgement, para. 75. For aiding and abetting, see *Tadić* Appeal Judgement, para. 229; *Čelebići* Appeal Judgement, para. 352; *Vasiljević* Appeal Judgement, para. 102; *Blaškić* Appeal Judgement, paras 45-46, 48; *Kvočka et al.* Appeal Judgement, para. 89; *Simić et al.* Appeal Judgement, para. 85; *Blagojević and Jokić* Appeal Judgement, para. 127; *Nahimana et al.* Appeal Judgement, para. 482; *Orić* Appeal Judgement, para. 43; *Mrkšić and Šljivančanin* Appeal Judgement, paras 49, 81, 156; *Kalimanzira* Appeal Judgement, paras 74, 86.
[2204] *Blaškić* Appeal Judgement, para. 663; *Galić* Appeal Judgement, para. 175; *Brđanin* Appeal Judgement, para. 274; *Orić* Appeal Judgement, paras 41, 43; *Mrkšić and Šljivančanin* Appeal Judgement, paras 49, 134, 156, 200.
[2205] *Kordić and Čerkez* Appeal Judgement, para. 26; *Nahimana et al.* Appeal Judgement, para. 479; *Dragomir Milošević* Appeal Judgement, para. 268.

the plan be executed in the awareness of the substantial likelihood that it would lead to the commission of the crime.[2206]

1263. *Ordering*. Liability may be incurred by ordering the principal perpetrator to commit a crime or to engage in conduct that results in the commission of a crime.[2207] The person giving the order must, at the time it is given, be in a position of formal or informal authority over the person who commits the crime.[2208] The person giving the order must intend that the crime be committed or be aware of the substantial likelihood that the crime would be committed in the execution of the order.[2209]

1264. *Aiding and abetting*. Liability may be incurred by assisting, encouraging or lending moral support to the commission of a crime where this support has a substantial effect on the perpetration of the crime.[2210] Aiding and abetting by omission requires that the accused had the means to fulfil his or her duty to act.[2211] Aiding and abetting may occur before, during, or after the commission of the principal crime.[2212] When assessing whether the acts carried out by the aider and abettor have a substantial effect on the perpetration of a crime, the Trial Chamber must find that they are specifically directed to assist, encourage, or lend moral support to the perpetration of that crime.[2213] The element of specific direction may be considered explicitly or implicitly in the context of analyzing the substantial effect.[2214] However, specific direction must be analyzed explicitly in cases where the person is remote from the crimes he or she is alleged to have aided and abetted.[2215] Factors defining remoteness

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[2206] *Kordić and Čerkez* Appeal Judgement, paras 29, 31; *Nahimana et al.* Appeal Judgement, para. 479; *Dragomir Milošević* Appeal Judgement, para. 268.
[2207] *Kordić and Čerkez* Appeal Judgement, para. 28; *Galić* Appeal Judgement, para. 176; *Nahimana et al.* Appeal Judgement, para. 481.
[2208] *Kordić and Čerkez* Appeal Judgement, para. 28; *Semanza* Appeal Judgement, para. 361; *Galić* Appeal Judgement, para. 176; *Nahimana et al.* Appeal Judgement, para. 481; *Dragomir Milošević* Appeal Judgement, para. 290; *Boškoski and Tarčulovski* Appeal Judgement, paras 160, 164; *Kalimanzira* Appeal Judgement, para. 213.
[2209] *Blaškić* Appeal Judgement, para. 42; *Kordić and Čerkez* Appeal Judgement, paras 29-30; *Nahimana et al.* Appeal Judgement, para. 481.
[2210] *Tadić* Appeal Judgement, para. 229; *Čelebići* Appeal Judgement, para. 352; *Vasiljević* Appeal Judgement, para. 102; *Blaškić* Appeal Judgement, paras 45-46, 48; *Kvočka et al.* Appeal Judgement, para. 89; *Simić et al.* Appeal Judgement, para. 85; *Blagojević and Jokić* Appeal Judgement, para. 127; *Nahimana et al.* Appeal Judgement, para. 482; *Orić* Appeal Judgement, para. 43; *Mrkšić and Šljivančanin* Appeal Judgement, paras 49, 81, 146, 159; *Kalimanzira* Appeal Judgement, paras 74, 86.
[2211] *Mrkšić and Šljivančanin* Appeal Judgement, paras 49, 82, 154. See also *Nyiramasohoko et al.* Trial Judgement, para. 5893 for a broad interpretation of the "duty to act".
[2212] *Blaškić* Appeal Judgement, para. 48; *Simić et al.* Appeal Judgement, para. 85; *Blagojević and Jokić* Appeal Judgement, paras 127, 134; *Nahimana et al.* Appeal Judgement, para. 482; *Mrkšić and Šljivančanin* Appeal Judgement, paras 81, 200.
[2213] *Tadić* Appeal Judgement, para. 229; *Perišić* Appeal Judgement, para. 36, footnote 97.
[2214] *Blagojević and Jokić* Appeal Judgement, para. 189; *Perišić* Appeal Judgement, para. 36, footnote 97.
[2215] *Perišić* Appeal Judgement, para. 39.

in this respect include temporal or geographic distance.[2216] The Appeals Chamber has further held that in most cases, the provision of general assistance which could be used for both lawful and unlawful activities will not be sufficient, alone, to prove that this aid was specifically directed to crimes of principal perpetrators.[2217] Proof of specific direction in such circumstances requires evidence establishing a direct link between the aid provided by an accused and the relevant crimes committed by principal perpetrators.[2218] Specific direction may involve considerations that are closely related to questions of *mens rea* and evidence regarding an individual's state of mind may serve as circumstantial evidence that assistance he or she facilitated was specifically directed towards charged crimes.[2219] The aider and abettor must have knowledge that his or her acts or omissions assist in the commission of the crime of the principal perpetrator.[2220] The aider and abettor must also be aware of the principal perpetrator's criminal acts, although not their legal characterization, and his or her criminal state of mind.[2221] This includes the specific intent of the principal perpetrator, if the crime requires such intent.[2222] The aider and abettor does not, however, need to know either the precise crime that was intended or the one that was actually committed; it is sufficient that he or she be aware that one of a number of crimes will probably be committed, if one of those crimes is in fact committed.[2223]

[2216] *Perišić* Appeal Judgement, para. 40.
[2217] *Perišić* Appeal Judgement, para. 44.
[2218] *Perišić* Appeal Judgement, para. 44.
[2219] *Perišić* Appeal Judgement, para. 48.
[2220] *Vasiljević* Appeal Judgement, para. 102; *Blaškić* Appeal Judgement, paras 45-46; *Simić et al.* Appeal Judgement, para. 86; *Brđanin* Appeal Judgement, paras 484, 488; *Blagojević and Jokić* Appeal Judgement, para. 127; *Nahimana et al.* Appeal Judgement, para. 482; *Orić* Appeal Judgement, para. 43; *Mrkšić and Šljivančanin* Appeal Judgement, paras 49, 146, 159; *Haradinaj et al.* Appeal Judgement, paras 57-58; *Kalimanzira* Appeal Judgement, para. 86.
[2221] *Aleksovski* Appeal Judgement, para. 162; *Simić et al.* Appeal Judgement, para. 86; *Brđanin* Appeal Judgement, paras 484, 487-488; *Nahimana et al.* Appeal Judgement, para. 482; *Orić* Appeal Judgement, para. 43; *Mrkšić and Šljivančanin* Appeal Judgement, paras 49, 146, 159; *Haradinaj et al.* Appeal Judgement, paras 57-58.
[2222] *Krnojelac* Appeal Judgement, para. 52; *Krstić* Appeal Judgement, para. 140; *Simić et al.* Appeal Judgement, para. 86; *Blagojević and Jokić* Appeal Judgement, para. 127; *Kalimanzira* Appeal Judgement, para. 86.
[2223] *Blaškić* Appeal Judgement, para. 50; *Simić et al.* Appeal Judgement, para. 86; *Nahimana et al.* Appeal Judgement, para. 482; *Mrkšić and Šljivančanin* Appeal Judgement, paras 49, 159; *Haradinaj et al.* Appeal Judgement, paras 57-58.

6. The Accused's responsibility

6.1 Introduction

1265. According to the Indictment, the Accused participated in a joint criminal enterprise, the object of which was the forcible and permanent removal of the majority of non-Serbs, principally Croats, Bosnian Muslims, and Bosnian Croats, from large areas of Croatia and Bosnia-Herzegovina.[2224] It came into existence no later than April 1991 and continued until at least 31 December 1995.[2225] The crimes charged in the Indictment (murder, deportation, forcible transfer, and persecution) were within the object of the joint criminal enterprise.[2226] The Accused shared the intent to further the common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina, through the commission of the charged crimes. Alternatively, the common criminal purpose only included the crimes of deportation and forcible transfer, and the crimes of persecution and murder were reasonably foreseeable to the Accused as a possible consequence of the execution of the joint criminal enterprise.[2227]

1266. According to the Prosecution, the Accused participated in the joint criminal enterprise, *inter alia*, through their interaction with the Unit, the SDG, and the Skorpions. The Trial Chamber will deal with this in chapters 6.3, 6.4, and 6.5. In this respect, the Trial Chamber will assess whether the Accused directed and organized the formation of these units.[2228] The Trial Chamber understands that the term "directed and organized the formation" in the Indictment refers to the founding of or the process of founding these units. The Trial Chamber will further consider whether the Accused directed the involvement of these units in particular operations in Croatia and Bosnia-Herzegovina.[2229] Considering the Prosecution's use of the words "directing" and "commanding" in its Final Trial Brief,[2230] as well as the fact that the operations at issue (as described in the Prosecution's Final Brief) were of a military character, the Trial Chamber understands that the term "directing their involvement" in the Indictment refers to ordering or commanding the units in military operations.[2231]

[2224] Indictment, para. 13.
[2225] Indictment, para. 11.
[2226] Indictment, paras 13-14.
[2227] Indictment, para. 14.
[2228] Indictment, para. 15 (b).
[2229] Indictment, para. 7.
[2230] See, for example, Prosecution Final Trial Brief, 14 December 2012, paras 6, 342.
[2231] The Trial Chamber notes that many of the terms describing the acts of the Accused in the Indictment may be considered ambiguous and overlapping with each other.

1267. The Trial Chamber will also consider whether the Accused organized the involvement of the above-mentioned units in particular operations, and whether the Accused supplied, financed, and supported them for such operations.[2232] In this respect, the Trial Chamber understands the phrase "organized their involvement" in the Indictment to refer in the main to deploying the units to certain military operations (including any relevant preparations for such deployment), where the units may have been incorporated into the command structure of other military forces. Further, the Trial Chamber will assess whether the Accused directed and organized the financing, training, logistical support and other substantial assistance or support, outside the scope of particular operations.[2233] The Trial Chamber's understanding of "financing" includes situations when the Accused is the only, or one of many, financial contributors. Finally, the Trial Chamber will consider whether the Accused failed to instruct these units to refrain from committing unlawful acts.[2234] The Trial Chamber understands the reference in paragraph 15 (c) of the Indictment that the Accused "continued to send forces" as being included in the phrase "organising their involvement", and will deal with it in that context. Furthermore, the Trial Chamber understands the references in the same paragraph that the Accused "continued to […] provide support over an extended period of time" and "failed to stop replenishing" the units to refer to the Accused's role in providing logistical and other support, and will deal with it in that context.

1268. According to the Indictment, the Accused also participated in the joint criminal enterprise through their interaction with other Serb Forces (as defined in paragraph 6 of the Indictment). In this respect, the Trial Chamber will determine whether the Accused directed and organized the formation of SAO Krajina Police, SAO Krajina TO, and other Serb Forces.[2235] Further, it will assess whether the Accused directed and organized the financing, training, logistical support and other substantial assistance or support for other Serb Forces.[2236] Finally, the Trial Chamber will consider whether the Accused failed to instruct these units to refrain from committing unlawful acts.[2237]

1269. The Indictment also states that the Accused participated in the joint criminal enterprise by providing channels of communication between and among the core members of the joint

[2232] Indictment, para. 7.
[2233] Indictment, para. 15 (c).
[2234] Indictment, para. 15 (c).
[2235] Indictment, para. 15 (b).
[2236] Indictment, para. 15 (c).
[2237] Indictment, para. 15 (c).

criminal enterprise in Belgrade, in the specific regions, and locally throughout the Indictment period.[2238] The Trial Chamber will deal with this in chapter 6.4, below.

1270. Finally, the Trial Chamber will assess whether the Accused shared the intent of the alleged joint criminal enterprise to forcibly and permanently remove the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina, through the commission of murder, deportation, forcible transfer, and persecution.[2239]

1271. Lastly, the Trial Chamber will turn to the other modes of liability charged in the Indictment, namely planning, ordering, and aiding and abetting.[2240]

[2238] Indictment, para. 15 (a).
[2239] Indictment, para. 14.
[2240] Indictment, para. 10.

6.2 Position and powers of the Accused

6.2.1 Jovica Stanišić

1272. The parties have agreed to the following facts relating to Jovica Stanišić's positions during the times relevant to the Indictment.[2241] Stanišić commenced work in the DB of the Serbian MUP in 1975. He held the position of Deputy Head of the DB throughout 1991 and Head of the DB from 31 December 1991 to 27 October 1998.[2242] The Trial Chamber has considered the parties' agreement in light of the evidence received with regard to Jovica Stanišić's positions.[2243] The evidence received is consistent with these agreed facts. **Ljubomir Ristić**, a Serbian SDB employee since 1972,[2244] and **Miloš Teodorović**, an advisor to the Serbian DB Chief from May 1992 until 31 December 1999,[2245] added that Milan Tepavčević became Stanišić's deputy, and that Stanišić had five or six Assistants.[2246]

1273. The Trial Chamber further received evidence in relation to the structure of the MUP of the Republic of Serbia and the Serbian DB. **Witness JF-038**, an active member of the Yugoslav federal SDB until October 1992,[2247] testified that the MUP of the Republic of Serbia consisted of two services: the State Security Service (SDB) and the Public Security Service (SJB).[2248] The SDB had the task of protecting the legal and social order, doing intelligence work, and dealing with political crimes, terrorism, and extremism, while the SJB dealt with ordinary crimes.[2249] Article 3 of the Rules on the Internal Organisation of the DB of January 1992 stated that the DB departments' duties are counter-intelligence, intelligence, prevention of extremism and terrorism, and other security duties for the republic including defence preparations in the event of war or imminent war.[2250] According to an attachment to these rules, the Chief of the DB was responsible for, *inter alia*, organising the performance of DB tasks, directing and coordinating the work of all organisational units, deciding how to

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[2241] See chapter 2 for a further explanation about the agreement on these facts.
[2242] Prosecution Submission on Agreed Facts, 15 June 2007, para. 9.
[2243] See e.g. documentary evidence P2401, P2404, P2431-2436 and evidence of Dejan Slišković, Ljubomir Ristić, Miloš Teodorović, and Witness DST-035.
[2244] D227 (Ljubomir Ristić, witness statement, 17 June 2011), p. 1, para. 1.
[2245] D258 (Miloš Teodorović, witness statement, 23 May 2011), p. 1, paras 2, 9.
[2246] D227 (Ljubomir Ristić, witness statement, 17 June 2011), paras 30, 47; Miloš Teodorović, T. 12004-12005.
[2247] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3021, 3023-3025, 3027, 3116.
[2248] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3029-3031, 3038. The Trial Chamber understands that the term RDB was used as of 1992 for what was known previously as SDB.
[2249] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3030-3031.
[2250] D113 (Rules on the internal organisation of the RDB, January 1992), pp. 3-4.

employ assets and methods, and providing recommendations for staffing. The chief of the DB also had the function of assistant minister of the Interior.[2251]

1274. **Ljubomir Ristić** testified that the DB's Eighth Administration dealt with logistics, including salaries, accommodation, and personnel. Prior to 1992, the Second and Eighth Administrations did not exist, and the Third Administration, known then as the Third Sector, had the broader mandate of dealing with internal enemies. Information collected by the Serbian DB was transmitted to the Fifth Administration, which was the "analytical Administration", and then relayed to the First or Third Administration. An exception was information collected by the Second Administration, which remained in that department. According to the witness, the only persons outside of the Second Administration who were aware of its activities were Stanišić, Tepavčević, and Dragiša Ristivojević. Any requests made to the Eighth Administration came from Heads of Administrations, and were approved by the Deputy Chief of the Serbian DB. According to the witness, requests to the Eighth Administration would never have reached Stanišić during his time as DB Chief.[2252] **Miloš Teodorović** testified that decisions on appointment of personnel as well as *per diem* lists were kept in the Eighth Administration of the DB.[2253]

1275. Teodorović further testified that after a document was sent from a DB centre, the head of the First or Third Administration would make a selection to decide what was to be sent upwards.[2254] By rule, documents from the centres reached first the head of the administration and then the RDB assistants, and only thereafter the Deputy who finally decided what went to the Chief.[2255] Both the chief of a centre and the head of an administration could contact the RDB Chief directly if they felt that this was necessary, but this had to be justified by the importance of the document.[2256] According to the witness only a small number of documents would reach the Chief.[2257] **Witness DST-035**, a former high-ranking Serb DB officer from

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[2251] D115 (Description of planned positions in the RDB, attached to the rules on the internal organisation of the RDB), p. 2.
[2252] D227 (Ljubomir Ristić, witness statement, 17 June 2011), paras 5-6, 10-11, 20-25.
[2253] Miloš Teodorović, T. 12076; D269 (Chart of exhibits shown to Miloš Teodorović including his comments, 22 June 2011), p. 4.
[2254] D258 (Miloš Teodorović, witness statement, 23 May 2011), paras 50-52; Miloš Teodorović, T. 11979, 11981; D259 (Diagrams on various reporting methods within the RDB, drawn by Miloš Teodorović on unknown date).
[2255] D258 (Miloš Teodorović, witness statement, 23 May 2011), paras 52, 55; Miloš Teodorović, T. 11982-11983; D259 (Diagrams on various reporting methods within the RDB, drawn by Miloš Teodorović on unknown date), p. 1.
[2256] D258 (Miloš Teodorović, witness statement, 23 May 2011), para. 55; Miloš Teodorović, T. 11983, 11986, 11988-11989; D259 (Diagrams on various reporting methods within the RDB, drawn by Miloš Teodorović on unknown date), p. 1.
[2257] D258 (Miloš Teodorović, witness statement, 23 May 2011), paras 53, 57-58.

Belgrade,[2258] testified that the DB's upward reporting process was considered complete once the Chief was informed and for this purpose it normally sufficed that information was sent to the Deputy Chief.[2259]

1276. The Trial Chamber also received evidence about a DB commission, which was launched in 1991 with a view to investigating Stanišić.

1277. **Milorad Leković**, the head of the city of Belgrade SDB from November 1988 until August 1992 and the Serbian MUP Assistant Minister from November 1988 to July 1994,[2260] testified that the Minister of the Interior, Radmilo Bogdanović, and the Deputy Minister of the Interior, Predrag Todorović, told him that Zoran Janaćković, the head of the SDB in 1991, "by-passed" Stanišić whenever possible, requesting that all information be sent to him directly and sending information to Slobodan Milošević on a daily basis.[2261] In the second half of March 1991, Bogdanović told Leković that Janaćković insisted on setting up a commission to investigate the leaking of secret information from the SDB to magazines which had published articles discrediting Slobodan Milošević.[2262] Bogdanović also told Leković that Janaćković had said that Stanišić had been in contact with and provided information to a magazine editor, which he based on an official note he had found in the archives.[2263]

1278. On 2 April 1991, Minister Bogdanović decided to establish a commission, with Leković as its president.[2264] At the commission's first meeting, DB chief Janaćković ordered that the commission report to him and to Minister Bogdanović and stated that the commission's work was strictly confidential and urgent.[2265] From when the commission was set up until the beginning of October 1991, Janaćković marginalized Stanišić by not giving him any concrete tasks and told Stanišić not to come to work.[2266] The witness observed that Stanišić continued to come to work, since no written decision had been issued, but his powers were limited and certain information was not given to him.[2267] The commission concluded that the articles had been published without MUP influence and that no MUP personnel had

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[2258] D270 (Witness DST-035, witness statement, 27 June 2011), p. 1, paras 1-5.
[2259] D270 (Witness DST-035, witness statement, 27 June 2011), paras 13, 16.
[2260] D450 (Milorad Leković, witness statement, 30 September 2011), paras 5, 11.
[2261] D450 (Milorad Leković, witness statement, 30 September 2011), para. 12; Milorad Leković, T. 14265, 14327, 14352.
[2262] D450 (Milorad Leković, witness statement, 30 September 2011), para. 13; Milorad Leković, T. 14306.
[2263] D450 (Milorad Leković, witness statement, 30 September 2011), para. 18.
[2264] D450 (Milorad Leković, witness statement, 30 September 2011), paras 19, 21, 38.
[2265] D450 (Milorad Leković, witness statement, 30 September 2011), para. 25; Milorad Leković, T. 14307.
[2266] D450 (Milorad Leković, witness statement, 30 September 2011), para. 28; Milorad Leković, T. 14271-14272, 14275-14276, 14332.
[2267] D450 (Milorad Leković, witness statement, 30 September 2011), paras 28, 33; Milorad Leković, T. 14277.

disclosed confidential information to the magazines.[2268] On 23 May 1991, the commission ceased its operations.[2269] On 19 July 1991, upon Janaćković's request, Leković wrote an official note stating that the commission had not yet completed its work and recommending that a new commission be established to prepare a new report. According to Leković, Janaćković prepared for a transfer to the Federal Ministry of Foreign Affairs, because most of his colleagues were dissatisfied with his attempt to politicize the SDB and with his insistence on sanctions against Stanišić. The witness believed that Janaćković saw Stanišić as a potential rival to be eliminated.[2270] **Milun Miljković**, an employee of the Serbian SDB until 1999,[2271] and **Ljubomir Ristić**, a Serbian SDB employee since 1972,[2272] provided evidence consistent with this testimony.[2273] Ristić added that Janaćković had informed him that Stanišić would "take a vacation".[2274] Stanišić was therefore not operationally active from at least early April 1991 until the Commission delivered its report to Minister of Interior Zoran Sokolović on 25 July 1991.[2275] During this time, Stanišić occasionally reported to work to collect his salary and to speak with colleagues, but he was not authorized to carry out any operative work.[2276] Miljković stated that based on his professional experience, any officer of the SDB who was under investigation by a commission was "for all practical purposes" treated as if he were suspended from his duties, meaning that he or she did not take part in "significant aspects" of the SDB's activity and that his or her participation was limited to "formal and everyday duties".[2277]

1279. Based on the above, the Trial Chamber finds that Jovica Stanišić held the position of deputy chief of the Serbian DB in 1991 and chief of the Serbian DB as of 31 December 1991 and throughout the remainder of the time period relevant to the charges. The Serbian DB was structured into several administrations and centres. The Eighth Administration was

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[2268] D450 (Milorad Leković, witness statement, 30 September 2011), para. 35.
[2269] Milorad Leković, T. 14324.
[2270] D450 (Milorad Leković, witness statement, 30 September 2011), para. 39-40, 42-43; Milorad Leković, T. 14266, 14272.
[2271] D608 (Milun Miljković, witness statement, 10 July 2004), p. 1.
[2272] D227 (Ljubomir Ristić, witness statement, 17 June 2011), p. 1, para. 1.
[2273] D227 (Ljubomir Ristić, witness statement, 17 June 2011), paras 37, 39-40; Ljubomir Ristić, T. 11687, 11707, 11884-11885, 11892-11893; D280 (Decision of Minister of the Interior Radmilo Bogdanović of 2 April 1991 establishing the Commission); D281 (Draft Work Plans of the Commission dated 4 April 1991); D282 (Draft Work Plans of the Commission dated 4 April 1991); D286 (Report of Commission dated 22 May 1991 signed by all members); D288 (Official Note of 19 July 1991 by Commission President Milorad Leković to the Serbian MUP); D608 (Milun Miljković, witness statement, 10 July 2004), pp. 1-3.
[2274] D227 (Ljubomir Ristić, witness statement, 17 June 2011), para. 40.
[2275] D227 (Ljubomir Ristić, witness statement, 17 June 2011), paras 37, 40, 42; Ljubomir Ristić, T. 11677-11678, 11683; D287 (Letter from the Commission Chairman Milorad Leković to Minister of the Interior Radmilo Bogdanović, 23 May 1991).
[2276] D227 (Ljubomir Ristić, witness statement, 17 June 2011), paras 37, 40, 42-43; Ljubomir Ristić, T. 11683.

responsible for *inter alia* personnel and salary issues. The DB's administrations regularly reported to the deputy chief and chief. The Stanišić Defence submits that the responsibility for payments of *per diems* was within the competence of the Deputy Head of Service, the Head of the 8th Administration, the Head of the Administration and Centres, and ultimately the Common/Joint Affairs Service of the Serbian MUP. Stanišić's responsibility was to ensure compliance with the rules on the use of special purpose funds but not to check each of the thousands of payments.[2278] The Trial Chamber accepts that Stanišić's responsibility was not to check or know of each and every payment made by the DB. Nevertheless, the Trial Chamber finds, based on exhibit D115, that the chief of the DB's tasks included making decisions on how to employ assets and methods. That other people were also involved in payment decisions or that Stanišić was not aware of every single specific payment is irrelevant in this respect.

1280. The Stanišić Defence further submits, referring to the expert evidence of Milan Milošević and the relevant documentary evidence (exhibit D841), that the annual budget of special purpose resources was based on the proposal put forward by the Head of the Second Administration, and up to the amount of 50,000 dinars, the Head of the Second Administration did not need Stanišić's approval to administer *per diem* payments.[2279] In any event, it was only in 1996 that a system of effective control procedure to check the accuracy of the lists at ground level was put in place at the Serbian DB.[2280] In relation to Milan Milošević, the Trial Chamber considered in chapter 2, that his evidence was only relevant to the understanding of how, on the basis of the framework in place, the MUP and the DB were expected to operate, but it was of limited, if any, probative value in assessing how the MUP and the DB actually operated. Consequently, the Trial Chamber will not rely on his expert evidence in this context. Furthermore, the Trial Chamber notes that according to the SFRY Instruction for the use of funds by the DB, cited by the Stanišić Defence, the use of resources for, *inter alia*, operative actions, was done with the approval of the Chief of the Serbian DB, who *may* have authorised chiefs of sectors to approve payments up to 50,000 dinars.[2281] However, the evidence received does not indicate if and how this provision applied in practice at the relevant time.

[2277] D608 (Milun Miljković, witness statement, 10 July 2004), pp. 3-4.
[2278] Stanišić Defence Final Trial Brief, 17 December 2012, para. 183.
[2279] Stanišić Defence Final Trial Brief, 17 December 2012, paras 189, 192; Annex VII. The Trial Chamber notes that Annex VII appears to be erroneously entitled Annex VIII.
[2280] Stanišić Defence Final Trial Brief, 17 December 2012, paras 190-191.

1281. In relation to the investigative commission launched in 1991, the Trial Chamber finds that Jovica Stanišić was not officially suspended from duties during the investigation. However, the Trial Chamber allows for the reasonable possibility that DB chief Janaćković, for personal reasons, tried to side-line Stanišić during his tenure as DB chief in 1991. The Trial Chamber received evidence from several witnesses indicating that Stanišić was not operationally active while the mentioned commission was investigating. However, the evidence in relation to this is mainly speculative without a clear basis of knowledge. In light of other evidence showing Stanišić's active role at that time, for example his meetings with Martić or Milošević in early 1991 or his presence in the SAO Krajina in April 1991 or the SAO SBWS in September 1991 (see chapters 6.3.2, 6.6.2, 6.9), the Trial Chamber concludes that Janaćković's efforts of side-lining Stanišić, including the investigative commission, did not have a significant effect on Jovica Stanišić's position and powers at the relevant time.

1282. The Trial Chamber will deal with Jovica Stanišić's role vis-à-vis the Unit and other formations, in chapters 6.3, 6.4, 6.5, 6.6, and 6.7.

6.2.2 Franko Simatović

1283. According to the Indictment, Franko Simatović worked in the DB between 1978 and 2001. Initially he worked in counter intelligence and then moved into the newly formed Intelligence Administration (or Second Administration) of the DB and as such was the commander of the Special Operations Unit of the DB.[2282]

1284. According to Serbian MUP personnel documents, Franko Simatović passed the MUP professional exam for trainees on 28 June 1979 and was employed as a MUP operative from 29 June 1979.[2283] On 1 February 1980, Simatović was employed as a Junior Inspector in the SDB Administration of the Serbian Republican Secretariat of the Interior.[2284] On 18 December 1989, he was seconded to the Socialist Autonomous Province of Kosovo to carry out state security tasks for a period of up to one year.[2285] In 1990, Simatović worked as an

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[2281] D841 (SFRY RDB Instruction for the Use and Control of Distribution of Funds While Performing Basis Activities of the SDB, 21 April 1986), pp. 3-4.
[2282] Indictment, para. 2.
[2283] P2430 (Proposal of MUP for early promotion of Simatović to the rank of captain, signed by Radomir Marković, 30 December 1999), p. 1; P2441 (Certificate of employment issued by Administration for Joint Affairs, signed by Ružica Bajčetić, 5 February 2002). See Prosecution Submission on Agreed Facts, 15 June 2007, para. 10.
[2284] P2384 (Series of performance appraisals 1980-1992), pp. 1-3, 9-11.
[2285] P2393 (Decision of Republican Secretariat of the Interior seconding several employees to Kosovo, signed by Radmilo Bogdanović, 18 December 1989).

operative for the SDB Department in Peć.[2286] From at least 18 December 1990, Simatović was fulfilling the role of Chief of Section of the American Intelligence Service with, the title of Senior Inspector, in the DB Second Administration in Belgrade and on 8 January 1991, he was formally appointed to that role effective as of 15 December 1990.[2287] On 29 April 1992, Stanišić appointed Simatović to the post of Deputy Chief of the DB Second Administration under the title of senior inspector, effective as of 1 May 1992.[2288] According to staffing specifications, in the DB Second Administration there were a total of 95 employees.[2289] **Ljubomir Ristić**, a Serbian DB employee since 1972,[2290] testified that as of January 1992, the Second Administration of the Serbian DB dealt with intelligence matters outside Serbia.[2291]

1285. On 12 May 1993, Jovica Stanišić appointed Simatović as a Special adviser in the DB with the title of Senior Inspector, effective as of 1 May 1993.[2292] According to staffing specifications for the DB, there were a total of six special adviser positions.[2293] According to several MUP personnel documents, Simatović retired from his employment with the MUP on 30 December 2001.[2294] The Trial Chamber has received evidence from witnesses which is consistent with the documentary evidence reviewed above.[2295]

[2286] P2384 (Series of performance appraisals 1980-1992), pp. 71-72.
[2287] P2398 (Decision of the Republican Secretariat of the Interior assigning Simatović title of Senior Inspector, signed by Milojka Vukićević, 8 January 1991); D563 (Proposal for secret monitoring of telephone calls at business address of Daniel Snedden, signed by Franko Simatović, 18 December 1990); D564 (Proposal for secret monitoring of telephone calls at residential address of Daniel Snedden, signed by Franko Simatović, 18 December 1990).
[2288] P2384 (Series of performance appraisals 1980-1992), pp. 81-82; P2407 (Decision of the SDB on Simatović's salary, signed by Milan Prodanić, 30 November 1992); D833 (Rules on staff planning in the MUP DB, with table of staffing specifications with the MUP, signed by Zoran Sokolović, 8 April 1992); D846 (Decision of the MUP appointing Simatović as Senior Inspector, signed by Jovica Stanišić, 29 April 1992). See also P471 (Series of MUP documents related to the employment of Franko Simatović).
[2289] D833 (Rules on staff planning in the MUP DB, with table of staffing specifications with the MUP, signed by Zoran Sokolović, 8 April 1992), p. 3.
[2290] D227 (Ljubomir Ristić, witness statement, 17 June 2011), p. 1, para. 1.
[2291] D227 (Ljubomir Ristić, witness statement, 17 June 2011), paras 4-5, 19-21; Ljubomir Ristić, T. 11837; P2981 (Internal SDB report providing a historical account of extremist and paramilitary activity in Bosnia, 1 April 1995); D229 (Serbian MUP Programme Orientation of the DB in 1991, January 1991); D237 (Chart containing statistical data for the period 1991 until 1995 concerning SDB/RDB resources devoted to and the number of SDB/RDB actions against extremism and terrorism); D238 (Amendments and Additions to the Rules on Classification of Duties and Tasks of the SDB in the Republican SUP of the Socialist Republic of Serbia, 26 July 1990); D239 (Excerpt of the SFRY Official Gazette containing the Rules Governing SDB Activities, 27 July 1990); D240 (Rules on the classification of posts of the State Security Department in the MUP, 1 April 1992); D248 (Serbian MUP Programme Orientation of the State Security Service in 1995, January 1995).
[2292] P2409 (Decision of the SDB on Simatović's salary, signed by Milan Prodanić, 12 May 1993); P2410 (Decision of SDB appointing Simatović Senior Inspector, signed by Jovica Stanišić, 12 May 1993); D833 (Rules on staff planning in the MUP DB, with table of staffing specifications with the MUP, 8 April 1992, signed by Zoran Sokolović), p. 3. See also P471 (Series of MUP documents related to the employment of Franko Simatović)
[2293] D833 (Rules on staff planning in the MUP DB, with table of staffing specifications with the MUP, 8 April 1992, signed by Zoran Sokolović), p. 3.
[2294] P2440 (Decision of the SDB terminating Simatović's employment, signed by Dušan Mihajlović, 7 December 2001); P2441 (Certificate of employment issued by Administration for Joint Affairs, signed by Ružica Bajčetić,

1286. Based on the foregoing, the Trial Chamber finds that during the Indictment period Franko Simatović was employed in the Second Administration of the Serbian DB and from 1 May 1992 he was its Deputy Chief. On 1 May 1993, Simatović was appointed Special Adviser in the DB. Considering these findings, the Trial Chamber is unable to infer from Simatovic's positions alone that he was responsible for certain acts attributed generally to the Serbian DB. However, the Trial Chamber will deal with Simatović's role vis-à-vis the Unit and other formations, in chapters 6.3, 6.4, 6.5, 6.6, and 6.7.

5 February 2002); P2442 (SDB Decision determining severance pay, signed by Andreja Savić, 7 February 2002). See Prosecution Submission on Agreed Facts, 15 June 2007, para. 10.

[2295] See, for example, Radivoje Mičić, T. 19797, 19826; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 41, 44; Dejan Slišković, T. 5109; P523 (Witness JF-048, witness statement, 6 May 2000), p. 4; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14617; Witness JF-048, T. 5830-5831.

6.3 The Unit

6.3.1 Introduction

1287. In this chapter, the Trial Chamber will review the evidence concerning a special unit of the Serbian DB known as the Special Purpose Unit of the MUP Serbia, the JATD, or the Red Berets. As further explained below, the Trial Chamber will refer to this unit as the Unit. The Trial Chamber will address the Prosecution allegations as they are presented in the Indictment. The Trial Chamber will first review the evidence on the formation of the Unit. In this respect, it will address in turn the Golubić camp, the Knin fortress and Korenica camps, the Unit's early operations, and other evidence on the formation. The Trial Chamber will then turn to the Unit's formalization as the JATD. Thereafter, the Trial Chamber will examine whether the Accused directed the Unit in particular operations in Croatia and Bosnia-Herzegovina; organized, supplied, financed, and supported its involvement in those particular operations; and directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit. In this respect, the Trial Chamber will address in turn the Ležimir camp, the Tikveš camp, the Pajzoš camp, the Brčko camp, the Mount Ozren and Vila camps, the Tara camp, the Skelani camp, the Bratunac camp, Operation Pauk, the Bilje camp, the Sova camp, the SBWS operations, the Pajzoš camp in 1995-1996, and the Captain Dragan Fund. Finally, it will consider the Accused's alleged failure to instruct the Unit to refrain from committing unlawful acts.[2296]

6.3.2 The Accused directed and organized the formation of the Unit

1288. The Trial Chamber will consider whether the Accused directed and organized the formation of a special unit of the Serbian DB known as the Special Purpose Unit of the MUP Serbia, the JATD, or the Red Berets.[2297]

1289. In its Final Trial Brief, the Prosecution submits that on or around 4 May 1991, the Accused established the Red Berets, then known as "Frenki's Unit", a combat unit of the Serbian MUP DB, comprised of the best trainers and trainees from Golubić.[2298] The Prosecution adds that the Unit was not formed on any specific single day and submits that

[2296] To the extent the Prosecution used different terminology in relation to these alleged acts of the Accused in its Final Trial Brief, the Trial Chamber interprets such different wording to reflect the Indictment charges.
[2297] Indictment, paras 4, 15(b).
[2298] Prosecution Final Trial Brief, 14 December 2012, paras 196, 208; T. 20205-20206.

members of the unit did not immediately know that they were a special unit of the Serbian MUP DB.[2299]

1290. Below, the Trial Chamber will address in turn: the Golubić camp, which allegedly operated from April through August 1991; the Knin fortress and Korenica camps, which allegedly operated from July 1991; and the unit's alleged participation in early operations in Lovinac, Glina and Struga, Plitviće, and Kijevo from June through August 1991. Then, the Trial Chamber will review other evidence concerning and set out its findings in relation to the formation of a special unit of the Serbian DB known as the Special Purpose Unit of the MUP Serbia, the JATD, or the Red Berets..

Golubić camp, April - August 1991

1291. The Trial Chamber now turns to the Golubić camp. The Trial Chamber will consider whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for a special unit of the Serbian DB known as the Special Purpose Unit of the MUP Serbia, the JATD, or the Red Berets at the Golubić camp.[2300] The Trial Chamber will also consider whether the Accused directed and organized the training of other groups at the Golubić camp.

1292. In its Final Trial Brief, the Prosecution submits that from January 1991, Stanišić and Simatović worked with Martić to establish a training centre in Golubić, where the Serbian MUP DB would provide combat training for the Serb police, TO, and other Serb forces.[2301] According to the Prosecution, they recruited Captain Dragan (also known as Daniel Snedden or Dragan Vasiljković) and sent him to Golubić to lead the training.[2302] Other instructors included Dragan Filipović (known as Fića, or Major Fića) and Milan Radonjić (Meda), who were subordinate to Stanišić and Simatović.[2303] Dragan Karna (who was subordinate to Simatović and Martić) and Goran Opačić commanded platoons trained at Golubić.[2304] The Prosecution further contends that Stanišić and Simatović were present in the Krajina when training began in April 1991.[2305] Stanišić officially deployed Simatović, Filipović, and Radonjić to Kosovo, to provide cover for the Krajina operations and funding.[2306]

[2299] Prosecution Final Trial Brief, 14 December 2012, para. 208-209.
[2300] Indictment, paras 3, 5, 15(c).
[2301] Prosecution Final Trial Brief, 14 December 2012, paras 200-207.
[2302] Prosecution Final Trial Brief, 14 December 2012, paras 201, 203, 205-207.
[2303] Prosecution Final Trial Brief, 14 December 2012, para. 201.
[2304] Prosecution Final Trial Brief, 14 December 2012, para. 204.
[2305] Prosecution Final Trial Brief, 14 December 2012, para. 201.
[2306] Prosecution Final Trial Brief, 14 December 2012, para. 202.

1293. Below, the Trial Chamber will first address the period between August 1990 and April 1991. In relation to this period, the Trial Chamber will consider in turn: the activity at the Golubić facility from August 1990; Stanišić meeting with Martić in Belgrade in January 1991 and reconstruction work at Golubić in February 1992; and the Serbian DB's monitoring of Captain Dragan and contacts between the DB (including Franko Simatović) and Captain Dragan from late 1990 through April 1991. The Trial Chamber will then review the period between April and August 1991. In relation to this period, the Trial Chamber will address in turn: the training at the Golubić camp and the alleged involvement therein of, amongst others, Captain Dragan, Milan Martić, Franko Simatović, and Jovica Stanišić; the type of training at Golubić; the groups which received training at Golubić; and the end of the training at Golubić.

1294. The Trial Chamber first turns to the evidence of activity at the Golubić facility from August 1990 and prior to the arrival of Captain Dragan in April 1991 and a meeting between Jovica Stanišić and Milan Martić in August 1990.

1295. The Trial Chamber has received evidence from witnesses Aco Drača[2307] and Witness JF-041[2308] indicating that the camp at Golubić operated as a training camp for SAO Krajina police officers under Milan Martić from August 1990. In this regard, **Milan Babić**, who was the Prime Minister of the SAO Krajina,[2309] stated that, on 17 August 1990, the youth centre in Golubić served as the headquarters of those in charge of putting barricades in Knin and taking part in the uprising, with Milan Martić in charge; the executive council of the SDS disbanded the headquarters after some two to three weeks.[2310] The Trial Chamber has also received evidence from Witness JF-041[2311] and Witness DST-043[2312] indicating that shortly before 17 August 1990, at the Golubić camp, Nenad Marić distributed weapons taken from the SAO Krajina police station. The Trial Chamber has reviewed further evidence from Witness JF-039 in relation to the distribution of arms by Milan Martić at the Golubić youth centre in August 1990 in chapter 6.6.2. The Trial Chamber has also received evidence from **Witness JF-031**, a

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[2307] Aco Drača, T. 16711-16713, 17002.
[2308] P1548 (Witness JF-041, *Martić* transcript, 23-25 May 2006), pp. 4436-4437; Witness JF-041, T. 7901-7902, 7951, 8004.
[2309] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12965; P1880 (Death Certificate of Milan Babić).
[2310] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1382; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12929.
[2311] P1546 (Witness JF-041, witness statement, 18 February 2005), paras 11, 34; P1548 (Witness JF-041, *Martić* transcript, 23-25 May 2006), pp. 4412-4413, 4536-4539, 4547; Witness JF-041, T. 7951-7592, 7594-7956.

Serb from Knin municipality,[2313] indicating that a special unit of the Knin SUP under the command of Dragan Karna were accommodated at Golubić prior to April 1991.[2314] Witness JF-031's evidence in this respect is further supported by that of Witness DST-043.[2315]

1296. The Simatović Defence submits that training at the Golubić centre had commenced at the end of 1990 and prior to the arrival of Simatović and Captain Dragan in April 1991, by which time the Golubić centre had been established, fully equipped, and financed,.[2316] As set out above, there is some evidence indicating that from August 1990 and prior to April 1991, Milan Martić and other Serb police officers (including Dragan Karna) used the youth centre facilities at Golubić for training and, on at least one occasion (in August 1990), for distributing weapons. While the evidence on the duration and scale of training at Golubić prior to April 1991 is unclear, the Trial Chamber does not consider in view of the remainder of the evidence set out below, the submission that a training camp at the Golubić centre was established, financed, and fully functioning prior to April 1991 to be a reasonable interpretation of the evidence.

1297. **Milan Babić** testified that Martić introduced him to Jovica Stanišić in August 1990, in a café near Knin, but Babić did not know what the purpose of Stanišić's visit was.[2317] In the absence of further information regarding this meeting, the Trial Chamber is unable to determine whether the contact between Martić and Stanišić in August 1990 was related to the establishment of the Golubić training centre in April 1991.

1298. The Trial Chamber will now review the evidence indicating that Martic, Stanišić, and Simatović met in Belgrade in January 1991 and that work began on the reconstruction of Golubić in February 1991.

1299. **Witness JF-039**, a Serb from Croatia,[2318] testified that in late January 1991 Martić went to Belgrade to meet with Stanišić.[2319] The purpose of the visit was to receive equipment, money, and support for expanding the barricades to take as many police stations as

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[2312] D322 (Witness DST-043, witness statement, 29 June 2011), paras 42, 44; Witness DST-043, T. 12932-12933, 12940, 12943-12944, 12947-12948.
[2313] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2314] Witness JF-031, T. 7438-7440.
[2315] Witness DST-043, T. 13014-13015
[2316] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), paras 36, 38-50, 52, 228, 234, 297-301; T. 20319, 20329.
[2317] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12932-12933.
[2318] P978 (Witness JF-039, witness statement, 12 September 2003), p. 1, paras 1, 5, 23; P977 (Witness JF-039, prior testimony), pp. 1958-1959.

possible.[2320] In Belgrade, at the Hyatt Hotel, Martić was joined by Simatović and one other person.[2321] The following morning, Simatović took Martić to the DB building in Belgrade.[2322] They went to Radmilo Bogdanović's office.[2323] A man who was introduced as Jovica Stanišić arrived.[2324] Martić went with Stanišić to Stanišić's office. After some time, Martić left and returned to Knin the next morning.[2325]

1300. According to the witness, Martić was very satisfied with how the meeting in Belgrade had gone. Martić said that he had received assurances from Stanišić that he would get everything that he needed for "the second stage", which the witness understood to consist of setting up police stations (as opposed to the first stage which consisted of putting up barricades and distributing weapons).[2326] Simatović was going to supply the uniforms, salaries, and equipment for the "special police" that were going to start training in Golubić.[2327] There had also been talk about instructors, including Mark Irac, called the Irishman, Fico Filipović, and a person called "Medo" (first name Rade), coming to the camp. Witness JF-039 testified that work on the Golubić centre commenced in February 1991, upon Martić's orders. A group of maintenance people fixed up the Golubić training centre.[2328] The centre was arranged for military and police training.[2329]

1301. **Witness DST-043**, a Serb from Knin,[2330] testified that in February 1991, the reconstruction of Golubić and the payment of salaries of Krajina policemen was financed, under Martić's supervision, by humanitarian aid and other sources, including from Serbia.[2331]

[2319] P978 (Witness JF-039, witness statement, 12 September 2003), paras 34, 36; P977 (Witness JF-039, prior testimony), p. 1992; Witness JF-039, T. 7356, 7358.
[2320] Witness JF-039, T. 7307.
[2321] P978 (Witness JF-039, witness statement, 12 September 2003), para. 36; P977 (Witness JF-039, prior testimony), pp. 1992, 1994.
[2322] P978 (Witness JF-039, witness statement, 12 September 2003), para. 36; Witness JF-039, T. 7357-7358.
[2323] P978 (Witness JF-039, witness statement, 12 September 2003), para. 36; P977 (Witness JF-039, prior testimony), p. 1994; Witness JF-039, T. 7309, 7357.
[2324] P978 (Witness JF-039, witness statement, 12 September 2003), para. 36; Witness JF-039, T. 7309-7310, 7357.
[2325] P978 (Witness JF-039, witness statement, 12 September 2003), para. 36; P977 (Witness JF-039, prior testimony), p. 1993-1994.
[2326] P978 (Witness JF-039, witness statement, 12 September 2003), para. 37; P977 (Witness JF-039, prior testimony), pp. 1994-1995; Witness JF-039, T. 7309, 7360.
[2327] P978 (Witness JF-039, witness statement, 12 September 2003), paras 35, 37; Witness JF-039, T. 7360-7361.
[2328] P978 (Witness JF-039, witness statement, 12 September 2003), paras 34-35; P977 (Witness JF-039, prior testimony), pp. 1999-2000; Witness JF-039, T. 7236.
[2329] P977 (Witness JF-039, prior testimony), pp. 2002-2004; Witness JF-039, T. 7248-7249.
[2330] D322 (Witness DST-043, witness statement, 29 June 2011), paras 1-2; Witness DST-043, T. 12914-12919, 13027-13030, 13032; D321 (Witness pseudonym sheet).
[2331] D322 (Witness DST-043, witness statement, 29 June 2011), paras 47, 49; Witness DST-043, T. 12956, 12965-12969, 12982, 12985.

1302. The Trial Chamber now turns to a number of documents indicating first, that the Serbian DB was monitoring the activities of Captain Dragan (also known as Daniel Snedden or Dragan Vasiljković) in Belgrade from late 1990, second, that, Captain Dragan met Franko Simatović in March and/or April 1991, and third, that the Serbian DB generally was in contact with Captain Dragan prior to April 1991.

1303. A decision by Minister Radmilo Bogdanović indicates that the Serbian DB began monitoring the telephone calls of Daniel Snedden in Belgrade in November 1990.[2332] On 18 December 1990 and 21 March 1991, Franko Simatović, Dragan Filipović, and two others of the Serbian DB Belgrade 2nd administration proposed to apply secret telephone call monitoring to Daniel Snedden because of his subversive intelligence activities and intelligence-related contacts.[2333] Between 25 December 1990 and 17 April 1991, Dragan Filipović reported on monitoring the telephone calls of Daniel Snedden.[2334] Filipović reported that shortly after 15 March 1991 Aleksandar Pavić and Snedden travelled to the Krajina and that they had announced their arrival to Benkovac Municipal President Zečević. On 18 March 1991, after returning from the Knin Krajina, Daniel Snedden made several phone calls attempting to contact high-ranking politicians in the Serbian government, which the DB believed was aimed at obtaining large quantities of arms for transfer to the Knin Krajina. Snedden contacted Martin Lynch and asked for a military manual for basic infantry training and for a topographic map of the Knin Krajina, stating that he was working as an adviser for some sort of army which was being formed.[2335] The reports of 3 and 12 April 1991 indicate that Dragan was in contact with Knin SUP Chief Martić, Benkovac President Žečević, and state organs of Serbia.[2336]

[2332] D569 (Serbian Republican SUP Decision on wiretapping of Daniel Snedden, Minister Radmilo Bogdanović, 28 December 1990).

[2333] D563 (Proposal for application of telephone monitoring of Daniel Snedden, SDB Belgrade, 18 December 1990); D568 (Decision on intercepting the telephone number used by Daniel Snedden, RSUP Belgrade, Radmilo Bogdanović, 28 December 1990); D576 (Proposal for application of telephone monitoring of Daniel Snedden, SDB Belgrade, 21 March 1991); D581 (Decision on intercepting the telephone number used by Daniel Snedden, RSUP Belgrade, Radmilo Bogdanović, 3 April 1991).

[2334] D561 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 16 January 1991); D566 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 25 December 1990); D578 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 28 March 1991); D582 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 3 April 1991); D584 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 17 April 1991); P3057 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 12 April 1991).

[2335] D578 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović,28 March 1991), pp. 4-5.

[2336] D582 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 3 April 1991), p. 1; P3057 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 12 April 1991), p. 1.

1304. Filipović further reported that on 2 and 3 April 1991, Srba Milovanov of the SPO told Snedden that he and Martin Lynch should go to the Knin Krajina in a week. On 3 April 1991, Snedden met with Minister Bogdanović at the Republican SUP and spoke with Minister Šainović on the phone.[2337] On 17 April 1991, Dragan Filipović reported that on 10 April 1991, Captain Dragan had just returned from another trip to the Krajina.[2338]

1305. On 25 February 1991, Veljko Golubović of the Serbian DB sent a background report on Daniel Snedden to the 2nd Administration of the Serbian DB Belgrade.[2339] On 3 April 1991, Tomislav Zlajić of the 2nd administration Belgrade Serbian DB reported that Daniel Snedden had been the subject of intense scrutiny of the DB since December 1990. According to this report, in mid-December, Snedden had contacted the SPO, propagating terrorism and offering to organize the procurement and delivery of a large quantity of weapons. Further, Snedden contacted Martin Lynch (a member of the British armed forces) and in March 1991 had studied the political situation in the Knin Krajina and undertaken activities for creating and arming paramilitary formations there. Zlajić requested the DB to seek relevant information about Snedden.[2340]

1306. The Trial Chamber now turns to documents indicating that Captain Dragan met Franko Simatović in March and/or April 1991.

1307. In an interview as part of a documentary entitled "The Unit", Dragan Vasiljković stated that he had been in Knin as early as October 1990 and offered to train Krajina policemen. In late March 1991, Frenki had asked him to meet in Belgrade. Dragan stated that he had made a deep impression "on them" during that conversation, that he had proposed a short 21-day course, and that that was when "in a way" he became friends with Frenki. Frenki had ordered Dragan to wait until it was time for them all to "go down there". Dragan stated that on 3 April 1991, he called Simatović and told him "Frenki, I will wait no longer, I am going down there, with or without you".[2341]

1308. On 13 April 1991, Simatović, as an operative of the Serbian DB Belgrade, wrote in an official note that he had met with Daniel Snedden that day to discuss the possibilities of his

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[2337] P3057 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 12 April 1991), pp. 2-3, 5.
[2338] D584 (SDB Belgrade report on results of telephone monitoring for Daniel Snedden, by Dragan Filipović, 17 April 1991), p. 3.
[2339] D573 (Report to the 2nd Administration SDB Belgrade on Daniel Snedden, Veljko Golubović, 25 February 1991).
[2340] D605 (SDB Belgrade report on Daniel Snedden, Tomislav Zlajić, 3 April 1991), p. 1.
[2341] P2976 (Video documentary entitled "The Unit"), pp. 2, 5-6.

further engagement. Simatović noted that Snedden was a professional mercenary with links to the Israeli, German, English, and American intelligence services and since his arrival in Serbia had made contacts in the Serbian Assembly and Ministries which could be an object of interest of the DB. Simatović proposed to secretly bring him in and question him about his activities and connections in order to assess the goal and usefulness of further operative actions towards him.[2342]

1309. The Trial Chamber now turns to two further documents indicating that the Serbian DB was in contact with Captain Dragan prior to his departure to the SAO Krajina in April 1991.

1310. According to the undated minutes of a meeting between Dragan Vasiljković and Serbian Minister of Defence Tomislav Simović, the DB had invited Captain Dragan to Serbia and he collaborated with Radmilo Bogdanović and Stanišić.[2343] Captain Dragan had been assigned to train volunteers and to cooperate with Martić and Babić.[2344]

1311. According to a memorandum from Colonel Milorad Boškević to General Kadijević, dated 28 August 1991, Captain Dragan was closely connected with several members of the MUP, including Franko "Stamatović" (a.k.a Frenki), Dragoljub Filipović, (a.k.a. Fićo), and inspectors of the SJB of the MUP. According to Boškević, the Serbian MUP DB monitored Captain Dragan from his arrival in Serbia and established operative contact with him, after which it sent him through the Association of Serbs from Croatia to the SAO Krajina as a military instructor.[2345]

1312. The Trial Chamber now turns to the establishment of the Golubić training camp, the instructors who provided the training, and the alleged involvement therein of, amongst others, Captain Dragan, Milan Martić, Franko Simatović, and Jovica Stanišić, in the period of April through July 1991.

1313. The evidence of Mile Bosnić indicates that the SNC discussed the establishment of the Golubić camp in April 1991. **Mile Bosnić**, an SDS regional board member and president of the SDS board in Kordun,[2346] testified that the decision to establish Golubić was made in April 1991 by the SNC of which Babić was the president.[2347] The witness heard that the SDS

[2342] P3251 (Official Note on contact with Daniel Snedden, Franko Simatović, Belgrade, 13 April 1991).
[2343] P1069 (Minutes of Conversation between Captain Dragan and Tomislav Simović**)**, pp. 1-2. The Trial Chamber notes that the exhibit refers to "Radmila Bogdanović".
[2344] P1069 (Minutes of Conversation between Captain Dragan and Tomislav Simović**)**, p. 2.
[2345] P1062 (Some information on Daniel Snedden, Australian Citizen, alias "Kapetan Dragan", signed by Milorad Bošković, 28 August 1991), pp. 1-3.
[2346] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 2.
[2347] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 40; Mile Bosnić, T. 12717.

Main Board had decided that a special unit needed to be established in order to respond effectively to any future attacks by Croatian special forces and that this was the rationale for establishing Golubić.[2348] The witness testified that the location at Golubić was owned by the municipality of Knin and the suggestion to use the location was made by Babić and Martić.[2349] It was proposed that Golubić would be funded by the municipalities within the SAO Krajina and the government of the SAO Krajina.[2350]

1314. On 1 April 1991, President of the SAO Krajina executive board Dr Milan Babić ordered that the TO and volunteer units be mobilized to defend the SAO Krajina and requested the Government of the Republic of Serbia that Serbian MUP forces provide technical and personnel support to the SAO Krajina SUP.[2351]

1315. **Milan Babić**, who was the Prime Minister of the SAO Krajina,[2352] stated that in April 1991, Martić, Simatović, the Krajina SUP, the Serbian DB, and Captain Dragan established a camp in Golubić, where, until August 1991, military training was provided.[2353]

1316. The Trial Chamber will now review the evidence of several witnesses and a large number of documents regarding the arrival of Captain Dragan and other instructors at Golubić in April 1991 and the command structure of the camp.

1317. **Milan Babić** stated that Franko Simatović was in charge of the Golubić camp, running it together with Martić and Dušan Orlović.[2354] Babić visited the camp on two occasions.[2355] First, in April 1991, he was introduced to Dragan Vasiljković, a.k.a. Captain Dragan, a training instructor at Golubić, and was told that special police units, so-called specialists, would be trained there.[2356] Second, in May 1991, he met Simatović at Golubić.[2357] Although

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[2348] D313 (Mile Bosnić, witness statement, 5 July 2011), paras 39, 42.
[2349] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 40.
[2350] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 45.
[2351] P1101 (Order on mobilization, Milan Babić, 1 April 1991); Mile Bosnić, T. 12718-12719.
[2352] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12965; P1880 (Death Certificate of Milan Babić).
[2353] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1382, 1539, 1546; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12929, 13106; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), pp. 3377, 3380.
[2354] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1514, 1542-1543; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12929-12930, 13106, 13121; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), pp. 3377-3378.
[2355] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1540; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3378.
[2356] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1426, 1540-1541, 1543; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3378.

the media portrayed the trainees as armed forces of the Krajina, Babić stated they were in fact carrying out an objective set by the Serbian DB.[2358] Captain Dragan later commanded a special unit made up of Golubić trainees, called the Knindzas.[2359] According to Babić, Dragan and the Knindzas were under Simatović's command.[2360] The Trial Chamber has reviewed further relevant evidence of Milan Babić in chapters 6.6.2 and 6.6.3 regarding the presence of Jovica Stanišić and Franko Simatović in Knin in April 1991 and of Simatović in the SAO Krajina from April to 8 August 1991.

1318. **Witness JF-039** testified that in January or April 1991, Simatović brought Captain Dragan to the camp and introduced him as a millionaire who was going to "do great things".[2361] The first three instructors arrived at Golubić at the end of February or the beginning of March 1991 and they were all from the Serbian DB. According to the witness, the training at the camp was conducted by Captain Dragan and his assistants, including Mark Irac and a person called Fico, who said that he came from the Serbian DB and that he was "Frenki's man".[2362] The training centre in Golubić started functioning in March or April 1991, although the first recruits did not begin their training until May 1991.[2363] According to the witness, the Golubić training camp was under the command of Martić.[2364]

1319. According to the witness, Dušan Orlović had been appointed by Martić as the Head of the DB of the SAO Krajina in January 1991 and worked in Golubić.[2365] Martić later found out that Orlović was also sending his reports directly to the Serbian DB.[2366] According to the witness, Martić's most senior DB agents were also passing information to the Serbian DB.[2367]

[2357] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1542-1544; P1878 (Milan Babić, *Slobodan Milošević transcript*, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12929-12930, 13121; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), pp. 3378-3379.
[2358] P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3381-3382.
[2359] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1426-1427, 1543; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13123.
[2360] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1427.
[2361] P978 (Witness JF-039, witness statement, 12 September 2003), para. 34; P977 (Witness JF-039, prior testimony), pp. 2100-2101; Witness JF-039, T. 7327.
[2362] P978 (Witness JF-039, witness statement, 12 September 2003), para. 37; P977 (Witness JF-039, prior testimony), pp. 2002, 2006; Witness JF-039, T. 7275, 7327, 7337-7339.
[2363] P978 (Witness JF-039, witness statement, 12 September 2003), para. 40; P977 (Witness JF-039, prior testimony), pp. 2000, 2133; Witness JF-039, T. 7237-7238, 7326.
[2364] P977 (Witness JF-039, prior testimony), p. 2004; Witness JF-039, T. 7208.
[2365] P978 (Witness JF-039, witness statement, 12 September 2003), paras 22, 49; P977 (Witness JF-039, prior testimony), pp. 1978, 2106, 2144-2147, 2191.
[2366] P978 (Witness JF-039, witness statement, 12 September 2003), para. 49; P977 (Witness JF-039, prior testimony), pp. 2106, 2149, 2191; Witness JF-039, T. 7282.
[2367] P978 (Witness JF-039, witness statement, 12 September 2003), para. 57; P977 (Witness JF-039, prior testimony), p. 1996.

1320. **Witness C-015**, a Serb from Croatia,[2368] testified that on one occasion, he saw Stanišić at a police Training Centre in Golubić.[2369] Stanišić and Martić spoke to the police that had gathered at the Training Centre.[2370] Martić told those present that Stanišić – "the icy one" – was "his only and first commander".[2371] **Witness JF-038**, an active member of the Yugoslav Federal DB until October 1992,[2372] also testified about the presence of Stanišić in the Krajina area on two occasions between May and June 1991, once outside the Knin police station, and once at a restaurant near the Krka waterfalls.[2373]

1321. **Mile Bosnić**, an SDS regional board member and president of the SDS board in Kordun,[2374] testified that one of the instructors of the first group trained at Golubić, and the commander of the Knindzas, was Captain Dragan.[2375] After training, part of the first group remained at Golubić to train others and later became the special unit of the police known as the Knindzas.[2376] There were around 30 persons in the Knindzas group.[2377] The witness testified that he saw some members of the Knindzas, including Captain Dragan, Blagoje Guska, and Nikola Simić (a.k.a. "Cigo") in Knin and they wore green camouflage military uniforms with patches of the Serbian coat of arms with the four Ss facing backwards and red berets.[2378] The witness testified that the Knindzas existed until the end of 1991 at which point part of them became members of regular units of the army and the police of the RSK.[2379]

1322. **Aco Drača**, head of the SDB in Benkovac from late winter or early spring in 1991 and deputy chief of the Krajina SDB from August 1992,[2380] testified that in early April 1991, he met Captain Dragan in Benkovac with municipal president Zečević. Drača also attended a second meeting with Captain Dragan, Zečević, and Martić in May 1991. Martić told Drača that, per a decision of the SNC, Captain Dragan would facilitate an infantry training course at Golubić, so that the police force would have basic police skills.[2381] Drača testified that

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[2368] P2 (Witness C-015, witness statement, 13 May 1999), p. 2; P3 (Witness C-015, supplementary witness statement, 24 January 2001), p. 1.
[2369] Witness C-015, T. 1622, 1624-1625.
[2370] Witness C-015, T. 1622-1623.
[2371] Witness C-015, T. 1623-1624, 1684, 1721.
[2372] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3021, 3023-3025, 3027, 3116.
[2373] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3078-3079, 3142; P2988 (List of persons referred to by the witness in *Martić* testimony); Witness JF-038, T. 4840-4841, 4929-4930, 4934-4935.
[2374] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 2.
[2375] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 58.
[2376] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 56; Mile Bosnić, T. 12706.
[2377] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 56, Mile Bosnić, T. 12723.
[2378] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 59; Mile Bosnić, T. 12727, 12730, 12732-12733, 12836.
[2379] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 60.
[2380] Aco Drača, T. 16692, 16742, 16776-16777.
[2381] Aco Drača, T. 16697-16698, 16711, 17002-17004.

Captain Dragan provided training at Golubić from spring 1991 and that Captain Dragan brought an Irishman called Mark Lynch to the Golubić camp.[2382]

1323. **Witness JF-031**, a Serb from Knin municipality,[2383] was present at the Golubić camp as a trainee and testified about the camp based on his personal experiences. He testified that he was mobilized in April 1991 by his local police force.[2384] The witness, along with other newly mobilized recruits, was sent to a training camp at Golubić.[2385] The witness testified about a number of persons who functioned as commanders at the Golubić camp. According to Witness JF-031, the commander of the Golubić camp was Dragan Karna.[2386] Above Karna in the chain of command were Franko Simatović, Milan Martić, and a person called Prijić.[2387] While Martić was superior to Simatović on paper, the two men would often come to an agreement before making decisions.[2388] Martić visited the Golubić camp at least once a week, and sometimes as often as every other day. Dragan Vasiljević or Vasiljković, a.k.a. Captain Dragan, was also present in Knin during the witness's time at Golubić, both at the camp itself and at the fortress in Knin.[2389] He held a command position and was chief trainer at the Golubić camp.[2390] Over the course of 1991, the witness saw Captain Dragan in the company of both Simatović and other members of the Serbian DB.[2391] However, the witness stated that in April 1991, the only person who appeared to be Captain Dragan's superior was Milan Martić. In private, Captain Dragan maintained that he was not "a DB man" but that he was independent.[2392] Captain Dragan was associated with the "Knindža" group of persons who had been trained at Golubić.[2393]

[2382] Aco Drača, T. 16700, 16710, 16712-16713.
[2383] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2384] P998 (Witness JF-031, witness statement, 1 June 2001), p. 2; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19170, 19261.
[2385] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 2, 4; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19170, 19216; P1003 (Photograph of Witness JF-031 at Golubić training camp, August 1991).
[2386] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19173, 19234-19235; Witness JF-031, T. 7438-7439.
[2387] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19173, 19235; Witness JF-031, T. 7443.
[2388] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19185.
[2389] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 2-4; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19173, 19235-19236, 19239; Witness JF-031, T. 7440, 7490.
[2390] P998 (Witness JF-031, witness statement, 1 June 2001), p. 3; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19242.
[2391] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19176, 19239.
[2392] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 2-3.
[2393] P998 (Witness JF-031, witness statement, 1 June 2001), p. 12. P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19176.

1324. The witness stated that the following persons acted as instructors at Golubić during his time there: Zoran Rajić; two persons called Filipović; Ilija Vučković, a.k.a. Rambo; Saša Medaković; another person called Vučković, a.k.a. Boki; a person called Andić; a person called Olujić; Riki Subotić; Neven Laka; a person called Goran; Živojin Ivanović, a.k.a. Žika Crnogorac or the Montenegrin, who had been a member of the DB before the war and was Simatović's "right-hand man"; Rajo Božović; Boro Kovačević; Božo Božić; Rade Božić; a person known as "Komorac"; Goran Starčević, who often acted as a driver for Simatović and dealt with logistics; and Dušan "Dule" Orlović.[2394] Also present in Knin at the time was a person called Mark, who spent a great deal of time with Captain Dragan and whom the witness believed to be Irish and to have been part of the Foreign Legion. Mark was only there for a month and had no specific role at the camp.[2395] Dule Orlović and Zoran Rajić, both from Krajina, also worked for both the Krajina and Serbian DBs.[2396] Orlović served as the connection between Martić and the Serbian DB.[2397] The witness was present on at least ten occasions when Simatović gave orders directly to Drača, Orlović, and Rajić.[2398]

1325. **Dejan Slišković**, a Serb who was a member of the JATD from June 1994 to May 1995,[2399] and **Witness JF-005**, a Croatian Serb member of the JSN or Special Purpose Unit from April 1992,[2400] did not attend the Golubić camp as trainees, but testified about the camp on the basis of what they were later told by members of the JATD or JSN.

1326. Slišković testified that during his training in 1994, JATD members Dragoje Zvizdić, Miroslav Mirković, Djordje Kuburović, Desimir Butković and Dragutin Stanojević, told him about the reserve/paramilitary part of the JATD, based on their own experiences fighting in 1991.[2401] This part consisted of persons who had been members of Captain Dragan's paramilitary unit in 1991 and been present at the training camp near Knin, such as Rajo Božović, Vaso Mijović, Fića Filipović, Zoran Rajić, Žika Ivanović (who was also known as

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[2394] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 4-5, 14; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19171-19172, 19213; P1001 (List of persons present at Fruška Gora). The Trial Chamber understands the witness's evidence regarding Dule Orlović to relate to Dušan Orlović.
[2395] P998 (Witness JF-031, witness statement, 1 June 2001), p. 4.
[2396] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19178, 19246-19247; Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora), pp. 2-3; P2746 (Background information for Zoran Raić, signed by Zoran Raić, October 1992); P2766 (Background check on Zoran Rajić, signed by Dušan Orlović) P27.
[2397] P998 (Witness JF-031, witness statement, 1 June 2001), p. 5; Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora), p. 2.
[2398] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19284.
[2399] P440 (Dejan Slišković, witness statement, 14 September 2003), p. 1, paras 3-4, 20; P441 (Dejan Slišković, witness statement, 8 April 2010), p. 1, paras 13-14, 63.
[2400] P137 (Witness JF-005, witness statement, 25 January 2004), p. 1, paras 1, 3, 11; P136 (Witness pseudonym sheet); Witness JF-005, T. 2760, 2851, 2857.

Crnogorac), Dragan Pupovac, and Zvezdan Jovanović.[2402] JATD members told the witness that these men had gained Franko Simatović's trust.[2403]

1327. Witness JF-005 testified that in March or April 1995 at a camp in Fruška Gora in Serbia where Red Berets from several camps gathered, Božović, Vuk, and Riki told the witness that they had been trained at the Golubić camp in the Krajina in 1991.[2404] Božović and Riki told the witness that Stanišić had sent Captain Dragan to Knin.[2405]

1328. The Trial Chamber further refers to Captain Dragan's proposal to set up a new training centre[2406] and an order signed in the name of "Frenki"[2407] in evidence as exhibit P979, which it has reviewed in relation to the Korenica and Knin fortress camps below, as well as to the Simatović Defence's submissions regarding the latter order set out there.

1329. The Trial Chamber now turns to a number of documents which relate to meetings and reports from Captain Dragan regarding the training at Golubić in June and July 1991. According to the type-written minutes of a meeting on 14 June 1991, Frenki, Major Dragan Karna, and Captain Dragan discussed the further work in Golubić, the assignment of units to cover bordering areas, and the level of training of units.[2408]

1330. In an undated report addressed to the State Security Service, Daniel Snedden suggested that the active team of instructors from Golubić start further training on 23 June. According to the report, the first group, which had spent 21 days training, fared better than the second one, which spent only seven to 14 days training. Snedden added that they should direct armed units around slogans such as: the goal of the SAO Krajina is to become a part of Serbia, and, those who want to join the "Chetniks" should contact Vojo Šešelj for weapons. Snedden noted that the goal should be that those who finish training return home and establish new formations and mentioned Benkovac and Obrovac units as examples. Snedden proposed that he, Milan

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[2401] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 23; Dejan Slišković, T. 5099-5101.
[2402] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 3; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 23, 38, 41; Dejan Slišković, T. 5095, 5099-5101, 5103, 5252; P482 (Serbian MUP Administration for Foreigners, Expelled Persons and Administrative Affairs Report to the DB Regarding the Conduct of DB Worker Vasilije Mijović, 4 February 1994, Mile Puzović).
[2403] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 23; Dejan Slišković, T. 5101.
[2404] P138 (Witness JF-005, witness statement, 4 November 2009), paras 4, 14; Witness JF-005, T. 2804, 2810-2811, 2841.
[2405] P138 (Witness JF-005, witness statement, 4 November 2009), para. 43.
[2406] In evidence as exhibit P426.
[2407] In evidence as exhibit P979.
[2408] Witness JF-031, T. 7430-7433; P1009 (Minutes of meeting attended by Frenki, Captain Dragan, and others, 14 June 1991).

Martić, Frenki, and influential specials should make field rounds, as their presence would increase morale and they could advise about the further development of units in the field.[2409]

1331. On 23 July 1991, the Chief of the War Staff in Dvor municipality, in the SAO Krajina, reported that Captain Dragan, Milan Martić, and representatives of the war staffs from Dvor, Glina, and Kostajnica attended a working meeting in Dvor that day. At the meeting, Captain Dragan concluded that unity had been established in the conduct of all operations in the area of Banija and systems for organising command posts and reporting to competent organs of the SAO Krajina and the Republic of Serbia had been agreed upon.[2410]

1332. The Trial Chamber recalls Captain Dragan's report of 19 July 1991,[2411] which it has reviewed in chapter 3.1.7 in relation to Glina and Struga, in which Captain Dragan reported from Glina to, amongst others, "Frenki" and Major Fića, that the setting up of headquarters and enlisting of soldiers for training had begun.

1333. The Trial Chamber now turns to the financing and equipping of the Golubić camp.

1334. **Milan Babić** testified that the training and weaponry at Golubić were funded by the Serbian MUP and Babić personally heard from Stanišić that the Serbian DB granted a large amount of money to Captain Dragan to provide the training.[2412]

1335. **Witness JF-039** testified that Simatović brought fuel, vehicles, and other equipment, including communication equipment, to the camp.[2413] He also paid the salaries for everyone involved with the camp.[2414] Martić told the witness that until June 1991 Simatović brought money to the camp twice.[2415] Martić also told the witness many times that "Belgrade" was responsible for supplying everything to run the camp.[2416] According to the witness, when Martić used the word "Belgrade" he was referring to Jovica Stanišić.[2417] According to the

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[2409] P1179 (Memorandum to State Security Service, signed Danijel Snedden), pp. 1-2. The Trial Chamber understands the English translation of exhibit P1179 references to "filed" rounds and units "at the filed" to refer to field rounds and units in the field.
[2410] P1120 (Report for 23 July 1991, Dvor Municipality War Staff, signed by Nikola Boljanić, 23 July 1991).
[2411] In evidence as exhibit P1186.
[2412] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1459; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13134; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3380.
[2413] P978 (Witness JF-039, witness statement, 12 September 2003), para. 40; P977 (Witness JF-039, prior testimony), pp. 2003-2004; Witness JF-039, T. 7266, 7275, 7327-7328.
[2414] P978 (Witness JF-039, witness statement, 12 September 2003), para. 40; P977 (Witness JF-039, prior testimony), pp. 2004, 2209; Witness JF-039, T. 7266, 7328, 7364.
[2415] Witness JF-039, T. 7365-7366
[2416] P978 (Witness JF-039, witness statement, 12 September 2003), para. 40; P977 (Witness JF-039, prior testimony), p. 2001.
[2417] P978 (Witness JF-039, witness statement, 12 September 2003), para. 40.

witness, the MUP in Knin and in SAO Krajina could not have provided the necessary vehicles or technical equipment for training in the camp, without the assistance of the MUP Serbia.[2418]

1336. **Witness JF-031** testified that Rajić came to the Golubić camp while the witness was there, and dealt exclusively with supplies, including the transport of equipment.[2419] According to the witness, in general, weapons used at the Golubić camp came at first from the police and the TO, and later from the army and to a lesser extent from "some state security lines".[2420] On two occasions the witness also saw cars with Belgrade licence plates arriving at the camp, and subsequently saw uniforms being distributed.[2421]

1337. Contrary to the testimonies of a number of witnesses reviewed above, Radivoje Mičić, Aco Drača, Mile Bosnić, Witness DFS-014, and Goran Opačić provided evidence suggesting that Simatović and the Serbian DB were not involved in the training camp at Golubić.

1338. **Radivoje Mičić**, a former employee of the AOS and the 2nd Administration of the Serbian DB,[2422] testified, based on what he had heard from Filipović, that Franko Simatović and Filipović went to Knin to obtain information and monitor subjects in relation to the case of Daniel Snedden, whose activities were believed to be a potential security risk.[2423]

1339. **Aco Drača** testified that Simatović came to the Krajina with two other members of the Serbian DB, Milan Radonjić (known as Medo) and Dragan Filipović (known as Fico).[2424] Drača further testified that Simatović was neither in charge of any military operations in the territory of SAO Krajina in 1991, nor managing the Golubić camp in that year or later, but that the rumour of "people from Serbia" being in charge of the camp was spreading among the population who feared an attack and hoped that assistance would come from Serbia.[2425] Instead, Simatović told Drača that he opposed any engagement of Captain Dragan in Krajina, and that the witness should keep an eye on Captain Dragan's activities exceeding the scope agreed upon by the SNC and Martić, namely his attempts to head the TO and to become

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[2418] P977 (Witness JF-039, prior testimony), p. 2086.
[2419] P998 (Witness JF-031, witness statement, 1 June 2001), p. 4; Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora), pp. 2-3.
[2420] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19174, 19243; Witness JF-031, T. 7472-7474.
[2421] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19243; Witness JF-031, T. 7472-7474.
[2422] Radivoje Mičić, T. 19773-19774, 19812, 19824; P3166 (Four Serbian MUP documents concerning Radivoje Micič, one unsigned, three signed by Jovica Stanišić, Milojka Vukičević, and Radivoje Micič, respectively, dated 10 June 1994, 19 November 1990, 1995, and 19 February 1997, respectively).
[2423] Radivoje Mičić, T. 19789-19791, 19862, 19874-19875, 19924, 19931-19933.
[2424] Aco Drača, T. 16708, 16909-16911.
[2425] Aco Drača, T. 16724-16725, 16998, 17008-17009.

politically engaged in Krajina, without explaining it further.[2426] The witness also recalled that Simatović told him that the Serbian DB was surveilling Captain Dragan. Drača testified that Simatović was also interested in individuals accompanying Captain Dragan, including Mark Lynch.[2427]

1340. **Mile Bosnić**, an SDS regional board member and president of the SDS board in Kordun,[2428] testified that although he was at Golubić very often, he did not see Simatović there.[2429] Nikola Medaković, who had been part of the first group to train at Golubić, told the witness that a man called Frenki appeared at Golubić on only one occasion and was not involved in the training.[2430] According to the witness, in conversations he had with men from Kordun who were trained at Golubić, the DB Serbia was never mentioned in connection with the training there.[2431]

1341. **Witness DFS-014** testified that he had never heard of Simatović being involved in the organization, direction, or management of the Golubić camp.[2432] The witness added that he did not see Simatović in the Krajina between May and August 1991, or even know who he was at the time.[2433] As further explained in chapter 2, the Trial Chamber will not rely on the evidence of Witness DFS-014. The Trial Chamber further notes that this witness testified that he only visited Golubić on one day in May 1991.[2434]

1342. **Goran Opačić** testified that prior to the Kula ceremony in 1997, he only saw Simatović on two brief occasions in Knin in June 1991.[2435] As further explained in chapter 2, the Trial Chamber will not rely on the evidence of Goran Opačić and will not further consider his evidence in relation to the Golubić camp.

1343. **Witness JF-031** testified that during the period between April and August 1991, there was no unit in the Knin area associated with the Serbian DB.[2436] The witness, who trained at Golubić from April 1991, saw Simatović for the first time at Golubić in June or July 1991.[2437] Simatović was not in uniform, and the witness did not know who he was or why he was in

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[2426] Aco Drača, T. 16709-16710, 17003-17004.
[2427] Aco Drača, T. 16710-16711.
[2428] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 2.
[2429] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 69.
[2430] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 72.
[2431] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 59.
[2432] Witness DFS-014, T. 15822, 15921, 16019-16022, 16033.
[2433] Witness DFS-014, T. 15822, 15842, 15923-15926, 15932-15934.
[2434] Witness DFS-014, T. 15793, 15959.
[2435] Goran Opačić, T. 18218-18219, 18240-18242, 18306.
[2436] Witness JF-031, T. 7442-7443.

Knin, though he knew he had something to do with the DB.[2438] The witness testified that the units training in Golubić at this time had nothing to do with either Simatović or the Serbian DB.[2439] The Trial Chamber will further consider the involvement of Simatović and the Serbian DB in the training camp at Golubić below.

1344. The Trial Chamber will now review the Adjudicated Facts and evidence regarding the type of training provided and the groups which received training at the Golubić camp. According to the Adjudicated Facts, the training in Golubić included: drill practice, ambush training, ideological training geared towards loyalty to the state, not political parties, weapons training (including artillery training, mining training, sniper shooting and target practice), physical exercise, training in the securing of persons, self-protection and abseiling. On average the training lasted for approximately 20 days. The training in Golubić was predominantly military in character.[2440] The evidence of Witness JF-039[2441] was consistent with the Adjudicated Facts on the type and length of training at Golubić. **Witness JF-031** added that training was provided on topics such as the treatment of POWs and the treatment of civilians in armed conflict.[2442]

1345. The Adjudicated Facts provide that groups trained in Golubić were, in some instances, referred to as Martić's Men or Martić's Police (*Martićevci*). Members of the *Milicija Krajine* were trained in Golubić.[2443] The trainees wore blue camouflage uniforms, which were different from ordinary police uniforms. Some trainees wore a patch on their sleeve, which was semi-circular with the words *Milicija Krajine* and the Serbian tricolour. The training groups consisted of between 40 and 100 trainees per group. The men who had trained at Golubić set up further units and trained people in their municipalities.[2444] **Mile Bosnić**,[2445] **Witness JF-031**,[2446] **Witness JF-038**,[2447] **Witness DST-043**,[2448] **Witness JF-006**,[2449] and

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[2437] P998 (Witness JF-031, witness statement, 1 June 2001), p. 4; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19251-19252, 19307; Witness JF-031, T. 7441, 7490.
[2438] P998 (Witness JF-031, witness statement, 1 June 2001), p. 4.
[2439] Witness JF-031, T. 7445.
[2440] Adjudicated facts III, fact 55.
[2441] P978 (Witness JF-039, witness statement, 12 September 2003), para. 43; P977 (Witness JF-039, prior testimony), p. 2002; Witness JF-039, T. 7239, 7241, 7245.
[2442] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19241; Witness JF-031, T. 7427.
[2443] Adjudicated facts III, fact 58.
[2444] Adjudicated facts III, fact 56.
[2445] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 57; Mile Bosnić, T. 12705-12707, 12732.
[2446] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19174-19176, 19217-19218, 19240, 19245; P1008 (Map annotated by Witness JF-031).
[2447] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3049-3050.
[2448] D322 (Witness DST-043, witness statement, 29 June 2011), para. 50; Witness DST-043, T. 13028, 13094-13095, 13115-13116.

Witness JF-041[2450] provided evidence consistent with the Adjudicated Facts regarding members of the SAO Krajina police training at Golubić and regarding their subsequent assignments in the SAO Krajina.

1346. **Milan Babić** stated that Nikola Amanović, assistant of Martić at the SUP, told him that after training at Golubić, the trainees were given weapons, and placed in the Krajina special police units in different municipalities.[2451]

1347. **Mile Bosnić** testified that around late May or early June 1991, Serbian village guards from Kordun and Banija were sent to be trained at Golubić as part of what the witness heard was the second group to train there.[2452] Bosnić added that he estimated that the total number of persons trained at Golubić may have been between 200 and 300, given that persons came from the entire Krajina area.[2453]

1348. **Witness JF-039** testified that Martić chose the people to be trained at the camp from members of the various police stations throughout the SAO Krajina.[2454] The first group of trainees at Golubić consisted of between 150 and 200 men.[2455] After the training, some remained as instructors while others returned to their police units.[2456] The first group left Golubić in May 1991.[2457] By the time the second group arrived, the witness believed that regular TO members had begun to join the training.[2458] The number of recruits was kept at about 200 at all times.[2459] The witness added that the total number of men trained at Golubić was between 200 and 250, most of whom (the witness estimated about 200) were TO regulars.[2460] According to the witness, members of the various police stations chosen to train at Golubić were made commanders of the special police units of Martić's police and went

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[2449] P104 (Witness JF-006, *Slobodan Milošević* transcript, 15 October 2002), pp. 11569-11570; P105 (Witness JF-006, *Martić* transcript, 28 March 2006), pp. 2749, 2808; Witness JF-006, T. 2443, 2447, 2451, 2466.
[2450] P1546 (Witness JF-041, witness statement, 18 February 2005), paras 20-21, 34; P1547 (Witness JF-041, witness statement, 12 October 2010), p. 1; P1548 (Witness JF-041, *Martić* transcript, 23-25 May 2006), pp. 4426, 4435-4437, 4439, 4499, 4539; Witness JF-041, T. 8004-8005, 8025, 8029-8030.
[2451] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1542-1543; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3381.
[2452] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 35; D314 (Mile Bosnić, proofing note, 8 July 2011), p. 3; Mile Bosnić, T. 12703.
[2453] Mile Bosnić, T. 12704.
[2454] P978 (Witness JF-039, witness statement, 12 September 2003), para. 41; Witness JF-039, T. 7337-7339.
[2455] P978 (Witness JF-039, witness statement, 12 September 2003), para. 43; P977 (Witness JF-039, prior testimony), p. 2195; Witness JF-039, T. 7240-7241.
[2456] Witness JF-039, T. 7241.
[2457] P978 (Witness JF-039, witness statement, 12 September 2003), para. 44.
[2458] Witness JF-039, T. 7241, 7244-7245.
[2459] P978 (Witness JF-039, witness statement, 12 September 2003), para. 43; P977 (Witness JF-039, prior testimony), p. 2101; Witness JF-039, T. 7238-7239.
[2460] Witness JF-039, T. 7246-7247, 7250-7251.

back to their original police stations after the training.[2461] The first platoon commanders were Dragan Karna, Milorad Cvijanović, Milorad Čalić, and Goran Opačić.[2462] The witness recalled that Goran Opačić and his two brothers returned to Benkovac and he later became commander of the Special Police in Benkovac.[2463]

1349. **Witness JF-031** testified that between 100 and 300 trainees were present at the Golubić camp at any one time, and between 3,000 and 5,000 men passed through there in total. They participated in training in groups of 20.[2464] Witness JF-031's evidence further indicated that members of the SAO Krajina TO were trained at Golubić.[2465]

1350. The Trial Chamber has received hand-written documents and questionnaires which indicate that certain persons reported to Golubić and received training there from commander Žika Crnogorac between June and August 1991. These persons included Nikola Pilipović,[2466] Milenko Popović,[2467] Slobodan Majstorović,[2468] Dragan Olujić,[2469] Davor Subotić,[2470] Borjan Vučković,[2471] Jugoslav Kesić,[2472] Veljko Gaćeša,[2473] Jovan (Milanko) Vejnović,[2474] Predrag Baklaić,[2475] Neven Laka,[2476] and Miloš Opačić.[2477] The Trial Chamber has further received a

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[2461] P978 (Witness JF-039, witness statement, 12 September 2003), paras 41, 43; P977 (Witness JF-039, prior testimony), pp. 2006-2007, 2195-2196.
[2462] P978 (Witness JF-039, witness statement, 12 September 2003), para. 44; P977 (Witness JF-039, prior testimony), p. 2005; P2739 (Hand-written autobiography, 21 January 1997, G. Opačić, Tara, 21 January 1997).
[2463] P978 (Witness JF-039, witness statement, 12 September 2003), para. 44; P977 (Witness JF-039, prior testimony), p. 2005; Witness JF-039, T. 7251.
[2464] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19171.
[2465] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 2-3; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19170, 19234-19235, 19239, 19242, 19261, 19263.
[2466] P3195 (Series of Serbian MUP SDB documents relating to Nikola Pilipović), pp. 13-14 (Hand-written autobiography by Nikola Pilipović, Tara, 4 December 1993).
[2467] P3179 (Series of Serbian MUP SDB documents relating to Milenko Popović), p. 11 (Hand-written autobiography, Milenko Popović).
[2468] P3009 (Biography and Letter to SDB Chief of Section regarding Slobodan Majstorović, Duško Maričić, 6 July 2001), p. 1.
[2469] P3178 (Series of MUP documents relating to Dragan Olujić), p. 5 (Hand-written biography, Dragan Olujić).
[2470] D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), pp. 8 (Curriculum Vitae, Serbian MUP Special Purpose Unit, Ležimir, Davor Subotić, 23 February 1992), 9 (Request to join active-duty force of Serbian MUP, Special Purpose Unit, Ležimir, Davor Subotić, 14 February 1992).
[2471] P2984 (Series of documents relating to Borjan Vučković), pp. 1-2 (Hand-written autobiography, Borjan Vučković).
[2472] P2826 (Curriculum Vitae, Jugoslav Kesić, Belgrade, 26 October 1991); P2829 (Vetting Report on Jugoslav Kesić, signed by Chief of the RSK RDB Aco Drača).
[2473] P2839 (Poskok detachment candidate questionnaire, Veljko Gaćeša).
[2474] P569 (Two documents relating to Jovan Vejnović), pp. 1-3 (Questionnaire B1, Belgrade, signed by Nada Krupa, 25 March 1992).
[2475] P3008 (Biography and Request to join Serbia MUP Special Purpose Unit, Ilok, Perdrag Baklaić, 20 April 1992), pp. 1-2; P1125 (Letter to SAO Krajina Minister Milan Martić, from Colonel Petar Trbović 2nd Lika Brigade Command, 12 November 1991).
[2476] P3177 (Series of Serbian MUP documents relating to Neven Laka), p. 6 (Republic of Serbia MUP Special Purpose Unit document regarding Neven Laka, Ležimir, 12 February 1992), p. 10 (Personal history, Republic of Serbia MUP Special Purpose Unit, signed by Neven Laka, Ležimir, 22 February 1992).
[2477] P2824 (Personal history of candidate Miloš Opačić for an apartment in Kula, 23 March 1998).

number of claim forms submitted to the Captain Dragan Fund which indicated that Nedeljko (Ilija) Orlić,[2478] Ratko (Sposo) Knežević,[2479] Dušan Mastikosa,[2480] Milorad Đuđić,[2481] and Nikola Mirčeta[2482] trained at Golubić, with Captain Dragan, Crnogorac (which the Trial Chamber understands to refer to Živojin Ivanović), and Irac (which the Trial Chamber understands to refer to Martin/Mark Lynch).

1351. The Trial Chamber will now review the evidence indicating that training at Golubić ended in July or August 1991, amidst conflicts between Martić, Babić, Simatović, and Captain Dragan.

1352. **Witness JF-039** testified that a month or two after Golubić was established a conflict developed between Martić and Simatović.[2483] Martić felt that Simatović was taking too much control over the TO men that were training at Golubić.[2484] In July 1991, Martić was very angry with Simatović as the latter was constantly flaunting the money he had, was surrounded by people who drank a lot, and was involved with local women.[2485] Local politicians in Knin were also becoming very concerned with the behaviour of the recruits from Golubić as they were arrogant, were better equipped than the local police, and were causing problems for the local police. Martić called Stanišić in June 1991 to have Simatović removed from the training centre and the Krajina.[2486] In June or July, Martić transferred all of the TO command and Captain Dragan's command to the fortress in Knin, and placed the TO and Captain Dragan's unit under a single command.[2487] Initially, Simatović also went to the fortress in Knin for about two or three weeks.[2488] Simatović was then called back to Belgrade for about two weeks

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[2478] P2652 (Claim form relating to Nedeljko Orić, signed for Captain Dragan, 4 May 1993).
[2479] P2647 (Claim form and certificate relating to Ratko Knežević submitted to the Captain Dragan Fund, signed for Milan Šuput, 25 September 1995), pp. 5, 7-8.
[2480] P2649 (Claim form and decision on financial assistance relating to Dušan Mastikosa, signed for Captain Dragan, 15 June 1993), p. 5.
[2481] P2650 (Claim form relating to Milorad Đuđić, signed by Nataša Počuča, 4 October 1991), p. 2.
[2482] P2657 (Claim form and discharge sheet relating to Nikola Mirčeta, 25 December 1991).
[2483] P978 (Witness JF-039, witness statement, 12 September 2003), para. 38; P977 (Witness JF-039, prior testimony), pp. 2009, 2210; Witness JF-039, T. 7273.
[2484] P978 (Witness JF-039, witness statement, 12 September 2003), paras 38, 48; P977 (Witness JF-039, prior testimony), pp. 2009, 2192, 2210; Witness JF-039, T. 7242, 7254, 7256-7257, 7265-7266.
[2485] P978 (Witness JF-039, witness statement, 12 September 2003), para. 48; P977 (Witness JF-039, prior testimony), pp. 2106-2107, 2147; Witness JF-039, T. 7254, 7256.
[2486] P978 (Witness JF-039, witness statement, 12 September 2003), paras 38, 49; P977 (Witness JF-039, prior testimony), p. 2106, 2146-2147; Witness, JF-039, T. 7254, 7275, 7280, 7332.
[2487] P978 (Witness JF-039, witness statement, 12 September 2003), paras 38, 49; P977 (Witness JF-039, prior testimony), pp. 2008-2009, 2060; Witness JF-039, T. 7200-7201, 7209, 7242-7243, 7254, 7258, 7267, 7272-7273, 7278, 7329-7330.
[2488] Witness JF-039, T. 7276, 7326, 7332.

but then returned to the Krajina.[2489] Martić told the witness that once he had ordered the move of the command and requested that Simatović be removed, Stanišić ensured that this happened.[2490]

1353. After the move to the Knin fortress and the transfer to Korenica, the training ended in Golubić (sometime in July 1991). Two platoons of Special Police remained in Knin, 15-20 men were stationed in Udbina, and 15-20 men went to the new camp in Korenica and to other towns in Krajina.[2491] Many went back to their original units.[2492]

1354. **Mile Bosnić** testified that Golubić closed after the second round of training was completed, around June or July 1991 because of a conflict between Babić and Captain Dragan.[2493] Captain Dragan had insisted that the Knindzas were part of the police and therefore were under Martić. Babić, however, requested that the Knindzas would come under the TO and Captain Dragan left the Krajina.[2494]

1355. **Witness JF-031**[2495] and **Aco Drača**[2496] testified that Captain Dragan left Knin toward the end of August 1991 as the result of a dispute with Milan Babić. This is further supported by a memorandum from Milorad Boškević to General V. Kadijević in evidence as P1062.[2497] The Trial Chamber further recalls the evidence of Witness DST-043 reviewed in relation to the Korenica and Knin fortress camps below, that Captain Dragan departed from the Krajina following a quarrel with Milan Babić in early August 1991.

1356. In an interview as part of a documentary entitled "The Unit", Dragan Vasiljković stated he was told to go see the boss in Belgrade and that Jovica Stanišić personally told him that he was banned from going to the Krajina.[2498]

1357. In August 1991, the Serbian MUP DB again decided to monitor Captain Dragan's telephone calls during his stay in Belgrade.[2499] An SBD document signed by Simatović

[2489] P978 (Witness JF-039, witness statement, 12 September 2003), paras 38, 49; P977 (Witness JF-039, prior testimony), pp. 2009-2010; Witness JF-039, T. 7254-7255, 7257-7258, 7271, 7274-7276, 7326, 7332.
[2490] P978 (Witness JF-039, witness statement, 12 September 2003), paras 38, 49; Witness JF-039, T. 7278-7279, 7328.
[2491] P978 (Witness JF-039, witness statement, 12 September 2003), para. 51; Witness JF-039, T. 7201, 7209, 7246.
[2492] Witness JF-039, T. 7246-7247.
[2493] Mile Bosnić, T. 12699-12700, 12704.
[2494] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 58; D314 (Mile Bosnić, proofing note, 8 July 2011), p. 4.
[2495] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19224, 19273.
[2496] Aco Drača, T. 16701-16702.
[2497] P1062 (Some information on Daniel Snedden, Australian Citizen, alias "Kapetan Dragan", signed by Milorad Bošković, 28 August 1991), pp. 1-2
[2498] P2976 (Video documentary entitled "The Unit"), pp. 15-16.

provided that the telephone calls of Daniel Snedden, a.k.a Captain Dragan, were secretly monitored between 15 August 1991 and November 1991, and recommended that the monitoring be continued indefinitely.[2500] A DB document established that the phone conversations of Daniel Snedden were still being monitored by the DB on 18 July 1992.[2501]

1358. At the Kula ceremony in 1997, Simatović stated that in the period between May and September 1991, 26 training camps for special police units of the Bosnian-Serb Republic and the Serbian Krajina were formed, including at Golubić.[2502] In court, **Witness JF-005** was shown a video and still images of a map which he testified hung in a memorial room at the Kula camp and depicted the locations of Red Beret camps and training centres, including Golubić.[2503]

1359. The Trial Chamber will first address a number of Defence submissions in relation to the Golubić camp. The Stanišić Defence and the Simatović Defence dispute the credibility of Witness JF-039's evidence. In support of its argument that Witness JF-039's evidence regarding the role of Simatović in the SAO Krajina is unreliable, the Simatović Defence points to inconsistencies in his evidence and indications that he may have been involved in smuggling and argues that his own involvement may have motivated him to fabricate his account of the events.[2504] The Stanišić Defence describes Witness JF-039's evidence as inconsistent and confusing regarding Simatović's position and argues that his evidence on the January 1991 meeting with Stanišić is inconsistent with Milan Babić's evidence.[2505] The Stanišić Defence further submits that assertions made by Captain Dragan are unreliable, arguing that he lied publicly and was embittered by his removal from Knin in August 1991.[2506]

[2499] D183 (MUP Serbia, decision to monitor telephone number used by Daniel Snedden, signed Zoran Sokolović, 15 August 1991); D585 (Proposal for application of telephone monitoring of Daniel Snedden, SDB Belgrade, 5 August 1991); D586 (Decision on intercepting the telephone number used by Daniel Snedden, RSUP Belgrade, Zoran Sokolović, 15 August 1991).
[2500] D1290 (Proposal for the secret monitoring of telephone calls, signed by Simatovic and Tornislav Zjalic, 6 November 1991).
[2501] Radivoje Mičić, T. 19798; D1291 (Report on the monitoring of the telephone calls of the subject "Farisej", signed by Radovoje Mičić, Operative Worker of the RDB Belgrade Centre, 18 July 1992)
[2502] P61 (Video of award ceremony at Kula with transcript), pp. 10-11.
[2503] Witness JF-005, T. 2817-2818, 2836-2840, 2844-2845; ; P162 (Video of memorial room at Kula camp, date unknown), Clip 1, 00:06-01:03; P163 (Images from video P162 of memorial room at Kula camp, date unknown), pp. 2-6.
[2504] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), paras 213-219.
[2505] Stanišić Defence Final Trial Brief, 17 December 2012 (Confidential), paras 304-307; T. 20274-20275, 20278.
[2506] Stanišić Defence Final Trial Brief, 17 December 2012 (Confidential), paras 291-294.

1360. Contrary to the Defence's submissions, the Trial Chamber considers that the evidence of Witness JF-039 in relation to the Golubić camp in 1991 is generally internally consistent. Any minor inconsistencies[2507] are not such as to affect the overall reliability of his evidence. Further, his evidence is generally consistent with that of Milan Babić regarding the involvement of Stanišić and Simatović in the Golubić camp. Witness JF-039's testimony and Captain Dragan's assertions contained in the documentary entitled "The Unit"[2508] are corroborated by the evidence of Witness JF-031 as well as by contemporaneous reports by Captain Dragan and Franko Simatović.[2509] Having further observed the witness's demeanour in court, the Trial Chamber concludes that Witness JF-039's testimony in relation to the Golubić camp in 1991 is reliable and considers Dragan's assertions in the documentary "The Unit" in relation to Golubić to be reliable. The Trial Chamber further refers to its discussion in relation to the Korenica and Knin fortress camps, below, regarding the order on the withdrawal of weapons from the Knin fortress,[2510] which it determines to be authentic.

1361. The Stanišić Defence and the Simatović Defence further submit that Simatović went to the SAO Krajina to collect intelligence, conduct surveillance, and monitor the activities of Captain Dragan as part of an ongoing intelligence operation.[2511] The Trial Chamber considers that Serbian DB reports in evidence clearly establish that Serbian DB operatives Franko Simatović and Dragan Filipović monitored Captain Dragan's activities in Belgrade from the end of 1990 through to his departure to the SAO Krajina in April 1991 and that the Serbian DB continued to do so from August 1991, when Captain Dragan returned to Belgrade.

1362. The Defence argues that its interpretation of the evidence is supported by the testimony of Radivoje Mičić. Mičić was a Serbian DB colleague of Simatović in 1991. However, the Trial Chamber considers this witness to have been evasive in answering certain questions. Further, the witness conceded that he was not directly involved in the case of Captain Dragan and that DB operatives were informed about cases only on a need-to-know-basis. Further, by his own admission, Mičić held a relatively low position within the Serbian DB and did not visit the Krajina during the relevant time.[2512]

[2507] For instance, with regard to the date of the arrival of Captain Dragan and other instructors at the Golubić camp in 1991.
[2508] In evidence as exhibit P2976.
[2509] Including those in evidence as exhibits P1009, P1179, P1186, and P3251
[2510] In evidence as exhibit P979.
[2511] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), paras 185-192, 227-229, 336; Stanišić Defence Final Trial Brief, 17 December 2012 (Confidential), paras 298, 301, 314.
[2512] Radivoje Mičić, T. 19874, 19875, 19877-19878.

1363. The Defence further argues that its interpretation is supported by the testimony of Aco Drača. The Trial Chamber considers that Aco Drača was head of the Benkovac Serbian DB and (according to his own testimony) cooperated with Franko Simatović in 1991.[2513] The Trial Chamber recalls that it did not consider Drača's evidence in relation to the Korenica and Knin fortress camps reliable, as set out below. In view of the totality of the evidence, as further set out below, the Trial Chamber does not consider Drača's evidence in relation to Franko Simatović's activities in the SAO Krajina in 1991 to be reliable either.

1364. The Trial Chamber further considers that the evidence of Mile Bosnić and Witness JF-031 that they did not see or only rarely saw Simatović at the Golubić camp does not necessarily support the Defence's interpretation. In conclusion and as further explained below, the Trial Chamber does not consider it a reasonable interpretation of the evidence that Simatović's activities in Knin were limited to monitoring Captain Dragan.

1365. Considering the totality of the evidence before it,[2514] the Trial Chamber finds that in January 1991, Milan Martić met Franko Simatović and Jovica Stanišić in Belgrade. Martić and Stanišić discussed sending instructors to the Golubić camp, including at least Dragan Filipović (known as Fico/Fićo/Fića), and Milan Radonjić (Medo). Martić and Stanišić agreed that Simatović would provide uniforms, salaries, and equipment for the training at Golubić. In March and/or April 1991, Franko Simatović met with Captain Dragan in Belgrade to discuss his engagement as a training instructor.

1366. Considering in particular the evidence of Babić, Witness JF-039, Witness JF-031, Witness C-015, and several documents,[2515] the Trial Chamber finds that from late April or early May to July 1991, Milan Martić, Franko Simatović, Dušan Orlović, and Captain Dragan cooperated in the establishment and operation of a training camp at Golubić. During this period, Stanišić and Simatović financed the training at the Golubić camp. Simatović also brought fuel, vehicles, supplies, and equipment to the camp.

1367. Based in particular on the evidence of several witnesses,[2516] as well as the documentary evidence set out above, the Trial Chamber finds that Captain Dragan provided training at the Golubić camp, together with his assistant Martin/Mark Lynch (known as Irac),

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[2513] Aco Drača, T. 16706-16711, 16898-16902. See also P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19177-19178, 19246.
[2514] In particular the evidence of Witness JF-039, the documentary entitled "The Unit" (P2976), and an official note by Simatović's (P3251).
[2515] Including P1179, P1009; and P3251.
[2516] Including Babić, Witness JF-039, Bosnić, Witness JF-031, Witness JF-005, Slišković, and Drača,

commander Živojin Ivanović (Žika or Crnogorac), and instructors Dragan Filipović (Fico/Fićo/Fića), Davor Subotić (Riki), Rajo Božović, and Zoran Raić. Other instructors included Ilija Vučković, Borjan Vučković (Boki), Dragan Olujić, Saša Medaković, Neven Laka, Slobodan Majstorović, Milan Andić, Boro Kovačević, Božo Božić, and Rade Božić. Milan Radonjić was present in the SAO Krajina, including in Knin, from around April through August in 1991.

1368. Considering the evidence before it,[2517] the Trial Chamber allows for the reasonable possibility that Captain Dragan established contacts and discussed training with SAO Krajina political leaders in late 1990 and early 1991, independently of the Serbian DB, as put forward by the Simatović Defence.[2518] The evidence[2519] also indicates that Captain Dragan was in contact with members of the SPO and Ministers Bogdanović and Šainović in early 1991. The Trial Chamber further allows for the reasonable possibility that the SAO Krajina police provided equipment, weaponry, and funding for the Golubić camp, as submitted by the Simatović Defence.[2520] However, the evidence of Captain Dragan's early contacts in Belgrade and the SAO Krajina and the evidence of alternative sources of equipment, weaponry, and funding for the Golubić camp does not affect the Trial Chamber's findings regarding Stanišić and Simatović's meetings, discussions, and cooperation with Captain Dragan and financing and equipping of the Golubić camp from March or April 1991 to July 1991, as specified above.

1369. Based on the unrebutted Adjudicated Facts and the evidence before it, the Trial Chamber finds that training at Golubić was of a military character and included weapons and ambush training, as well as the treatment of POWs and the treatment of civilians in armed conflict. On average, training lasted approximately 20 days. Training groups consisted of between 40 and 100 trainees per group. A total of between 350 and 700 members[2521] of the SAO Krajina Police and the SAO Krajina TO were trained at Golubić between April and August 1991. Men who had trained at Golubić set up further units and trained other people in the SAO Krajina. The following persons received training at Golubić: Nikola Pilipović, Milenko Popović, Predrag Baklaić, Dragan Karna, Goran Opačić, Miloš Opačić, Jugoslav

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[2517] In particular, the SDB monitoring reports and the evidence of Drača.
[2518] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), paras 276-287.
[2519] In particular, the SDB monitoring reports.
[2520] T. 20327-20328.
[2521] The Trial Chamber bases this finding on the Adjudicated Facts and the evidence of Mile Bosnić and Witness JF-039, as well as the remarks by Dragan Vasiljković in the documentary "The Unit", reviewed in relation to the Korenica and Knin fortress camps. The Trial Chamber does not consider Witness JF-031's estimate of between 3,000 and 5,000 men to be reliable.

Kesić, and Veljko Gaćeša. Between May and August 1991, Captain Dragan commanded a unit of around 30 Golubić-trained persons, including Blagoje Guska and Nikola Simić (Cigo), known locally as the Kninžas.

1370. From July 1991, following a disagreement with Martić, Simatović no longer participated in the Golubić camp, which closed in July or August 1991. Captain Dragan left the SAO Krajina in August 1991.

1371. The Trial Chamber has received documents indicating that Milan Radonjić (who was present in the Krajina from around April to August 1991)[2522] and Golubić instructor Dragan Filipović[2523] were members of the Serbian DB in 1991. On 18 March 1992, Stanišić signed decisions retroactively seconding Franko Simatović (then the section head in the Second Administration of the DB Administration in Belgrade) and Serbian DB operatives Dragan Filipović and Milan Radonjić to the Provincial SUP in the Autonomous Province of Kosovo and Metohija for periods from April and May 1991 to October and November 1991.[2524] On the basis of the foregoing, the Trial Chamber finds that Milan Radonjić and Golubić instructor Dragan Filipović were employees of the Serbian DB. On 18 March 1992, Stanišić retroactively assigned them and Simatović to Kosovo from April and May 1991 to October and November 1991, during which period they were in fact operating in the SAO Krajina.

1372. In relation to Golubić instructor Živojin Ivanović, the Trial Chamber considers that on 27 October 1997, Dragoslav Krsmanović signed a certificate of the Serbian MUP certifying that Živojin "Žika" Ivanović had been a member of the reserve force of the Serbian MUP engaged in certain tasks and duties since 1 June 1991.[2525] On the basis of this certificate and the evidence of Witness JF-031, the Trial Chamber finds that Živojin Ivanović (Žika or Crnogorac) worked for the Serbian DB as of June 1991.

[2522] P2730 (MUP SDB employee evaluation questionnaire for JATD Deputy Commander Milan Radonjić, signed by employee and head of organizational unit); P2732 (Socialist Republic of Serbia, Rakovica municipality employment record booklet for Milan Radonjić); P2742 (Decision on appointment of Milan Radonjić, Personnel and Employment Administration, Republic of Serbia Secretariat of the Interior in Belgrade, Milojka Vukićević, 23 January 1991); P2744 (MUP certificate for the purpose of calculating years of pensionable service of Milan Radonjić, 30 March 2001).

[2523] P474 (Series of MUP documents relating to Dragan Filipović), pp. 2-3 (Serbian MUP Decision on Assignment of Title, signed by Milojka Vukičević, 19 November 1990).

[2524] P2403 (Decision of SDB seconding Simatović to Kosovo and Metohija, signed by Jovica Stanišić, 18 March 1992); P2723 (Decision for secondment of Milan Radonjić, signed by Jovica Stanišić, 18 March 1992); P2487 (Series of Republic of Serbia MUP SDB decisions on Dragan Filipović), pp. 1-2 (Decision for secondment of Dragan Filipović, signed by Jovica Stanišić, 18 March 1992).

[2525] P478 (MUP Certificate in relation to Živojin Ivanović, signed by Dragoslav Krsmanović, 27 October 1997).

Knin Fortress and Korenica camps, July 1991

1373. According to the Prosecution, from July 1991, Simatović established a centre at the Knin fortress, which was run by Captain Dragan and where forces known as the Knindžas were trained, and at Korenica, which was run by Dragan Filipović, Ilija Vučković, and Saša Medaković.[2526]

1374. The Trial Chamber has received evidence from several witnesses, as well as through a number of exhibits, in relation to the Knin fortress and Korenica camps.

1375. The Trial Chamber turns first to **Witness JF-038**'s evidence and two reports by Captain Dragan (exhibits P425 and P426) which indicate the latter's presence at the Knin fortress from May 1991.

1376. **Witness JF-038**, an active member of the Yugoslav federal DB until October 1992,[2527] testified that on 21 May 1991, he travelled to Knin by helicopter with Admiral Zec.[2528] The helicopter circled over the castle in Knin and the admiral pointed down at the castle, where the witness saw a lot of people.[2529] When the helicopter landed at the barracks in Knin, the admiral told the witness that the people at the castle were Serb volunteers in paramilitary units being trained by Captain Dragan, including so-called Knin̆ža's and Krajina police.[2530]

1377. The Trial Chamber has further reviewed a report by Captain Dragan regarding the holding of prisoners at the Knin fortress in 3.1.7 in relation to Knin.

1378. On 27 May 1991, an unsigned report, bearing the name of Captain Dragan, to which the last name "Vasiljković" had been added in another font, was sent to the President of the Municipal Assembly, the SUP Secretary, the Security Service, and the Commander of the TO. The report proposed to set up a new training centre and transfer the Main Staff of the TO to the Knin fortress.[2531] The report noted that members of the special unit would be positioned at the fortress, would protect the Staff and the fortress, and would train commanding officers

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[2526] Prosecution Final Trial Brief, 14 December 2012, paras 210-211; T. 20206.
[2527] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3021, 3023-3025, 3027, 3116.
[2528] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3040, 3060; Witness JF-038, T. 4818-4819, 4921-4922.
[2529] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3060-3061, 3163; Witness JF-038, T. 4818.
[2530] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3061, 3161-3163; Witness JF-038, T. 4819, 4921-4923, 4939-4941.
[2531] P426 (Proposal to set up a new training centre and transfer the Main Staff of the TO to the Knin fortress, bearing the name of Captain Dragan, 27 May 1991); Witness JF-038, T.4824.

and new units in Golubić. Assigning part of the units to positions in the fortress would also increase the security of the Golubić camp.[2532]

1379. The Trial Chamber now turns to the evidence of Captain Dragan's presence at the Knin fortress from June through August 1991. The Trial Chamber first recalls and refers to the relevant evidence of Witness JF-039 above in relation to the Golubić camp regarding Captain Dragan moving from Golubić to the Knin fortress in June or July 1991 and Simatović's presence there for about two to three weeks around that time.

1380. In an interview as part of a documentary entitled "The Unit", Dragan Vasiljković stated that after the first training, he selected 63 potential instructors out of the 750 soldiers who had gone through the training and moved them to the fortress in order to turn them into instructors who would train the entire armed forces.[2533]

1381. **Witness DST-043**, a Serb from Knin,[2534] testified that he heard that on 2 August 1991 Milan Babić had requested that the TO flag be hoisted at the Knin fortress but Captain Dragan prevented this, resulting in a quarrel between Captain Dragan and Milan Babić, and Captain Dragan's departure from Krajina.[2535]

1382. **Radoslav Maksić**, a Serb member of the Krajina TO Staff from September to December 1991,[2536] testified that when he arrived in the SAO Krajina in October 1991, the Knin municipal TO staff commander told him that Dragan Vasiljković, a.k.a. Captain Dragan, had previously occupied some buildings at the Knin fortress and a camp in Golubić, but was not in Knin anymore.[2537]

1383. The Trial Chamber has reviewed further relevant evidence of Witness JF-031 in relation to the Golubić camp above, indicating Captain Dragan's presence at the Knin fortress.

1384. The Trial Chamber will now review a series of documents relating to Nikola Pilipović, Milenko Popović, Borislav Kovačević, Borjan Vučković, and Zdravko Narančić, which provide further information regarding their move from Golubić to the Knin fortress. In hand-

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[2532] P426 (Proposal to set up a new training centre and transfer the Main Staff of the TO to the Knin fortress, bearing the name of Captain Dragan, 27 May 1991).
[2533] P2976 (Video documentary entitled "The Unit"), p. 8.
[2534] D322 (Witness DST-043, witness statement, 29 June 2011), paras 1-2; Witness DST-043, T. 12914-12919, 13027-13030, 13032; D321 (Witness pseudonym sheet).
[2535] Witness DST-043, T. 12949, 13016-13017, 13073.
[2536] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), pp. 1134-1136, 1139-1140, 1155-1156, 1220, 1230, 1239, 1260; Radoslav Maksić, T. 6866, 6869; P952 (Order to dispatch 16 persons to the SAO Krajina TO garrisons, signed by Gojko Krstić, 20 September 1991), pp. 1-2; P956 (Order on the organization of the SAO Krajina TO staff, signed by Đuro Pekić, 3 October 1991), p. 1.
[2537] Radoslav Maksić, T. 6844-6845.

written autobiographies, Milenko Popović and Borjan Vučković wrote that in May and early July 1991, after training at Golubić, they went to the Knin fortress.[2538] In a request to join the Serbian MUP Special Purpose Unit dated 13 February 1992 at Ležimir, Borislav Kovačević wrote that he joined the unit on 22 July 1991 at the Knin fortress.[2539] In a Serbian MUP Special Purposes Unit CV written at Ležimir on 25 February 1992 and a hand-written autobiography written at Tara on 4 December 1993, Nikola Pilipović wrote that, after training at Golubić in June 1991, he moved to the fortress and that, before the end of 1991, he was with the unit at Korenica.[2540] An application form for financial assistance relating to the wounding of Zdravko Narančić dated 24 December 1991, provides that Narančić joined the Krajina SUP unit for special purposes under Commander Živojin Ivanović at the castle in Knin on 4 August 1991.[2541]

1385. In contrast to the above evidence, **Aco Drača** testified that the Serbian National Council held its sessions at the fortress on the hill overlooking Knin, but that, other than 15 to 20 soldiers or policemen guarding the National Council, no police, military or other unit was ever stationed there.[2542]

1386. The Trial Chamber now turns to an order signed in the name of "Frenki", dated 16 June 1991 and bearing the header: Republic of Serbia, SAO Krajina training centre, Golubić.[2543] The order provided that all weapons and armaments, except for formational weapons, should be withdrawn from the fortress to Golubić on 17 June 1991.[2544] The Simatović Defence contends that this order is inauthentic and unreliable.[2545] It submits that the document is an evident forgery, pointing out that the signature differs from other documents signed by Simatović.[2546] The Simatović Defence notes with suspicion that the document was received directly from the President of Croatia, Stjepan Mesić.[2547] The Simatović Defence further argues that the text of the order is grammatically incorrect and that

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[2538] P2984 (Series of Serbian MUP documents relating to Borjan Vučković), p. 2 (Hand-written autobiography, Borjan Vučković); P3179 (Series of Serbian MUP SDB documents relating to Milenko Popović), p. 11 (Hand-written autobiography, Milenko Popović).
[2539] P3176 (Series of Republic of Serbia MUP Documents relating to Borislav Kovačević), p. 13 (Request to join Special Purpose Unit, Republic of Serbia MUP Special Purpose Units, Ležimir, Borislav Kovačević, 13 February 1992).
[2540] P3195 (Series of Serbian MUP SDB documents relating to Nikola Pilipović), pp. 13-14 (Hand-written autobiography by Nikola Pilipović, Tara, 4 December 1993), p. 27 (Serbian MUP Special Purposes Unit CV, Nikola Pilipović, Ležimir, 25 February 1992).
[2541] P2655 (Claim form relating to Zdravko Narančić, signed by Ana Dordević, 24 December 1991).
[2542] Aco Drača, T. 16702-16703.
[2543] P979 (Order for retreat of weapons and arms from fortress to Golubić, signed by Frenki, 16 June 1991).
[2544] P979 (Order for retreat of weapons and arms from fortress to Golubić, signed by Frenki, 16 June 1991).
[2545] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), para. 220.
[2546] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), para. 220.

Simatović would never write in such a manner.[2548] The Stanišić Defence likewise contends that the order is an obvious forgery designed to implicate Simatović and contends it would have been illogical to move from the fortress to the Golubić training camp in June 1991.[2549] The Trial Chamber will further consider this document below.

1387. The Trial Chamber now turns to the evidence of Witness JF-031, Milan Babić, and Witness JF-039 regarding the Korenica camp.

1388. **Witness JF-031**, a Serb from Knin municipality,[2550] testified that in late August 1991, after the unit returned from Plitviće, Simatović informed a select group of 28 men from Golubić that they were to move to Korenica, 120 kilometres to the north.[2551] All the men were young – between 20 and 25 years old – and had previously been associated with the Krajina MUP, the Krajina TO, or the JNA.[2552] None of them had prior associations with the Serbian DB.[2553] Živojin Ivanović was involved in the selection process.[2554] One or two weeks after the operation in Plitviće the witness, accompanied by Simatović, Goran Starčević, and a person known as Boki, drove to Korenica.[2555] In command of the camp in Korenica were Major Filipović, a.k.a. Fića or Major Fićo, who was a subordinate or deputy of Simatović and a professional member of the Serbian DB, Saša Medaković, and "Rambo" Vučković.[2556]

1389. **Milan Babić**, who was the Prime Minister of the SAO Krajina,[2557] testified that after August 1991, Simatović's base was established in Korenica, and many Serbian DB men were present in the area.[2558] Babić stated that he met Frenki at Korenica prior to August 1991.[2559]

[2547] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), para. 220. See also T. 7210.
[2548] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), para. 221.
[2549] Stanišić Defence Final Trial Brief, 17 December 2012 (Confidential), para. 318.
[2550] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2551] P998 (Witness JF-031, witness statement, 1 June 2001), p. 5; Witness JF-031, T. 7451.
[2552] Witness JF-031, T. 7444-7445, 7451.
[2553] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19213; Witness JF-031, T. 7444-7445.
[2554] P998 (Witness JF-031, witness statement, 1 June 2001), p. 14; Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora), p. 1.
[2555] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 5-6; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19191-19192, 19218; Witness JF-031, T. 7443-7445, 7450, 7465-7466; P1001 (List of persons present at Fruška Gora), p. 3; P1008 (Map annotated by Witness JF-031), Point G.
[2556] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19191-19192. 19213-19214; Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora), pp. 1-3.
[2557] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12965; P1880 (Death Certificate of Milan Babić).
[2558] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1431-1432; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13397.
[2559] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13397.

1390. **Witness JF-039** testified that, in July 1991, Martić made an agreement with Boško Bozanić, President of Korenica municipality, to allow Captain Dragan and Simatović to establish a new camp in Korenica.[2560] Captain Dragan and Simatović established the camp at Korenica in late July or August 1991.[2561]

1391. The evidence of Radoslav Maksić indicates the presence of Simatović and Stanišić at the Knin fortress and in Korenica between October and December 1991. **Radoslav Maksić**, a Serb member of the Krajina TO Staff from September to December 1991,[2562] testified that several days after his arrival in Knin in October 1991, he went to a meeting with Đujić, Arsa, and Kasum at the Knin fortress.[2563] Martić and a man nicknamed "Frenki", whom the witness did not know, were also present.[2564] Just prior to the start of the meeting, Đujić told the witness, Arsa, and Kasum that they were not needed at the meeting, so they left.[2565] On another occasion, the witness met "Frenki" in Korenica.[2566] "Frenki" wore civilian clothes.[2567] Maksić testified that he twice met Jovica Stanišić in the SAO Krajina, once at the Knin fortress and once at the Korenica Hotel.[2568]

1392. Finally, the Trial Chamber recalls Captain Dragan's report of 19 July 1991[2569] which it has reviewed in chapter 3.1.7 in relation to Glina and Struga, in which Captain Dragan reported from Glina to, amongst others, "Frenki" and Major Fića, that the setting up of headquarters and enlisting of soldiers for training had begun.

1393. The Trial Chamber will first address the Knin fortress. The Trial Chamber considers that Witness JF-039's evidence regarding Captain Dragan setting up a camp at the Knin fortress is corroborated by the testimony of Witness JF-038, Witness DST-043, and Radoslav Maksić, as well as by the May 1991 proposal by Captain Dragan set up a new training centre

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[2560] P978 (Witness JF-039, witness statement, 12 September 2003), paras 38, 50, 62; P977 (Witness JF-039, prior testimony), pp. 2009-2010; Witness JF-039, T. 7254, 7257-7258, 7271, 7274, 7276, 7326, 7328, 7332.
[2561] P978 (Witness JF-039, witness statement, 12 September 2003), para. 62; P977 (Witness JF-039, prior testimony), p. 2010; Witness JF-039, T. 7255, 7258-7259, 7331.
[2562] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), pp. 1134-1136, 1139-1140, 1155-1156, 1220, 1230, 1239, 1260; Radoslav Maksić, T. 6866, 6869; P952 (Order to dispatch 16 persons to the SAO Krajina TO garrisons, signed by Gojko Krstić, 20 September 1991), pp. 1-2; P956 (Order on the organization of the SAO Krajina TO staff, signed by Đuro Pekić, 3 October 1991), p. 1.
[2563] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), p. 1179; Radoslav Maksić, T. 6847.
[2564] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), pp. 1179-1180; Radoslav Maksić, T. 6940-6941.
[2565] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), p. 1179; Radoslav Maksić, T. 6847-6848.
[2566] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), p. 1180; Radoslav Maksić, T. 6849-6850, 6940-6941.
[2567] Radoslav Maksić, T. 6941-6942.
[2568] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), pp. 1179-1180; Radoslav Maksić, T. 6849-6852, 6915.
[2569] In evidence as exhibit P1186.

and by the March 1992 Smederevo SDB report.[2570] Witness JF-039's evidence is also consistent with documentary evidence[2571] which confirms the existence of a camp at the Knin fortress. In respect of the order on the withdrawal of weapons,[2572] the Trial Chamber recalls that, when admitting the document, it took judicial notice of its authenticity pursuant to Rule 94 (B) of the Rules.[2573] The Trial Chamber further considers that the evidence reviewed above and in relation to the Golubić camp is consistent with the content of this order. Having reviewed the parties' submissions with regard to the signature on the document and its provenance, the Trial Chamber determines this document to be authentic. In light of this evidence, the Trial Chamber considers Aco Drača's testimony that no police, military, or other unit was ever stationed at the Knin fortress (other than 15-20 guards of the National Council), to be unreliable. On the basis of the foregoing, the Trial Chamber finds that between May and July 1991, Captain Dragan established a camp at the Knin fortress where he trained forces known as the Kninžas. Based on the aforementioned documents, the Trial Chamber finds that Živojin Ivanović (Crnogorac), Borjan Vučković, Nikola Pilipović, Milenko Popović, Borislav Kovačević, and Zdravko Narančić were present at this camp at various times in May and July 1991.

1394. The Trial Chamber will now address the Korenica camp. The Trial Chamber considers that Witness JF-031's evidence regarding the setting up of a camp at Korenica is corroborated by the evidence of Milan Babić, Witness JF-039, Radoslav Maksić, and a document by Nikola Pilipović (exhibit P3195). Based on the foregoing, the Trial Chamber finds that in August 1991, Franko Simatović and Živojin Ivanović (Crnogorac) took a group of around 28 men (including Witness JF-031, Borjan Vučković (Boki), and Nikola Pilipović) from Golubić and established a camp with them at Korenica. Based on the evidence of Witness JF-031, the Trial Chamber further finds that Dragan Filipović (Fića or Major Fićo), Saša Medaković, and Ilija Vučković (Rambo) commanded the Korenica camp.

1395. Based on the evidence of Radoslav Maksić, the Trial Chamber finds that Franko Simatović met Martić at the Knin fortress in October 1991 and that Jovica Stanišić was present on at least one occasion in Korenica town and on at least one occasion at the Knin

[2570] In evidence as exhibits P426 and P3198.
[2571] Relating to Borjan Vučković, Nikola Pilipović, Milenko Popović, Borislav Kovačević, and Zdravko Narančić (in evidence as exhibits P2655, P2984, P3176, P3179, and P3195).
[2572] In evidence as exhibit P979,
[2573] Decision on the Admission of the Proposed Expert Report by Reynaud Theunens and the Admission of Theunens related Documents, 1 April 2011, para. 29.

fortress between October and December 1991. The Trial Chamber will further consider its findings in relation to the Knin fortress and Korenica camps below.

Early operations: Lovinac, Glina and Struga, Plitviće, Kijevo July-August 1991

1396. The Trial Chamber now turns to the operations in Lovinac, Glina and Struva, Plitviće, and Kijevo in July and August 1991. According to the Prosecution, the Golubić-trained Red Berets took part in attacks on Glina and Struga under the command of Captain Dragan in July 1991 and in attacks on Lovinac, Plitviće, and Kijevo in summer and autumn 1991.[2574]

Lovinac, June 1991

1397. The Trial Chamber recalls its findings in chapter 3.1.7 in relation to Lovinac that in June 1991, SAO Krajina Police members, including Milan Martić, attacked Lovinac. Prior to the attack, Franko Simatović, Milan Babić, and Dušan (Dule) Orlović discussed the objective of the attack on Lovinac. Simatović, Nikola Pilipović, and a number of special police officers who had trained at Golubić participated in the attack on Lovinac. The Trial Chamber will further consider this operation, below.

Glina and Struga, July 1991

1398. The Trial Chamber recalls its findings in chapter 3.1.7 in relation to Glina and Struga that on 25 or 26 July 1991, Serb forces under the command of Captain Dragan Vasiljković and the Glina War Staff, and including the "Republic of Serbia SAO Krajina Special Purposes Unit", attacked the predominantly Croat village of Struga, and that on 26 July 1991, the "Republic of Serbia SAO Krajina Special Purposes Unit" under the command of Captain Dragan attacked the village of Glina. This unit included Borjan Vučković, Milan Andić, Nikola Pupovac, Nikola Simić, Dragan Oluić, Damir Vladić, and Saša Medaković, as well as squad commanders Ilija Vučković and Živojin Ivanović (also known as 'Crnogorac' or 'the Montenegrin'). Milenko Popović, Davor Subotić, and Nikola Pilipović also participated in the attack on Glina. The Trial Chamber recalls the evidence of Witness JF-039 reviewed in chapter 3.1.7 in relation to Glina and Struga that people spoke of the men who attacked Glina as being under the command of Frenki and of Captain Dragan and that these men were later nicknamed the Knińđes. The Trial Chamber further recalls that on 19 July 1991 Captain Dragan sent a situation report from Glina to, amongst others, "Frenki", and that around 28

[2574] Prosecution Final Trial Brief, 14 December 2012, paras 212-217.

July 1991, Franko Simatović signed a report noting that a part of the special unit from Glina had returned.[2575] The Trial Chamber will further consider this operation, below.

Plitviće, August 1991

1399. The Trial Chamber has received evidence from Witness JF-031, as well as through three autobiographies taken from a series of Serbian MUP DB documents (in evidence as exhibits P3178, P3179, and P3195), and from the video of the Kula ceremony (in evidence as exhibit P61) in relation to the Plitviće operation in August 1991.[2576]

1400. The Trial Chamber first turns to the testimony of Witness JF-031. **Witness JF-031**, a Serb from Knin municipality,[2577] testified that around 25 August 1991, Simatović took a unit from Golubić, including the witness and approximately 24 or 25 other trainers, to a place called Plitviće.[2578] There, the Knin TO had tried but failed to retake a location which the witness in his statement described as a group of hotels occupied by Croat police and during his testimony agreed was a Croat police station.[2579] The JNA was also present, acting as a buffer zone.[2580] The unit, commanded by Žika Crnogorac, succeeded in taking back the site in around 20 minutes.[2581] Some ten Croats surrendered, and were handed over to the control of the JNA when the witness's unit pulled out.[2582] Two members of the SAO Krajina TO were wounded during the hostilities.[2583] The witness testified that the planning of the operation, which took place in the two to three minutes before the attack began, involved Simatović, Žika Crnogorac, and a person called Raja.[2584] The witness testified that his unit spent around an hour or two at Plitviće in all, from its arrival, through the planning and execution of the attack, to the subsequent handover to the JNA.[2585]

[2575] The reports are in evidence as exhibits P1186 and P2577.
[2576] The Trial Chamber has received some evidence regarding a prior attack on Plitviće in March 1991. In light of the early date of this attack, the Trial Chamber will not further consider it.
[2577] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2578] P998 (Witness JF-031, witness statement, 1 June 2001), p. 5; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19188; Witness JF-031, T. 7445.
[2579] P998 (Witness JF-031, witness statement, 1 June 2001), p. 5; Witness JF-031, T. 7446.
[2580] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19188; Witness JF-031, T. 7446.
[2581] P998 (Witness JF-031, witness statement, 1 June 2001), p. 5; Witness JF-031, T. 7447; P1001 (List of persons present at Fruška Gora), p. 1.
[2582] P998 (Witness JF-031, witness statement, 1 June 2001), p. 5; Witness JF-031, T. 7446-7447.
[2583] Witness JF-031, T. 7447-7448.
[2584] P998 (Witness JF-031, witness statement, 1 June 2001), p. 5; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19188-19189; Witness JF-031, T. 7449-7450.
[2585] P998 (Witness JF-031, witness statement, 1 June 2001), p. 5; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19189; Witness JF-031, T. 7447.

1401. The Trial Chamber now turns to the documentary evidence it has received. In a hand-written autobiography written at Tara on 4 December 1993, Nikola Pilipović wrote that after training at Golubić and the fortress from June 1991, he participated in all actions of the unit, including Plitviće.[2586] In a hand-written autobiography, Milenko Popović wrote that, after training at Golubić and spending time at the fortress, from July to September he participated in all operations of the special unit in the territory of Krajina, including Plitviće.[2587] In another hand-written autobiography, Dragan Oluić wrote that after training at Golubić, he participated in the battle at Plitviće as a member of the "Special Purpose Unit of the Republic of Serbian Krajina MUP".[2588]

1402. At the Kula ceremony in 1997, Simatović stated that from 12 October 1991, the unit provided important support in the liberation of the RSK in battles with armed Croatian police forces, including at Plitviće.[2589]

1403. The Trial Chamber considers that the testimony of Witness JF-031 regarding the attack on Plitviće is based on his personal observations and experiences and is consistent with the hand-written documents by Milenko Popović, Nikola Pilipović, and Dragan Oluić.[2590] Consequently, the Trial Chamber relies on the evidence of Witness JF-031 in respect of the following. Based on the aforementioned sources, the Trial Chamber finds that around 25 August 1991, Franko Simatović took around 25 persons from Golubić (including Witness JF-031, Milenko Popović, Nikola Pilipović, and Dragan Oluić) to Plitviće. There, these persons, commanded by Žika Crnogorac, attacked and, after around 20 minutes, took control of, a building which had been held by Croat police. Based on the evidence of Witness JF-031 the Trial Chamber finds that Simatović, Žika Crnogorac, and a person called Raja discussed the attack two to three minutes before it began. The Trial Chamber will further consider this operation, below.

Kijevo, August 1991

1404. The Trial Chamber recalls its findings in chapter 3.1.7 in relation to Kijevo, that on 26 August 1991, units of the JNA 9th Corps, the SAO Krajina Police, and the local TO, attacked

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[2586] P3195 (Series of Serbian MUP SDB documents relating to Nikola Pilipović), pp. 13-14 (Hand-written autobiography by Nikola Pilipović, Tara, 4 December 1993).
[2587] P3179 (Series of Serbian MUP SDB documents relating to Milenko Popović), p. 11 (Hand-written autobiography, Milenko Popović).
[2588] P3178 (Series of MUP documents relating to Dragan Olujić), p. 5 (Hand-written biography, Dragan Olujić).
[2589] P61 (Video of award ceremony at Kula with transcript), p. 10.
[2590] In evidence as exhibits P3178, P3179, and P3195.

the Croat village of Kijevo and that Borjan Vučković participated in this attack. The Trial Chamber will further consider this operation, below.

Other evidence on the formation of a unit in the SAO Krajina in 1991

1405. The Trial Chamber now turns to the other evidence it has received regarding the formation of a Serbian DB special unit known as the "Red Berets" in the SAO Krajina in May 1991. The Trial Chamber turns first to the evidence of Witness JF-005 and Witness JF-031 regarding the 1997 Kula ceremony, the remarks of Franko Simatović and Živojin Ivanović (a.k.a. Žika or Crnogorac) at the Kula ceremony, and the remarks of Captain Dragan in a documentary entitled "The Unit".

1406. **Witness JF-031**, a Serb from Knin municipality,[2591] stated that a ceremony in honour of the Red Berets was held in May of 1996 or 1997 on the annual Police and Special Forces Day.[2592] By that time the Red Berets had become the Special Operations Unit of the JSO – a unit which had been formally established in 1996 – and were part of the DB.[2593] While the unit had a different name and no longer wore red berets, the witness testified that some of the members were the same.[2594] The ceremony was held in the Kula camp near Novi Sad and began around midday.[2595]

1407. Similarly, **Witness JF-005**, a Croatian Serb member of the JSN or Special Purpose Unit from April 1992,[2596] testified that the Kula camp was a command centre for the special operations unit, which was known as the JSO in May 1997 and which belonged to the DB.[2597] The witness was present at the 1997 Kula ceremony as a member of the JSO and assisted in organizing it, but did not attend the part of the ceremony inside the building.[2598]

1408. Addressing Milošević at the Kula ceremony in 1997, Franko Simatović stated that the ceremony marked the anniversary of the formation of the Special Operations Unit of the Serbian DB. Simatović stated that this unit was constituted on 4 May 1991. When it was

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[2591] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2592] P998 (Witness JF-031, witness statement, 1 June 2001), p. 16; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19206.
[2593] P998 (Witness JF-031, witness statement, 1 June 2001), p. 17; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19249.
[2594] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19249-19250.
[2595] P998 (Witness JF-031, witness statement, 1 June 2001), p. 16.
[2596] P137 (Witness JF-005, witness statement, 25 January 2004), p. 1, paras 1, 3, 11; P136 (Witness pseudonym sheet); Witness JF-005, T. 2760, 2851, 2857.
[2597] Witness JF-005, T. 2796-2797, 2979.
[2598] P138 (Witness JF-005, witness statement, 4 November 2009), para. 31; Witness JF-005, T. 2796, 2979-2982.

formed, its core was made up of members of the Serbian DB, the RSK Police, and volunteers from Serbia. From its formation, this unit had constantly worked to protect national security in circumstances where the existence of the Serbian people was directly jeopardised throughout its entire ethnic area. Simatović added that as a result of international circumstances, they had been forced to operate in complete secrecy.[2599] The Trial Chamber further recalls that at Kula, Simatović stated that from 12 October 1991, the unit provided important support in the liberation of all areas of the RSK, including in the zones of Plitvića and Glina, as reviewed in relation to the early operations above and that Simatović mentioned Golubić as one of the 26 training camps which had been formed, as reviewed in relation to the Golubić camp, above.

1409. At the start of the Kula ceremony, Colonel Žika Ivanović reported to Jovica Stanišić and to President Slobodan Milošević that the veterans of the 1 Special Operations Unit of the Republic of Serbia DB were lined up for inspection.[2600] Ivanović then introduced the unit's veteran officers to Milošević, including, amongst others: Colonel Radojica Božović, Colonel Dušan Orlović, Colonel Goran Opačić, Major Nikola Filipović,[2601] Major Davor Subotić, and Captain Dragan Olujić.[2602] At the end of the Kula ceremony, Jovica Stanišić presented awards of valour to Dragan Vasiljković, Nikola Filipović, Dragan Olujić, Nikola Pupovac, and Goran Opačić and awarded a watch to Zoran Raić.[2603]

1410. **Witness JF-031** did not attend the Kula ceremony. Instead, he travelled to Kula on the day of the ceremony with a group of other original members who were insulted at not having been invited to the ceremony, including Boro Kovačević, Ilija Vučković (a.k.a. Rambo), and Božo and Rade Božić.[2604] At the gates of the Kula camp, the group asked the guards for Frenki or Jovica Stanišić. Five to ten minutes later, Živojin Ivanović and Raja Božović came to the gate instead and, after greeting the men, told them that Frenki and Jovica sent their apologies but could not let them in as Slobodan Milošević was arriving and they didn't want a

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[2599] P61 (Video of award ceremony at Kula with transcript), pp. 9-10.
[2600] P61 (Video of award ceremony at Kula with transcript), pp. 1, 3.
[2601] The Trial Chamber understands this to refer to Nikola Pilipović.
[2602] P61 (Video of award ceremony at Kula with transcript), pp. 4-8.
[2603] P61 (Video of award ceremony at Kula with transcript), pp. 26-27.
[2604] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 16-17; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19207-19209; P1001 (List of persons present at Fruška Gora), p. 3; Witness JF-031, T. 7463.

disturbance.[2605] Ivanović and Božović told the group they could come in later and receive their gifts. The group left without collecting the gifts.[2606]

1411. In an interview as part of a documentary entitled "The Unit", Dragan Vasiljković stated that Stanišić had entrusted Frenki with the creation of the Unit, but that the Unit could not have formal ties with the Belgrade as long as Yugoslavia still existed. As a result, Frenki could not count on Serbian MUP members, but had to find and recruit new people.[2607] Captain Dragan further stated that the Unit had existed at all times, formally or informally, consisting of between 15 and 300 people, and that the Unit began wearing red berets after the battle for Glina. According to Captain Dragan, the Unit was commanded at different periods by himself, by Frenki, and by Legija.[2608]

1412. The Trial Chamber now turns to the evidence of Witness JF-039, Witness JF-005, and Witness JF-031 who provided evidence regarding the formation and names of the unit.

1413. **Witness JF-031**, a Serb from Knin municipality,[2609] testified that Simatović's speech at the Kula ceremony contained an inaccuracy in relation to the Red Berets.[2610] According to the witness, Simatović's statement that the Red Berets were formed in May 1991 was inaccurate, because although the unit had existed from April 1991, it was not known as the Red Berets.[2611] The Trial Chamber has received further evidence from Witness JF-031 in chapter 3.3 in relation to the Ležimir camp, indicating that the unit received red berets around January 1992 and was from then on referred to as the "Red Berets".

1414. Contrary to Witness JF-031, **Witness JF-039** testified that once Captain Dragan, Franko Simatović, and their men moved to Korenica in late July or early August 1991, they changed their name from Martić's men (as they had been referred to at Golubić) and the Kninžas (as they had been referred to at the Knin fortress), to the Red Berets.[2612] They

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[2605] P998 (Witness JF-031, witness statement, 1 June 2001), p. 17; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19208-19209; P1001 (List of persons present at Fruška Gora), p. 1.
[2606] P998 (Witness JF-031, witness statement, 1 June 2001), p. 17; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19208-19209.
[2607] P2976 (Video documentary entitled "The Unit"), p. 5.
[2608] P2976 (Video documentary entitled "The Unit"), p. 17.
[2609] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2610] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19211.
[2611] P998 (Witness JF-031, witness statement, 1 June 2001), p. 16; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19211, 19242, 19251, 19281; Witness JF-031, T. 7489.
[2612] P978 (Witness JF-039, witness statement, 12 September 2003), paras 50, 62; P977 (Witness JF-039, prior testimony), pp. 2023-2024, 2195; Witness JF-039, T. 7275, 7330-7331.

remained under Martić's command.[2613] Some of the men in Korenica were later transferred to Ilok where they became instructors.[2614]

1415. **Witness JF-005**, a Croatian Serb member of the JSN or Special Purpose Unit from April 1992,[2615] testified that in 1995, he first learned that the unit which had trained his unit had its roots in the Serbian DB, when Rajo Božović told him so in Belgrade.[2616] In March or April 1995 at a camp in Fruška Gora in Serbia where Red Berets from several camps gathered, Božović and Riki told the witness that Captain Dragan gave red berets to the first people who were trained in the Krajina, which was where the name of the unit came from.[2617] They also told the witness that Frenki Simatović had founded the unit and been in charge of it since, although Simatović had not been physically present in the territory.[2618] They further told him that 21 instructors were sent from the Croatian Krajina to Bosnia-Herzegovina to set up new training camps.[2619]

1416. The Trial Chamber has received documentary evidence indicating that a number of persons joined a special unit of the Serbian MUP between May and July 1991. In a 19 December 1991 order, the Serbian MUP Special Police Unit commander at Ležimir wrote that Borjan Vučković had joined the unit as a volunteer on 15 May 1991.[2620] On 15 September 1994, Dragoslav Krsmanović signed a certificate of the Serbian MUP certifying that Ilija Vučković had been a member of the reserve forces of the Serbian MUP engaged in specific tasks and duties from 5 May 1991 to 1 November 1992.[2621] On 6 July 2001, Serbian MUP JSO Commander Maričić reported from Belgrade that Slobodan Majstorović had been engaged in certain duties and tasks in the Special Operations Unit from 4 May 1991 to 30

[2613] P977 (Witness JF-039, prior testimony), p. 2024.
[2614] Witness JF-039, T. 7392.
[2615] P137 (Witness JF-005, witness statement, 25 January 2004), p. 1, paras 1, 3, 11; P136 (Witness pseudonym sheet); Witness JF-005, T. 2760, 2851, 2857.
[2616] P137 (Witness JF-005, witness statement, 25 January 2004), para. 9; P138 (Witness JF-005, witness statement, 4 November 2009), para. 14; Witness JF-005, T. 2920, 2950-2951.
[2617] P138 (Witness JF-005, witness statement, 4 November 2009), para. 43.
[2618] P138 (Witness JF-005, witness statement, 4 November 2009), para. 14; Witness JF-005, T. 2814-2815.
[2619] P138 (Witness JF-005, witness statement, 4 November 2009), para. 14.
[2620] P2984 (Series of documents relating to Borjan Vučković), p. 1 (Hand-written autobiography, Borjan Vučković), p. 3 (Serbian MUP Special Police Unit commander order on forming a commission of special unit members, Ležimir, 23 February 1992).
[2621] P3038 (Series of Serbian MUP documents relating to Ilija Vučković), p. 15 (MUP Certificate in relation to Ilija Vučković, signed by Dragoslav Krsmanović, 15 September 1994).

May 2001.[2622] According to a Serbian MUP Special Purpose Unit Personal File of 1993 and a questionnaire, Nikola Pilipović arrived at the unit in Knin in June or July 1991.[2623]

1417. On 21 April 1992, at Ilok, in applications to join the active complement of the Serbian MUP Special Purpose Unit, Dragan Olujić and Radomir Rasković wrote that they had been in the unit since 20 and 28 May 1991.[2624] In a hand-written Curriculum Vitae, Dragan Olujić added that, having trained at Golubić, he was then accepted into the Special Purpose Unit of the RSK MUP.[2625] In a personal history for the Republic of Serbia MUP Special Purposes Unit at Ležimir, dated 22 February 1992, Neven Laka wrote that he had been with the unit ever since reporting to Golubić on 28 May 1991.[2626] In a request to be admitted to active duty in the Special Purpose unit of the Serbian MUP written at Ilok on 21 April 1992, Nikola Pupovac wrote that he had been in the unit since 28 May 1991.[2627] In requests to be admitted to the active service of the Special Purpose Unit written at Ležimir on 23 February 1992, Milenko Popović and Damir Vladić (also known as Glina) wrote that they had been in the special unit since 2 June and 2 July 1991, respectively.[2628]

1418. The Trial Chamber has also received documentary evidence indicating the existence of a Serbian DB special unit from 1991. According to two unsigned and undated intelligence reports,[2629] which military expert witness Reynaud Theunens[2630] concluded, based on their content and origins, had been drafted by a VJ Security Organs Report after May 1996, the Red Berets were under the command of Žika (Crnogorac) Ivanović and, from the beginning of the war, were engaged in the RSK and the Bosnian-Serb Republic as a formation of the

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[2622] P3009 (Biography and Letter to SDB Chief of Section regarding Slobodan Majstorović, Duško Maričić, 6 July 2001), p. 2.
[2623] P3195 (Series of Serbian MUP SDB documents relating to Nikola Pilipović), p. 7 (Serbian MUP Special Purpose Unit Personal File of Nikola Pilipović, 1993), pp. 8-10 (Questionnaire relating to Nikola Pilipović).
[2624] P3178 (Series of MUP documents relating to Dragan Olujić), p. 11 (Application to join active complement of the Serbian MUP Special Purpose Unit, Ilok, Dragan Olujić, 21 April 1992); P3197 (Series of Serbian MUP documents relating to Radomir Rasković), p. 9 (Application to join active complement of the Serbian MUP Special Purpose Unit, Ilok, Radomir Rasković, 21 April 1992).
[2625] P3178 (Series of MUP documents relating to Dragan Olujić), p. 5 (Hand-written biography, Dragan Olujić).
[2626] P3177 (Series of Serbian MUP documents relating to Neven Laka), p. 6 (Republic of Serbia MUP Special Purpose Unit document regarding Neven Laka, Ležimir, 12 February 1992), p. 10 (Personal history, Republic of Serbia MUP Special Purpose Unit, signed by Neven Laka, Ležimir, 22 February 1992).
[2627] P3021 (Series of Serbian MUP documents relating to Nikola Pupovac), p. 9 (Serbian MUP Special Purposes Unit request to join active duty, Ilok, Nikola Pupovac, 21 April 1992).
[2628] P3179 (Series of Serbian MUP SDB documents relating to Milenko Popović), pp. 1-2 (Serbian MUP Special Purposes Unit CV, Ležimir, Milenko Popović, 23 February 1992), 3 (Serbian MUP Special Purposes Unit request to join the active-duty force, Ležimir, Milenko Popović, 23 February 1992); P3184 (Damir Vladić Request and Curriculum Vitae, Ležimir, 23 February 1992).
[2629] In evidence as exhibits P1061 and P1075.
[2630] Reynaud Theunens, T. 8049-8057; P1574 (Curriculum Vitae of Reynaud Theunens).

Serbian MUP.[2631] One of these reports added that the RDB and Serbian MUP would, on 4 May 1996 during the laying of a wreath at the monument to Radoslav Kostić at Kula, present various awards and decorations, including to Jovica Stanišić, Franko Simatović (Frenki), Milan Radonjić (Meda), Dragan Filipović (Major), Dragan Vasiljković (Kep), Živojin Ivanović (Crnogorac), Zoran Raić (Gavran), Radoica Božović (Kobac), Dragan Olujić, Davor Subotić, Miloš Opačić, Goran Opačić, Nikola Pupovac, and Dušan Orlović.[2632]

1419. On 18 April 1998, Colonel Radojica Božović of the Serbian MUP DB JSO at Mount Tara proposed that five persons receive awards on the occasion of the unit's 4 May anniversary, as they had been members of the MUP reserve since the unit was first established in 1991.[2633] A candidate questionnaire in relation to Vasilije Mijović further indicated that the JATD had existed from 1991.[2634]

1420. The Trial Chamber will first address whether Franko Simatović created a unit of the Serbian DB in the SAO Krajina in 1991. In this respect, the Stanišić Defence submits that Simatović's speech at the 1997 Kula ceremony was mere award ceremony rhetoric.[2635] The Trial Chamber considers that Simatović's remarks at the Kula ceremony regarding the formation of a Serbian DB special unit on 4 May 1991 are consistent with the other evidence it has received on this topic.[2636] Further, despite the discrepancy in the date mentioned by Simatović (October 1991) and the dates on which the operations took place (June and August 1991), the Trial Chamber understands that during his speech at Kula, Simatović referred to the operations in Glina and Plitviće which it has reviewed above in relation to the early operations.

[2631] Reynaud Theunens, T. 8201-8217; P1575 (Reynaud Theunens expert report, 30 June 2007), pp. 109, 130; P1061 (Report on Paramilitary Units, unsigned, undated), p. 2. Reynaud Theunens, T. 8081-8083, 8233-8237; P1575 (Reynaud Theunens expert report, 30 June 2007), p. 124; P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), p. 2.
[2632] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), pp. 5, 8-11.
[2633] P1655 (Series of documents relating to Radojica Božović), p. 62 (Proposal to decorate five members, Serbian MUP SDB JSO, Radojica Božović, 18 April 1998).
[2634] P1585 (Series of documents relating to Vasilije Mijović) (Document entitled Candidate's Details, signed by Vasilije Mijović, 11 December 1995), pp. 22-26.
[2635] Stanišić Defence Final Trial Brief, 17 December 2012 (Confidential), para. 94.
[2636] Including the evidence of Witness JF-031, the hearsay evidence of Witness JF-005, the documentary evidence regarding persons joining a special unit of the Serbian MUP between May and July 1991, and the intelligence reports P1061 and P1075 and Radojica Božović's proposal (in evidence as part of P1655).

1421. Based on the evidence reviewed above,[2637] and in relation to the Golubić camp, the Korenica and Knin fortress camps, and the early operations above and in chapter 6.2.2, the Trial Chamber finds that in the period from May to August 1991, Franko Simatović formed a Serbian MUP DB unit consisting of around 25 to 30 persons. Simatović formed this unit through a process of training, selection, and operational activity, rather than in a single constituent act. Training commenced at Golubić in May 1991 in cooperation with Milan Martić and Dušan Orlović. Following meetings in Belgrade between Martić and Stanišić and between Simatović and Captain Dragan, instructors Captain Dragan and Dragan Filipović provided training at Golubić, together with (amongst others) Živojin Ivanović. Upon completion of their training, a number of trainees from Golubić became training instructors themselves and went to the camp Captain Dragan established at the Knin fortress between May and July 1991 and/or were selected by Simatović and Ivanović to move to the Korenica camp in August 1991. They also participated alongside Simatović, Captain Dragan, and Ivanović in operations in the SAO Krajina between June and August 1991.

1422. The Trial Chamber will now address whether Jovica Stanišić was involved in the formation of the unit of the Serbian DB in the SAO Krajina in 1991. As reviewed above, in the documentary "The Unit", Captain Dragan stated that Stanišić had entrusted Frenki with the creation of the unit. The Trial Chamber recalls its findings that Jovica Stanišić discussed sending instructors to, and financed training at, the Golubić camp.[2638] The evidence above further indicates that at the Kula ceremony in 1997, Stanišić presented awards to members of the unit who had been active in the SAO Krajina. The Trial Chamber considers that Jovica Stanišić held a position within the Serbian MUP DB superior to the other DB employees active in the SAO Krajina (including Simatović and Filipović) at the relevant time. In light of the totality of the evidence before it, the Trial Chamber finds that Stanišić participated in the formation of the unit by Simatović.

1423. As set out above, the Accused formed the unit without a formal Serbian DB decision. The unit's existence was also not reflected in official Serbian DB documentation dating from

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[2637] In particular the evidence regarding the Kula ceremony (exhibit P61), Captain Dragan's interview in the documentary entitled "The Unit" (exhibit P2976), the testimony of Witness JF-039, Witness JF-005, and Witness JF-031, the documents relating to Borjan Vučković, Ilija Vučković, Slobodan Majstorović, Nikola Pilipović, Dragan Olujić, Radomir Rasković, Neven Laka, Milenko Popović, and Damir Vladić (as set out above), intelligence reports (exhibits P1061 and P1075) and Radojica Božović's proposal (in evidence as part of exhibit P1655).

[2638] In chapter 6.3.2 in relation to the Golubić camp, the Trial Chamber has found that Jovica Stanišić met with Milan Martić in January 1991 to discuss the Golubić camp and, from late April or early May to July 1991 financed the training at the Golubić camp.

1991. The Trial Chamber understands that the Accused formed the unit in this manner deliberately, so that it could operate covertly.[2639] During the process of its formation, the unit was referred to by different names, including in July and August 1991 the "Special Purpose" or "Special Operations" Unit of the "Republic of Serbia SAO Krajina" and of the "RSK MUP", and from August 1991, the "Red Berets". The Trial Chamber will refer to it as the Unit below.

1424. The Unit was commanded by Živojin Ivanović (a.k.a. Žika, Crnogorac) and included Dragan Filipović (a Serbian DB employee), Dušan Orlović (a.ka. Dule, the head of the SAO Krajina DB in 1991), and Zoran Raić (a.k.a. Gavran, an SAO Krajina DB employee in 1991). The Unit further included Radojica Božović (Kobac), Davor Subotić (Riki), Borjan Vučković (Boki), Ilija Vučković (Rambo), Dragan Olujić, Nikola Simić (Cigo), Nikola Pupovac, Slobodan Majstorović, Nikola Pilipović, Radomir Rasković, Neven Laka, Milenko Popović, Damir Vladić (a.k.a. Glina), Goran Opačić, Miloš Opačić, Witness JF-031, Rade and Božo Božić, Boro Kovačević, Saša Medaković, and Milan Andić. The Stanišić Defence argues in relation to a number of the aforementioned persons, that evidence of their February 1992 applications to become active members of a DB unit,[2640] and of their 1993 applications to join the JATD[2641] indicates that in 1991 these persons were not members of a DB unit at all, or were only reserve members who *could* be called up by the DB.[2642] The Stanišić Defence further points to the absence of evidence that the 1992 applications were ever officially processed.[2643] However, in view of its findings on the process by which the Unit was formed and on its covert nature, as set out above, the Trial Chamber does not consider this evidence regarding official DB applications to contradict its findings on the composition of the Unit. The Trial Chamber will further address the Unit's formalization as the JATD and the active/reserve status of members below.

1425. The Trial Chamber will now consider the status of Captain Dragan. From May through August 1991, Captain Dragan commanded members of the Unit at the Golubić and the Knin fortress camps and during the operations in Glina and Struga. The evidence further establishes that Captain Dragan attended the 1997 Kula ceremony, where Jovica Stanišić presented him

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[2639] In this respect, the Trial Chamber recalls its findings that on 18 March 1992, Stanišić retroactively assigned Simatović and Filiopvić to Kosovo for periods between April and November 1991, during which period they were in fact operating with the unit in the SAO Krajina.
[2640] The Trial Chamber has reviewed this evidence in chapter 6.3.3 in relation to the Ležimir camp.
[2641] The Trial Chamber has reviewed this evidence in chapter 6.3.2 in relation to the Unit's formalization.
[2642] Stanišić Defence Final Trial Brief, 17 December 2012 (Confidential), paras 40-41, 49, 53, 60, 70, 73, 81, 88-89.
[2643] Stanišić Defence Final Trial Brief, 17 December 2012 (Confidential), paras 40-41, 49, 53, 60, 88.

with an award of valour. Having considered Witness JF-031's evidence regarding Captain Dragan's statements that he was not a DB man, but was independent, the Trial Chamber nonetheless concludes, on the basis of the totality of the evidence reviewed above, that Captain Dragan had a prominent role in the Unit from its creation until at least August 1991, cooperating closely with and reporting directly to Simatović. He appears to have operated with more independence than other Unit members.

1426. The Trial Chamber now turns to whether the Accused directed, organized, supplied, financed, and supported the Unit's involvement in particular operations in the SAO Krajina; whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit in the SAO Krajina; and, finally, whether the Accused directed and organized the training of other groups in the SAO Krajina.[2644] The Trial Chamber recalls its findings above that members of the Unit were present at the Golubić training camp and the Knin fortress, where they provided training as instructors and received training as trainees from April through August 1991, and participated in the operations in Lovinac in June, Glina and Struga in July, and Plitviće in August 1991. In view of its findings, the Trial Chamber concludes that Simatović directed the Unit during the operations at Lovinac in June and at Plitviće in August 1991. Further, in view of its findings that the Accused created the Unit between May and July 1991, the Trial Chamber finds that the Accused also organized the Unit's involvement in the Glina and Struga operations in July 1991. Further considering its findings in relation to the Golubić camp and the Knin fortress and Korenica camps, the Trial Chamber finds that the Accused organized the training between April and August 1991 of Unit members, 350-700 SAO Krajina Police and SAO Krajina TO members, and of forces known as the Kninžas at the Golubić camp and the Knin fortress. In relation to Kijevo, the Trial Chamber recalls its finding that Unit member Borjan Vučković (Boki) participated in the attack on Kijevo of 26 August 1991. However, the evidence insufficiently establishes whether any other members of the Unit participated in the attack. Under these circumstances, the Trial Chamber allows for the reasonable possibility that Borjan Vučković (Boki) participated in the attack on Kijevo independently of the Unit and outside of his capacity as a Unit member.

Formalization as the JATD, August 1993

1427. The Trial Chamber now turns to the formalization of the Unit as the JATD of the Serbian MUP DB. The Trial Chamber will also review whether the Accused directed and

organized the financing, training, logistical support, and other substantial assistance or support for this unit at camps at Tara, the Lipovica forest, the Surčin airport, and the Banjica security centre.

1428. In its Final Trial Brief, the Prosecution submits that around 4 August 1993, Stanišić formalized the Red Berets as the JATD.[2645]

1429. **Radivoje Mičić**, a former employee of the AOS and the 2nd Administration of the DB,[2646] testified that in 1993 the Serbian Minister of the Interior established the JATD as a unit within the Serbian DB, for anti-terrorist activity. At that time, the JATD was based in Lipovica and also had an office on the same floor as the 2nd Administration in DB's Belgrade Centre. The office was used by someone named Milenko, and also by Radonjić and Dragoslav Krsmanović, though very rarely.[2647]

1430. The Trial Chamber has not received in evidence an official Serbian DB document establishing the JATD within the DB. **Witness JF-095**, a BIA special advisor involved in coordinating requests for assistance sent by the Tribunal since November 2006,[2648] testified about the alleged existence of a Serbian DB decision of 4 August 1993 to establish the JATD within the DB. The witness was part of a commission that looked into the purported existence of documents subject to a Prosecution request for assistance in 2009, including an alleged 4 August 1993 decision to establish the JATD within the DB.[2649] The commission reported that it never found the document, but concluded that it probably existed and that there were reasonable grounds to conclude that such documents were destroyed.[2650] The commission further concluded that the JATD was the first *ad hoc* unit formed by the Serbian DB and the witness testified that it existed between August 1993 and April 1996.[2651] The commission interviewed several persons in January and February 2009.[2652] The Trial Chamber has

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[2644] Indictment, paras 3, 5, 7, 15(c).
[2645] Prosecution Final Trial Brief, 14 December 2012, para. 270-278; T. 20200.
[2646] Radivoje Mičić, T. 19773-19774, 19812, 19824; P3166 (Four Serbian MUP documents concerning Radivoje Micič, one unsigned, three signed by Jovica Stanišić, Milojka Vukičević, and Radivoje Mičić, respectively, dated 10 June 1994, 19 November 1990, 1995, and 19 February 1997, respectively).
[2647] Radivoje Mičić, T. 19842, 19852.
[2648] Witness JF-095, T. 7007-7008.
[2649] Witness JF-095, T. 7013-7014, 7031-7032; P972 (BIA commission report regarding documentation requested under RFA no. 1691, 26 February 2009), pp. 3-7; P973 (Notes from interviews by BIA commission, 28 January to 20 February 2009).
[2650] P972 (BIA commission report regarding documentation requested under RFA no. 1691, 26 February 2009), pp. 24-25, 31.
[2651] Witness JF-095, T. 7113, 7119, 7124.
[2652] Witness JF-095, T. 7013-7014, 7031-7032; P972 (BIA commission report regarding documentation requested under RFA no. 1691, 26 February 2009), pp. 3-7; P973 (Notes from interviews by BIA commission, 28 January to 20 February 2009).

identified these persons in Confidential Appendix C. According to the interview notes, source A stated that he was aware of, but never saw, the alleged decision setting up the JATD when they worked in the DB.[2653]

1431. Source B stated that she drafted letters of appointment for JATD members.[2654] In the course of her work, she received a tabular summary of the posts in the JATD unit, on which she entered the names of the persons who were appointed.[2655] A hand-written tabular summary listing posts in the JATD unit, which Witness JF-095 testified was obtained in one of the personnel files in the MUP documentation, listed Milan Radonjić as deputy commander; Zoran Raić and Dragoslav Krsmanović as assistant commanders; Zvezdan Jovanović, Janko Kereš, Draško Suvara, Saša Jovnović, and Dragan Leštarić as section commanders, and Nikola Lončar and Dragutin Stanojević as unit members; Miomir Popović as driver/courier; and Milenko Milovanović as administrative group leader and Slađana Milivojević as Administrator.[2656]

1432. In an interview with **Witness JF-094**, a Serbian MUP official,[2657] Source C (identified in Confidential Appendix C) stated that, while engaged in Bajina Bašta in 1993, Obrad Stevanović went to an office used by Simatović several times to discuss the preparation of documents to found a new DB unit that later became the JATD.[2658] According to Witness JF-094, Stevanović was a jurist with experience in legal aspects of setting up of units who provided this drafting assistance to Simatović in exchange for the training of PJP members.[2659]

1433. The Trial Chamber has received a number of Serbian MUP documents relating to the assignment of persons to the JATD unit. On 16 and 19 August 1993, centre commander Dragoslav Krsmanović of the Serbian MUP Belgrade requested the 8th administration to run operative checks run on 38 persons for the purposes of the Anti-terrorist Operations Unit, as

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[2653] P973 (Notes from interviews by BIA commission 28 January to 20 February 2009), p. 1 of 9 February 2009 notes from interview with Source A.
[2654] P973 (Notes from interviews by BIA commission 28 January to 20 February 2009), p. 1 of 20 February 2009 notes from interview, p. 2 of 9 February 2009 notes from interview with Source B.
[2655] P973 (Notes from interviews by BIA commission 28 January to 20 February 2009), pp. 1-2 of 20 February 2009 notes from interview with Source B.
[2656] Witness JF-095, T. 7037; P974 (Hand-written tabular summary of posts and persons in the JATD unit).
[2657] Witness JF-094, T. 7058.
[2658] Witness JF-094, T. 7062-7065, 7067-7068, 7151-7153; P973 (Notes from interviews by BIA commission, 28 January to 20 February 2009), p. 2 of 19 February 2009 notes from interview with Source C.
[2659] Witness JF-094, T. 7062-7063, 7068.

they were candidates for the active and reserve duty in this Unit.[2660] The candidates included Davor Subotić, Radojica Božović, Dragan Oluić, Zoran Raić, Njegoslav Kušić, Slobodan Majstorović, Radomir Rašković, Nikola Pupovac, Zvezdan Jovanović, and Đurica Banjac.[2661]

1434. In an undated Serbian MUP DB document, JATD Deputy Commander Milan Radonjić proposed that Radojica Božović be recruited as a full-time employee in the JATD for an indefinite period, in accordance with a decision of 4 August 1993.[2662] On 28 March 1994, the Serbian MUP DB JATD vetted and approved Radojica Božović, in accordance with a request of 16 August 1993.[2663]

1435. On 12 January 1994, Stanišić issued a decision assigning MUP employee Radonjić to a post specified in the Decision establishing the JATD of the Serbian DB, effective as of 1 December 1993, and assigned him the title of inspector.[2664] On the same day, Stanišić decided that Janko Kereš would be employed indefinitely as a junior officer in the JATD of the Serbian MUP DB as of 1 December 1993.[2665] On 25 December 1993 and on 4 February 1994, Serbian MUP JATD Deputy Commander Milan Radonjić issued certificates confirming that Dragutin Stanojević was a member of the JATD and of the Serbian MUP reserve forces.[2666] On 11 May 1994, Radonjić recommended that Zoran Raić be offered permanent employment in the JATD.[2667]

1436. The Trial Chamber has received evidence from witnesses Dejan Slišković and Witness JF-048 in relation to the JATD. **Dejan Slišković**, a Serb who was a member of the JATD from June 1994 to May 1995,[2668] testified that on 30 May 1994, he reported to the JATD at

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[2660] P2854 (Serbian MUP Anti-terrorist Unit request for operative checks, Dragoslav Krsmanović, 16 August 1993); P3021 (Series of Serbian MUP documents relating to Nikola Pupovac), p. 10 (Serbian MUP Anti-terrorist Unit request for operative checks, Dragoslav Krsmanović, 19 August 1993).
[2661] P2854 (Serbian MUP Anti-terrorist Unit request for operative checks, Dragoslav Krsmanović, 16 August 1993); P3021 (Series of Serbian MUP documents relating to Nikola Pupovac), p. 10 (Serbian MUP Anti-terrorist Unit request for operative checks, Dragoslav Krsmanović, 19 August 1993).
[2662] P1655 (Series of documents relating to Radojica Božović) (Proposal for employment of Radojica Božović, Milan Radonjić), pp. 6-7.
[2663] P1655 (Series of documents relating to Radojica Božović) (JATD vetting results, signed by Milenko Milovanović, 28 March 1994), pp. 59-60.
[2664] P2724 (Decision for determination of salary, signed by Milan Prodanić, 12 January 1994); P2725 (Decision assigning Milan Radonjić the rank of inspector, signed by Jovica Stanišić, 12 January 1994), p. 1.
[2665] P475 (Serbian MUP DB Ruling regarding the Employment of Janko Kereš, 12 January 1994, signed by Jovica Stanišić).
[2666] P479 (Series of Documents relating to Dragutin Stanojević), p. 1 (Serbian MUP DB JATD certificate on use of leave by Dragutin Stanojević, signed by Milan Radonjić, 25 December 1993), p. 2 (Serbian MUP JATD Confirmation, signed by Milan Radonjić, 4 February 1994).
[2667] P2750 (Deputy JADT Commander's recommendation to offer Zoran Raić permanent employment at JADT, signed by Milan Radonjić, 11 May 1994).
[2668] P440 (Dejan Slišković, witness statement, 14 September 2003), p. 1, paras 3-4, 20; P441 (Dejan Slišković, witness statement, 8 April 2010), p. 1, paras 13-14, 63.

the Serbian DB headquarters in Belgrade with around 20 to 30 other recruits.[2669] Milenko Milovanović handed the recruits written decisions signed by Jovica Stanišić, stating that they were members of the Serbian DB.[2670] From the DB building, a JATD reserve officer transported the recruits to a training centre near Barajevo, in the Lipovica forest.[2671] At the camp, Krsmanović divided the recruits into an infantry and an artillery group.[2672] The artillery recruits were relocated to camp Tara.[2673] The witness was made an infantry recruit, as was Dragutin Stanojević.[2674] The witness received infantry, artillery, and diving training.[2675] Recruits were accommodated at the Lipovica forest camp and went to the Surčin airport for infantry training and to the Banjica security centre for marksmanship training.[2676] The Lipovica training centre also contained JATD offices used by Dragan Krsmanović, who was frequently present there, as well as by Milan Radonjić, Major Filipović, and Zoran Raić, who visited often.[2677] Krsmanović and Filipović also came to the recruits' training at the Surčin airport. Dragan Leštarić had his office at the Surčin airport.[2678] The witness's training instructors had ID cards identifying them as DB members.[2679]

1437. Several of the unit's instructors were former members of the Specijalna Anti-terrostička Jedinica of the Serbian MUP (referred to as the SAJ) which had been under the command of Radovan Stojičić, also known as Badža, who worked in the Public Security section of the Serbian MUP (which the Trial Chamber understands to be a separate section from the DB).[2680] The instructors who transferred from the SAJ to the JATD included Dragan Leštarić, Draško Suvara, Slobodan Stakić, Janko Kereš, Saša Jovanović, Dragan Jovanović (also known as Bata), and Miroslav Kurak.[2681]

[2669] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 3; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 13-14.
[2670] P440 (Dejan Slišković, witness statement, 14 September 2003), paras 3, 5; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 14; Dejan Slišković, T. 5090-5091; P442 (Series of Documents Related to Dejan Slišković), pp. 1-2 (Serbian MUP DB Decision on Employment of Dejan Slišković, 23 May 1994, signed by Jovica Stanišić).
[2671] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 3; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 15, 17.
[2672] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 15; Dejan Slišković, T. 5097, 5099.
[2673] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 15.
[2674] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 15; P480 (Serbian MUP DB Official Note from Interview with Miroslav Mirković, 20 March 1997).
[2675] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 3; Dejan Slišković, T. 5175-5176.
[2676] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 3; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 17; Dejan Slišković, T. 5175.
[2677] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 18; Dejan Slišković, T. 5093-5094.
[2678] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 19.
[2679] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 3.
[2680] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 3; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 16, 19-20; Dejan Slišković, T. 5097.
[2681] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 16, 20; Dejan Slišković, T. 5098, 5182-5184.

1438. A few days after their arrival at the training camp, the recruits were issued three sets of uniforms and red berets.[2682] Together with the uniforms and berets, the witness and the other recruits also received insignia, which they placed on their red berets.[2683] The first uniform was blue-black camouflage (that was also used by the Special Police Units) which the JATD used during training; the second was all black which they used when providing security or performing special assignments; the third was NATO brown-green camouflage, which they used in the field in Western Bosnia.[2684]

1439. The JATD was commonly referred to as the "Red Berets" as red berets formed part of their uniform.[2685] JATD deputy commanders were Milan Radonjić who was also known as Meda (number two to Simatović), "Fića" Filipović (number three to Simatović), Dragan Krsmanović (in charge of logistics in the field), and Zoran Raić.[2686] The JATD commanders of regular units included Dragan Leštarić (who was also in charge of obtaining uniforms and equipment), Saša Jovanović, Janko Kereš, and Draško Suvara.[2687] Dragutin Stanojević was a member of the JATD regular units.[2688] According to the witness, the reserve/paramilitary portion of the unit did not receive formal decisions on their appointment signed by Stanišić, while regular members of the JATD did.[2689] There were many members in the reserve/paramilitary portion of the JATD.[2690] Some of the reserve/paramilitary members of the JATD wore the same insignia as the regular JATD, while others wore their own insignia, including an eagle (worn by Zvezdan Jovanović) and a wolf on a copper shield, which looked like the insignia later worn by Special Police Units.[2691] Božović was the commander of the entire reserve/paramilitary portion of the JATD.[2692] Božović was subordinate to and reported to Stanišić and Simatović.[2693] Božović was also subordinate to Radonjić, Krsmanović,

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[2682] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 3; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 22; Dejan Slišković, T. 5094-5096, 5155, 5158, 5162; P443 (Dejan Slišković's Red Beret).
[2683] Dejan Slišković, T. 5157, 5161.
[2684] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 22; Dejan Slišković, T. 5094-5095, 5130-5131, 5155; P484 (Photograph of Dejan Slišković and Djordje Kuborović with Blue and Black Uniform in lower left corner).
[2685] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 22, 38; Dejan Slišković, T. 5097.
[2686] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 11; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 41; Dejan Slišković, T. 5090, 5110-5111, 5198-5199.
[2687] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 4; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 16, 41; Dejan Slišković, T. 5112, 5182.
[2688] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 41, 72.
[2689] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 14, 23.
[2690] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 25; Dejan Slišković, T. 5109.
[2691] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 39; Dejan Slišković, T. 5256.
[2692] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 30, 40; Dejan Slišković, T. 5109, 5112, 5186.
[2693] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 40, 44.

Filipović, and Raić.[2694] Vaso Mijović, Žika Crnogorac and "Dragan" Pupovac also held command positions in the reserve/paramilitary formations of the JATD.[2695]

1440. Contrary to the above evidence, **Witness JF-048**, a former member of the Red Berets,[2696] testified that the Red Berets were officially recognized and renamed JATD in the fall of 1995 or the beginning of 1996.[2697] The official recognition was given at a formal opening of the Kula camp, which was attended by high-ranking members from the DB as well as members of the SJB, and the military, including Stanišić, Simatović, Captain Dragan, Milan Martić, Miodrag Repija, and Krsmanović.[2698] Stanišić, whom the witness saw for the first time, addressed the Red Berets and told them that they would now be officially considered as part of the MUP.[2699] Following the recognition, the Red Berets received their salaries in a blue envelope with a MUP letterhead salary slip.[2700] The Trial Chamber considers that Witness JF-048's evidence of the Red Berets being officially recognized and renamed as the JATD in 1995 or 1996 is contradicted by the consistent evidence from numerous sources reviewed above (which includes official MUP documentation). The Trial Chamber will not rely on Witness JF-048's evidence in this respect.

1441. The Trial Chamber also received evidence from Dragoslav Krsmanović in relation to the JATD. However, as explained in chapter 2, the Trial Chamber will not rely on this witness's evidence.

1442. The Trial Chamber finally recalls the evidence reviewed in relation to the Golubić camp, the Ležimir camp, and the Brčko camp, that at the Kula ceremony in 1997, Colonel Žika Ivanović introduced as veteran officers of the Serbian DB Special Operations Unit (amongst others) Colonel Radojica Božović, Colonel Dušan Orlović, Colonel Goran Opačić, Major Nikola Filipović, Major Davor Subotić, Captain Dragan Oluić, Colonel Vasilije

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[2694] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 44.
[2695] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 23, 41; Dejan Slišković, T. 5112. From the context, the Trial Chamber understands Slišković's reference to "Dragan" Pupovac to relate to Nikola Pupovac.
[2696] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 1-2, 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14576.
[2697] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 4-5, 13; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14590; Witness JF-048, T. 5779-5780.
[2698] P523 (Witness JF-048, witness statement, 6 May 2000), p. 13; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14578-14579, 14589-14590, 14623; Witness JF-048, T. 5716; P539 (Series of stills of Kula Camp Video (P61) with Witness JF-048 comments, 14 June 2010), (Still of a ceremony with related comments, time code 00'58"), p. 1.
[2699] P523 (Witness JF-048, witness statement, 6 May 2000), p. 13; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14623.
[2700] P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14623-14624; Witness JF-048, T. 5739-5740, 5841-5842.

Mijović, Captain Dragiša Grujić, Captain Nikola Lončar, and Captain Đurica Banjac. Ivanović also introduced Lieutenant Colonel Zvezdan Jovanović as one of the veterans.[2701]

1443. The testimonies of witnesses Radivoje Mičić and Witness JF-095 are broadly consistent regarding the establishment of the JATD in August 1993 and are corroborated in this respect by a number of official Serbian MUP documents, including in particular the requests for operative checks by Dragoslav Krsmanović and the proposal for assignment of Radojica Božović.[2702] On this basis, the Trial Chamber finds that in August 1993, Jovica Stanišić organized the formation of a unit of the Serbian DB known as the JATD. The Simatović Defence argues that Minister Sokolović would have had the authority to establish an organizational unit within the Serbian MUP.[2703] The Trial Chamber allows for the reasonable possibility that, while Stanišić in fact decided to form the JATD, he cooperated with Minister Sokolović to obtain a decision officially establishing the JATD as a unit within the Serbian MUP.

1444. The evidence of Dejan Slišković regarding the composition of the JATD is consistent with the notes of interview with one of the sources interviewed by the BIA commission (as set out in Confidential Appendix C and the tabular summary of JATD posts[2704] and a number of official Serbian MUP documents on assigning persons to the JATD, as well as with the evidence regarding the 1997 Kula ceremony reviewed above. The Trial Chamber finds that the JATD included Unit members Živojin Ivanović (known as Žika, Crnogorac), Radojica Božović, Dragan Filipović (known as Major Filipović or Fića), Milan Radonjić (known as Meda), Zoran Raić, Vaso Mijović, Nikola Lončar, Davor Subotić, Dragan Oluić, Njegoslav Kušić, Slobodan Majstorović, Radomir Rašković, Nikola Pupovac,[2705] Đurica Banjac, Milenko Milovanović, Zvezdan Jovanović, and Miomir Popović.[2706] The JATD further included Dragoslav Krsmanović, Dragutin Stanojević, and Dejan Slišković. The JATD consisted of active and reserve components. Radojica Božović, Živojin Ivanović, Milan Radonjić, Dragan Filipović, Zoran Raić, Nikola Pupovac, Dragoslav Krsmanović, Vaso Mijović, and Zvezdan Jovanović (among others) held command positions within the JATD.

[2701] P61 (Video of award ceremony at Kula with transcript), pp. 4-8.
[2702] These documents are in evidence as exhibits P2854, P3021, and P1655.
[2703] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), paras 978-981, 994.
[2704] These documents are in evidence as P973 and P974.
[2705] The Trial Chamber understands Dejan Slišković's evidence regarding Dragan Pupovac (also known as Pupe) to refer to Unit member Nikola Pupovac (who was also known as Pupe).
[2706] See chapters 6.3.2 and 6.3.2 in relation to the Ležimir, Brčko, Tara, and Doboj for the Trial Chamber's findings on these persons being members of the Unit.

1445. Given the substantial overlap between the membership and the commanders of the JATD on the one hand ,and the Unit on the other, the Trial Chamber understands Stanišić to have, in effect, formalized the Unit as the JATD within the official DB structure. Consequently and further considering that Stanišić signed decisions on the appointment of JATD members, the Trial Chamber understands the Accused's command of the Unit as described in relation to the Ležimir camp to have continued following its formalization as the JATD. In its findings below relating to the period after August 1993, the Trial Chamber will refer to the Unit as the JATD.

1446. From at least May 1994, JATD recruits, including Dejan Slišković, received infantry and artillery training from JATD instructors at camps at Tara, the Lipovica forest, the Surčin airport, and the Banjica security centre. Instructors of the Serbian MUP Public Security Specijalna Anti-terrostička Jedinica under the command of Radovan Stojčić (a.k.a. Badža) also provided training for JATD recruits and later became JATD members, including Janko Kereš, Dragan Leštarić, Saša Jovanović, and Draško Suvara. Considering that Milan Radonjić, Major Filipović, and Zoran Raić were present during the training of the new recruits, the Trial Chamber is satisfied that from at least May 1994, the Accused organized the training for the JATD at camps at Tara, the Lipovica forest, the Surčin airport, and the Banjica security centre.

1447. The Trial Chamber will now review whether the Accused directed and organized the financing of the JATD from August 1993 to 1995.

1448. In its Final Trial Brief, the Prosecution alleges that after the formalization of the JATD the Serbian DB made regular *per diem* payments to active and reserve JATD members, as recorded on payment lists.[2707] The Trial Chamber has received evidence with regard to financing, through documentary evidence and through the testimony of Dejan Slišković and Witness JF-048.

1449. The Trial Chamber received in evidence numerous *per diem* payment lists referring to time periods between 21 August to 31 December, with no year provided on any of the documents. The names of JATD members Radojica Božović, Davor Subotić, Nikola Pupovac, Radomir Rašković, Milenko Milovanović, and Zvezdan Jovanović appear as beneficiaries on each of these lists. The names of JATD members Slobodan Majstorović, Dragan Oluić, Dragoslav Krsmanović, Miomir Popović, and Dragutin Stanojević can be found in the

[2707] Prosecution Final Trial Brief, 14 December 2012, paras 279, 281.

majority of the lists.[2708] Some of the lists were signed by JATD member Dragoslav Krsmanović, as "Commander of the Centre",[2709] or by or for JATD deputy commander Milan Radonjić,[2710] while others were addressed to the Special Purpose Unit, or were stamped "Special Purpose Unit" or "Republic of Serbia MUP".[2711]

1450. The Trial Chamber also received into evidence further payment lists, showing the month and day, but not the year, relating to the dates 17 January to 15 May. All of these series of payments lists contain the signatures of JATD deputy commander Milan Radonjić and include as beneficiaries the names of JATD members Radomir Rašković, Nikola Pupovac, Zvezdan Jovanović, and Dragutin Stanojević. Most of the lists also contain the names of Zoran Raić, Radojica Božović, Davor Subotić, and Dragan Oluić, as beneficiaries.[2712]

1451. The Trial Chamber further received in evidence *per diem* payment lists for the periods 1-16 January 1994, 16-31 May 1994, 15-30 June 1994, 1-15 July 1994, and 1-15 November 1995, all containing at least the names of Milan Radonjić, Nikola Lončar, Slobodan Majstorović, Milenko Milovanović, Zvezdan Jovanović, Dragoslav Krsmanović, and Dragutin Stanojević.[2713] All of the lists, except for the one related to 1-15 November 1995,

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[2708] P157 (List of daily allowance paid to Special Purpose Unit, 21 August -10 September); P1485 (List of members of the ATD Unit to be paid – advance); P1490 (List of daily allowance paid to ATBD Unit, 26 August - 10 September); P1491 (List of daily allowance paid, 9-30 September, signed by Dragoslav Krsmanović – Commander of the Centre); P1493 (List of daily allowance paid, 11-30 September, stamped by the Special Purpose Unit); P1494 (List of daily allowance paid, 23-30 September); P1496 (List of daily allowances paid, 1/5-20 October); P1497 (List of daily allowances paid, 12-20 October, stamped Republic of Serbia MUP); P1498 (List of daily allowances paid, 21 October - 1 November, signed for deputy commander of the JATD, Milan Radonjić); P1501 (List of daily allowances paid, 16-30 November, signed by JATD deputy commander Milan Radonjić); P1503 (List of daily allowances, 1-31 December, signed by JATD deputy commander Milan Radonjić).

[2709] P1491 (List of daily allowance paid, 9-30 September, signed by Dragoslav Krsmanović – commander of the centre).

[2710] P1498 (List of daily allowances paid, 21 October - 1 November, signed for deputy commander of the JATD, Milan Radonjić); P1501 (List of daily allowances paid, 16-30 November, signed by JATD deputy commander Milan Radonjić); P1503 (List of daily allowances, 1-31 December, signed by JATD deputy commander Milan Radonjić).

[2711] P157 (List of daily allowance paid to Special Purpose Unit, 21 August -10 September); P1493 (List of daily allowance paid, 11-30 September, stamped by the Special Purpose Unit); P1497 (List of daily allowances paid, 12-20 October, stamped Republic of Serbia MUP).

[2712] P161 (List of daily allowances paid for 17-31 January, signed by JATD deputy commander Milan Radonjić); P1507 (List of daily allowances paid for 24-31 January, signed by JATD deputy commander Milan Radonjić); P1508 (List of daily allowances paid for 1-28 February, signed by JATD deputy commander Milan Radonjić); P1509 (List of daily allowances paid for 16-31 March, signed by JATD deputy commander Milan Radonjić); P1510 (List of daily allowances paid for 1-15 March, signed by JATD deputy commander Milan Radonjić); P1511 (List of daily allowances paid for 16-30 April, signed by JATD deputy commander Milan Radonjić); P1512 (List of daily allowances paid for 1-15 April, signed by JATD deputy commander Milan Radonjić); P1513 (List of daily allowances paid for 1-15 May, signed by JATD deputy commander Milan Radonjić).

[2713] P159 (List of daily allowances paid for 1-16 January 1994, signed by JATD deputy commander Milan Radonjić); P1514 (List of ATD Unit members to be paid, 16-30 May 1994, signed by JATD deputy commander Milan Radonjić); P444 (List of the JATD members to be paid daily allowance for 15-30 June 1994); P445 (List

also contained the names of Dragan Oluić, Radomir Rašković, and Nikola Pupovac.[2714] The cover page of three of these series of lists is stamped Republic of Serbia MUP, DB, JATD, and includes a number and a date, and the address Belgrade, 103 Kneza Miloša street.[2715] The cover page for the series of payment lists related to 1-15 November 1995 contains the same stamp and the address included is simply "Belgrade".[2716]

1452. **Dejan Slišković**, a Serb who was a member of the JATD from June 1994 to May 1995,[2717] testified that from June 1994, during training, the witness and other recruits received payments consisting of a salary and separate *per diems*. Dragan Krsmanović brought the recruits these payments and someone would sign a list or a pay slip to confirm the recruits' receipt of payment. The recruits received the payments in cash in white envelopes with blue lettering.[2718] The payments were in Serbian dinars.[2719] In July 1994, the witness and other JATD members received their *per diems* at the Lipovica Forest camp from their commander.[2720] In July and August 1994, a person called Veljko Garić often collected the money from a central office and took it to the JATD members at the Lipovica camp.[2721] Dejan Slišković testified that the *per diems* were higher from mid-September 1994, when the witness's unit had finished its training and was active in the field.[2722] The witness continued to be paid in Serbian dinars, but exchanged these for DEMs at the office of Stanišić and Simatović's secretary Slađana when the unit was active in the field.[2723] Sometimes the JATD members signed the lists themselves and at other times, one member would sign for the others

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of the JATD Members to be paid daily allowance for 1-15 July 1994); P544 (JATD list of employees to be paid daily allowance for 1-15 November 1995).

[2714] P159 (List of daily allowances paid for 1-16 January 1994, signed by JATD deputy commander Milan Radonjić); P1514 (List of ATD Unit members to be paid, 16-30 May 1994, signed by JATD deputy commander Milan Radonjić); P444 (List of the JATD members to be paid daily allowance for 15-30 June 1994); P445 (List of the JATD members to be paid daily allowance for 1-15 July 1994).

[2715] P1514 (List of ATD Unit members to be paid, 16-30 May 1994, signed by JATD deputy commander Milan Radonjić); P444 (List of the JATD members to be paid daily allowance for 15-30 June 1994); P445 (List of the JATD members to be paid daily allowance for 1-15 July 1994).

[2716] P544 (JATD list of employees to be paid daily allowance for 1-15 November 1995).

[2717] P440 (Dejan Slišković, witness statement, 14 September 2003), p. 1, paras 3-4, 20; P441 (Dejan Slišković, witness statement, 8 April 2010), p. 1, paras 13-14, 63.

[2718] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 24; Dejan Slišković, T. 5136-5137.

[2719] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 24.

[2720] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 75.

[2721] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 78-79.

[2722] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 24, 82-83; P449 (List of the JATD members to be paid daily allowance for 16-30 September 1994); P450 (List of the JATD members to be paid daily allowance for 1-15 October 1994).

[2723] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 24, 71.

and bring them the money.[2724] JATD members signed the documents with their full signature or with a shortened signature.[2725]

1453. The witness recognized the stamp used by Jovica Stanišić's aide, Milenko Milovanović, as well as by the secretary, Slađana, which was stamped on top of the typewritten lists of the daily allowances of JATD members for 15-30 June 1994.[2726] The witness also recognized the stamp of the Serbian JATD on several JATD daily allowance lists, which was used for documents or orders related only to the JATD and which was kept in the secretaries' offices.[2727] The witness authenticated the signatures of Dragan Krsmanović, Milan Radonjić, Dragutin Stanojević, Zvezdan Jovanović, as well as his own signature, on JATD payment lists dated between 15 June 1994 and 15 July 1995.[2728]

1454. **Witness JF-048**, a former member of the Red Berets,[2729] recognized the JATD stamp with the Red Berets wolf insignia on a JATD employees' payment list.[2730] Prior to a formal ceremony at Kula in January 1996, the witness never saw any decision concerning his

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[2724] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 24.
[2725] Dejan Slišković, T. 5115-5116.
[2726] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 71; P444 (List of the JATD Members to be Paid Daily Allowance for 15 to 30 June 1994), p. 1.
[2727] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 77, 84, 100, 107; P445 (List of the JATD members to be paid daily allowance for 1-15 July 1994), p. 2; P451 (List of JATD members to be paid daily allowance for 16-31 October 1994), p. 2; P460 (List of JATD members to be paid daily allowance for 16-28 February 1995), p. 18; P467 (JATD list of persons who are receiving daily allowances from 16-30 June 1995), p. 27.
[2728] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 72-73, 76-88, 91, 95, 97-108; P444 (List of the JATD members to be paid daily allowance for 15-30 June 1994), pp. 2, 13; P445 (List of the JATD members to be paid daily allowance for 1-15 July 1994), pp. 2, 12; P446 (List of the JATD members to be paid daily allowance for 16-31 July 1994), pp. 2, 5; P447 (List of the JATD members to be paid daily allowance for 1-31 August 1994), pp. 2, 13; P448 (List of the JATD members to be paid daily allowance for 1-15 September 1994), pp. 2, 6; P449 (List of the JATD members to be paid daily allowance for 16-30 September 1994), p. 2; P450 (List of the JATD members to be paid daily allowance for 1-15 October 1994), p. 2; P451 (List of JATD members to be paid daily allowance for 16-31 October 1994), p. 14; P452 (List of JATD members to be paid daily allowance for 16-30 November 1994), p. 4; P453 (List of the JATD members to be paid daily allowance for 1-15 November 1994), pp. 9, 11, 13; P454 (List of the JATD members to be paid daily allowance for 16-31 December 1994), pp. 3-4, 15, 21; P455 (List of JATD members for the payment of daily allowance for 1-15 December 1994), pp. 7, 12, 16; P457 (List of JATD members who are receiving daily allowances for 1-15 January 1995), pp. 4-5, 7, 21; P458 (List of JATD members to be paid daily allowance for 1-15 February 1995), pp. 7, 15, 19, 21; P459 (List of JATD members to be paid daily allowance for 16-31 March 1995), pp. 7-8; P460 (List of JATD members to be paid daily allowance for 16-28 February 1995), pp. 6-7, 11, 17; P461 (List of JATD members to be paid daily allowances for 1-15 March 1995), pp. 8-10, 16; P462 (List of JATD members to be paid daily spending allowance for 16-30 April 1995), pp. 2, 8, 18; P463 (List of JATD members to be paid daily allowance for 1-15 April 1995), pp. 2, 8, 17; P464 (JADT list of employees to be paid daily spending allowance for 1-15 May 1995), pp. 9, 20, 22; P465 (JATD list of employees to be paid daily spending allowance for 16-31 May 1995), pp. 21, 25; P466 (JATD list of persons to be paid daily allowance for 1-15 June 1995), pp. 10, 12, 24; P467 (JATD list of persons who are receiving daily allowances from 16-30 June 1995), pp. 2, 19, 27; P468 (JATD list of employees to be paid daily spending allowance for 1-15 July 1995), pp. 14, 18-19, 21.
[2729] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 1-2, 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14576.
[2730] P536 (Payment list authentication chart with comments by Witness JF-048) (Comments on P544), p. 14; P544 (JATD list of employees to be paid daily allowance for 1-15 November 1995), p. 74.

remuneration, and the Red Berets received their salary in cash at the time.[2731] The salary was paid in dinars by one of the instructors, and was relatively high for local standards.[2732] In addition, Red Berets received bonuses.[2733]

1455. The Trial Chamber recalls its finding in relation to the Unit's formalization that in August 1993, Stanišić formalized the Unit as the JATD of the Serbian DB, subordinated to himself and to Franko Simatovic. The Trial Chamber also recalls its finding in that same chapter, that the JATD included Živojin Ivanović (a.k.a Žika Crnogorac), Radojica Božović, Dragan Filipović (a.k.a Major Filipović or Fića), Milan Radonjić (a.k.a. Meda), Zoran Raić, Vasilje (or Vaso) Mijović, Nikola Lončar, Davor Subotić, Dragan Oluić, Njegoslav Kušić, Slobodan Majstorović, Radomir Rašković, Nikola Pupovac,[2734] Đurica Banjac, Milenko Milovanović, Zvezdan Jovanović, and Miomir Popović.[2735] The JATD further included Dragoslav Krsmanović, Dragutin Stanojević, and Dejan Slišković.[2736]

1456. The Trial Chamber further recalls its findings in chapters 6.5.4 and in relation to the Bilje, Sova, and Pajzoš camps that the Accused financed the involvement of the JATD in Operation Pauk between November 1994 and July 1995; organized the financing of the JATD unit based in Bilje in 1995; financed the involvement of the JATD in the 1995 SBWS operations; organized the financing of the Poskok Detachment from mid-August to October 1995, which was based at the Sova training camp near Knin; and organized the financing of the JATD at Pajzoš, Zirište, and Lipovaca in 1995. The Trial Chamber will now turn to the financing of the JATD in the time periods between these specific operations, on which the Trial Chamber has already made findings.

1457. The Trial Chamber will first address the sequence of the relevant payment lists. The Trial Chamber has received numerous *per diem* payment lists dated between 21 August to 31 December but with no indication of the year, and also received into evidence P159 which is dated 1-16 January 1994. The payment lists in evidence which do not bear a year then continue from 17 January to 15 May and the payment list in evidence as exhibit P1514 is dated 16-31 May 1994. The Trial Chamber considers that these yearless payment lists

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[2731] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 13-14; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14589, 14623; Witness JF-048, T. 5718, 5739, 5786, 5810, 5821, 5850-5851.
[2732] Witness JF-048, T. 5740, 5841.
[2733] Witness JF-048, T. 5740.
[2734] The Trial Chamber understands Dejan Slišković's evidence regarding Dragan Pupovac (also known as Pupe) to refer to Unit member Nikola Pupovac (who was also known as Pupe).
[2735] See chapter 6.3.2.
[2736] See chapter 6.3.2.

logically fit into a sequence from the JATD's formalization in August 1993 to the payment lists which do bear a year (namely exhibits P159 and P1514). In this respect, the Trial Chamber has also considered similarities in the amounts paid and the format of the payment lists. The Trial Chamber concludes that these payment lists originate from 1993 and 1994. The presence of several JATD members on all or most of the lists, combined with the signature of the JATD deputy commander Milan Radonjić on some of them, demonstrate that payments were made by the JATD to its members. Based on this and the evidence of Dejan Slišković and Witness JF-048 reviewed above, the Trial Chamber finds that the Accused organized the financing of the JATD from at least 21 August 1993 to 15 November 1995.[2737]

6.3.3 The Accused directed the the Unit in particular operations in Croatia and Bosnia-Herzegovina; organized, supplied, financed, and supported the involvement of the Unit in particular operations; and directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit

Ležimir camp and SBWS operations, September 1991-early 1992

1458. The Trial Chamber now turns to the Ležimir camp at Fruška Gora in Serbia and the related operations. The Trial Chamber will consider whether the Accused directed the involvement of the Unit in particular operations in the SBWS.[2738] The Trial Chamber will further consider whether the Accused organized, supplied, financed, and supported the Unit's involvement in those particular operations.[2739] The Trial Chamber will also review whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit at Ležimir.[2740] Finally, the Trial Chamber will consider whether the Accused directed and organized the training of other groups at Ležimir.

1459. In its Final Trial Brief, the Prosecution submits that in September 1991, Simatović briefed members of the Red Berets in Belgrade and instructed them to establish a camp at Mount Fruška Gora.[2741] Stanišić stopped by the briefing room.[2742] In autumn 1991, Stanišić and Simatović established a camp at Ležimir at Mount Fruška Gora commanded by Živojin

[2737] Whilst the Trial Chamber notes that there is no payment list in evidence for the time period 1-14 June 1994, it does not consider, given the number and sequence of *per diem* payment lists received in evidence, that this indicates a break in payment. For the reasons set out in chapter 2, the Trial Chamber will not rely on the evidence of Dragoslav Krsmanović in relation to the *per diem* payment lists.
[2738] Indictment, para. 7.
[2739] Indictment, para. 7.
[2740] Indictment, paras 3, 5, 15(c).
[2741] Prosecution Final Trial Brief, 14 December 2012, para. 219.

Ivanović (Crnogorac), where the Red Berets, including Božović, Subotić, Pupovac, Raić, Dragan Đorđević (Crni), Nikola Lončar, Đurica Banjac, Filipović, Ilija Vučković, Medaković, Budimir Zečević, and Jovan Kujundžić, trained people from Serbia and Bosnia-Herzegovina, including Srećko Radovanović (Debeli) and Solobodan Miljković (Lugar) who became members of the Red Berets under the command of Dragan Đorđević (Crni).[2743] Stanišić and Simatović visited the Fruška Gora camp, informing the Red Berets that only they could issue orders to the Red Berets.[2744] From the Ležimir camp at Mount Fruška Gora, Red Berets conducted operations in SBWS, including at Vukovar and Ilok, under the command of Stanišić and Simatović.[2745]

1460. The Trial Chamber has received the evidence primarily from Witness JF-031, as well as from Witness JF-033 and Witness JF-047, and received a number of documents in relation to the Ležimir camp. The Trial Chamber will first review the evidence in relation to the establishment of the camp.

1461. **Witness JF-031**, a Serb from Knin municipality,[2746] testified that from Korenica, he and a group of others from Korenica camp[2747] went to the Udbina airstrip in late August or early September 1991, where two planes equipped with parachuting equipment were waiting.[2748] The pilots were from the Serbian DB.[2749] They then flew to a civilian airstrip at Smederevo, approximately 60 kilometres south of Belgrade. From there they travelled in five white DB vans with police licence plates to the headquarters of the Serbian DB. The witness testified that, by the time he reached Belgrade, he understood Simatović to be his boss and believed his unit to be "under the wing" of the Serbian DB.[2750] The witness described Simatović as having "[taken] over direct command" of the unit, and testified that from August onward the unit was "inseparable" from him.[2751] However, the witness did not consider himself to work for the DB.[2752] That day, the unit was briefed by Simatović and told that they would establish a camp at Fruška Gora. He further told them that they would be an anti-

[2742] Prosecution Final Trial Brief, 14 December 2012, para. 219.
[2743] Prosecution Final Trial Brief, 14 December 2012, paras 220-226; T. 20209.
[2744] Prosecution Final Trial Brief, 14 December 2012, para. 221.
[2745] Prosecution Final Trial Brief, 14 December 2012, para. 223.
[2746] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2747] See Korenica camp findings in chapter 6.3.2.
[2748] P998 (Witness JF-031, witness statement, 1 June 2001), p. 6; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19192, 19218; P1008 (Map annotated by Witness JF-031), Point F.
[2749] P998 (Witness JF-031, witness statement, 1 June 2001), p. 6; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19182.
[2750] P998 (Witness JF-031, witness statement, 1 June 2001), p. 6; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19192.
[2751] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19281, 19307.

terrorist platoon who would serve as "protectors of Serbia" by acting as trainers in camps and that they would not be used for combat operations.[2753] The witness testified that it was in a conference room at the DB building in Kneza Miloša Street on this same day that he first saw Stanišić, who stopped and looked at the unit but did not speak to them.[2754]

1462. The following day, in late August or early September 1991, the unit was driven to Mount Fruška Gora, around 40 kilometres from Novi Sad on the border between Serbia and Croatia.[2755] They were accompanied by two blue trucks with police registration plates, which were full of equipment.[2756] The witness testified that there was one camp at Mount Fruška Gora, at a place called Ležimir, and that the members of the unit were the only ones there.[2757]

1463. A few days after the unit's arrival, in September 1991, Simatović arrived at the camp and introduced them to his chief Jovica Stanišić.[2758] Stanišić arrived in a jeep with his son.[2759] Simatović was dressed in civilian clothes, although the witness testified that on other occasions he wore camouflage uniform.[2760] Stanišić and Simatović addressed the unit, saying that they were "the best" and would be used for anti-terrorist operations in Serbia and for securing important persons (such as senior politicians) and facilities, or as trainers, rather than take part in operations.[2761] Stanišić gave each of them a Canadian bullet-proof jacket.[2762] The witness testified that Stanišić's young son had a copy of a comic book called "Knindžas", and that Stanišić pointed at the unit and told his son that they were the Knindžas he had been reading about.[2763] In general, when Stanišić visited the camp at Fruška Gora, he engaged in informal conversations with the men there, asking them how they were and whether there was anything they needed.[2764] On one occasion, Simatović and Stanišić gave each member of the

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[2752] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19239-19240.
[2753] P998 (Witness JF-031, witness statement, 1 June 2001), p. 6; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19194.
[2754] Witness JF-031, T. 7467-7468.
[2755] P998 (Witness JF-031, witness statement, 1 June 2001), p. 6; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19182, 19194; Witness JF-031, T. 7452.
[2756] P998 (Witness JF-031, witness statement, 1 June 2001), p. 6.
[2757] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19194, 19218; Witness JF-031, T. 7452; P1008 (Map annotated by Witness JF-031), Point J.
[2758] P998 (Witness JF-031, witness statement, 1 June 2001), p. 6; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19195-19196, 19266; Witness JF-031, T. 7471.
[2759] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19195-19196; Witness JF-031, T. 7470, 7492.
[2760] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19195.
[2761] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 6-7; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19196, 19306; Witness JF-031, T. 7452, 7468-7469.
[2762] P998 (Witness JF-031, witness statement, 1 June 2001), p. 7; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19197.
[2763] Witness JF-031, T. 7470, 7490-7492.
[2764] Witness JF-031, T. 7470.

unit a pistol.[2765] The witness's pistol was a 9mm Para made by Zastava, and it arrived in a box signed by Simatović and Stanišić.[2766]

1464. The Trial Chamber has also received documentary evidence in relation to the establishment of the camp at Ležimir, Mt. Fruška Gora. In an interview as part of a documentary entitled "The Unit", Dragan Vasiljković (a.k.a. Captain Dragan) stated that Simatović took around 15 young men to Mt. Fruška Gora to set up a camp.[2767] He further stated that the Unit at Ležimir were the precursors to the JSO, one of Frenki's ideas, for which he had lobbied for a long time and struggled to get approved. Captain Dragan further stated that Žika, a.k.a. Crnogorac, was appointed the commander of the Unit at Ležimir. In the same interview Captain Dragan also stated that he received an offer to take over command of the future JSO (Special Purpose Unit) on Mt. Fruška Gora.[2768]

1465. At the Kula ceremony of 1997, Simatović stated that in September 1991, a part of the unit was transferred to Serbia, where its reconstruction was conducted and high-quality professional training organized.[2769] He further stated that 26 training camps were established for special police units of the Bosnian-Serb Republic and the RSK, including one at Ležimir.[2770]

1466. The Trial Chamber now turns to the evidence it has received on operations undertaken from the Ležimir camp around September 1991.

1467. **Witness JF-031** testified that from Fruška Gora the unit engaged in an active operation in Eastern Slavonija on one occasion.[2771] This took place in September 1991 in Bapska, Ilok or Šarengrad, all of which were locations where the unit had previously engaged in reconnaissance activities and briefed Simatović on their findings.[2772] The unit's task in the operation was to expel Croat forces from their stronghold in the town church. The unit was meant to co-operate with the army.[2773] The day before the operation, Simatović explained to

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[2765] P998 (Witness JF-031, witness statement, 1 June 2001), p. 8; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19197, 19217; Witness JF-031, T. 7470, 7443-7445; P1001 (List of persons present at Fruška Gora), p. 2; P1006 (Photograph of Witness JF-031 in uniform, November 1991).
[2766] P998 (Witness JF-031, witness statement, 1 June 2001), p. 8.
[2767] P2976 (Video documentary entitled "The Unit"), p. 19.
[2768] P2976 (Video documentary entitled "The Unit"), p. 20.
[2769] P61 (Video of award ceremony at Kula with transcript), pp. 10-11.
[2770] P61 (Video of award ceremony at Kula with transcript), p. 11.
[2771] P998 (Witness JF-031, witness statement, 1 June 2001), p. 9; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19203, 19284; Witness JF-031, T. 7455.
[2772] P998 (Witness JF-031, witness statement, 1 June 2001), p. 9; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19203, 19218, 19284-19285, 19306; P1008 (Map annotated by Witness JF-031).
[2773] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 9-10; Witness JF-031, T. 7456.

the unit that he had met with the army chiefs, who had already carried out their own reconnaissance. The witness initially testified that Simatović then told the unit that if it was attacked from the flanks while inside the town, the army would cut off the Croatian forces.[2774] Subsequently, the witness testified that the unit discussed the operation amongst themselves.[2775]

1468. By the time the unit arrived in the town, all the civilians had left due to shelling by the JNA or the TO.[2776] When the unit was attacked from the flanks by Croatian forces, the army did not intervene as planned and a member of the unit was wounded.[2777] The unit informed the army via radio of what had occurred, but the army simply told them to leave the town.[2778] The witness considered the incident an example of deeper tensions which existed at the time between the JNA and the Serbian DB.[2779]

1469. Three or four days after this incident JNA General Zivota Panić came to the camp at Fruška Gora with Stanišić.[2780] He said something to the effect that the army would like to have the unit transferred to them.[2781] When the unit explained what had occurred during the operation in Eastern Slavonija, Panić said he would look into it with their chief, which the witness understood as a reference to Stanišić.[2782] Later, in October 1991, Simatović, in the presence of Stanišić, told the unit that they would never again co-ordinate with the army and that the unit should accept orders from nobody but himself and Stanišić.[2783] Stanišić described the unit as "priceless", insisted that they were "not for sale", and said they would not be transferred to the army but would be "staying with [him]".[2784] The witness understood, at that time and subsequently, that the unit was under the command of the Serbian DB and that Simatović and Stanišić were its leaders.[2785] The witness did not consider anyone else to have

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[2774] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 9-10; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19287.
[2775] Witness JF-031, T. 7456-7457.
[2776] P998 (Witness JF-031, witness statement, 1 June 2001), p. 9; Witness JF-031, T. 7456.
[2777] P998 (Witness JF-031, witness statement, 1 June 2001), p. 10; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19285-19286; Witness JF-031, T. 7457.
[2778] P998 (Witness JF-031, witness statement, 1 June 2001), p. 10; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19286.
[2779] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19286-19287.
[2780] P998 (Witness JF-031, witness statement, 1 June 2001), p. 10; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19197, 19287.
[2781] P998 (Witness JF-031, witness statement, 1 June 2001), p. 10; Witness JF-031, T. 7468-7469.
[2782] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19288.
[2783] P998 (Witness JF-031, witness statement, 1 June 2001), p. 10; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19196-19197, 19287; Witness JF-031, T. 7424-7425, 7469.
[2784] P998 (Witness JF-031, witness statement, 1 June 2001), p. 10; Witness JF-031, T. 7468-7469.
[2785] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 8, 10; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19203.

authority to give the unit orders: neither the chief of the General Staff, nor the Minister for Interior, nor the JNA, nor the armies of the RSK or the Bosnian-Serb Republic.[2786] In practice, nobody but Stanišić and Simatović did issue the unit with orders during the time the witness was part of it.[2787]

1470. **Witness JF-033**, a member of the VJ in 1992 and 1993,[2788] testified that he once saw a unit, whom he was told were "Frenki's men", a special police unit, resting near Vukovar in late 1991 or early 1992. The witness added that the unit wore different, better uniforms than other forces.[2789]

1471. The Trial Chamber also received documentary evidence on military operations in the SBWS in the fall of 1991. In his personal history dated 22 February 1992, Neven Laka wrote that he took part in operations in SBWS, including in Slavonia, Baranja and Western Srem.[2790] In an autobiography, Davor Subotić stated that he went to the Ležimir camp in Fruška Gora, Serbia where he underwent further training and then went to fight in Slavonia, Baranja, and Western Srem, including in Bapska.[2791] In a handwritten biography, Milenko Popović wrote that from the time the unit moved to Letenka in September 1991, they only carried out reconnaissance-in-force, and that there were no operations other than "the capturing of Pajzoš".[2792]

1472. According to an undated curriculum vitae, Dragan Oluić, as a member of the "Special Purpose Unit of the Republic of Serbian Krajina MUP", was involved in capturing Bapska and Šarengrad, or rather Pajzoš, in September 1991.[2793] An undated curriculum vitae of Slodoban Majstorović indicates that after joining the "Special Purposes Unit of the Krajina MUP", he took part in the fighting to defend the SBWS, including in Slavonia, Baranja and

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[2786] P998 (Witness JF-031, witness statement, 1 June 2001), p. 8; Witness JF-031, T. 7486.
[2787] Witness JF-031, T. 7486.
[2788] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 11-12, 15; P432 (Pseudonym sheet of Witness JF-033 in previous case).
[2789] Witness JF-033, T. 4994-4996; P431 (Witness JF-033, *Slobodan Milošević* transcript, 2-3 September 2003) pp. 25906-25910.
[2790] P3177 (Series of Serbian MUP documents relating to Neven Laka), p. 10 (personal history of Neven Laka, Ležimir, 22 February 1992).
[2791] D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), p. 6 (biography signed by Davor Subotić); D423 (Biography signed by Davor Subotić).
[2792] P3179 (Series of Serbian MUP SDB documents relating to Milenko Popović), p. 11 (a handwritten biography by Milenko Popović).
[2793] P3178 (Series of MUP documents relating to Dragan Oluić), p. 5 (Hand-written biography, Dragan Olujić).

Western Srem.[2794] In a form entitled personal card file for special purpose unit members, Dragan Đorđević (a.k.a Crni) listed his wartime experience as "action in Bapska".[2795]

1473. The Trial Chamber will now review further evidence relating to the Ležimir camp from November 1991. **Witness JF-031** testified that in November 1991, Ilija Vučković and Saša Medaković, both of whom had been instructors at Golubić, and Major Fićo arrived at Fruška Gora.[2796] According to the witness, they became members of the unit the witness described as the "original 28", who were at Fruška Gora during the witness's time there.[2797] Other unit members included: a person called Andić; Rade and Božo Božić; Rajo Božović; Major Fićo; Živojin Ivanović, a.k.a. Crnogorac; Boro Kovačević; Neven Laka; a person known as "Komorac"; a person called Goran; Saša Medaković; a person called Olujić; Dule Orlović; a person called Pilipović, a.k.a. Pilip; a person called Pupavac, a.k.a. Pupe; a person called Rašković; Zoran Raić; Goran Starčević (who dealt with logistics at the camp and continued to drive Simatović); Riki Subotić; a person called Vučković, a.k.a. Boki; and Ilija Vučković, a.k.a. Rambo.[2798] The witness testified that although Captain Dragan wished on two occasions to come to the camp at Fruška Gora, Simatović did not allow him to do so and told the unit not to receive him.[2799]

1474. Around December 1991, the unit in Fruška Gora was asked what colour berets they wished to have.[2800] They requested black ones, but around January 1992 red ones arrived instead.[2801] While the witness was operational in the unit, his beret bore a badge marked with the flag of Serbia.[2802] It was from this point on that the unit began to be known as the "Red Berets".[2803] According to the witness, only those in the region who had been trained by the Red Berets would have dared to wear a red beret, and this remained the case until at least

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[2794] P3009 (Biography and Letter to SDB Chief of Section regarding Slobodan Majstorović, Duško Maričić, 6 July 2001), p. 1.
[2795] P179 (Series of Serbian MUP SDB documents relating to Dragan Đorđević), p. 6 (personal card file for special purpose unit members, Dragan Đorđević).
[2796] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 11, 14; Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora), pp. 1-3.
[2797] Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora), p. 1;
[2798] Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora).
[2799] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19273.
[2800] P998 (Witness JF-031, witness statement, 1 June 2001), p. 7; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19279-19280, 19307.
[2801] P998 (Witness JF-031, witness statement, 1 June 2001), p. 7; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19194, 19251, 19307.
[2802] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19200; Witness JF-031, T. 7495.
[2803] P998 (Witness JF-031, witness statement, 1 June 2001), p. 7; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19194-19195, 19307.

February 1992.[2804] However, the witness knew that the 63rd Parachute Brigade, which was based in Niš and had no links with Simatović, also wore red berets.[2805] The witness stated that the "Grey Wolf" patch or insignia was worn only by Red Berets who had been under the command of the DB for a long period.[2806] The patch showed a coffee-coloured wolf on a black background, with a Serbian flag above.[2807] Members of the Red Berets began to wear it in mid-1992.[2808]

1475. During his time in Fruška Gora, the witness did not have access to newspapers or other media.[2809] The witness testified that the unit became far more secretive when they moved to Serbia at the end of August, before which they had been public.[2810] The witness further testified that nobody knew the camp existed except Stanišić and Simatović, and that the unit secured and guarded it.[2811] The unit there had little or no contact with the outside world.[2812]

1476. The unit at Fruška Gora received payment on an irregular basis; the witness was twice paid between 2,000 and 4,000 DEM during his time at the camp between September 1991 and early 1992.[2813] A driver belonging to the DB would arrive at the camp with a bag of newly printed Dinars.[2814] The equipment used at Fruška Gora was delivered by drivers from the Serbian DB.[2815] It included MP3 and MP5 Heckler and Koch guns, which other people could not obtain due to sanctions; Scorpions; and sniper rifles with silencers and telescopic sites.[2816]

1477. According to checklists of personal equipment and weapons issued, between 28 December 1991 and 27 February 1992, Đurica Banjac, Ilija Vučković, Ljubomir Obradović, Zoran Raić, Davor Subotić, Branko Pavlović, and Milenko Milovanović received uniforms

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[2804] P998 (Witness JF-031, witness statement, 1 June 2001), p. 8; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19314-19315.
[2805] P998 (Witness JF-031, witness statement, 1 June 2001), p. 7.
[2806] P998 (Witness JF-031, witness statement, 1 June 2001), p. 15; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19198.
[2807] P998 (Witness JF-031, witness statement, 1 June 2001), p. 16.
[2808] P998 (Witness JF-031, witness statement, 1 June 2001), p. 15.
[2809] P998 (Witness JF-031, witness statement, 1 June 2001), p. 7.
[2810] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19252-19253.
[2811] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19195; Witness JF-031, T. 7494.
[2812] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19212; Witness JF-031, T. 7466.
[2813] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 12-13; P999 (Correction to Witness JF-031, witness statement, 1 June 2001), p. 2; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19200.
[2814] P998 (Witness JF-031, witness statement, 1 June 2001), p. 12; P999 (Correction to Witness JF-031, witness statement, 1 June 2001), p. 2; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19200.
[2815] P998 (Witness JF-031, witness statement, 1 June 2001), p. 15; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19200.
[2816] P998 (Witness JF-031, witness statement, 1 June 2001), p. 15.

and berets as well as other items and equipment.[2817] According to these checklists, Đurica Banjac, Ljubomir Obradović, Davor Subotić, Branko Pavlović, and Milenko Milovanović were also provided with rifles and knives.[2818]

1478. The Trial Chamber will now turn to the evidence of training at the Ležimir camp and the persons who were present at the camp. **Witness JF-031** testified that the unit at Fruška Gora was employed principally as instructors who trained men from Serbia and Bosnia-Herzegovina.[2819] For the first month and a half the camp was regularly occupied only by the 28 original members of the unit.[2820] The witness testified that other men arrived subsequently and were trained at Ležimir.[2821] They arrived in cars with drivers from the Serbian DB.[2822] They were given a green camouflage uniform and a red beret, but were not provided with weapons.[2823] According to the witness, nobody left the camp while he was there.[2824]

1479. The witness left the Red Berets in early 1992.[2825] The witness was told that after he left the camp, from around May 1992, more men arrived for training.[2826] Their training lasted around twenty days. Once it was over, the men would return to their home towns, where they

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[2817] D1623 (Series of Serbian MUP SDB documents relating to Đurica Banjac), p. 23 (form issuing personal equipment and weapons to Đurica Banjac, 28 December 1991), p. 24 (form issuing personal equipment and weapons to Đurica Banjac, 19 January 1992); P3038 (Series of Serbian MUP documents relating to Ilija Vučković), p. 6 (form issuing personal equipment and weapons to Ilija Vučković), p. 12 (form issuing personal equipment and weapons to Ilija Vučković, 12 January 1992); P3153 (Form issuing personal equipment and weapons to Ljubomir Obradović, 27 January 1992), p. 1; P2745 (Form issuing personal equipment and weapons to Zoran Raić, 27 January 1992); D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), p. 11 (form issuing personal equipment and weapons to Davor Subotić, 12 February 1992); P3142 (Series of documents relating to Branko Pavlović), p. 20 (form issuing personal equipment and weapons to Branko Pavlović, 12 February 1992); P2771 (Form issuing personal equipment and weapons to Milenko Milovanović, 27 February 1992).

[2818] D1623 (Series of Serbian MUP SDB documents relating to Đurica Banjac), p. 23 (form issuing personal equipment and weapons to Đurica Banjac, 28 December 1991), p. 24 (form issuing personal equipment and weapons to Đurica Banjac, 19 January 1992); P3153 (Form issuing personal equipment and weapons to Ljubomir Obradović, 27 January 1992); D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), p. 11 (form issuing personal equipment and weapons to Davor Subotić, 12 February 1992); P3142 (Series of documents relating to Branko Pavlović), p. 20 (form issuing personal equipment and weapons to Branko Pavlović, 12 February 1992); P2771 (Form issuing personal equipment and weapons to Milenko Milovanović, 27 February 1992).

[2819] P998 (Witness JF-031, witness statement, 1 June 2001), p. 7.

[2820] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19274.

[2821] P999 (Correction to Witness JF-031, witness statement, 1 June 2001), pp. 1-2; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19274; Witness JF-031, T. 7452-7453.

[2822] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19195.

[2823] P998 (Witness JF-031, witness statement, 1 June 2001), p. 9; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19311-19312.

[2824] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19200, 19311; Witness JF-031, T. 7453.

[2825] P998 (Witness JF-031, witness statement, 1 June 2001), p. 18; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19206, 19227, 19243; Witness JF-031, T. 7459.

[2826] P999 (Correction to Witness JF-031, witness statement, 1 June 2001), p. 2; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19311.

commanded groups of 30 or 40 men and trained others.[2827] They left without weapons but had red berets and green camouflage uniforms, and called themselves "Red Berets" on their return.[2828] In their villages they received weapons distributed covertly from the TO, police, and army stores.[2829] However, the witness had no knowledge of who they were commanded by, whom they reported to, or whether they remained connected with Simatović after they had left.[2830]

1480. The witness testified that the term "Red Berets" rightly referred only to those who wore the Grey Wolf insignia and were directly subordinated to Simatović and Stanišić.[2831] Of some 5,000 people in Bosnia-Herzegovina known by that term, the witness considered that there were no more than 200 of these "real" or "original" Red Berets.[2832] According to the witness, the broader group was only under the "indirect command" of Simatović and Stanišić, and may also have received orders from the Crisis Staff or local municipal leaders.[2833] Based on his observations of men wearing red berets in Bosnia-Herzegovina and Slavonija during the "corridor period" in June or July 1992, the witness testified that some "Red Beret" units under the command of local authorities did not have any connection at all with the "real" Red Berets.[2834]

1481. According to a 19 December 1991 "Unit Commander's Report" signed by Živojin Ivanović (a.k.a. Crnogorac) as the Commander of the Special Purposes Unit, the unit's permanent quarters were in the Fruška Gora Hotel in Ležimir village.[2835] The report further stated that part of the unit and junior instructors were quartered at Ležimir, with the task of

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[2827] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 7-9; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19200-19201, 19311-19312.
[2828] P998 (Witness JF-031, witness statement, 1 June 2001), p. 9; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19200, 19311-19312.
[2829] P998 (Witness JF-031, witness statement, 1 June 2001), p. 9; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19312.
[2830] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 7-8.
[2831] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19201, 19212.
[2832] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19201; Witness JF-031, T. 7495.
[2833] P998 (Witness JF-031, witness statement, 1 June 2001), p. 8; .P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19201-19202, 19211-19212, 19312.
[2834] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19245; Witness JF-031, T. 7463, 7495-7496.
[2835] P2984 (Series of documents relating to Borjan Vučković), pp. 14, 16, 19 (Unit Commander's Report, Pajzoš, 19 December 1991); see also P2984 (Series of documents relating to Borjan Vučković), pp. 10-11 (Report by the Special Unit Commander, Pajzoš, 21 December 1991) for further evidence suggesting that Živojin Ivanović was in command of the camp at Ležimir.

admitting new volunteers into the unit.[2836] Ivanović referred to instructor Damir Vladić from Ležimir who was in charge of training gunners for hand-held rocket launchers.[2837]

1482. In his personal history dated 22 February 1992, Neven Laka wrote that he went to Serbia in September 1991, where he took an active part in training soldiers.[2838]

1483. Documentary evidence also establishes the presence of the following persons at the Ležimir camp between September 1991 to March 1992: Živojin Ivanović (a.k.a. Crnogorac), Davor Subotić (a.k.a Riki), Krajina SDB member Zoran Raić, Neven Laka, Ilija Vučković, Milenko Popović, Damir Vladić (a.k.a Glina), Nikola Pilipović, Radojica Božović, Nikola Pupovac, Nikola Simić, Radomir Rasković, Borjan Vučković, and Dragan Olujić.[2839]

1484. Documentary evidence also shows that the following persons were present at the Ležimir camp from at least early November 1991 to late February 1992: Nikola Lončar, Dragan Đordević (a.k.a. Crni), Jovan Kujundžić, Đurica Banjac, Borislav Kovačević, Budimir Zečević, Darko Torbica, Milan Dimić, Branko Pavlović, Milenko Milovanović, Aleksander Vuković, Dragiša Grujić, Predrag Spasojević, Željko Torbica, Perica Zbućinović, Nenad Bojandić, Mile Majstorović, and Dimitrije Lazić.[2840] A number of the documents written at

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[2836] P2984 (Series of documents relating to Borjan Vučković), p. 16 (Unit Commander's Report, Pajzoš, 19 December 1991).

[2837] P2984 (Series of documents relating to Borjan Vučković), p. 17 (Serbia Republic SUP Special Purpose Unit Commander's report, Pajzoš, 19 December 1991).

[2838] P3177 (Series of Serbian MUP documents relating to Neven Laka), p. 10 (personal history of Neven Laka, Ležimir, 22 February 1992).

[2839] D464 (Series of Serbian MUP DB documents relating to Živojin Ivanović), p. 6 (application for admission into active service, Živojin Ivanović, Ležimir, 6 March 1992); D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), p. 6. (biography signed by Davor Subotić), p. 9 (curriculum vitae of Davor Subotić, Ležimir, 23 February 1992), p. 10 (curriculum vitae of Davor Subotić, Ležimir, 14 February 1992), p. 8 (request for admission to active-duty force, Davor Subotić, Ležimir, 23 February 1992); P2746 (Background information for Zoran Raić, signed by Zoran Raić, October 1992); P2749 (RSK MUP check for Zoran Raić for the purpose of employment, 16 March 1994), p. 1; P3177 (Series of Serbian MUP documents relating to Neven Laka), p. 9 (request for admission to active-duty force, Neven Laka, Ležimir, 22 February 1992), p. 10 (personal history of Neven Laka, Ležimir, 22 February 1992); P3038 (Series of Serbian MUP documents relating to Ilija Vučković), p. 1 (report by the unit commander, Ilija Vučković, Ležimir, 18 February 1992), p. 14 (application for active duty, Ilija Vučković, Ležimir, 6 March 1992); P3179 (Series of Serbian MUP SDB documents relating to Milenko Popović), pp. 1-2 (curriculum vitae of Milenko Popović, Ležimir, 23 February 1992), p. 3 (request for admission to active-duty force, Milenko Popović, Ležimir, 23 February 1992), p. 11 (a handwritten biography by Milenko Popović); P3184 (Series of Serbian MUP SDB documents relating to Damir Vladić), p. 1 (request for admission to active service, Ležimir, 23 February 1992); P3195 (Series of Serbian MUP SDB documents relating to Nikola Pilipović), p. 3 (curriculum vitae of Nikola Pilipović, Ležimir, 13 January 1992), p. 2 (curriculum vitae of Nikola Pilipović, Ležimir, 14 February 1992); P2984 (Series of documents relating to Borjan Vučković), p. 3 (order for commission to escort remains of Borjan Vučković, Ležimir, 19 December 1991), p. 16 (Unit Commander's Report, Pajzoš, 19 December 1991); P3178 (Series of MUP documents relating to Dragan Olujić), p. 5 (hand-written biography, Dragan Olujić).

[2840] P2984 (Series of documents relating to Borjan Vučković), p. 11 (Serbia Republic SUP Special Purpose Unit Commander's report, Padjoš, 21 December 1991); P179 (Series of Serbian MUP SDB documents relating to Dragan Đorđević), p. 13 (Autobiography of Dragan Đorđević, Ležimir, 14 February 1992), p. 15 (Document, Dragan Đorđević, Ležimir, 14 February 1992), p. 16 (Autobiography of Dragan Đorđević, Ležimir, 23 February 1992); P3041 (Series of Serbian MUP SDB documents relating to Jovan Kujundžić), pp. 4-5 (Personal history,

Ležimir included requests to join the "active force(s)" and "active service" (and variations thereof) of the Special Purpose Unit of the Serbian MUP, as well as requests to join the "reserve special purposes units of the Republican MUP of Serbia".[2841] According to an untitled document reflecting his personal history, Ljubomir Obradović joined the Special Purpose Unit of the MUP of the Republic of Serbia as a reservist on 26 December 1991.[2842] Further documentary evidence indicates that on 28 February 1992, Jovica Stanišić, on behalf

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Jovan Kujundžić, Ležimir, 23 February 1992), p. 6 (Request for admission to active service, Jovan Kujundžić, Ležimir, 23 February 1992); D1623 (Series of Serbian MUP SDB documents relating to Đurica Banjac), p. 15 (Application for admission to the active force, Đurica Banjac, Ležimir, 23 February 1992), p. 16 (Curriculum vitae of Đurica Banjac, Ležimir, 23 February 1992); P3176 (Series of documents relating to Borislav Kovačević), p. 13 (Document relating to Borislav Kovačević, Ležimir, 13 February 1992); P3199 (Series of Serbian MUP SDB documents relating to Budimir Zečević), p. 5 (Application for admission to active-duty service, Budimir Zečević, Ležimir, 23 February 1992); P3198 (Series of Serbian MUP SDB documents relating to Darko Torbica), p. 2 (Serbian MUP Special Purposes Unit personal history, Ležimir, 21 February 1992), p. 6 (SDB Centre Smederevo Report on Check, 9 March 1992), p. 16 (Official Note of interview with Darko Torbica, Smederevska Palanka, by Mirko Maksimović, 5 November 1993); P3191 (Series of Serbian MUP documents relating to Milan Dimić), p. 8 (Personal history of Milan Dimić, Ležimir, 22 February 1992), p. 9 (Request for admission to active force, Milan Dimić, Ležimir, 22 February 1992), p. 10 (Document relating to Milan Dimić, Ležimir, 12 February 1992), p. 26 (personal history of Milan Dimić, Ležimir, 12 February 1992); P3142 (Series of documents relating to Branko Pavlović), p. 11 (Request for admission into the reserve forces, Branko Pavlović, Ležimir, 23 February 1992), p. 12 (Autobiography of Branko Pavlović, Ležimir, 23 February 1992), p. 17 (Personal history form of Branko Pavlović, Ležimir, 14 February 1992); P2769 (Personal history of Milenko Milovanović, Ležimir, 22 February 1992); P2777 (Personal history of Milenko Milovanović, Ležimir); P3185 (Series of Serbian MUP SDB documents relating to Aleksander Vuković), p. 3 (Document relating to Aleksander Vuković, Ležimir, 14 February 1992); P3174 (Series of Serbian MUP documents relating to Dragiša Grujić), p. 6 (Biography of Dragiša Grujić, Ležimir, 14 February 1992), p. 13 (Document relating to Dragiša Grujić, Ležimir, 14 February 1992); P3181 (Series of documents relating to Pedrag Spasojević), p. 8 (Autobiography of Pedrag Spasojević, Ležimir, 12 February 1992), p. 5 (Document relating to Pedrag Spasojević, Ležimir, 12 February 1992); P3183 (Series of Serbian MUP SDB documents relating to Željko Torbica), p. 8 (Application for admission into the active service, Željko Torbica, Ležimir, 22 February 1992), p. 10 (Curriculum vitae of Željko Torbica, Ležimir, 22 February 1992), p. 16 (Curriculum vitae of Željko Torbica, Ležimir, 12 February 1992), p. 18 (Document relating to Željko Torbica, Ležimir, 12 February 1992); P3186 (Series of Serbian MUP SDB documents relating to Perica Zbućinović), p. 20 (Request for admission in active force, Ležimir, 23 January 1992); P3171 (Series of Serbian MUP SDB documents relating to Nenad Bojandić), p. 5 (Autobiography of Nenad Bojandić, Ležimir, 23 February 1992); P3193 (Series of documents relating to Mile Majstorović), p. 2 (Application for entry into the reserve special purposes unit of the Republican MUP of Serbia, Ležimir, 22 February 1992), p. 3 (Autobiography of Mile Majstorović, Ležimir, 22 February 1992), p. 5 (Handwritten statement by Mile Majstorović, Ležimir, 7 March 1992); P2784 (Series of documents relating to Dimitrije Lazić), p. 1 (Personal file of the member of the special purposes unit, Dimitrije Lazić).

[2841] P3041 (Series of Serbian MUP SDB documents relating to Jovan Kujundžić), p. 6 (Request for admission to active service, Jovan Kujundžić, Ležimir, 23 February 1992); D1623 (Series of Serbian MUP SDB documents relating to Đurica Banjac), p. 15 (Application for admission to the active force, Đurica Banjac, Ležimir, 23 February 1992); P3176 (Series of documents relating to Borislav Kovačević), p. 13 (Document relating to Borislav Kovačević, Ležimir, 13 February 1992); P3199 (Series of Serbian MUP SDB documents relating to Budimir Zečević), p. 5 (Application for admission to active-duty service, Budimir Zečević, Ležimir, 23 February 1992); P3191 (Series of Serbian MUP documents relating to Milan Dimić), p. 9 (Request for admission to active force, Milan Dimić, Ležimir, 22 February 1992); P3142 (Series of documents relating to Branko Pavlović), p. 11 (Request for admission into the reserve forces, Branko Pavlović, Ležimir, 23 February 1992); P3183 (Series of Serbian MUP SDB documents relating to Željko Torbica), p. 8 (Application for admission into the active service, Željko Torbica, Ležimir, 22 February 1992); P3186 (Series of Serbian MUP SDB documents relating to Perica Zbućinović), p. 20 (Request for admission in active force, Ležimir, 23 January 1992); (Series of documents relating to Mile Majstorović), p. 2 (Application for entry into the reserve special purposes unit of the Republican MUP of Serbia, Ležimir, 22 February 1992).

[2842] P3040 (Series of documents relating to Ljubomir Obradović), p. 1.

of the "Special Unit of the Serbian MUP", signed several requests for operative checks for persons who applied to join the active force of the special unit, including Davor Subotić, Radojica Božović, Budimir Zečević, Dragan Đorđevic (a.k.a. Crni), and Aleksander Vuković.[2843]

1485. According to an unsigned and undated intelligence report,[2844] the RDB and Serbian MUP would, on 4 May 1996 during the laying of a wreath at the monument to Radoslav Kostić at Kula, present various awards and decorations, including to Dimitrije Lazić, Nikola Lončar, Dragiša Gurjić, Milenko Milovanović, Darko Torbica, and Budimir Zečević.[2845]

1486. At the 1997 Kula ceremony, Colonel Žika Ivanović introduced the unit's veteran officers to Milošević, including: Captain Dragiša Grujić, Captain Nikola Lončar, and Captain Đurica Banjac.[2846] At the end of this ceremony, Jovica Stanišić presented awards of valour to Dragiša Grujić and Đurica Banjac, and awarded a watch to Dimitrije Lazić.[2847]

1487. **Witness JF-047**, a Serb who was a member of various paramilitary units including the unit referred to him as the Red Berets,[2848] testified that sometime in mid-March 1992, Debeli informed his group that they were going to Ležimir near Sremska Mitrovica in Vojvodina for a fitness training of three to four days, by six instructors of the Serbian police, in order to prepare them for operational duties in Bosnia-Herzegovina.[2849] The Trial Chamber has reviewed further relevant evidence on this group in relation to the Pajzoš camp.

1488. The Trial Chamber will first address the establishment of a camp at Ležimir. The Trial Chamber considers that Witness JF-031's evidence in respect of the establishment of the Unit's Ležimir camp at Fruška Gora, and the Accused's involvement therein, is corroborated by Simatović's 1997 Kula speech and Captain Dragan's statements in the documentary

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[2843] D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), p. 7 (request for operative checks, Davor Subotić, signed by Jovica Stanišić, 28 February 1992); P473 (request for operative check, Radojica Božović, signed by Jovica Stanišić, 28 February 1992), pp. 1-2; P3199 (Series of Serbian MUP SDB documents relating to Budimir Zečević), pp. 13-14 (request for operative check, Budimir Zečević, signed by Jovica Stanišić, 28 February 1992); P179 (Series of Serbian MUP SDB documents relating to Dragan Đorđević), p. 1 (request for operative check, Dragan Đorđević, signed by Jovica Stanišić, 28 February 1992); P3185 (Series of Serbian MUP SDB documents relating to Aleksander Vuković), p. 7 (request for operative checks, Aleksander Vuković, signed by Jovica Stanišić, 28 February 1992).
[2844] In evidence as P1075. Military expert witness Reynaud Theunens concluded that, based on its content and origins, exhibit P1075 had been drafted by a VJ Security Organ after May 1996. See Reynaud Theunens, T. 8081-8083, 8233-8237; P1575 (Reynaud Theunens expert report, 30 June 2007), p. 124.
[2845] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), pp. 5, 8-9, 11-12.
[2846] P61 (Video of award ceremony at Kula with transcript), pp. 1-3, 7-8.
[2847] P61 (Video of award ceremony at Kula with transcript), pp. 26-27.
[2848] P1516 (Witness JF-047, witness statement, 22 April 2004), p. 1, paras 9, 25, 48.
[2849] P1516 (Witness JF-047, witness statement, 22 April 2004), para. 29; Witness JF-047, T. 7621, 7669.

entitled "The Unit"[2850], as well as by a large number of documents establishing the presence of Unit members at the camp. Based on the foregoing, the Trial Chamber finds that in September 1991, Unit members travelled from the Korenica camp to the DB building in Belgrade, where Franko Simatović told them that they would function as trainers in camps and that they were to establish a camp at Fruška Gora. Jovica Stanišić briefly stopped by during this meeting. Following the meeting, between 15 and 30 members of the Unit established the Ležimir camp at Mt. Fruška Gora, near Novi Sad on the Serbian side of the border between Serbia and Croatia. Živojin Ivanović (a.k.a. Žika, Crnogorac) commanded the Unit at this camp. Between September 1991 and March 1992, the following Unit members[2851] were present at the Ležimir camp at Fruška Gora: Dragan Filipović (Major Fićo), Dušan (Dule) Orlović, Zoran Raić, Witness JF-031, Saša Medaković, Milan Andić, Radojica Božović, Davor Subotić (Riki), Borjan Vučković (Boki), Ilija Vučković (Rambo), Dragan Olujić, Nikola Simić (Cigo), Nikola Pupavac, Nikola Pilipović, Radomir Rasković, Neven Laka, Milenko Popović, and Damir Vladić (Glina). At Ležimir, Unit members wore red berets and, from at least mid-1992, wore Grey Wolf patches featuring a brown wolf on a black background with a Serbian flag.

1489. Stanišić and Simatović visited the camp on at least two occasions, including in September and October 1991, and told the Unit members they would act as instructors or trainers and would conduct anti-terrorist operations (as opposed to military operations). Simatović told Unit members that they should accept orders from nobody but himself or Stanišić, and Stanišić told them that the Unit would not be moved to the army, but would be staying with him. In view of these statements and recalling its prior findings that the Accused had directed and organized the formation of the Unit,[2852] as well as other evidence reviewed above,[2853] the Trial Chamber finds that, from at least September 1991, the Accused were in command of the Unit and controlled its deployment and training activities through leading Unit members, such as Ivanović, who acted on behalf of the Accused and were immediately subordinate to them.

[2850] In evidence as exhibits P61 and P2976 respectively.
[2851] The Trial Chamber recalls its findings in chapter 6.3.2 in relation to the Golubić camp, in which it established that these persons were members of the Unit.
[2852] See chapter 6.3.2.
[2853] The evidence of Witness JF-031, as well as the requests for operative checks signed by Stanišić (in evidence as parts of exhibits D457, P473, P3199, P179, and P3185).

1490. The Trial Chamber will now address the Unit's operations undertaken from Ležimir. The Trial Chamber finds, in light of the evidence before it,[2854] that in or around September 1991, members of the Unit from Ležimir undertook reconnaissance operations in the SBWS in the area of Bapska, Ilok, and Šarengrad, after which they reported to Simatović. The Unit members also participated in one operation in the same area in or around September 1991, which Witness JF-031 considered an "active" operation, and during which they came under fire from Croatian forces. Simatović briefed the Unit members on cooperation with the JNA prior to this operation. In light of the above, the Trial Chamber is therefore satisfied that Simatović directed and the Accused organized the involvement of the Unit in the aforementioned SWBS operations. The Trial Chamber has further reviewed Witness JF-033's evidence regarding the presence of a unit he was told were "Frenki's men" near Vukovar in late 1991 or early 1992. On the basis of the evidence before it, the Trial Chamber is unable to establish that Unit members took part in the take-over of Vukovar town in November 1991.[2855]

1491. The Trial Chamber will now address the training of Unit members at the Ležimir camp. Based on the evidence before it,[2856] the Trial Chamber finds that at Fruška Gora, Unit members trained new recruits, including persons sent from Belgrade by the DB. Upon completion of their training, the recruits became members of the Unit. Based in part on the documentary evidence before it,[2857] the Trial Chamber finds that the following persons joined the Unit at Fruška Gora: Dragan Đordević (Crni), Nikola Lončar, Đurica Banjac, Jovan Kujundžić, Borislav Kovačević, Budimir Zečević, Darko Torbica, Milan Dimić, Branko Pavlović, Milenko Milovanović, Aleksander Vuković, Dragiša Grujić, Predrag Spasojević, Željko Torbica, Perica Zbućinović, Nenad Bojandić, Mile Majstorović, Dimitrije Lazić, Ljubomir Obradović and Goran Starčević.

1492. The Trial Chamber now turns to supplying, financing, logistical support, and other substantial assistance. Based on the evidence of Witness JF-031, the Trial Chamber finds that at Ležimir, between September 1991 and early 1992, Stanišić and Simatović gave Unit members Canadian bullet-proof jackets and pistols. Witness JF-031 also testified that the unit

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[2854] In particular the evidence of Witness JF-031 and Witness JF-033, as well as exhibits D457, P179, P3177-3179, P3009.
[2855] For the Trial Chamber's findings on the take-over of Vukovar town, see chapter 3.2.6.
[2856] Specifically, the testimony of Witness JF-031, Simatović's 1997 Kula ceremony speech in evidence as part of exhibit P61 and Živojin Ivanović's 19 December 1991 Unit Commander's Report in evidence as part of exhibit P2984.
[2857] Including exhibits D1623, P179, P2769, P2984, P3041, P3142, P3171, P3174, P3176, P3181, P3183, P3185, P3191, P3198-3199.

was accompanied by two trucks (bearing police registration plates) full of equipment when it travelled to Ležimir from the DB headquarters in Belgrade, and that Serbian DB drivers delivered weapons and equipment to the Ležimir camp. Documentary evidence reviewed above,[2858] corroborates the evidence of Witness JF-031 in respect of the Unit being equipped at Ležimir. Witness JF-031 also testified that at Ležimir, DB drivers brought Unit members irregular payments of newly printed Dinars and that he was twice paid between 2,000 and 4,000 DEM. Further considering its findings above on the Unit's connection to the Accused, the Trial Chamber finds that the Accused supplied, financed, and supported the Unit's involvement in the aforementioned SBWS operations and directed and organized the financing, training, logistical support, and other substantial assistance for the Unit at the Ležimir camp between September 1991 and early 1992

1493. The Trial Chamber finally will now consider the training of other forces by Unit members at Ležimir. On the basis of the testimonies of Witness JF-031 and Witness JF-047,[2859] as well as exhibits P2984 and P3177, the Trial Chamber finds that from May 1992, at Ležimir, Unit members trained a number of persons, including members of Witness JF-047's SBWS MUP group (which was subordinate to Debeli). While some of the persons who left the camp wore red berets and were referred to as "Red Berets", when they returned to their areas of origin, Witness JF-031's evidence indicates that they were not members of the Unit. In view of the totality of the evidence before it, the Trial Chamber understands that different groups were at different times referred to as the "Red Berets" and that many persons who were trained by the Unit did not become Unit members, but returned to, or became members of, other armed forces. In view of the above, the Trial Chamber concludes that the Accused organized the training of members of Witness JF-047's SBWS MUP group at Ležimir. The Trial Chamber has considered the Stanišić Defence's submissions that in August or September 1991, Stanišić intended only to create an anti-terrorist unit that would operate within the Republic of Serbia.[2860] However, in view of the evidence on the Unit's SBWS operations and the training of other groups at Ležimir, the Trial Chamber does not consider this interpretation of the evidence to be reasonable.

[2858] In particular Živojin Ivanović's Unit Commander's Report (in evidence as exhibit P2984) and exhibits D457, D1623, P2745, P2771, P3038, P3142, and P3153.
[2859] With regard to the reliability of Witness JF-047's testimony, the Trial Chamber recalls its discussion in chapter 3.4.1.
[2860] See Stanišić Defence Final Trial Brief, 17 December 2012, paras 497-504.

1494. The Stanišić Defence further submits that the plans for this anti-terrorist unit were shelved in early March 1992.[2861] However, the Stanišić Defence has not cited to clear evidentiary support for this submission. The Trial Chamber has reviewed evidence that the Unit continued to exist and operate outside the Republic of Serbia in the period immediately after early March 1992, which it will review in relation to the Brčko and Doboj camps below.

Tikveš camp, August 1991 to mid-1992

1495. The Trial Chamber now turns to the Tikveš camp. The Trial Chamber will consider whether the Accused directed the involvement of the Unit in particular operations in and around Tikveš.[2862] The Trial Chamber will further consider whether the Accused organized, supplied, financed, and supported the Unit's involvement in those particular operations.[2863] The Trial Chamber will also review whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit at Tikveš.[2864] Finally, the Trial Chamber will consider whether the Accused directed and organized the training of other groups at Tikveš.

1496. In its Final Trial Brief, the Prosecution submits that around early August 1991, the Red Berets, including Captain Dragan, set up a training camp in Tikveš in one of Tito's Castles in the SAO SBWS, run by Vasilje Mijović (Vaso) who coordinated with Serbian MUP DB member Kostić.[2865] The Tikveš camp issued supplies to the Ilok camp.[2866]

1497. The Trial Chamber has received evidence from Witness JF-036, Witness C-015, and Witness JF-031 as well as through several documents regarding a camp at Tikveš. **Witness JF-036**, a Serb and DB official in the SAO SBWS,[2867] testified that at the end of July or beginning of August 1991, Captain Dragan took over Tito's Castle in Tikveš and established a training camp for his unit there.[2868] In mid-October 1991, the Serbian TO from Vojvodina set up its headquarters at Tito's Castle and remained there for approximately two months.[2869]

1498. In January or February 1992, the witness realised that members of a special unit were operating in Baranja. The witness learned that this unit was stationed at Tito's castle after they

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[2861] See Stanišić Defence Final Trial Brief, 17 December 2012, paras 497, 505-508.
[2862] Indictment, para. 7.
[2863] Indictment, para. 7.
[2864] Indictment, paras 3, 5, 15(c).
[2865] Prosecution Final Trial Brief, 14 December 2012, para. 218.
[2866] Prosecution Final Trial Brief, 14 December 2012, para. 218.
[2867] P342 (Witness JF-036, witness statement, 2 May 2001), pp. 1-2.
[2868] P342 (Witness JF-036, witness statement, 2 May 2001), p. 13; Witness JF-036, T. 4190; P343 (Map of Eastern Croatia, including Tikveš, marked by Witness JF-036).
[2869] P342 (Witness JF-036, witness statement, 2 May 2001), p. 13.

disarmed a former colleague of his.[2870] Through talks and subsequent work, the witness learned that the unit was called the JATD and reported to the Serbian DB.[2871] Radoslav Kostić introduced some of the members of the unit (who were billeted at the Beli Manastir SUP building) to the witness's colleague, after which the witness believed the unit members to be representatives of the Serbian DB.[2872] The witness had some unofficial contact with the unit members, but did not know any of their names, or that of the unit's commander. They wore green camouflage uniforms with a different pattern than that used by the JNA, were armed with automatic rifles, and wore red berets, after which the unit was named.[2873] They remained in the area until the summer of 1992.[2874] According to the witness, in late 1991 or early 1992, the Red Berets introduced a degree of law and order to the area, as they fought against criminals in Beli Manastir.[2875]

1499. **Witness C-015**, a Serb from Croatia,[2876] testified that there were two Red Berets camps in the area of Erdut, one in Tikveš and one in Pajzoš, and that these camps were organized by the Serbian DB. Witness C-015 learned about this from Boško Vukomanović who, at the beginning of the war was invited together with Radenko Panić for training in Serbia. Vukomanović was in close contact with Red Berets member Živojin Ivanović, a.k.a. Crnogorac.[2877]

1500. The Trial Chamber has received documentary evidence indicating that a Unit member[2878] was present in Tikveš. In an undated autobiography, Davor Subotić wrote that, after training at the Ležimir camp in Fruška Gora, he went to fight in the SBWS including in Tikveš.[2879]

1501. The Trial Chamber has also received documentary evidence indicating a link between units present in Tikveš and Ilok in mid-1992. A document of the Krajina MUP Special Purposes unit in Tikveš dated 3 June 1992, confirmed that a 3000 litre tanker of petrol was issued from Tikveš for the needs of the unit in Ilok.[2880] The Trial Chamber has reviewed the

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[2870] P342 (Witness JF-036, witness statement, 2 May 2001), p. 13; Witness JF-036, T. 4278.
[2871] P342 (Witness JF-036, witness statement, 2 May 2001), p. 13.
[2872] Witness JF-036, T. 4189, 4279.
[2873] P342 (Witness JF-036, witness statement, 2 May 2001), p. 13; Witness JF-036, T. 4189.
[2874] P342 (Witness JF-036, witness statement, 2 May 2001), p. 13.
[2875] Witness JF-036, T. 4280, 4307.
[2876] P2 (Witness C-015, witness statement, 13 May 1999), p. 2; P3 (Witness C-015, supplementary witness statement, 24 January 2001), p 1.
[2877] P3 (Witness C-015, supplementary witness statement, 24 January 2001), p. 4.
[2878] For findings on Davor Subotić's membership in the Unit, see chapter 6.3.2.
[2879] D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), p. 5 (Autobiography by Davor Subotić, undated).
[2880] D33 (MUP Krajina, Tikveš Special Purpose Unit, Confirmation, 3 June 1992).

minutes of two meetings of the FRY Supreme Defence Council in relation to the Brčko camp, which indicate that in mid-1992, Živojin Ivanović signed documents permitting twenty persons in uniform to travel from Tikveš and Ilok.

1502. The Trial Chamber now turns to the evidence it has received regarding the status of Radoslav Kostić, who according to Witness JF-036 introduced some of the members of a special unit, billeted at the Beli Manastir SUP building, to the witness's colleague, as reviewed above. **Witness JF-036** testified that the DB from Belgrade had appointed Radoslav Kostić to the region of SAO SBWS and that he reported directly to Belgrade.[2881] The officers of the DB Osijek were subordinate to Kostić. He also co-ordinated the chain of command between the DB Beli Manastir and the DB in Sombor.[2882] The witness saw Kostić on several occasions in Baranja in 1991 when he came to see an individual who worked in the same office as the witness.[2883] According to the witness, Kostić occupied an intelligence gathering role within the DB.[2884]

1503. **Witness JF-031**, a Serb from Knin municipality,[2885] testified that sometime during 1991 he met Radoslav Kostić in Fruška Gora. Kostić had previously been a police chief in Darda, and the witness believed him to be a Colonel in the DB. When Kostić introduced himself to the witness, he was with Simatović and Stanišić, and was wearing the same camouflage uniform as the members of the unit.[2886]

1504. According to an unsigned and undated intelligence report,[2887] the DB and Serbian MUP would, on 4 May 1996 during the laying of a wreath at the monument to Radoslav Kostić at Kula, present various awards and decorations, including to Radoslav Kostić.[2888]

1505. At the start of the 1997 Kula ceremony, Stanišić laid a wreath on a grave with the inscription: Radoslav Kostić, 1948-1994.[2889] During the Kula ceremony, Simatović stated that

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[2881] P342 (Witness JF-036, witness statement, 2 May 2001), p. 7.
[2882] P342 (Witness JF-036, witness statement, 2 May 2001), p. 7.
[2883] Witness JF-036, T. 4192.
[2884] P342 (Witness JF-036, witness statement, 2 May 2001), p. 7; Witness JF-032, T. 4271-4275, 4192-4193.
[2885] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2886] P998 (Witness JF-031, witness statement, 1 June 2001), p. 12.
[2887] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), which military expert witness Reynaud Theunens concluded, based on its content and origins, had been drafted by a VJ Security Organs Report after May 1996. See Reynaud Theunens, T. 8081-8083, 8233-8237; P1575 (Reynaud Theunens expert report, 30 June 2007), p. 124.
[2888] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), pp. 5, 8-11.
[2889] P61 (Video of award ceremony at Kula with transcript), p. 3.

the Kula centre bore the name of Radoslav Kostić, a distinguished deceased member of the unit.[2890]

1506. The Trial Chamber will first consider whether Captain Dragan was present in Tikveš. The Trial Chamber considers that Witness JF-036 did not provide a source for his evidence that Captain Dragan was present at Tikveš in late July or early August 1991. The Trial Chamber recalls the evidence reviewed in chapter 6.3.2 that Captain Dragan was present in the SAO Krajina (at the Golubić and Knin fortress camps) until August 1991. The Prosecution has not cited further evidence establishing Captain Dragan's presence in Tikveš in 1991. Under these circumstances, the Trial Chamber is unable to determine whether Captain Dragan was present in Tikveš in late July or early August 1991.

1507. The Trial Chamber now turns to the presence of a special unit in Tikveš. The evidence indicates that a special unit referred to as the "Red Berets" was based at Tito's castle in Tikveš between January or February 1992 and mid-1992. This unit also used the names "the Krajina MUP Special Purposes Unit" and the JATD and appears to have cooperated (to some extent) with Unit member Živojin Ivanović (Žika, Crnogorac)[2891], Serbian DB operative Radoslav Kostić, and a unit in Ilok in mid-1992. The Trial Chamber recalls its findings that the Unit was also referred to as the Red Berets and the "Special Purposes Unit of the RSK MUP", had a camp at Ilok in 1992, and was formalized as the JATD in 1993.[2892] Cumulatively, this evidence indicates that the special unit present at the base at Tito's Castle in Tikveš from early to mid-1992 was closely linked to the Unit and the Serbian DB. However, the evidence does not clearly establish that any operations were undertaken from the base at Tito's Castle in Tikveš, nor that any training took place there. In the latter respect, the Trial Chamber considers that Tikveš was not mentioned by Simatović among the training camps of the Unit which he listed at the Kula ceremony in 1997.[2893] The evidence indicates only that Unit member Davor Subotić[2894] fought in Tikveš at some point following his time at Fruška Gora.[2895] Further, the evidence does not establish whether financing, training, logistical support, or other substantial assistance or support was provided in relation to the Tikveš base. Under these circumstances, the Trial Chamber will not further consider the Tikveš base.

[2890] P61 (Video of award ceremony at Kula with transcript), p. 12.
[2891] For the Trial Chamber's findings on Živojin Ivanović's membership in the Unit, see chapter 6.3.2.
[2892] See the findings in chapters 6.3.2 and 6.3.3 in relation to the Pajzoš camp.
[2893] See exhibit P61.
[2894] See chapter 6.3.2.
[2895] See chapter 6.3.3 in relation to the Ležimir camp.

Pajzoš camp at Ilok and Bosanski Šamac operations, late 1991-May 1992

1508. The Trial Chamber now turns to the Pajzoš camp near Ilok and the Bosanski Šamac operations. The Trial Chamber will consider whether the Accused directed the involvement of the Unit in particular operations in Bosanski Šamac.[2896] The Trial Chamber will further consider whether the Accused organized, supplied, financed, and supported the Unit's involvement in those particular operations.[2897] The Trial Chamber will also review whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit at Pajzoš.[2898] Finally, the Trial Chamber will consider whether the Accused directed and organized the training of other groups at Pajzoš.

1509. In its Final Trial Brief, the Prosecution submits that in late 1991, the Red Berets established a camp at Pajzoš, near Ilok, commanded by Božović, Baklaić, and Kujundžić. Other Serbian DB members were also based there, where they trained Serbs from Bosnia-Herzegovina, Croatia, and Serbia.[2899] Simatović visited the Pajzoš camp on various occasions and Stanišić made appearances in the area as well.[2900] Following the training at Pajzoš in March 1992, Simatović ordered members of the Red Berets to participate in the take-over of Bosanski Šamac.[2901] The Serbian MUP paid the salaries of the Bosanski Šamac Red Berets.[2902]

1510. The Trial Chamber has received evidence from Witness JF-047, Witness JF-031, Dušan Knežević, Stevan Todorović, and Borislav Bogunović, as well as documentary material.

1511. The Trial Chamber will first review the Adjudicated Facts and evidence in relation to training men at the Pajzoš camp prior to the take-over of Bosanski Šamac.

1512. According to the Adjudicated Facts, in or around mid-March 1992 a group of local Serb men from Bosanski Šamac were sent for training at a camp near Ilok, in Western Slavonia geographically in Croatia, but under the control of Serbia, close to the border with Serbia.[2903] The municipal section of the MoD (Secretariat for National Defence), represented by Miloš Bogdanović, together with Stevan Todorović, as a member of the command of the

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[2896] Indictment, para. 7.
[2897] Indictment, para. 7.
[2898] Indictment, paras 3, 5, 15(c).
[2899] Prosecution Final Trial Brief, 14 December 2012, paras 227-237.
[2900] Prosecution Final Trial Brief, 14 December 2012, para. 229.
[2901] Prosecution Final Trial Brief, 14 December 2012, paras 239-240; T. 20199, 20209-20211.
[2902] Prosecution Final Trial Brief, 14 December 2012, paras 239-240.
[2903] Adjudicated Facts I, fact 294.

1st Detachment, pursuant to an order of the 1st Battalion of the JNA's 17th Tactical Group, participated in sending young men for military training to Ilok in mid-March 1992.[2904] The trainees at Ilok were instructed by highly skilled men in camouflage uniforms, members of special units, whom they knew only by their nicknames.[2905]

1513. **Borislav Bogunović** a Serb from Vukovar,[2906] moved from Šid to Ilok at the end of November 1991.[2907] He testified that the Red Berets arrived in Ilok at the beginning of December.[2908] They were stationed both in a building in Ilok known as the white house and in a vinery called Padjiš on a hill above the town.[2909] The witness was not aware of the reason for their presence, though he heard from members of the group that their commander was Franko Simatović and that it was he who generally issued them with orders.[2910] However, the witness did not have any independent verification of this assertion.[2911] The witness never saw Simatović in Ilok or anywhere else in the SAO SBWS.[2912] Even though he was never formally introduced to the group, he testified that whenever he asked Red Berets from Ilok who was their commander at Ilok, they said it was Frenki.[2913] The Red Berets in Ilok did not co-operate with the police or the Government: for example, they operated check-points and conducted searches on their own initiative, and built a petrol station on the vinery property without obtaining the proper permits.[2914] On a number of occasions there was conflict between the police force in Ilok and the Red Berets, and assistance was requested from the army.[2915] The witness also received complaints that the Red Berets entered the houses of local civilians (Serbs, Slovaks or Croats) armed with weapons, took vehicles for their own use and never returned them to their rightful owners.[2916] However, the witness was not aware of any complaints relating to physical abuse, and testified that the Red Berets did not to his

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[2904] Adjudicated Facts I, fact 295.
[2905] Adjudicated Facts I, fact 296.
[2906] P553 (Borislav Bogunović, witness statement, 6 June 2003), p. 1.
[2907] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 21.
[2908] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 24; Borislav Bogunović, T. 5998; P569 (Certificate relating to injuries of member of the Unit for Special Purposes of the Serbian MUP in Ilok, 18-19 December 1991).
[2909] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 24; Borislav Bogunović, T.6074
[2910] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 24; P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 7; Borislav Bogunović, T. 6001.
[2911] Borislav Bogunović, T. 6077-6078.
[2912] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 7; Borislav Bogunović, T. 6077.
[2913] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 7; Borislav Bogunović,T.6001, 6089.
[2914] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 9, 24, 29; Borislav Bogunović, T. 6001.
[2915] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 9; P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 8; Borislav Bogunović, T. 5998.
[2916] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 8; Borislav Bogunović, T. 5999-6000.

knowledge engage in any combat operations during their time in Ilok.[2917] Later, in 1992, the Red Berets began to co-operate with the police and were given the task of controlling vehicles and passengers in Srem and Baranja.[2918]

1514. **Dušan Knežević**, the Serb police commander in Ilok between November 1991 and June 1992,[2919] testified that he first heard of the Red Berets in November 1991, when some members informed him about their presence in Ilok.[2920] He had informal contact with them, as he was in charge of controlling the area.[2921] The witness went to Pajzoš several times and met with Radojica Božović, Ivanović, Prica, and a person called Vučković, all of them members of the Serbian DB.[2922] They were wearing camouflage military uniforms and all wore red berets.[2923] Božović seemed to be the leader of the group.[2924] Božović told the witness that he was from the DB.[2925] At a briefing of the town command, a colonel confirmed that there was a unit in the area and told the witness to leave them alone to do their work.[2926] The witness was told by the group that they were guarding a communications centre.[2927] He inquired with Badža about who these men were and was told that they were in Pajzoš to maintain surveillance.[2928]

1515. **Witness JF-047**, a Serb who was a member of various paramilitary units including the unit referred to him as the Red Berets,[2929] testified that in January 1992 he joined the SBWS TO in Koprivna as an SRS volunteer.[2930] At the end of January or early February 1992, Debeli and his group arrived in Koprivna.[2931] According to the witness, the SBWS MUP comprised *inter alia* of the group of about 30 men commanded by Debeli.[2932] They wore blue

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[2917] Borislav Bogunović, T. 6074, 6076.
[2918] Borislav Bogunović, T. 6080-6081, 6088; D77 (Report of the Special Purposes Unit of the RSK MUP, 18 June 1992).
[2919] D371 (Dušan Knežević, witness statement, 17 August 2011), p. 1, paras 1, 28, 32; Dušan Knežević, T. 13378, 13504; D377 (Report by Dušan Knežević about the situation in Pakrac valley and the request for ammunition for the local population addressed to the assistant chief of the SJB Bucalo, 23 April 1991), p. 1.
[2920] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 62; Dušan Knežević, T.13455.
[2921] D371 (Dušan Knežević, witness statement, 17 August 2011), paras 56, 58, 62.
[2922] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 56; Dušan Knežević, T.13453-13456, 13536-13538; D372 (Chart of exhibits and potential exhibits marked by Dušan Knežević), p. 2; D386 (Map of the Srem region annotated by Dušan Knežević).
[2923] Dušan Knežević, T. 13524-13525.
[2924] D371 (Dušan Knežević, witness statement, 17 August 2011), paras 56-57; Dušan Knežević, T. 13454-13455.
[2925] Dušan Knežević, T. 13456.
[2926] Dušan Knežević, T.13455.
[2927] Dušan Knežević, T. 13406-13407.
[2928] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 58.
[2929] P1516 (Witness JF-047, witness statement, 22 April 2004), p. 1, paras 9, 25, 48.
[2930] P1516 (Witness JF-047, witness statement, 22 April 2004) paras 24-25; Witness JF-047, T. 7668-7669.
[2931] P1516 (Witness JF-047, witness statement, 22 April 2004) para. 25; Witness JF-047, T. 7668-7669.
[2932] Witness JF-047, T. 7619.

camouflage uniforms with blue berets.[2933] On the left sleeve was one round patch with the Serbian flag and one patch with the word "Milicija". On the right sleeve there was another patch with the word "Milicija".[2934] The overall commander of the SBWS police was Radivoje Stojičić, a.k.a. Badža.[2935] The witness accepted an offer by Debeli to join the group.[2936] From that moment on the witness stopped referring to himself as an SRS volunteer.[2937] For about two to three weeks the group carried out normal police patrol duties in Koprivna, including night controls inspecting trenches.[2938] The witness was a police officer in Koprivna from early February until mid-March 1992.[2939]

1516. Following the group's training at Ležimir (see the Ležimir camp), towards the end of March 1992 the group was brought to Pajzoš, near Ilok, where its members were issued standard automatic rifles and their blue police uniforms were replaced by new camouflage uniforms with patches on the left sleeve showing a grey or brown wolf and four Ss in Cyrillic script.[2940] The brown wolf insignia on the uniform was normally worn by instructors and more experienced members, the grey wolf was worn by the newcomers.[2941] According to the witness, when Simatović visited the camp he wore the same insignia and the same sort of patch showing a wolf, except his wolf was grey and the wolf on the witness's uniform was brown.[2942]

1517. Due to a shortage in uniforms the colours of the wolf, grey or brown, differed, but there were more brown than grey wolf patches.[2943] Because red berets were not in stock, the group received camouflage hats.[2944] They were trained by some of the instructors from Ležimir and some new instructors they also believed to be of the Serbian police, all wearing camouflage uniforms with patches of a brown wolf and wearing red berets.[2945] They were told by Debeli that from then on they were members of a Serbian MUP brigade for special purposes.[2946] All the vehicles had licence plates of the Serbian MUP.[2947] During the operation

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[2933] P1516 (Witness JF-047, witness statement, 22 April 2004) para. 27; Witness JF-047, T. 7669.
[2934] P1516 (Witness JF-047, witness statement, 22 April 2004) para. 27.
[2935] Witness JF-047, T. 7619-7620.
[2936] P1516 (Witness JF-047, witness statement, 22 April 2004) para. 25.
[2937] P1516 (Witness JF-047, witness statement, 22 April 2004) para. 27.
[2938] P1516 (Witness JF-047, witness statement, 22 April 2004) para. 28.
[2939] P1516 (Witness JF-047, witness statement, 22 April 2004) para. 27; Witness JF-047, T. 7668-7670.
[2940] P1516 (Witness JF-047, witness statement, 22 April 2004), para. 30; Witness JF-047, T. 7679.
[2941] P1516 (Witness JF-047, witness statement, 22 April 2004), para. 30; Witness JF-047, T. 7804.
[2942] Witness JF-047, T. 7625.
[2943] Witness JF-047, T. 7679, 7802-7803.
[2944] P1516 (Witness JF-047, witness statement, 22 April 2004), para. 31; Witness JF-047, T. 7625.
[2945] P1516 (Witness JF-047, witness statement, 22 April 2004), para. 30; Witness JF-047, T. 7622-7623.
[2946] Witness JF-047, T. 7621-7622, 7671.
[2947] Witness JF-047, T. 7622.

in Bosanski Šamac the witness considered his group to be the Red Berets, a Serbian MUP special-purpose brigade that was mostly engaged in military action, but was a police unit in terms of establishment. As a member of the special purpose unit of the MUP Serbia, the witness was also subordinated to Dragan Đorđevic, a.k.a. Crni or Crnog, and Živorad Ivanović, a.k.a. Zika Crnogorac.[2948]

1518. The witness testified that in late March or early April 1992, after a two week training in Pajzoš with the Red Berets, Franko Simatović came to the training ground to tell them that they were to be deployed to Bosanski Šamac.[2949] He told the Red Berets that their objective was to secure Bosanski Šamac and the surrounding Serbian villages, which would be a difficult task and that the chances to return alive were slim if they failed to succeed.[2950] Witness JF-047 understood Simatović's instructions to mean that they were supposed to go to Bosanski Šamac to help the endangered Serb people by defending their villages without attacking anyone.[2951] Debeli, Crni, the entire unit of the witness, and a couple of men from Bosanski Šamac were present at the briefing, amounting to about 40-50 people.[2952] The witness believed that Stevan Todorović was also present during the briefing.[2953] The witness had seen Franko Simatović at least twice before the briefing at Pajzoš.[2954] On all these occasions, Franko Simatović wore a camouflage uniform and a red beret.[2955]

1519. In a biography for the Special Purpose Unit of the RSK MUP Krajina, Witness JF-047 wrote that, as a squad commander in the Special Purpose Unit of the SBWS Police, he was transferred to the Ležimir training centre at the end of March 1992 for preparation before leaving to Bosnia. After leaving for Bosnia, the witness served as a squad commander in the Special Purpose Unit member of MUP Krajina in the Bosanski Šamac combat group.[2956]

1520. According to an application to the Captain Dragan Fund, Miloš Savić stated that he joined the Special unit of the Serbian MUP in March and trained at Pajzoš. On 25 May 1992, he was wounded in Bosanski Šamac.[2957] This was confirmed in writing by Srećko Radovanović.[2958]

[2948] Witness JF-047, T. 10891-10892.
[2949] P1516 (Witness JF-047, witness statement, 22 April 2004), para. 32.
[2950] P1516 (Witness JF-047, witness statement, 21-22 April 2004), para. 32; Witness JF-047, T. 7626.
[2951] Witness JF-047, T. 7681.
[2952] P1516 (Witness JF-047, witness statement, 22 April 2004), paras 32-34; Witness JF-047, T. 7624.
[2953] P1516 (Witness JF-047, witness statement, 22 April 2004), para. 33; Witness JF-047, T. 7624.
[2954] Witness JF-047, T. 7623, 7684.
[2955] Witness JF-047, T. 7623, 7625.
[2956] P2126 (Two documents relating to Witness JF-047), p. 2 (Biography, Witness JF-047).
[2957] P1517 (KDF application, Miloš Savić), p. 2.
[2958] P1517 (KDF application, Miloš Savić), p. 6.

1521. The Trial Chamber recalls an entry in Mladić's notebook about 18 men who were trained in Ilok and transported to Bosanski Šamac in April 1992, together with Đorđević and Aleksandar Vuković (two members of the Serbian MUP), see chapter 3.4.2.

1522. Dragan Đorđević, a.k.a. Crni stated on 25 November 1992 to a judge of the Military Court in Banja Luka that he was an instructor at the training centre in Pajžos near Ilok, when a group of SRS members and a group of men from Šamac came to the centre for training. After the training was completed, these men together with Đorđević and 30 men from Serbia, went to Šamac as volunteers and with the approval of Colonel Lieutenant Stevan Nikolić, were attached to the 17th Tactical Group. On 17 April 1992 they entered Šamac under command of the VRS. Đorđević further explained that the unit under the 17th Tactical Group was composed of SRS members from Serbia, locals trained in Ilok, and some others. Following the liberation of Šamac, he became commander of the Second Posavina Brigade formed at the order of Nikolić. It was about the time that the JNA officers left. The Second Posavina Brigade then continued to break through the corridor.[2959] Slobodan Miljković (a.k.a. Lugar) stated on 25 November 1992 to a judge of the Military Court in Banja Luka that, after working as a deputy police commander in Eastern Slavonia, he went to train at Pajzoš and Ležimir. After the training, Miljković and others were transferred to Batkuša village in Bosanska Posavina, from where, as commander of the Special Purpose Unit, he participated in the liberation of Bosanski Samač town and in the mopping up operations of villages around the town.[2960]

1523. On 14 December 1992, during the criminal proceedings against Dragan Đorđević before a judge of the Military Court in Banja Luka, President of the Šamac Municipal War Presidency Blagoje Simić stated that on 10 April 1992, Crni arrived at Batkuša with an assault group from Serbia sent by the Serbian MUP together with 18 local men who had attended a training course in Pajzoš. Crni and the volunteers placed themselves under the command of the 17th Tactical Group of Colonel Stevan Nikolić and participated in the liberation of Šamac and the surrounding villages. After the liberation and the creation of a corridor to Brčko, Crni was appointed commander of the Second Posavska Brigade and Srećko Radovanović (a.k.a. Debeli) was appointed its chief of staff.[2961]

[2959] P1417 (Record of interview with Đorđević, signed by Nikola Tomaševic, 25 November 1992), pp. 1-3.
[2960] P1428 (Record of interview with Miljković, signed by Nikola Tomaševic, 25 November 1992), pp. 1-4.
[2961] P1429 (Record of interview with Blagoje Simić, signed by Nikola Tomaševic, 14 December 1992, pp. 1-2.

1524. On 21 April 1992, Nikola Pupovac submitted a request to be admitted to active service in the Unit at Ilok.[2962] **Witness JF-031**, a Serb from Knin municipality,[2963] testified that Pupovac was also known as 'Pupe'.[2964] According to an interview with Milan Lukić, Pupovac trained him at Ilok in April or May 1992.[2965]

1525. According to two reports by Special Unit Commander Živojin Ivanović of the Republic of Serbia SUP, on 18 December 1991, Božović was the Commander of the Pajzoš forward command post and Ivanović's deputy.[2966] Božović was also commander of the Unit's reconnaissance and combat intervention platoon.[2967] Ivanović reported that Borjan Vučković died during an accident at Ilok in December 1991.[2968] According to the report, Dragan Đorđević, Milenko Popović, Nikola Lončar, Budimir Zečević, Zoran Raić, Đurica Banjac, Dragiša Grujić, Borislav Kovačević, and Goran Starčević were present at Ilok shortly after the accident.[2969] Instructors Damir Vladić, Nikola Pupovac, and Nikola Pilipović arrived at Ilok from Ležimir after the accident.[2970] According to the *curriculum vitae* of Davor Subotić he was Bozović's deputy at Pajzoš on 14 February 1992.[2971] According to a check signed by Dušan Orlović, Zoran Raić was engaged in MUP Special Purposes Units stationed in Ilok from September 1991 to 1 March 1992.[2972]

1526. **Stevan Todorović**, the Serb Chief of Police of Bosanski Šamac from April 1992 through at least December 1993,[2973] stated that during a visit of the Pajzoš camp he identified Dragan Đorđević, a.k.a. Crni, and Aleksandar Vuković, a.k.a. Vuk, as instructors there.[2974]

[2962] P3021 (Series of Serbian MUP documents relating to Nikola Pupovac), p. 9 (Request to join the active serve, Ilok, 21 April 1992).
[2963] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2964] P1001 (List of persons present at Fruška Gora), p. 2.
[2965] P2448 (Official note of Interview with Milan Lukić, signed by Radenko Novaković, 2 November 1992), p. 2; Radenko Novaković, T. 13983.
[2966] P2984 (Excerpts of personnel file of Borjan Vučković, signed by Živojin Ivanović, December 1991), pp. 10-11, 14, 16, 19.
[2967] P2984 (Excerpts of personnel file of Borjan Vučković, signed by Živojin Ivanović, December 1991), p. 16.
[2968] P2984 (Excerpts of personnel file of Borjan Vučković, signed by Živojin Ivanović, December 1991), pp. 10-19.
[2969] P2984 (Excerpts of personnel file of Borjan Vučković, signed by Živojin Ivanović, December 1991), pp. 10-11, 15, 18.
[2970] P2984 (Excerpts of personnel file of Borjan Vučković, signed by Živojin Ivanović, December 1991), pp. 17-18.
[2971] D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), p. 10 (curriculum vitae of Davor Subotić, Ležimir, 14 February 1992).
[2972] P2766 (Background check regarding Zoran Raić, signed by Dušan Orlović).
[2973] P1576 (Stevan Todorović, *Slobodan Milošević* transcript, 30 June-1 July 2003), p. 23490; P1578 (Stevan Todorović, Plea agreement between the Prosecutor and Stevan Todorović in *Simić et al.*, 29 November 2000), Annex, p. 2.
[2974] P1576 (Stevan Todorović, *Slobodan Milošević* transcript, 30 June-1 July 2003), pp. 23437-23438; P1579 (Stevan Todorović, List of terms and names used in *Slobodan Milošević* testimony, 31 August 2010).

1527. The Trial Chamber received further evidence about events following the take-over of Bosanski Šamac. **Witness JF-047** testified that after the take-over of Bosanski Šamac, the Commander of the Eastern Bosnia Corps, Colonel Nikola Denčić, appointed Crni as Commander of the Posavina Brigade, and Debeli as its Chief of Staff.[2975] According to an order of 7 May 1992, Colonel Nikolić, commander of the 17th Tactical Group ordered the 'Lugar column' and 'Crni column' to assist in operations, planned for 10 May 1992, to seize the town of Modriča.[2976]

1528. According to a report, the Unit at Pajzoš trained individuals from the Skelani TO.[2977] These men included Milenko Trifunović who was sent by the Skelani TO to Pajzoš on 25 May 1992, where he received sabotage and terrorist training.[2978] The Unit also trained Serbs from Bosnia-Herzegovina during 1991 and 1992.[2979]

1529. In a letter to the Kragujevac DB, Slobodan Miljković (a.k.a. Lugar) wrote that in 1992, he went to Ležimir and Pajzoš with a unit for special physical training. After the training, Miljković was transferred to Batkuša near Bosanski Šamac as a platoon commander, tasked with attacking Bosanski Šamac town. According to Miljković, the operation of seizing the town was completed quickly, after which he and others cleansed the town and the surrounding localities.[2980]

1530. The Trial Chamber has reviewed a relevant exhibit in Confidential Appendix C which included information regarding SRS volunteers receiving training conducted under the supervision of the Serbian MUP DB, the volunteers' work being coordinated by "Zvezdan Božović" of the DB, and a volunteer receiving a salary from the Serbian MUP.

1531. On 1 February 1994, Dragoslav Krsmanović of the Serbian MUP DB JATD reported that after the opening of the corridor in 1992, the Republic of Serbia MUP unit that was in the Ilok area was practically disbanded. In the course of 1992, almost all members abandoned the Unit or were expelled from it for various reasons. Only a small number of persons remained, headed by Ilija Vučković (also known as Rambo), to guard Pajzoš and the white house. Those

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[2975] Witness JF-047 7651-7652; P1416 (Report of the Bosnian-Serb MUP concerning the situation at the Bosanski Šamac SJB, the arrest of the SJB Chief by military organs and the closing down of the Krajina-FRY-corridor, 19 November 1992), p. 2; P1418 (Report on morale, signed by 13 members of the command of the 2nd Posavina Infantry Brigade Bosanski Šamac, 1 December 1992), p. 2.
[2976] P1413 (Order of Stevan Nikolić, 7 May 1992).
[2977] P399 (Report on Unit for Special Purposes of Skelani from Skelani Independent Battalion to Drina Command, unsigned, 15 May 1993).
[2978] P3138 (Personnel File Milenko Trifunović, unsigned, 30 May 1993).
[2979] P3179 (Excerpts Personnel File Milenko Popović, unsigned, undated), p. 11; P2803 (Questionnaire of Miroslav Mirković, unsigned, undated), p. 2.

who remained in Ilok styled themselves in the "Red Berets" image, doing dirty jobs there while using the "Red Berets" uniform and insignia.[2981]

1532. At the Kula ceremony of 1997, Simatović mentioned the Ilok camp among the 26 training camps which were established for special police units of the Bosnian-Serb Republic and the RSK.[2982]

1533. The Trial Chamber will first consider the establishment of a camp at Ilok. Based on the evidence reviewed above, the Trial Chamber finds that Unit members Radojica Božović and Živojin Ivanović (a.k.a. Žika Crnogorac) established a camp at Pajzoš/Ilok in November or December 1991. At this camp, Božović, Ivanović, and Unit member Dragan Đorđević (a.k.a. Crni) operated as commanders and, from early 1992, Unit member Davor Subotić operated as Božović's deputy and Unit members Nikola Pupovac and Aleksandar Vuković a.k.a. Vuk operated as training instructors. Unit members Borjan Vučković, Milenko Popović, Nikola Lončar, Budimir Zečević, Goran Starčević, Đurica Banjac, Dragiša Grujić, Borislav Kovačević, and Zoran Raić were present at the camp in late 1991 and early 1992.[2983] The evidence further indicates that a person referred to as Prica was present at the camp as well. Based on the evidence received, the Trial Chamber further finds that Miloš Savić joined the Unit in Pajzoš in March 1992.

1534. The Trial Chamber now turns to the evidence regarding Srećko Radovanović (also known as Debeli) and his group of volunteers, including Lugar and Witness JF-047. Based on the evidence received and reviewed above, the Trial Chamber finds that Debeli's group of volunteers arrived in Pajzoš in March 1992 after having received training at the Ležimir camp. The group was initially composed of SRS volunteers and had served as SBWS MUP police officers under Radovan Stojičić (a.k.a. Badža) for a brief period in early 1992. At Pajzoš, members of the group were trained by instructors from Ležimir, received wolf patches which were also worn by their superiors and by Simatović, as well as by Unit members at the Ležimir camp,[2984] and were told by Debeli that they were now members of a Serbian MUP special purposes brigade. At the camp, the group was subordinated to *inter alia* Unit members Đorđević, Božović, and Subotić. On this basis, the Trial Chamber finds that Debeli and his volunteer group became members of the Unit at the Pajzoš camp. The Trial Chamber does not

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[2980] P1425 (Letter by Lugar to the Kragujevac SDB, unsigned, undated), p. 1.
[2981] P3042 (JATD report on activities in Ilok, signed by Dragoslav Krsmanović, 1 February 1994), p. 2.
[2982] P61 (Video of award ceremony at Kula with transcript), pp. 10-11.
[2983] For the Trial Chamber's findings on the membership in the Unit of these persons, see chapters 6.3.2 and 6.3.3 in relation to the Ležimir camp.

consider evidence of these persons' continued membership of the SRS to contradict its findings in this respect, as it does not understand membership in the Unit and the SRS to be mutually exclusive. Recalling the Trial Chamber's findings in chapter 6.3.2 and the Ležimir camp above, the Trial Chamber therefore finds that the Accused organized the training of Unit members at the Pajzoš camp in 1992. The Trial Chamber has further received evidence indicating that Đorđević and Debeli became VRS members after the Bosanski Šamac operations but does not consider that this impacts its findings in this section.

1535. The Trial Chamber recalls its findings in chapter 3.4.2 that members of the Unit arrived in Bosanki Šamac municipality on 11 April 1992 and participated in the take-over of Bosanski Šamac town on 17 April 1992.

1536. With regard to organising the involvement of the Unit in the Bosanski Šamac operations, the Trial Chamber finds that in late March or early April 1992, Simatović held a meeting at the Pajzoš training camp and announced that the Unit would be deployed to Bosanski Šamac. Simatović stated that the Unit's objective was to secure Bosanski Šamac and the surrounding Serb villages. Considering this and recalling the Trial Chamber's findings in chapter 6.3.2 and the Ležimir camp above, the Trial Chamber finds that the Accused organized the involvement of the Unit in the Bosanski Šamac operations in April 1992. The Trial Chamber considered the Stanišić Defence's alternative theory, based on the evidence of Witness JF-030, that the Unit in Pajzoš was controlled by Badža[2985], but concludes, in particular in light of its findings in chapter 6.3.2 and in relation to the Ležimir camp above, as well as the fact that Witness JF-030 initially stated that the Unit in Pajzoš was controlled by Simatović,[2986] that this interpretation of the evidence is not reasonable.

1537. With regard to directing the involvement of the Unit in the Bosanski Šamac operations, the Trial Chamber recalls its finding that, during the take-over, the Unit was subordinated to the JNA (see chapter 3.4.2). The Trial Chamber has received insufficient evidence to conclude that the Accused directed the Unit during the Bosanski Šamac operations.

1538. With regard to financing, the Trial Chamber has reviewed a document in Confidential Appendix C regarding Serbian MUP salaries received during combat and Witness JF-047 testified that in Bosanki Šamac the unit once received its pay by courier in an army helicopter that came from Belgrade. Further recalling its findings in chapter 6.3.2 and in relation to the

[2984] See chapter 6.3.3 in relation to the Ležimir camp.
[2985] Stanišić Defence Final Trial Brief, 17 December 2012, paras 571, 616-625.

Ležimir camp above, the Trial Chamber is satisfied that the Accused also financed the Unit at Pajzoš and during the Bosanski Šamac operations.

1539. With regard to the training of other groups at the Pajzoš camp, the Trial Chamber finds based on the Adjudicated Facts and exhibits P399, P3179, P2803, and P2448 that the Unit trained individuals from the Skelani TO, as well as other Serbs, including Milan Lukić, at Pajzoš in 1992. Recalling the Trial Chamber's finding in chapter 6.3.2 and in relation to the Ležimir camp above, the Trial Chamber therefore finds that the Accused organized the training of Skelani TO members and other Serbs at Pajzoš in 1992.

Brčko camp, February 1992

1540. e Trial Chamber now turns to the Brčko camp and the Brčko operations. The Trial Chamber will consider whether the Accused directed the involvement of the Unit in particular operations in and around Brčko.[2987] The Trial Chamber will further consider whether the Accused organized, supplied, financed, and supported the Unit's involvement in those particular operations.[2988] The Trial Chamber will also review whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit at Brčko.[2989] Finally, the Trial Chamber will consider whether the Accused directed and organized the training of other groups at Brčko.

1541. In its Final Trial Brief, the Prosecution submits that in February 1992, the Serbian MUP DB established a training centre at Brčko, where they trained local Serbs and formed a special unit which participated in the take-over of Brčko.[2990]

1542. The Trial Chamber will first review evidence indicating that Božo and Rade Božić were present in Brčko municipality with a group referred to as the "Red Berets" and linked to Captain Dragan between late 1991 and August 1992. **Witness JF-031**, a Serb from Knin municipality,[2991] testified that Božo Božić and Rade Božić were original trainers from Golubić who left for Brčko after Fruška Gora.[2992] The witness testified that they left the Red Berets in May 1992.[2993] The witness visited the Red Berets centre in Brčko.[2994] The witness

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[2986] P2093 (Witness JF-030, proofing note, 15 February 2008), para. 12; see also the Trial Chamber's decision to admit this document into evidence for the truth of its contents, T. 13133-13137
[2987] Indictment, para. 7.
[2988] Indictment, para. 7.
[2989] Indictment, paras 3, 5, 15(c).
[2990] Prosecution Final Trial Brief, 14 December 2012, paras 241-244.
[2991] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[2992] P998 (Witness JF-031, witness statement, 1 June 2001), p. 8; P1001 (List of persons present at Fruška Gora), p. 1.
[2993] P1001 (List of persons present at Fruška Gora), p. 1.

added that at least two of the Red Berets who were present at Brčko had direct connections with Frenki.[2995]

1543. **Witness JF-025**, a Serb from Croatia,[2996] testified that in May 1992, while the witness was a member of Mauzer's Panthers, the witness was sent to Brčko municipality, where the Red Berets, under Captain Dragan, were also present.[2997] The witness testified that he was aware of the various military formations arriving in Brčko to help the war effort, and that the Serbian National Guard under the command of Mauzer, and the Radicals under the command of Mirko Blagojević, were among the Serbian forces coming into Brčko that the witness encountered or was able to observe.[2998] Mauzer's Panthers were stationed in the suburbs of Brčko, and the witness would see the Red Berets when he and his unit went to the centre of town.[2999] The Red Berets were in camouflage uniforms and had the same weapons as the Panthers, i.e. automatic rifles of the Zastava type.[3000]

1544. In an undated summary, the War Presidency of Brčko reported that the war began in Brčko municipality when the bridges over the Sava river were blown up, on 30 April 1992. On 2 May 1992, Serb forces broke through the barricades of the opposing forces and took over Brčko town. About four to six months before the war began, a group of Captain Dragan's instructors (Rade Simo, Saša, Božo, Serdo) had arrived and formed and trained a special unit of around 70 Brčko residents. This unit was supposed to be under the command of Lieutenant Colonel Pavle Milinković of the VRS Brčko garrison, but (although it initially contributed to the combat operations in Brčko), it slowly became independent and evaded command. The report stated that this special unit was based in the building in the duty-free zone. Over time the units present in Brčko started to disobey the chain of command, started looting and committing other crimes, particularly those under the command of Ljubiša Savić (known as Mauzer), Mirko Blagojević, Saša and Pejo (Arkan's volunteers), and Captain Dragan's instructors (the special unit).[3001]

1545. At the 4th meeting of the Supreme Defence Council on 31 July 1992, attended by Slobodan Milošević, JNA General Staff Chief Života Panić, and Federal Minister of the

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[2994] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19294-19295.
[2995] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19313-19314.
[2996] P612 (Witness JF-025, prior testimony 2003), pp. 18019, 18054; P611 (Second pseudonym sheet for Witness JF-025); P613 (First pseudonym sheet for Witness JF-025).
[2997] P612 (Witness JF-025, prior testimony 2003), pp. 18052, 18099, 18110; Witness JF-025, T. 6248.
[2998] Witness JF-025, T. 6275-6276; D83 (Summary from the War Presidency of Brčko regarding events and situations in Brčko municipality).
[2999] Witness JF-025, T. 6248.
[3000] Witness JF-025, T. 6249.

Interior Pavle Bulatović, Bulatović said that in February, five people from Captain Dragan's unit had arrived in Brčko as instructors to train reservists from the former JNA.[3002] Three of the instructors started to terrorise the Serbian people in the area.[3003]

1546. According to documentation submitted to the Captain Dragan Fund, Miodrag Obradović was injured in an attack on an "Ustasha's" house on 24 May 1992 while serving in Captain Božić's special unit. This was was confirmed by certificates signed by Captain Božić as officer of "the unit" in Brčko.[3004] On 26 May 1992, the Brčko Garrison commander issued a pass for Miodrag Obradović to exit the battlefield and Brčko municipality.[3005]

1547. In a report on an inspection of the situation at the SJB Brčko, Serbian Republic of BiH Sarajevo MUP inspectors reported that on 29 May 1992 the SJB and the Crime Investigation Service in Brčko were not functioning properly. Further, Captain Dragan's paramilitary formations, Chetniks from the area of Bijeljina and from the area of Ugljevik had put pressure on the SJB Brčko and attempted two armed attacks on them. For example, a certain Božo, a member of Captain Dragan's paramilitary formation, had attacked a business with forty members of his unit and attempted to steal a car.[3006]

1548. On 8 August 1992, Milorad Davidović of the Federal MUP Belgrade, reported problems (including mistreatment, theft, and rape) in the areas of Bijeljina, Zvornik, and Brčko, where paramilitary formations (in particular members of the SDG, Captain Dragan's Red Berets, and the SRS) were forming their own parallel authorities. The report further noted that a group of Captain Dragan's Red Berets were active in the Brčko area (including Rade and Božo Božić, Saša Vukojević, Simo Radovanović, and Goran Petković). These Red Berets had stormed the Police Station where they held the President of the municipality and the Chief of Staff of the 1st Posavina Brigade hostage. The group broke into the police station and removed weapons, communication and investigation equipment, and police cars. The Trial Chamber notes that Davidović mentioned Captain Dragan's Red Berets separately from Ivanović's group which the Trial Chamber considers below.[3007]

[3001] D83 (Summary from the War Presidency of Brčko regarding events in Brčko municipality), pp. 2-6.
[3002] P2356 (Tape Recording of the 4th Session of the Supreme Defence Council, 31 July 1992), pp. 1, 15.
[3003] P2356 (Tape Recording of the 4th Session of the Supreme Defence Council, 31 July 1992), p. 15.
[3004] D202 (Documents associated with Miodrag Obradović Captain Dragan Fund questionnaire and certification of service, 26 May 1992), pp. 2, 4-5.
[3005] D202 (Documents associated with Miodrag Obradović Captain Dragan Fund questionnaire and certification of service, 26 May 1992), p. 6.
[3006] P1406 (MUP on inspection conducted and situation found at SJB Brčko, 17 June 1992), pp. 1, 3.
[3007] P3017 (Federal MUP Belgrade report, Milorad Davidović, 8 August 1992), pp. 1-3, 7-8, 12.

1549. On 21 June 1992, Saša Vukojević, in his capacity as the Captain of the VRS Brčko Special Unit, requested equipment from the War Presidency of Brčko municipality.[3008]

1550. The Trial Chamber now turns to the evidence indicating that Živojin Ivanović was present in Brčko municipality with a special purpose unit also refered to as the Red Berets from late May or early June to September 1992. **Witness JF-047**, a Serb who was a member of various paramilitary units including the unit referred to him as the Red Berets,[3009] testified that at the end of May or beginning of June 1992, he was sent to Brčko to serve in a newly-arrived group of Red Berets comprising about 40 men commanded by "Živorad" Ivanović, who had several nicknames including "Žika" and "Žika Crna Gorac".[3010] Žika was the commander of the Serbian MUP special purpose unit in Brčko and was immediately subordinated to the command in Belgrade, being Simatović at the time.[3011] One of the members of this group, Vaso Mijović, frequently travelled to Belgrade to get weapons, ammunition, and fuel for the unit and for the VRS when there was a surplus supply.[3012] About four to six trucks with weapons and ammunition were transported by Mijović.[3013] The communications centre in Brčko maintained contact with Banja Luka, Ilok, Belgrade, and a town in the Krajina.[3014]

1551. **Goran Stoparić**, a former member of the Skorpions,[3015] testified that after he joined the VRS as a volunteer to fight in Brčko in 1992, Žika Crnogorac came to the area and selected men to join a new special VRS volunteer unit.[3016] According to the witness, the selected men were sent for training with the Red Berets as when they returned they wore red berets and uniforms they could only have gotten from the Red Berets.[3017]

1552. **Petar Djukić,** RSK chief police inspector from 15 March 1993 to 1 July 1996,[3018] testified that he saw a man at the Brčko garrison who he was told by Captain Mitrić was

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[3008] D175 (Series of three requests by special units in Brčko, 18-27 June 1992), p. 1.
[3009] P1516 (Witness JF-047, witness statement, 22 April 2004), p. 1, paras 9, 25, 48.
[3010] P1516 (Witness JF-047, witness statement, 22 April 2004), paras 47-48; Witness JF-047, T. 7649, 7820.
[3011] Witness JF-047, T. 7649, 7746; P1085 (Unit for Special Purposes Certificate signed by Živojin Ivanović, 9 July 1992).
[3012] P1516 (Witness JF-047, witness statement, 22 April 2004), para. 48; Witness JF-047, T. 7649-7650.
[3013] Witness JF-047, T. 7650.
[3014] Witness JF-047, T. 7820; P2126 (Personnel file of Witness JF-047, 4 February 1992) p. 2.
[3015] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 68, 77; Goran Stoparić, T. 10327.
[3016] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 59-61, 65-66; Goran Stoparić, T. 10404, 10407-10408; P1707 (Military booklet of Goran Stoparić), p. 27.
[3017] P1702 (Goran Stoparić, witness statement, 24 November 2003), para. 61; Goran Stoparić, T. 10407-10408, 10449-10450.
[3018] Petar Djukić, T. 17910, 17913, 17918-17920, 17971, 18003-18004, 18059, 18062, 18065; D759 (Letter of appreciation from Gen. Walter Fallmann, UNTAES Civpol Commissioner, 22 August 1996); D760 (UNTAES

called Žika Crnogorac (which he later learned was the alias of Žika Ivanović).[3019] Later, Captain Mitrić told Djukić that Ivanović was at the War Presidency of the Serbian municipality of Brčko with two or three elite members, that he had done some work at the secretariat confiscating looted property, and that he had arrived after Brčko was captured and Savić (Mauzer) left.[3020] The witness's cousin and two colleagues told him that Žika was investigating the theft of luxury vehicles from the secretariat.[3021]

1553. At the Kula ceremony in 1997, Simatović stated that 26 training camps were established for special police units of the Bosnian-Serb Republic and the RSK, including one at Brčko.[3022] At the start of the Kula ceremony in 1997, Colonel Žika Ivanović introduced the veterans of the 1 Special Operations Unit of the Republic of Serbia DB, including Vaso Mijović.[3023]

1554. The Trial Chamber now turns to further documentary evidence establishing the presence of Živojin Ivanović and other Unit members in Brčko in mid-1992. At the 4th meeting of the Supreme Defence Council on 31 July 1992, Bulatović complained of persons with uniforms and Krajina MUP IDs and mentioned that certain commanders of special purposes units had signed passes for twenty people in uniform from Tikveš and Ilok to cross through Pljevlja.[3024] On 7 August 1992, at the 5th Session of the Supreme Defence Council, Pavle Bulatović stated that Živojin Ivanović, as a commander of a special purposes unit, had signed and stamped documents (mentioning Tikveš and Ilok) permitting twenty people to move across the territory of Serbia and of Pljevlja.[3025]

1555. In a hand-written autobiography written at Tara on 4 December 1993, Nikola Pilipović wrote that in mid-June 1992, he went with the unit to Bosnia with the aim to break through and broaden the Brčko-Doboj corridor.[3026]

1556. An undated note recorded that Želko Torbica, an instructor and squad commander of the Special Purpose Unit of the Serbian MUP since 24 September 1991, was killed during

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Certificate of Appreciation in relation to 13 and 14 April 1997 elections in SBWS); D761 (Letter of Appointment from Jacques Paul Klein, Acting UNTAES Director, 2 June 1996).

[3019] Petar Djukić, T. 17961-17963, 18107-18108.

[3020] Petar Djukić, T. 17963-17964, 18170.

[3021] Petar Djukić, T. 17964-17966, 18170-18171.

[3022] P61 (Video of award ceremony at Kula with transcript), p. 11.

[3023] P61 (Video of award ceremony at Kula with transcript), pp. 4-8.

[3024] P2356 (Tape Recording of the 4th Session of the Supreme Defence Council, 31 July 1992), p. 15.

[3025] P2357 (Shorthand Minutes from the 5th Session of the Supreme Defence Council, 7 August 1992), pp. 1, 18-19.

[3026] P3195 (Series of Serbian MUP SDB documents relating to Nikola Pilipović), pp. 13-14 (Hand-written autobiography by Nikola Pilipović, Tara, 4 December 1993).

fighting near Brčko on 22 June 1992. According to the note, a reserve force salary and daily allowances were paid to his father.[3027] A document of the Serbian MUP DB Belgrade JSO of 10 May 1996 noted that the next day, Željko Torbica would be conferred a posthumous award.[3028]

1557. On 9 July 1992, Živojin Ivanović, in his capacity as commander of the SAO Semberija and Majevica Unit for Special Purposes Brčko, signed a certificate confirming that Joco Stevanović was a member of the unit in Brčko from 20 June 1992 onwards. In the document, Ivanović noted the cooperation of the SAO Semberija and Majevica Units with the MUP Krajina.[3029]

1558. On 27 June 1992, the unit commander of the Krajina MUP Special Purpose Unit reported that he had requested funds from the Brčko municipal Presidency in order to purchase communication equipment.[3030]

1559. On 28 July 1992, VRS Colonel Zdravko Tolimir reported that a Krajina Special Police paramilitary group of 45 men led by Živojin Ivanović was present in Brčko. Ivanović had not placed himself under the command of the Brčko Brigade and was allegedly sent by the Serbian Republican SUP. The report was critical of the paramilitary groups in the Bosnian-Serb Republic, noting that many of them engaged in looting and war profiteering.[3031]

1560. On 8 August 1992, Milorad Davidović of the Federal MUP Belgrade, reported that a group of 40 members led by Živojin Ivanović posed as Serbian MUP officials with official Serbian MUP identity cards and used a stamp of the Krajina MUP. The group further threatened the police at the police station, taking 22 official Bosnian-Serb Republic MUP identity cards, and began investigating war criminals, searching flats, and seizing cars and weapons. The group also beat up, harassed and mistreated police officers, army officers, soldiers and local civilians, and stole property which it transferred to the SFRY. According to the report, during an interview, Živojin Ivanović had showed a Serbian MUP ID card and claimed that he had been sent by "Tepa" and "Frenki" from the Serbian MUP SDB and that they had lent them weapons, equipment, and cars from the station.[3032]

[3027] P3183 (Series of Serbian MUP SDB documents relating to Željko Torbica), p. 3 (Notification of funeral of Željko Torbica on 24 June 1992), p. 19 (Biography of Željko Torbica).
[3028] P3183 (Series of Serbian MUP SDB documents relating to Željko Torbica), pp. 4-5 (Serbian MUP DB JSO conferment of awards on the occasion of the security day, 10 May 1996).
[3029] P1085 (Unit for Special Purposes Certificate signed by Živojin Ivanović, 9 July 1992).
[3030] D175 (Series of three requests by special units in Brčko, 18-27 June 1992), p. 3.
[3031] P383 (VRS Main Staff report on paramilitary formations, Zdravko Tolimir, 28 July 1992), pp. 1-2, 10-11.
[3032] P3017 (Federal MUP Belgrade report, Milorad Davidović, 8 August 1992), pp. 7-8, 10.

1561. On 29 September 1992, Captain Čuturić reported to the VRS Main Staff that Žika Ivanović (a.k.a. Crnogorac) had prepared and analysed documentation at the Brčko police station on robberies, rapes, and murders which were committed by poorly organized "patriotic fighters" in Brčko town and its surroundings at the beginning of the war and in June 1992.[3033]

1562. The Trial Chamber will finally review a number of documents indicating Vasilije Mijović's status in 1992. According to a candidate questionnaire bearing Vasilije Mijović's signature and dated 11 December 1995 in Bilje, Mijović served in the JATD from 1991 until at least December 1995.[3034] On 15 December 1996, Serbian MUP Belgrade Sergeants Ilić and Marić reported that Vasilije Mijović was an employee of the Serbian MUP SDB under Jovica Stanišić and had been issued an official Serbian MUP ID card on 21 July 1992.[3035]

1563. According to an unsigned and undated intelligence report,[3036] the RDB and Serbian MUP would, on 4 May 1996 during the laying of a wreath at the monument to Radoslav Kostić at Kula, present various awards and decorations, including to Vasilije Mijović.[3037]

1564. The Trial Chamber will first address Rade and Božo Božić's presence in Brčko. The evidence of Witness JF-031, Witness JF-025, and several documents[3038] indicate that Rade and Božo Božić went from the Ležimir camp[3039] to Brčko municipality prior to the take-over of Brčko town on 2 May 1992. In Brčko, Rade and Božo Božić were referred to as Captain Dragan's instructors. They trained and formed a unit of around 70 Brčko residents, which was referred to as "Captain Dragan's Red Berets". Documentary evidence[3040] suggests this unit took part in combat operations in Brčko municipality between May and June 1992.

1565. The Trial Chamber recalls its findings in chapter 6.3.2 that Rade and Božo Božić and Captain Dragan were members of the Unit. However, Witness JF-031 testified that Rade and

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[3033] P1432 (Report to the VRS Main Staff on intelligence information, Captain Simeun Čuturić, 29 September 1992), pp. 1, 3.
[3034] P1585 (Series of documents relating to Vasilije Mijović) (Document entitled Candidate's Details, signed by Vasilije Mijović, 11 December 1995), pp. 22-26.
[3035] P1585 (Series of documents relating to Vasilije Mijović) (Serbian MUP Belgrade Report in relation to incident of shots fired, 15 December 1996), pp. 19-20.
[3036] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), which military expert witness Reynaud Theunens concluded, based on its content and origins, had been drafted by a VJ Security Organ after May 1996. See Reynaud Theunens, T. 8081-8083, 8233-8237; P1575 (Reynaud Theunens expert report, 30 June 2007), p. 124.
[3037] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), pp. 5, 8-11.
[3038] Specifically, the War Presidency Report in evidence as D83, the 4th meeting of the Supreme Defence Council recording in evidence as P2356, the Captain Dragan Fund documents in evidence as D202, the MUP report on the SJB Brčko in evidence as P1406, and the Davidović report in evidence as P3017.
[3039] See chapter 6.3.3 in relation to the Ležimir camp.
[3040] In particular, the Brčko War Presidency summary in evidence as D83 and the Captain Dragan Fund documents in evidence as D202.

Božo Božić left the Unit (which he referred to as "the Red Berets") in May 1992. Further, in the Davidović Report,[3041] "Captain Dragan's Red Berets" in Brčko were mentioned distinctly from the unit present in Brčko that was commanded by Živojin Ivanović (a.k.a. Crnogorac), suggesting that these were two different groups. The evidence does not establish whether Rade and Božo Božić's unit (known as "Captain Dragan's Red Berets") cooperated with Ivanović's unit in Brčko. Instead, documentary evidence[3042] suggests that Rade and Božo Božić's unit was subordinate to the Brčko garrison of the VRS.

1566. The evidence does not establish whether Captain Dragan was himself present in Brčko in 1992 or otherwise involved with the unit referred to as "Captain Dragan's Red Berets". Nonetheless, the Trial Chamber notes in relation to Captain Dragan, the evidence[3043] reviewed in chapter 6.3.2 that indicates that after Captain Dragan left Golubić in July or August 1991, he returned to Belgrade where the Serbian DB continued to monitor his activities. At some point following his return to Belgrade he offered his services to Minister Simović of the Serbian MoD. The Trial Chamber further considers Witness JF-031's testimony reviewed in relation to the Ležimir camp, above, that Franko Simatović instructed the Unit not to receive Captain Dragan at the Ležimir camp.

1567. This evidence suggests that Captain Dragan ceased to be a member of the Unit after August 1991. In light of the foregoing, the Trial Chamber allows for the reasonable possibility that Rade and Božo Božić and the unit referred to as "Captain Dragan's Red Berets" in Brčko were separate from and operated independently of the Unit, the Serbian DB, and the Accused.

1568. The Trial Chamber will now address Živojin Ivanović's presence in Brčko. The Stanišić Defence disputes the reliability of the evidence of Witness JF-047 and Goran Stoparić, pointing to what it considers to be inconsistencies in their evidence regarding Vaso Mijović's supplying the unit present in Brčko and Ivanović providing training in Brčko.[3044] Contrary to the Stanišić Defence's submissions, the Trial Chamber considers the evidence of Witness JF-047 and Goran Stoparić to be broadly internally consistent. Their evidence regarding Živojin Ivanović's presence in Brčko is further corroborated by the testimony of

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[3041] In evidence as P3017.

[3042] In particular, the Brčko War Presidency summary in evidence as D83 and the Captain Dragan Fund documents in evidence as D202.

[3043] Specifically, the Serbian MUP monitoring documents in evidence as exhibits D183, D585, D586, D1290, and D1291 and the minutes of a meeting between Captain Dragan and Tomislav Simović in evidence as P1069. The Trial Chamber has noted that evidence which indicates that Unit members maintained some contact with Captain Dragan after August 1991, including consulting him in December 1991 regarding minefields which at one of the Unit's camps, see P2984 (Series of documents relating to Borjan Vučković), pp. 10-11 (Report by the Special Unit Commander, Pajzoš, 21 December 1991).

Petar Djukić and a number of exhibits.[3045] Based on the foregoing, the Trial Chamber finds that Unit members Živojin Ivanović, Nikola Pilipović,[3046] and Željko Torbica[3047] were present in Brčko from late May or early June 1992. Further, based on the evidence of Witness JF-047 and several exhibits[3048] the Trial Chamber finds that Vasilije Mijović joined the Unit at some point in 1991 and was also present in Brčko from late May or early June 1992.

1569. Documentary evidence indicates that Unit members Željko Torbica and Nikola Pilipović engaged in a military operation in the Brčko Corridor in June 1992 with what Pilipović referred to as the unit. This evidence further indicates that Torbica died during this operation, after which his family received financial support and, in 1996, he received a posthumous award from the Serbian DB. Based on this evidence the Trial Chamber finds that the Unit participated in at least one military operation in Brčko in June 1992. The evidence does not establish whether the Accused directed the Unit during this operation. Recalling its findings in chapter 6.3.2 and in relation to the Ležimir camp above, the Trial Chamber finds that the Accused organized the Unit's involvement in a military operation in Brčko in June 1992.

1570. On the basis of Witness JF-047's testimony, the Trial Chamber finds that Unit member Vaso Mijović supplied the Unit at Brčko with weapons, ammunition, and fuel from Belgrade. Recalling its findings in chapter 6.3.2 and in relation to the Ležimir camp above, the Trial Chamber finds that the Accused organized the logistical support and other substantial assistance or support (in the form of weapons, ammunition, and fuel) for the Unit at Brčko.

1571. Finally, based on the evidence of Goran Stoparić and the Kula ceremony,[3049] the Trial Chamber finds that the Unit trained members of the VRS at Brčko. Recalling its findings in chapter 6.3.2 and in relation to the Ležimir camp above, the Trial Chamber finds that the Accused organized the training of members of the VRS at Brčko.

1572. The Trial Chamber has received evidence indicating that Srećko Radovanović (a.k.a. Debeli) participated in operations in Brčko. On 13 May 1993, SČP President Vojislav Šešelj

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[3044] Stanišić Defence Final Trial Brief, 17 December 2012, paras 662-664, Confidential Annex III, pp. 596-597,
[3045] In particular, the video of the Kula ceremony in evidence as P61, the 4th meeting of the Supreme Defence Council recording in evidence as P2356, Serbian MUP documents regarding Nikola Pilipović and Želko Torbica in evidence as P3195 and P3183, a certificate in evidence as P1085, VRS reports in evidence as P383 and P1432, and the Davidović report in evidence as P3017.
[3046] For the Trial Chamber's findings regarding these persons being members of the Unit, see chapter 6.3.2.
[3047] For the Trial Chamber's finding regarding this person being a member of the Unit, see chapter 6.3.3 in relation to the Ležimir camp.
[3048] The video of the Kula ceremony in evidence as P61; the candidate questionnaire and Serbian MUP Belgrade report in evidence as part of exhibit P1585; and the intelligence report in evidence as P1075.

commended Srećko Radovanović for his successful participation in war operations in Brčko as a Serbian Chetnik Vojvoda.[3050] In this respect, the Trial Chamber recalls its findings in relation to the Pajzoš camp, that Srećko Radovanović (a.k.a. Debeli) was one of the members of the Unit recruited and trained at the Ilok camp and in chapter 3.4.2 that he was among the Unit members who participated in the operations in Bosanski Šamac in April 1992. However, the evidence on his activities in Brčko does not establish to which armed forces Radovanović belonged when taking part in this operation. In this context, the Trial Chamber recalls the evidence reviewed in relation to the Pajzoš camp and in chapter 3.4.2 that Radovanović received a position in the VRS following the take-over of Bosanski Šamac. Nor does the evidence establish in which operations in Brčko Srećko Radovanović participated. In this context, the Trial Chamber notes that there were, at least, two relevant operations in Brčko prior to May 1993: the operations for the take-over of Brčko town from 30 April to 2 May 1992 and the operations for the Brčko corridor in June 1992. Under these circumstances, the Trial Chamber will not further consider evidence relating to Radovanović's participation in operations in Brčko.

Mount Ozren and Vila camps and Doboj operations, April-July 1992

1573. The Trial Chamber now turns to the Mount Ozren and Vila camps and the Doboj operations. The Trial Chamber will consider whether the Accused directed the involvement of the Unit in particular operations around Doboj in 1992.[3051] The Trial Chamber will further consider whether the Accused organized, supplied, financed, and supported the Unit's involvement in those particular operations.[3052] The Trial Chamber will also review whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit at the Mount Ozren and Vila camps.[3053] Finally, the Trial Chamber will consider whether the Accused directed and organized the training of other groups at the Mount Ozren and Vila camps.

1574. In its Final Trial Brief, the Prosecution alleges that by April 1992, Red Beret members, including Božović and Subotić, established training camps on Mount Ozren and at Vila in Doboj municipality, where they recruited and trained local Serbs.[3054] Simatović visited the

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[3049] See exhibit P61.
[3050] P3199 (SČP Order proclaiming Serbian Chetnik Vojvodas for exceptional merits, Vojislav Šešelj, 13 May 1993), pp. 1, 5-6.
[3051] Indictment, para. 7.
[3052] Indictment, para. 7.
[3053] Indictment, paras 3, 5, 15(c).
[3054] Prosecution Final Trial Brief, 14 December 2012, paras 245-252.

Mount Ozren camp several times.[3055] The Prosecution submits that Red Beret members under the command of Božović and under the direct control of Simatović participated in the take-over of Doboj on 3 May 1992.[3056]

1575. The Trial Chamber has received evidence from Witness JF-005, Witness JF-031, Witness JF-008, Witness JF-035, and Manojlo Milovanović, as well as documentary evidence in relation to the Mount Ozren and Vila camps and the Doboj operations.

1576. **Witness JF-005**, a Croatian Serb member of the JSN or Special Purpose Unit from April 1992,[3057] testified that his unit was officially called the JSN, although it was known to civilians as the Red Berets.[3058] While the name of the unit changed frequently, the people comprising it stayed the same.[3059] According to the witness, the inhabitants of Doboj also referred to the Petrovo Special Police as Red Berets.[3060] The witness considered the term Red Berets to signify a group of people, including Božović, Vuk, Riki, and Njegoš, who came from Serbia to train the local population to defend itself in case the Muslim forces attacked Doboj.[3061] The witness's unit consisted of around 60 men and was commanded by Dragan Lukić, who was directly subordinated to Božović.[3062] Dragan Lukić was also subordinated to the Ozren Tactical Group, which came under the command of Milovan Stanković after the Doboj operation and consisted of four VRS brigades.[3063] The witness's Special Unit operated independently of these VRS brigades.[3064]

1577. On 20 April 1992, the witness started the training course for the Special Units of the Serbian DB, also known as the Red Berets. Milan Ninković, President of the SDS municipal board in Doboj, recruited persons, including the witness, to be trained by Božović at Mount Ozren in 1992.[3065] The witness was initially told that the unit was a Special JNA unit, although as of May 1992, he heard rumours that they were in fact part of the Serbian DB.[3066]

[3055] Prosecution Final Trial Brief, 14 December 2012, para. 245.
[3056] Prosecution Final Trial Brief, 14 December 2012, paras 251-252; T. 20199, 20211-20213.
[3057] P137 (Witness JF-005, witness statement, 25 January 2004), p. 1, paras 1, 3, 11; P136 (Witness pseudonym sheet); Witness JF-005, T. 2760, 2851, 2857.
[3058] P137 (Witness JF-005, witness statement, 25 January 2004), para. 3; P138 (Witness JF-005, witness statement, 4 November 2009), para. 3; Witness JF-005, T. 2850-2852.
[3059] P139 (Witness JF-005, witness statement, 14 January 2010), p. 1.
[3060] Witness JF-005, T. 2854.
[3061] P137 (Witness JF-005, witness statement, 25 January 2004), para. 5; Witness JF-005, T. 2846-2849.
[3062] Witness JF-005, T. 2851, 2857-2858, 2901.
[3063] P137 (Witness JF-005, witness statement, 25 January 2004), para. 13; Witness JF-005, T. 2857-2858, 2901.
[3064] P137 (Witness JF-005, witness statement, 25 January 2004), para. 13.
[3065] P137 (Witness JF-005, witness statement, 25 January 2004), para. 3; Witness JF-005, T. 2778, 2858-2859, 2868, 3006.
[3066] P137 (Witness JF-005, witness statement, 25 January 2004), para. 9; P138 (Witness JF-005, witness statement, 4 November 2009), paras 13-14; Witness JF-005, T. 2778.

The recruits wore SMB uniforms.[3067] The training course took place at Ćaćinovac, near the Kraljica Monastery, at Mount Ozren in Doboj municipality.[3068] The witness was selected to train as part of a group of 20.[3069] The witness's group was the second group to be trained at the Mount Ozren camp. From the end of April until early May 1992 there were 30-40 men at the training camp.[3070] According to the witness, various Doboj police, JNA, and volunteer units were trained at Mount Ozren and a total of between 200 and 250 persons from the Doboj region (including a number of members of the 4th Department of the Special Police) were trained there between March and July 1992.[3071]

1578. The men in charge of the training at Mount Ozren were commander Radojiča (Rajo) Božović, who held the rank of colonel in the Red Berets; and instructors Vuk (Vukmirović), Riki, and Njegoš.[3072] The witness testified that Njegoš Kušić, a Red Beret member from Serbia, came to Ozren, and was greeted by Vuk and Riki as an old friend.[3073] Božović and Vukmirović were from Montenegro.[3074] A person who the witness knew only by his last name, Lončar, was also a member of his Red Beret unit in Doboj in 1992.[3075] Njegoš Kušić, Radojica Božović, and Nikola Lončar appeared alongside several others on a signed and stamped advance payment list of the Special Group Doboj for April 1992 of the Bosnian-Serb Republic MUP Security Services Centre Doboj. The list further included Davor Subotić, Đurica Banjac, and Milenko Popović.[3076] The witness was shown two payment lists and recognized Božović as a member of the Red Berets at the time, although he considered the

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[3067] P137 (Witness JF-005, witness statement, 25 January 2004), para. 6; Witness JF-005, T. 2881.
[3068] P137 (Witness JF-005, witness statement, 25 January 2004), para. 3; P138 (Witness JF-005, witness statement, 4 November 2009), para. 3; Witness JF-005, T. 2779, 2840; P154 (Map of Doboj area with marking by Witness JF-005 indicating the location of the Mount Ozren camp); P162 (Video of memorial room at Kula camp, date unknown), Clip 1, 00:26-00:32; P163 (Images from video P162 of memorial room at Kula camp, date unknown), p. 4.
[3069] P137 (Witness JF-005, witness statement, 25 January 2004), para. 4.
[3070] Witness JF-005, T. 2849.
[3071] P137 (Witness JF-005, witness statement, 25 January 2004), paras 7, 10; P138 (Witness JF-005, witness statement, 4 November 2009), para. 8; P139 (Witness JF-005, witness statement, 14 January 2010), p. 3; Witness JF-005, T. 2852-2853, 2868-2869.
[3072] P137 (Witness JF-005, witness statement, 25 January 2004), para. 5; P138 (Witness JF-005, witness statement, 4 November 2009), para. 4; Witness JF-005, T. 2778-2779, 2846, 2848.
[3073] P137 (Witness JF-005, witness statement, 25 January 2004), para. 42; P138 (Witness JF-005, witness statement, 4 November 2009), para. 32.
[3074] P137 (Witness JF-005, witness statement, 25 January 2004), para. 5; Witness JF-005, T. 2779.
[3075] Witness JF-005, T. 2834-2835; P159 (List of daily allowances paid for 1-16 January 1994, signed by JATD Deputy Commander Milan Radonjić), pp. 3-4; P161 (List of daily allowances paid for 17-31 January, signed by JATD Deputy Commander Milan Radonjić), pp. 2-3.
[3076] P142 (Advance payment list for April 1992, Bosnian-Serb Republic MUP Security Services Centre Doboj), p. 1.

listed amounts very high.[3077] The lists further included Njegoš Kušić, Nikola Lončar, Davor Subotić, Đurica Banjac, and Milenko Popović.[3078]

1579. Božović told the witness and his fellow recruits at the start of their training that they would fight for the Serbian people and that the Muslims wanted to kill all Serbs. The recruits received infantry and tactical training and were trained in topography, combat skills, and the use of various firearms and explosives.[3079] During the witness's training, he was also taught how to use human shields during front line combat operations.[3080] The training lasted around 15 days, although it was interrupted on 3 May 1992, because they received information that the Muslims were about to take over Doboj and they had to get there before them.[3081] According to the witness, the training camp at Ozren was officially closed in August 1992, although it was *de facto* still in use as a training camp in 2004.[3082]

1580. In the beginning, the witness and other Red Beret members did not wear any insignia other than a red ribbon and a red beret.[3083] After receiving training at Mount Ozren the other recruits were given camouflage uniforms and red berets with JSN insignia.[3084] Red Beret members were instructed to take off their red berets during combat operations.[3085] The witness received his own red beret somewhere between 10 and 14 May 1992.[3086] According to the witness, the red beret he received had insignia which contained the letters JSN, and a picture of a brown wolf in red flames on a brown background.[3087] The witness recognized the Grey Wolf Patch which was used by his unit in Doboj in 1992, depicting a grey wolf above two golden laurel-branches, surrounded by the colours of the Serbian flag.[3088] The witness testified that there were three different colours on Red Beret badges: blue for recruits, red for

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[3077] P138 (Witness JF-005, witness statement, 4 November 2009), para. 34; P89 (List of names signed by Station Chief Obren Petrović and Nedjeljko Kovač); P143 (List of employees to receive salary for May 1992, Financial and Technical Affairs Department, 19 June 1992).
[3078] P89 (List of names signed by Station Chief Obren Petrović and Nedjelko Kovač); P143 (List of employees to receive salary for May 1992, Financial and Technical Affairs Department, 19 June 1992).
[3079] P137 (Witness JF-005, witness statement, 25 January 2004), para. 6; Witness JF-005, T. 2932, 2934-2935.
[3080] P138 (Witness JF-005, witness statement, 4 November 2009), para. 42.
[3081] P137 (Witness JF-005, witness statement, 25 January 2004), paras 6, 11; Witness JF-005, T. 2937-2938.
[3082] P137 (Witness JF-005, witness statement, 25 January 2004), para. 10; P139 (Witness JF-005, witness statement, 14 January 2010), p. 1.
[3083] P139 (Witness JF-005, witness statement, 14 January 2010), p. 1.
[3084] P137 (Witness JF-005, witness statement, 25 January 2004), para. 7; Witness JF-005, T. 2881, 2944.
[3085] P139 (Witness JF-005, witness statement, 14 January 2010), p. 1.
[3086] Witness JF-005, T. 2941-2942, 2944-2945.
[3087] P137 (Witness JF-005, witness statement, 25 January 2004), para. 7; P138 (Witness JF-005, witness statement, 4 November 2009), para. 3.
[3088] P138 (Witness JF-005, witness statement, 4 November 2009), para. 36; P141 (Grey Wolf Patch used by the Red Berets); Witness JF-005, T. 2780.

members with war experience, and brown for officers.[3089] However, the insignia of the Red Beret units changed frequently and sometimes Red Berets did not wear any insignia.[3090]

1581. At the time of the Doboj operation, in May 1992, the witness's unit was only given some pocket money in cash by Božović for cigarettes and other things.[3091] Following the Doboj operation, the witness was given command over six young men and received a red-coloured Red Beret badge.[3092] In light of their young age, the witness and his six subordinates were given easier tasks than the older members of the unit were.[3093] The recruits initially did not receive any IDs, but the Serb police in Doboj gave them each a six digit number in mid-May 1992, which they kept throughout their careers.[3094] The witness later received a temporary MUP ID card issued by the provisional head of the MUP in Doboj.[3095] The ID contained the witness's photograph and name and read "Public Security Centre Doboj".[3096] Until problems started in Teslić in Bosnia-Herzegovina, the Special Unit had a headquarters in an area of Doboj town called Vila or Plane.[3097] The DB Special units in Doboj were organized and commanded by Božović, underneath whom were Vuk and Riki, who commanded several smaller groups.[3098] Some recruits in the witness's unit received cars with license plates corresponding to their six digit number. The cars were kept in the Red Berets' centre in Vila.[3099] In Doboj in 1992, the witness often heard Rajo (Radojica) Božović talk on the phone to persons from Belgrade, who he addressed in the polite form.[3100] The witness saw Božović dial telephone numbers with a Belgrade area code at the police station in Doboj.[3101] In May or June 1992, the witness saw Captain Dragan Vasiljković meet often with Božović in Doboj and was told that they had meetings in Banja Luka as well.[3102]

[3089] P137 (Witness JF-005, witness statement, 25 January 2004), para. 7.
[3090] P139 (Witness JF-005, witness statement, 14 January 2010), p. 1.
[3091] P138 (Witness JF-005, witness statement, 4 November 2009), para. 5.
[3092] P137 (Witness JF-005, witness statement, 25 January 2004), paras 6-7; Witness JF-005, T. 2873, 2940-2941.
[3093] Witness JF-005, T. 2874.
[3094] P137 (Witness JF-005, witness statement, 25 January 2004), para. 7; P138 (Witness JF-005, witness statement, 4 November 2009), para. 6; Witness JF-005, T. 2946.
[3095] P137 (Witness JF-005, witness statement, 25 January 2004), para. 7; Witness JF-005, T. 2860-2861, 2863, 2933-2934, 2944-2945.
[3096] Witness JF-005, T. 2945.
[3097] P137 (Witness JF-005, witness statement, 25 January 2004), paras 18, 29; P138 (Witness JF-005, witness statement, 4 November 2009), para. 3; Witness JF-005, T. 2840.
[3098] P137 (Witness JF-005, witness statement, 25 January 2004), para. 12; P138 (Witness JF-005, witness statement, 4 November 2009), para. 4; Witness JF-005, T. 2898.
[3099] P137 (Witness JF-005, witness statement, 25 January 2004), para. 7; P138 (Witness JF-005, witness statement, 4 November 2009), para. 6; Witness JF-005, T. 2946-2947.
[3100] P137 (Witness JF-005, witness statement, 25 January 2004), para. 41; P139 (Witness JF-005, witness statement, 14 January 2010), p. 2; Witness JF-005, T. 2936-2937.
[3101] P137 (Witness JF-005, witness statement, 25 January 2004), para. 41; Witness JF-005, T. 2936-2937.
[3102] P137 (Witness JF-005, witness statement, 25 January 2004), para. 42; P138 (Witness JF-005, witness statement, 4 November 2009), para. 26.

1582. The witness recognized four persons he knew on four questionnaire documents which the witness believed to relate to the Captain Dragan Fund.[3103] The questionnaires were applications for financial aid relating to wounded or deceased persons who were wounded or killed while on duty between May 1992 and May 1993.[3104] According to these questionnaires, Goran Đurić, Milomir Todić, and Slobodan Katanić joined a unit under the command of Božović (referred to as the Red Berets Special Purposes Battalion in Bosanski Petrovo Selo; the Serbian police Red Berets; and the Special Purpose Petrovo Police, Black Berets in Doboj in their respective questionnaires) in April and May 1992.[3105] According to the questionnaire of Mladen Makrić, he joined the Red Berets 2nd Ozren Sabotage Group on 30 May 1992 at the Ozren Mountain.[3106] The witness recognized the family name of the applicant on a fifth questionnaire, Duško Dobrić.[3107] According to the questionnaire, Dobrić had joined the Serbian MUP on 12 April 1992 as an instructor, under the command of Božović and "Frenki".[3108]

1583. Witness JF-005 testified that while manning a checkpoint around May-June 1992, he observed officers from Serbia arrive at the Special Unit's headquarters in Ćaćinovac as well as at the Vila centre in a jeep, although the witness and others were not allowed to meet them.[3109] One of the officers looked similar to Simatović.[3110] Božović had told the witness that the chief would come, which the witness supposed referred to Frenki Simatović, the commander of the Serbian DB Special Units.[3111] In May or June 1992, in Doboj, Božović showed the witness and other Red Beret members a picture of Frenki Simatović and told them to let this man pass through the gate without an ID-check. Aside from Božović, Vuk, and Riki, Frenki Simatović was the only person the witness was aware of who could pass without

[3103] P138 (Witness JF-005, witness statement, 4 November 2009), para. 35; P144 (Questionnaire B1, Slobodan Katanić, 31 May 1993); P145 (Questionnaire B1, Goran Ratko Đurić, 25 February 1993); P146 (Questionnaire B1, Mladen Markrić, 22 July 1993); P147 (Questionnaire B2, Milomir Todić, 15 September 1992).
[3104] P144 (Questionnaire B1, Slobodan Katanić, 31 May 1993); P145 (Questionnaire B1, Goran Ratko Đurić, 25 February 1993); P146 (Questionnaire B1, Mladen Markrić, 22 July 1993).
[3105] Witness JF-005, T. 2912; P144 (Questionnaire B1, Slobodan Katanić, 31 May 1993), pp. 3, 5; P145 (Questionnaire B1, Goran Ratko Đurić, 25 February 1993), p. 5; P147 (Questionnaire B2, Milomir Todić, 15 September 1992).
[3106] P146 (Questionnaire B1, Mladen Markrić, 22 July 1993), p. 5.
[3107] P138 (Witness JF-005, witness statement, 4 November 2009), para. 35; P148 (Questionnaire B1, Duško Drobić, 17 May 1992).
[3108] P147 (Questionnaire B2, Milomir Todić, 15 September 1992), p. 3.
[3109] P137 (Witness JF-005, witness statement, 25 January 2004), para. 18; P138 (Witness JF-005, witness statement, 4 November 2009), para. 12; Witness JF-005, T. 2950.
[3110] P137 (Witness JF-005, witness statement, 4 November 2009), para. 12; Witness JF-005, T. 2950, 2952.
[3111] P137 (Witness JF-005, witness statement, 25 January 2004), para. 18.

an ID-check. Around the same period, the witness once saw Frenki Simatović visit the Mount Ozren camp, in Doboj municipality.[3112]

1584. Witness JF-005 testified that in May or June 1992, on several occasions, he observed Božović return from Belgrade to the headquarters of the tactical group at Mount Ozren and pass an envelope to Stanković.[3113] The witness saw documents with Stanišić's name and what appeared to be his signature in May or June 1992.[3114] The witness later learned that all cross-border weapon transfers had to be approved by Stanišić.[3115]

1585. At the end of June 1992, in Tešlić, the witness and 12 others were mistaken for Karaga's unit and arrested by the military police, handed over to the MUP, and taken to a military camp in Banja Luka, where they were held until Božović arranged their release on the condition that Božović would leave the Bosnian-Serb Republic once the Posavina corridor was "liberated".[3116] After the witness's release and following the opening of the corridor in July 1992, part of the witness's unit joined the Ozren Guard and part joined the VRS military police under the command of Đuro Martić.[3117] The witness's Red Beret unit at Doboj ceased to exist as such.[3118] Milovan Stanković ordered the witness to join the military police.[3119] After the liberation of the Posavina corridor, in July or August 1992, Božović together with Vuk, Riki, and Njegoš, left the Bosnian-Serb Republic for Serbia where he set up a Red Beret camp at the River Tara, near Montenegro.[3120] However, Božović, Riki, and Vuk continued to visit Doboj regularly and sometimes still issued orders to the witness and others, who would then be separated from their units to fulfil tasks.[3121]

1586. **Witness JF-031**, a Serb from Knin municipality,[3122] testified that in Doboj there was a Red Beret camp or training centre, where he saw some 300 men wearing red berets without

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[3112] P138 (Witness JF-005, witness statement, 4 November 2009), para. 12; Witness JF-005, T. 2780-2781.
[3113] P138 (Witness JF-005, witness statement, 4 November 2009), para. 11; P139 (Witness JF-005, witness statement, 14 January 2010), pp. 2-3.
[3114] P138 (Witness JF-005, witness statement, 4 November 2009), paras 11, 13; Witness JF-005, T. 2920-2921.
[3115] P138 (Witness JF-005, witness statement, 4 November 2009), para. 13.
[3116] P137 (Witness JF-005, witness statement, 25 January 2004), para. 32; Witness JF-005, T. 2903, 2959-2961, 3013.
[3117] P137 (Witness JF-005, witness statement, 25 January 2004), para. 33; P138 (Witness JF-005, witness statement, 4 November 2009), para. 18; Witness JF-005, T. 2877, 2897, 2961-2962.
[3118] P138 (Witness JF-005, witness statement, 4 November 2009), para. 18.
[3119] P137 (Witness JF-005, witness statement, 25 January 2004), paras 33, 37; Witness JF-005, T. 2877, 2897.
[3120] P137 (Witness JF-005, witness statement, 25 January 2004), para. 36; P138 (Witness JF-005, witness statement, 4 November 2009), para. 22; Witness JF-005, T. 2846.
[3121] P137 (Witness JF-005, witness statement, 25 January 2004), paras 33, 36; Witness JF-005, T. 2904-2905.
[3122] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.

any insignia.[3123] They told him that their commanders were Raja Božović and Riki Subotić; Subotić was present in the camp.[3124] According to the witness, Rajo Božović and Riki Subotić went to Doboj after having left Fruška Gora.[3125] The witness testified that the only "real" Red Berets in Doboj were Božović and Subotić and that it was through them that Simatović could issue orders to the other men.[3126]

1587. **Witness JF-008**, a Croat from the predominantly Croat village of Dragalovci in Doboj municipality,[3127] testified that the Red Berets were under the Serbian MUP and when they came to the Bosnian-Serb Republic they formally came under its MUP, and in Doboj under the CSB Doboj. He added that the Red Berets were "factually" not under anyone's control. The Red Berets headquarters was located in the SUP building in Doboj, which was a former retirement home.[3128] The witness asserted that their commanders were a person called Božović and a person called Riki.[3129] Witness JF-008 observed that the Red Berets wore special patches bearing an image similar to the two-headed eagle on the Nemanjić coat of arms.[3130] Witness JF-008 testified that he later saw footage of the Red Berets on television.[3131] The witness also testified that at the time he observed that members of the Red Berets had a special weapon called a Heckler, which the JNA did not use. The witness testified that he was unaware of any unit, apart from the Red Berets, that used the Heckler weapon. The local police used automatic Zastava rifles.[3132] Furthermore, in contrast to the Red Berets who only wore red caps, the local, regular police wore grey-bluish berets, the military police wore black berets, and the army had camouflage or ordinary caps.[3133]

1588. **Witness JF-035**, a Serb from Bosnia-Herzegovina,[3134] testified that, when he was stationed at a village near Doboj in July and August 1992, he met two groups of soldiers who

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[3123] P998 (Witness JF-031, witness statement, 1 June 2001), p. 15; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19202, 19244, 19294-19295; Witness JF-031, T. 7428.
[3124] P998 (Witness JF-031, witness statement, 1 June 2001), p. 15; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19202-19203, 19245; Witness JF-031, T. 7443-7445, 7461, 7482; P1001 (List of persons present at Fruška Gora), p. 3.
[3125] Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora).
[3126] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), pp. 19202-19203.
[3127] P257 (Witness JF-008, witness statement, 15 April 2009), p. 1, para. 5.
[3128] P257 (Witness JF-008, witness statement, 15 April 2009), para. 27; Witness JF-008, T. 3572, 3594, 3652-3653.
[3129] P257 (Witness JF-008, witness statement, 15 April 2009), paras 27, 32, 34; Witness JF-008, T. 3586.
[3130] P257 (Witness JF-008, witness statement, 15 April 2009), para. 29; Witness JF-008, T. 3621.
[3131] P257 (Witness JF-008, witness statement, 15 April 2009), para. 29; Witness JF-008, T. 3664-3665.
[3132] Witness JF-008, T. 3578.
[3133] Witness JF-008, T. 3585.
[3134] P494 (Witness JF-035, witness statement, 18 October 2000), p. 2; P495 (Witness JF-035, supplemental witness statement, 6 May 2001), p. 1; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12231.

said they had been trained by the Red Berets in Ozren, and who acted like professionally trained soldiers.[3135] They had been trained by a person nicknamed "Riki" and a person nicknamed "Crnogorac", who the witness believed were Red Berets instructors at a base in Ilok.[3136] During his time stationed near Doboj, Witness JF-035 never encountered members of the Red Berets himself.[3137]

1589. In a hand-written autobiography, Milenko Popović wrote that between spring and July 1992, he went from Baranja to Ozren in a group with Radojica Božović and participated in the operations there (including the capturing of Doboj, clearing and fortifying the line at Ozren, taking Teslić, and clearing neighbouring villages and establishing a corridor). At Ozren, Popović and others trained about 2,000 men from the Ozren, Doboj, and Teslić area. Popović left Ozren in July 1992.[3138] In a hand-written autobiography, Davor Subotić wrote that, after training at Ležimir and fighting at several locations, when the corridor was breached, he was deployed with a group of men to Ozren and was actively involved in fighting for Doboj.[3139]

1590. The Trial Chamber further recalls the testimony of **Witness JF-005** in relation to the training of Karaga's unit and the Miće group at Mount Ozren, as set out in chapter 3.5.2. The Trial Chamber also recalls the evidence of Witness B-1115 and Witness JF-008 in relation to the training in Doboj, as set out in chapter 3.5.2.

1591. At a 6 February 1993 meeting, Mladić recorded in his notebook that Slavko Lazarević a.k.a. Amerika had permission from "Stanišić" to form the Red Berets at Ozren, Doboj municipality.[3140] **Manojlo Milovanović**, the Chief of the Main Staff of the VRS between May 1992 and 1996,[3141] testified that, in his opinion, this referred to Mićo Stanišić, the minister of interior of the Bosnian-Serb Republic, because the entry continued with a note that "Mićo" wrote an order to form a "special unit" at Doboj and, according to the witness, Jovica Stanišić would not have been authorized to issue such an order.[3142]

[3135] P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), pp. 12184-12185; Witness JF-035, T. 5410, 5465-5467.
[3136] Witness JF-035, T. 5410, 5465-5467. See P494 (Witness JF-035, witness statement, 18 October 2000), p. 17.
[3137] Witness JF-035, T. 5410, 5465-5466.
[3138] P3179 (Series of Serbian MUP SDB documents relating to Milenko Popović), p. 11 (Hand-written autobiography, Milenko Popović).
[3139] D457 (Series of Serbian MUP RDB and SDB documents relating to Davor Subotić), p. 6 (biography signed by Davor Subotić).
[3140] P392 (Excerpt from Mladić notebook titled "Meeting with the political structures in Doboj", 6 February 1993), p. 37.
[3141] P375 (Curriculum vitae of witness Manojlo Milovanović), p. 2.
[3142] Manojlo Milovanović, T. 4432-4433, 4473-4475; P392 (Excerpt from Mladić notebook titled "Meeting with the political structures in Doboj", 6 February 1993), p. 37.

1592. At the Kula ceremony in 1997, Simatović stated that in the early stages of the war 26 training camps for special police units of the Bosnian-Serb Republic and the Serbian Krajina had been formed, including at Doboj.[3143] During his testimony, **Witness JF-005** was shown a video of that ceremony, and testified that a room in the Kula camp shown in the video contained flags the unit had captured during battle and pictures of members of the unit who had been killed, as well as a map of the locations of training camps.[3144] The witness recognized on a separate video the same map depicting the locations of Red Beret camps and training centres (including Doboj and Ozren), which hung in a memorial room at the Kula camp.[3145] Zvezdan Jovanović was present at the Kula ceremony in 1997.[3146]

1593. The Trial Chamber recalls Adjudicated Fact I-202 in relation to the JNA's arming of paramilitary groups in 1991/1992, as set out in chapter 6.4.4.

1594. The Trial Chamber will first assess the reliability of Witness JF-005's evidence. The Defence submits that the witness was inconsistent in his evidence, that the fact that he could not recall details of his own prior convictions impacts his reliability, and that his account of employment with the Serbian DB in light of other evidence is highly implausible.[3147] The Simatović Defence also points out that the witness's tasks as described by him appear implausible given his inexperience and young age at the time.[3148] The Trial Chamber considers that the witness may have shielded his own involvement in illegal acts. This would similarly apply to his testimony about his prior convictions. The Trial Chamber further notes some inconsistencies in the witness's evidence but does not consider them to be of such a nature as to significantly reduce his reliability. The Trial Chamber considers that the witness, *inter alia* due to his young age, played a relatively marginal role in the events in Doboj in 1992. In this respect, the Trial Chamber does not consider it of primary importance whether or not the witness himself was subordinate to Božović. More important is whether the testimony of what he observed corresponds with the other evidence received. In this respect, the witness's testimony is corroborated by other evidence and consistent with the evidence at the base of the Trial Chamber's finding with regard to the Unit's formation in 1991. Accordingly,

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[3143] P61 (Video of award ceremony at Kula with transcript), pp. 10-11.
[3144] Witness JF-005, T. 2817-2818.
[3145] Witness JF-005, T. 2836-2840, 2844-2845; P162 (Video of memorial room at Kula camp, date unknown), Clip 1, 00:06-01:03; P163 (Images from video P162 of memorial room at Kula camp, date unknown), pp. 2-6.
[3146] See P61 (Video of award ceremony at Kula with transcript), p. 5..
[3147] Stanišić Defence Final Trial Brief, 17 December 2012, paras 682-685, Annex III-A; Simatović Defence Final Trial Brief, 14 December 2012, paras 1109, 1123.
[3148] Simatović Defence Final Trial Brief, 14 December 2012, para. 1110.

on the whole, while not without concerns in some areas of the witness's testimony, the Trial Chamber considers Witness JF-005 to be generally reliable.

1595. The Trial Chamber recalls its findings about Božović and Subotić in chapter 6.3.2, that they were part of the Unit in mid-1991. Furthermore, evidence also found in that chapter establishes that both were present at the Kula ceremony in 1997. In its Final Trial Brief, the Stanišić Defence submits that Božović, Subotić, and others were only prospective Unit members in 1992 and that there is no evidence that their applications were processed.[3149] Furthermore, it submits that these persons' applications to the JATD in 1993 suggest that they were not members of the Unit prior to that.[3150] The Trial Chamber has dealt with these arguments in chapter 6.3.2. Accordingly and based on the totality of the evidence received in this regard, the Trial Chamber finds that the affiliation of Božović and Subotić with the Unit continued throughout 1992.

1596. The Stanišić Defence submits that the evidence shows that it is likely that Mićo Stanišić established the Doboj camps.[3151] The Trial Chamber considers that this argument is based on an entry in the Mladić notebooks (P392) of February 1993. The Trial Chamber is not convinced that this sole piece of evidence pointing in a different direction is sufficiently reliable to raise a reasonable doubt in the Trial Chamber's mind. In this respect, the Trial Chamber has also considered that the timing of the notebook entry may be an indication that it refers to a different time period than the one at issue in this sub-chapter.

1597. Based on the evidence before it[3152] and recalling its previous findings, the Trial Chamber finds that Unit members Radojica Božović, Davor Subotić (a.k.a. Riki), Milenko Popović,[3153] Nikola Lončar, Aleksandar Vuković,[3154] and Đurica Banjac,[3155] were present at the camps at Mount Ozren and in Vila, in Doboj municipality, between April and July 1992. Further, based on the evidence of Witness JF-005 and Witness JF-031, and exhibit P61, the Trial Chamber finds that Njegoš Kušić and Zvezdan Jovanović were members of the Unit as well and were present at the Doboj camps between April and July 1992.

[3149] See Stanišić Defence Final Trial Brief, 17 December 2012, paras 694, 699-706.
[3150] Ibid.
[3151] Stanišić Defence Final Trial Brief, 17 December 2012, para. 711.
[3152] Specifically, the evidence of Witness JF-005 (as corroborated in part by P89, P142, P143), Witness JF-031, Witness JF-008, and Witness JF-035, as well as the hand-written autobiography of Milenko Popović (in evidence as part of P3179) and the evidence regarding the Kula ceremony (P61).
[3153] For the Trial Chamber's findings that Milenko Popović was a member of the Unit, see chapter 6.3.2.
[3154] For the Trial Chamber's findings that Aleksandar Vuković a.k.a. Vuk was a member of the Unit, see chapter 6.3.3 in relation to the Pajzoš camp.
[3155] For the Trial Chamber's findings that Nikola Lončar and Đurica Banjac was a member of the Unit, see chapter 6.3.3 in relation to the Ležimir camp.

1598. The Trial Chamber now turns to the training of Witness JF-005 and others in Doboj and the Doboj operations.

1599. The Trial Chamber recalls its findings in chapter 3.5.2, that the Unit participated in the take-overs of Doboj town and surrounding villages, as well as the Bukovaćke Čivčije, Johovac, and Kotorsko operations in May-June 1992.

1600. Based on the evidence set out, the Trial Chamber finds that men were trained and were under the command of Unit members Božović and Subotić at the Mount Ozren and Vila camps and during the Doboj operations. Apart from general combat training, they were also trained in the use of human shields. Following their training some were issued uniforms and red berets with JSN insignia. The Trial Chamber finds that these Serb men (including Witness JF-005) who were trained at the Doboj camps operated as members of the Unit between April and July 1992. Considering this and recalling its finding that the Unit was a Serbian DB Unit subordinate to the Accused (see chapter 6.3.2 and in relation to the Ležimir camp above), the Trial Chamber finds that the Accused directed and organized the training of these Unit members.

1601. Recalling its finding about the Accused's role vis-à-vis the Unit (see chapter 6.3.2 and in relation to the Ležimir camp above), the Trial Chamber finds that the Accused also organized the involvement of the Unit in the Doboj operations.

1602. The Trial Chamber notes the evidence that a number of Unit members received payments from the Bosnian-Serb Republic MUP Security Services Centre Doboj while in Doboj in 1992. Witness JF-005 testified that Unit member Božović paid him small amounts in cash. The Trial Chamber has not received other specific evidence about the financing, supplying, or supporting of the Unit at the Doboj camps in 1992 or during the Doboj operations. Nonetheless, in light of its findings in chapter 6.3.2 and in relation to the Ležimir camp above and its findings (including in relation to the Ležimir and the Pajzoš camps, above) that the Accused financed the Unit at other camps, the Trial Chamber is satisfied that the Accused financed the Unit at the Doboj camps in 1992 and during the Doboj operations.

1603. The Trial Chamber considers the evidence on Simatović's visits to Doboj to be vague and is unable to conclude from it that Simatović issued specific orders in relation to the Doboj operations. Based on the evidence received, the Trial Chamber is unable to conclude that the Accused directed the Unit during the Doboj operations. The evidence of Witness JF-005

rather suggests that besides Božović, the Unit was directed by the Ozren Tactical Group and Milovan Stanković.

1604. The Trial Chamber now turns to the training of groups at the Unit's Doboj camps which did not become part of the Unit following their training. Based on the evidence received, the Trial Chamber finds that Karaga's men, members of the Mićе group, police units, and JNA units were trained at the Doboj camps by members of the Unit. Recalling its findings that the role of the Accused vis-à-vis the Unit (see chapter 6.3.2 and in relation to the Ležimir camp above), the Trial Chamber finds that the Accused directed and organized the training of these men.

1605. The Trial Chamber will now consider whether Predo's Wolves were also trained by Unit members at the Doboj camps. The Trial Chamber notes that the evidence relied on by the Prosecution in this respect consists of an SFOR report about Milan Ninković.[3156] The report stated that one of Ninković's known associates was Predrag "Kujundić",[3157] who was the commander of a unit of 100 men, possibly known as the "Ozren Wolves" or the "White Wolves". According to the report, "Kujundić" and/or his unit were trained by "Serbian Red Berets" and were "believed" to have killed 50-60 Bosnian Muslims near Johovac. The report further stated that Slobodan Karagić commanded the "Serbian Red Berets".[3158] The Trial Chamber understands this report to refer to Predo's Wolves (under the command of Predrag Kujundžić) and, in view of the reference to the killing near Johovac, to relate to the period around May or June 1992.[3159] The report does not provide a factual basis for its conclusions regarding Kujundžić and/or his unit's training and participation in the Johovac killings. The report refers to the "Serbian Red Berets", under the command of Slobodan Karagić, as having provided the training. The report does not specify the location of this training. In view of the evidence that different groups were at different times referred to as the "Red Berets"[3160] and that in the second half of May 1992, Slobodan Karagić set up his own unit (known as Karaga's men) which was distinct from the Unit,[3161] the Trial Chamber does not consider it clear whether the report is referring to the Unit as having provided the training.

[3156] Prosecution Final Trial Brief (Confidential), 14 December 2012, paras 249, 886. See exhibit P164.
[3157] The Trial Chamber understands this to refer to Predrag Kujundžić (also known as Predo).
[3158] P164 (SFOR biography of Milan Ninković, 7 November 2002), p. 4.
[3159] The Trial Chamber refers to its findings in chapter 3.5.2.
[3160] The Trial Chamber refers to the evidence of Witness JF-031 as reviewed in chapter 6.3.3 in relation to the Ležimir camp.
[3161] The Trial Chamber refers to the evidence of Witness JF-005 as reviewed in chapter 3.5.2.

1606. The Trial Chamber has not received further evidence regarding the training of Predo's Wolves. According to the evidence of Witness JF-008 (reviewed in chapter 3.5.1), Predo's Wolves had a logistical headquarters at Suvo Polje, near Doboj, at Mount Ozren, and some of its members were billeted at the Doboj SUP building. The evidence of Witness JF-005 (reviewed in chapter 3.5.2) further indicates that in May or June 1992, the SUP building was under the control of Unit member Božović. The evidence of these two witnesses indicates that Predo's Wolves and members of the Unit operated in close proximity to one another and may have cooperated during the Doboj operations in May and June 1992. However, on the basis of the evidence before it, the majority, Judge Picard dissenting, is unable to establish beyond a reasonable doubt that Predo's Wolves were trained by members of the Unit at the Doboj camps.

Tara and Bajina Bašta camps, late 1992-early 1993

1607. The Trial Chamber now turns to the Tara camp. The Trial Chamber will consider whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit at the Tara camp.[3162] The Trial Chamber will also consider whether the Accused directed and organized the training of other groups at the Tara camp.

1608. In its Final Trial Brief, the Prosecution submits that in late 1992 or early 1993, the Red Berets, under Simatović's command, established its command in the Drina Valley with a training camp on Mount Tara and a base in Bajina Bašta, where they trained local Serbs including PJM members.[3163]

1609. The Trial Chamber has received evidence, set out below, indicating that in early 1993 special units were present at a camp at Mount Tara where training was provided. The Stanišić Defence submits, however, that the Serbian Special Purpose units at Mount Tara were units of the Serbian MUP, and not of the Serbian DB.[3164] According to the Simatović Defence, the training camp at Mount Tara was established by Radovan Stojičić, the Chief of the Public Security Department, to train PJP units.[3165] In order to address these Defence submissions, the Trial Chamber will first review the evidence concerning the establishment of a PJP staff in Bajina Bašta in January 1993, before setting out the evidence about training at the Tara camp.

[3162] Indictment, paras 3, 5, 15(c).
[3163] Prosecution Final Trial Brief, 14 December 2012, paras 259-262.
[3164] Stanišić Defence Final Trial Brief, 17 December 2012, paras 799-803.
[3165] Simatović Defence Final Trial Brief, 14 December 2012, paras 1040-1046, 1053.

1610. **Witness JF-053**, a former member and Platoon Commander of the Serbian MUP PJM,[3166] testified that in April 1992 he was contacted by the Deputy Commander of the SUP Pristina Staff Command, Jovica Milačić, to discuss the formation of a special police unit for "rapid intervention and potential combat operations".[3167] The Serbian MUP Public Security Service in Belgrade had decided to form the unit sometime in March or April 1992 and was working closely with the DB.[3168] According to the witness, who saw a copy of the decision when he met with Milačić, the decision emanated from the Minister of Interior of Serbia and came through Radovan Stojičić (a.k.a Badža).[3169]

1611. **Risto Šeovac**, the commander of the Bajina Bašta police station for the inspection of Serbia-Bosnia-Herzegovina border crossing from October 1992,[3170] testified that the Bajina Bašta police station was part of the SJB of MUP Serbia.[3171] There was also a State Security detachment of MUP Serbia in Bajina Bašta.[3172] On 16 January 1993 the territory of Skelani, including the road to Bajina Bašta, came under attack from the Bosnia-Herzegovina side, leading to the death of approximately 60 and injury of over 100 civilians and VRS members.[3173] On the next day, Radovan Stojičić, and Obrad Stevanović arrived in Bajina Bašta and established a PJP staff there, with Stevanović as its commander.[3174]

1612. **Dejan Plahuta**, a.k.a Svabo, a former member of the JATD and the JSO,[3175] testified that on 18 January 1993, two days after the attack on Skelani by Naser Orić, a MUP staff was set up in the Bajina Bašta police station.[3176] The staff consisted of a significant amount of people, and aimed to secure the border, to restrain the activities of paramilitary groups along the border within Serbia, and to operate in the event that the conflict spread from Bosnia into Serbia.[3177] After Obrad Stevanović, the chief of that staff and PJM commander, contacted his superior Radovan Stojičić, a.k.a. Badža, the latter authorised the establishment of the training camp in Tara for the PJP.[3178] The witness also testified that, in March 1993, he saw Simatović, wearing a uniform, on a terrace of the Drina Hotel in Bajina Bašta. He was told by

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[3166] Witness JF-053, T. 10814.
[3167] P2108 (Witness JF-053, witness statement, 15 February 2008), para. 3; Witness JF-053, T. 10778, 10799.
[3168] P2108 (Witness JF-053, witness statement, 15 February 2008), para. 4.
[3169] Witness JF-053, T. 10799.
[3170] Risto Šeovac, T. 17538-17540.
[3171] Risto Šeovac, T. 17539-17540.
[3172] Risto Šeovac, T. 17556-17557.
[3173] Risto Šeovac, T. 17544-17546, 17553, 17578-1779.
[3174] Risto Šeovac, T. 17547-17548.
[3175] Dejan Plahuta, T. 19303-19305, 19307.
[3176] Dejan Plahuta, T. 19311, 19340, 19407, 19409.
[3177] Dejan Plahuta, T. 19407-19410, 19417.
[3178] Dejan Plahuta, T. 19340-19341, 19408-19410.

his colleague that Simatović was an SDB officer who was setting up an electronic surveillance system.[3179]

1613. The Trial Chamber now turns to the evidence regarding the training camp at Mount Tara. In an interview with **Witness JF-094**, a Serbian MUP official,[3180] Source C (identified in Confidential Appendix C) stated that Obrad Stevanović first had contact with DB members in January 1993 while engaged in the Bajina Bašta sector as part of the PJM Užice Detachment that was protecting the border with Bosnia-Herzegovina.[3181] Around that time, Stevanović came into contact with Franko Simatović, Vaso Mijović, and others who had a camp on Mount Tara, and convinced them to have members of their units train one or two PJP members from each SUP, having heard that Simatović was in charge of a group of people who passed themselves off as having combat experience.[3182] The Trial Chamber has reviewed the remainder of the evidence of Witness JF-094, which is set out in chapter 6.3.2 indicating that Simatović had an office in Bajina Bašta and that Stevanović was a jurist with experience in legal aspects of setting up of units who provided legal drafting assistance to Simatović in return for the training of PJP members at Mount Tara.

1614. On 13 February 1993, Radovan Stojičić, Assistant Minister of Interior of Serbia and Chief of Public Security Department, wrote to SUP, PJM Staff, and Bajina Bašta MUP Staff stating that training for PJM members on the Tara, Bajina Bašta municipality, would start on 20 February 1993. Stojičić ordered that officers who met certain qualifications and who, preferably, were from the PJM, be assigned as instructors, and that the training would last up to 30 days. He also ordered that on 20 February 1993 one officer from each SUP be sent to Tara for training and gave instructions on the transportation of the officers. The officers were to be in PJM uniforms, and had to take certain weapons, ammunition, and personal equipment with them.[3183]

1615. The Trial Chamber now turns to the evidence of Witness JF-053 regarding training of PJM members at the Tara training centre. **Witness JF-053**, a former member and Platoon Commander of the PJM,[3184] testified that in February 1993, he, along with eight section

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[3179] Dejan Plahuta, T. 19339-19340.
[3180] Witness JF-094, T. 7058.
[3181] Witness JF-094, T. 7062, 7156; P973 (Notes from interviews by BIA commission, 28 January to 20 February 2009), p. 1 of 19 February 2009 notes from interview with Source C.
[3182] Witness JF-094, T. 7064-7065, 7067-7069, 7158-7159, 7161, 7171-7172; P973 (Notes from interviews by BIA commission, 28 January to 20 February 2009), p. 2 of 19 February 2009 notes from interview with Source C
[3183] D415 (Letter of Radovan Stojičić on training of PJM members, 13 February 1993).
[3184] Witness JF-053, T. 10814.

commanders of a mortar platoon, went to Mount Tara, a camp used by the instructors of the Red Berets of the Serbian DB, for training.[3185] Prior to arrival at the camp, Milačić told them that they were going to Tara for ski training. Upon arrival at Mount Tara, Obrad Stevanović, Commander of the PJM, informed them that they would receive training for mortar action and possible deployment on the border of Bosnia-Herzegovina.[3186] In addition, the witness learned from Stevanović that they would receive training under Colonel Rajo Božović of the Special Purposes Unit.[3187] Stevanović did not expressly use the term "Frenki's men" or "Frenki's unit" and the witness could not remember whether he mentioned Franko Simatović.[3188] However, according to the witness, his understanding of the name Special Purposes Unit was that it was synonymous with Frenki's Special Purposes Unit or "Frenki's Guys". In addition, while at Tara, the witness was told by young men from the Special Purposes Unit that Simatović was the Commander of the Special Purposes Unit.[3189] The witness received training at Tara for about ten days, ending around 1 or 2 March 1993.[3190] During this time, non-commissioned officers from the VJ trained the witness's detachment in mortar action.[3191] The witness testified that he neither saw Stanišić or Simatović at Mount Tara, nor did he see anyone that he identified as a member of the DB.[3192]

1616. The Trial Chamber also received evidence from Dragoslav Krsmanović in relation to the training of PJM detachments at Mount Tara. However, as explained in chapter 2, the Trial Chamber will not rely on this witness's evidence.

1617. The Trial Chamber has received evidence from a number of witnesses regarding the Tara training camp and its alleged affiliation with the Unit.

1618. **Witness JF-030**, a former Serb MUP officer,[3193] who participated in the Drina operations in March 1993, as reviewed in relation to the Skelani camp below, testified that the Red Berets unit at Mount Tara was under the command of Rajo Božović.[3194]

[3185] P2108 (Witness JF-053, witness statement, 15 February 2008), paras 5-6; Witness JF-053, T. 10762, 10768, 10803.
[3186] P2108 (Witness JF-053, witness statement, 15 February 2008), paras 7, 9; Witness JF-053, T. 10763, 10769-10770, 10781, 10795.
[3187] P2108 (Witness JF-053, witness statement, 15 February 2008), paras 5, 7, 9; Witness JF-053, T. 10769-10770, 10803.
[3188] P2108 (Witness JF-053, witness statement, 15 February 2008), para. 9; Witness JF-053, T. 10770-10772.
[3189] Witness JF-053, T. 10771-10774.
[3190] P2108 (Witness JF-053, witness statement, 15 February 2008), para. 10; Witness JF-053, T. 10780.
[3191] P2108 (Witness JF-053, witness statement, 15 February 2008), paras 5, 10; Witness JF-053, T. 10780-10782, 10801.
[3192] Witness JF-053, T. 10782, 10801-10803.
[3193] P2091 (Witness JF-030, witness statement, 21 August 2003), p. 1, paras 4, 37.
[3194] P2093 (Witness JF-030, witness statement, 15 February 2008), para. 42.

1619. **Witness JF-048**, a former member of the Red Berets,[3195] testified that Tara, near Bajina Bašta in Serbia, formerly was a military facility before it had been taken over by the MUP and was a long-standing training centre for the Red Berets that continued to operate in 1995.[3196]

1620. **Witness JF-031**, a Serb from Knin municipality,[3197] testified that his former colleagues from the Red Berets told the witness about a camp at Bajina Bašta where Red Berets were trained in 1992 and 1993. According to the witness, Simatović went to this camp often.[3198] The witness testified also that a person called Pupovac a.k.a. Pupe and a person called Rašković were members of the Red Berets who went to the Tara camp.[3199]

1621. **Miroslav Deronjić**, a Serb municipal leader from Bratunac,[3200] stated that he learned that the Red Berets' command for the area of Central Podrinje and Podrinje was located at the Mount Tara in Omorika Hotel, where "Frenki" was often seen, and that he knew that Red Berets frequently stayed at the Hotel Evropa in Bajina Bašta.[3201]

1622. The Trial Chamber will now review documentary evidence indicating the presence of Unit members Milenko Popović, Zvezdan Jovanović, Radojica Božović, and Nikola Pupovac (a.k.a. Pupe), at Mount Tara.[3202]

1623. In an undated hand-written autobiography, Milenko Popović wrote that in January 1993 he went to Tara where he participated in the fighting in the area of Srebrenica until the end of April.[3203]

1624. On 11 August 1999, Miomir Popović, employee of the Serbian MUP, on the premises of the Section for Counter-Intelligence, Intelligence and Security of the JSO, Belgrade, stated that in early April 1993, as a member of the reserve force of the Special Operations Unit of the Serbian MUP DB, he received an order from commander Mijović to drive a detainee to

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[3195] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 1-2, 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14576.
[3196] P523 (Witness JF-048, witness statement, 6 May 2000), p. 6.
[3197] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[3198] P998 (Witness JF-031, witness statement, 1 June 2001), p. 13.
[3199] Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora).
[3200] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), paras 1-3, 46, 215, 231, p. 1; P2509 (Miroslav Deronjić, *Milošević* transcript, 26-27 November 2003), p. 29617, 29935, 29939, 29966; P2510 (Miroslav Deronjić, *Krajišnik* transcript, 12-13, 16, 18-19 February 2004), pp. 856, 858-859, 862-865, 867-868, 873, 909, 923, 1126, 1223.
[3201] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 150.
[3202] For the Trial Chamber's findings on these persons' membership in the Unit, see chapter 6.3.2 and 6.3.3 in relation to the Mount Ozren and Vila camps.
[3203] P3179 (Series of Serbian MUP SDB documents relating to Milenko Popović), p. 11 (Hand-written autobiography, Milenko Popović).

their camp in the Tara hotel on Tara.[3204] According to Popović, commanders of the Tara camp at that time were members of the reserve force, Zvezdan Jovanović and Radojica Božović.[3205]

1625. The Trial Chamber has reviewed an interview with Branislav Vakić in relation to the Skelani camp, below, indicating that on or after 28 May 1993 a person referred to as "Frenki Stamatović" and a camp commander known as Pupe suggested to Vakić that the fittest volunteers could receive additional training at Mount Tara.[3206]

1626. Additionally, the Trial Chamber has reviewed a hand-written autobiography by Ranko Lačević in relation to the Skelani camp, below, in which he wrote that having joined the Special Purpose Unit of the Serbian MUP in January 1993 and after participating in the war in Bratunac, he returned to Mt. Tara in August.

1627. The Trial Chamber has reviewed a report of 15 May 1993 on the establishment of Red Berets in Skelani in relation to the Skelani camp below, indicating that the "Red Berets" unit in Skelani went to Mount Tara for training at some point after the 16 January 1993 attack on Skelani, and stayed there until February 1993.[3207]

1628. The Trial Chamber will now turn to the additional evidence it has received on the unit called Drina Wolves.

1629. The Trial Chamber has reviewed evidence of Manojlo Milovanović, Dejan Plahuta, and Witness JF-027, as well as a VRS report of 9 October 1995, indicating that the Drina Wolves unit was part of the VRS.[3208] **Witness JF-052**, a member of the JNA attached to an air force brigade as a technician,[3209] testified that in winter and spring 1993, he was, on several occasions, assigned to go to Bajina Bašta, Serbia, where he saw units of the VJ, police units from the Republic of Serbia and the Bosnian-Serb Republic, and the Drina Wolves, which he identified by their insignia.[3210] The witness testified that the police units from the Bosnian-Serb Republic and the Drina Wolves were subordinated to Franko Simatović and that

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[3204] P3196 (Documents related to Miomir Popović), pp. 17-18 (Statement of Miomir Popović to the JSO of the Serbian MUP, 11 August 1999), p. 17; P3199 (Documents related to Budimir Zečević), pp. 1-2 (Statement of Miomir Popović to the JSO of the Serbian MUP, 11 August 1999), p. 2.
[3205] P3196 (Documents related to Miomir Popović), pp. 17-18 (Statement of Miomir Popović to the JSO of the Serbian MUP, 11 August 1999), p. 18; P3199 (Documents related to Budimir Zečević), pp. 1-2 (Statement of Miomir Popović to the JSO of the Serbian MUP, 11 August 1999), p. 2.
[3206] Exhibit P1053.
[3207] Exhibit P399.
[3208] Manojlo Milovanović, T.4490; Dejan Plahuta, T 19525; P1596 (Witness JF-027, witness statement, 27 February 2004), paras 38-40; Witness JF-027, T. 8951; D82 (Report of Duško Vukotić, 9 October 1995), p. 1.
[3209] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 3-4; Witness JF-052, T. 8851; P1588 (Background sheet).

he saw them salute him in Bajina Bašta, Serbia.[3211] The witness heard Simatović give orders to those units.[3212] On occasion in Bajina Bašta, a local man nicknamed 'Max' who belonged to the Drina Wolves gave instructions to the witness's unit.[3213] Max and his assistant Neđo told the witness that Simatović was their superior, and the witness saw Max salute Simatović and receiving orders from him.[3214] Max and Neđo also told the witness that their group was previously called "Knindže".[3215] Two other men belonging to this unit were Rajo Božović who the witness repeatedly saw in Bajina Bašta and a man called Njegoš who was in charge of the unit that was stationed in a hotel at Mount Tara.[3216] The Drina Wolves were composed of Serbian policemen and locals from the area of Bajina Bašta and Skelani.[3217] The Drina Wolves wore blue camouflage uniforms. Some members also wore black and others green camouflage uniforms.[3218] In addition to the hotel where the members of the various units were accommodated, there was a house in the centre of Bajina Bašta, which functioned as a command centre.[3219] In this command centre, where the witness went several times, he encountered Frenki's secretary who had an office space there. The witness referred to the command centre as a large office with maps and communication devices.[3220]

1630. On 10 December 1993, Dragutin Stanojević, in a handwritten auto-biography, stated that after February he and twenty comrades went to the Tara camp for a special training.[3221] According to a background check on Dragutin Stanojević, reported by Dragan Kijac, Head of the Bosnian-Serb Republic MUP DB on 8 March 1994, Stanojević had joined a formation called the Drinski Vukovi, or Wolves from Drina, after the war broke out in Bratunac.[3222] According to the report, Stanojević had been in a special purposes unit of the MUP of the Bosnian Serb Republic from 21 February to 26 July 1993 and fought alongside the VRS.[3223]

[3210] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 5, 7-8, 10, 12, 15-17; P1590 (Photograph of Drina Wolves patch).
[3211] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 15-17.
[3212] P1587 (Witness JF-052, Prior Testimony, 2003), p. 17.
[3213] P1587 (Witness JF-052, Prior Testimony, 2003), p. 18.
[3214] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 18-19, 23.
[3215] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 23-24, 82.
[3216] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 24, 26-28; Witness JF-052, T. 8798.
[3217] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 82-83.
[3218] P1587 (Witness JF-052, Prior Testimony, 2003), p. 84.
[3219] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 7, 13-14; Witness JF-052, T.8794.
[3220] P1587 (Witness JF-052, Prior Testimony, 2003), pp. 7, 13-14.
[3221] P2816 (Dragutin Stanojević's handwritten note, 10 December 1993).
[3222] P479 (Series of Documents relating to Dragutin Stanojević), p. 3 (Bosnian Serb Republic MUP DB Background Check of Dragutin Stanojević, 8 March 1994, signed by Dragan Kijac).
[3223] P479 (Series of Documents relating to Dragutin Stanojević), p. 3 (Bosnian Serb Republic MUP DB Background Check of Dragutin Stanojević, 8 March 1994, signed by Dragan Kijac).

The Trial Chamber has reviewed evidence in chapter 6.3.2 indicating that Dragutin Stanojević was a member of the Serbian MUP DB JATD from December 1993.

1631. On 13 September 1995, Sreten Petrović reported to the Command of the Light Infantry Brigade that from 29 October to 19 December 1994 the "Red Berets" unit that was formed on 14 July 1992 in Bratunac was deployed as part of the *Vukovi sa Drine* (Wolves from Drina) unit in the Bihać area.[3224]

1632. According to an unsigned and undated intelligence report, the RDB special unit known as the "Vukovi" were under the direct command of Simatović and were engaged in the RSK and the Bosnian-Serb Republic from the beginning of the war.[3225]

1633. The Trial Chamber will finally review the evidence it has received concerning the presence of the Accused in the Bajina Bašta area in the beginning of 1993.

1634. **Risto Šeovac**, the commander of the Bajina Bašta police station for the inspection of Serbia-Bosnia-Herzegovina border crossing from October 1992,[3226] testified that on 16 February 1993, Prime Minister Nikola Šainović arrived in Bajina Bašta together with others, including Stanišić and Simatović.[3227]

1635. A Serbian news report stated that one month after the 16 January attack of Bajina Bašta, Serbian Prime Minister Nikola Šainović and Minister of Interior Zoran Sokolović visited MUP Special Actions Unit in Drina area and a border checkpoint between Skelani and Bajina Bašta, where they met Risto Šeovac. Further they went to Bajina Bašta where they met the president of the municipality, Miloš Mandić. Franko Simatović was present during this visit.[3228]

1636. **Manojlo Milovanović**, the Chief of the Main Staff of the VRS between May 1992 and 1996,[3229] testified that on 23 January 1993, at the Hotel Omoriska at Mount Tara, Serbia, he met with General Panić, Jovica Stanišić, and Radovan Stojičič, a.k.a. Badža.[3230] The topic of

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[3224] D866 (War History of the Reconnaissance Platoon the Red Berets Report, Bratunac, 13 September 1995).
[3225] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), p. 1. Military expert Reynaud Theunens concluded, based on its content and origins, that this report had been drafted by a VJ Security Organ See Reynaud Theunens, T. 8081-8083, 8233-8237; P1575 (Reynaud Theunens expert report, 30 June 2007), p. 124.
[3226] Risto Šeovac, T. 17538-17540.
[3227] Risto Šeovac, T. 17547, 17550, 17557-17558, 17577-17578.
[3228] P1592 (Video clip of a news reportage about Šainović's and Sokolović's visit to Bajina Bašta); D744 (Video stills); Simatović Defence Final Trial Brief, 14 December 2012, para. 1068; Manojlo Milovanović, T. 4618; P398 (Video clip from TV program on Skelani).
[3229] P375 (Curriculum vitae of witness Manojlo Milovanović), p. 2.
[3230] Manojlo Milovanović, T. 4383-4384, 4386; P2976 (Video documentary entitled "The Unit"), p. 24.

the meeting was how to assist the RSK.[3231] The witness testified that this was his first meeting with Stanišić who was very knowledgeable about the situation in different parts of Bosnia-Herzegovina, including in which villages fighting was taking place, the individuals in command, and which groups were fighting.[3232] The witness testified that Badža was dressed in a military uniform and that Stanišić was in plain clothes.[3233] Badža told the witness that he had arrived at Mount Tara "with the boss", but did not identify who the "boss" was, and the witness testified that he knewthat Badža commanded or was responsible for the special units of the Serbian MUP.[3234]

1637. The Trial Chamber has reviewed an excerpt from Mladić's notebook titled "Plan of action in Operation Udar" in relation to the Skelani camp below, indicating that on 28 February 1993 Franko Simatović attended a meeting at Mount Tara to plan Operation Udar.[3235]

1638. The Trial Chamber will now address the presence of the Unit at Mount Tara. Based on the evidence before it,[3236] the Trial Chamber finds that from early 1993, Unit members, including Radojica Božović,[3237] Nikola Pupovac (a.k.a. Pupe), Radomir Rašković, Milenko Popović, Vaso Mijović, Zvezdan Jovanović, and Njegoslav Kušić (a.k.a. Njegoš) were present at a camp at Mount Tara.[3238]

1639. The Trial Chamber now turns to the training of groups at Mount Tara and will first assess the training of a unit from Skelani. Recalling its finding in relation to the Skelani camp, below, regarding the Unit's presence at a camp in Skelani and based on the 15 May 1993 report on the establishment of the Red Berets in Skelani,[3239] the Trial Chamber finds that in January 1993, members of the Unit based at the Mount Tara camp (including Radojica Božović) provided training to other members of the Unit who were based in Skelani, including local persons who had been recruited for the Unit in Skelani. In view of its findings

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[3231] Manojlo Milovanović, T. 4504.
[3232] Manojlo Milovanović, T. 4383, 4385, 4503, 4505; P376 (Clip from video "The Unit"), p. 2.
[3233] Manojlo Milovanović, T. 4383; P376 (Clip from video "The Unit"), p. 2.
[3234] Manojlo Milovanović, T. 4385-4386, 4531-4533.
[3235] Exhibit P392.
[3236] Specifically, the evidence of Witness JF-053, Stevanović's interview notes (in evidence as P973) in combination with the testimony of Witness JF-094, the interview with Branislav Vakić (in ievdence as P1053), Witness JF-030, and Witness JF-052, as well as a number of Serbian MUP documents (in evidence as P3179, P3172 and P3196), as further corroborated by the hearsay evidence of Witness JF-048, Witness JF-031.
[3237] The Trial Chamber understands the references to Rajo Božović in the evidence outlined above to refer to Radojica Božović.
[3238] For the Trial Chamber's findings on the Unit membership of these persons, see chapter 6.3.2 and chapter 6.3.3 in relation to the Brčko and Mount Ozren and Vila camps.
[3239] In evidence as exhibit P399.

in chapter 6.3.2 and in relation to the Ležimir camp above, the Trial Chamber finds that the Accused directed and organized the training of these Unit members from Skelani at Mount Tara.

1640. The Trial Chamber will now assess the training of PJP members. Based on the evidence before it,[3240] the Trial Chamber finds that in January 1993, Radovan Stojičić (a.k.a Badža) and Obrad Stevanović established a Serbian MUP Public Security Service PJP staff in Bajina Bašta. Around January 1993, Stevanović convinced Simatović and Mijović to have Unit members train PJP members in return for drafting assistance. On 13 February 1993, Stojičić ordered that PJP members should be trained at Mount Tara. From about mid-February to early March 1993, a PJP unit was trained at Mount Tara in mortar action. However, the evidence is inconclusive as to who trained the PJP unit at Mount Tara. Witness JF-053 testified that this unit was trained by non-commissioned VJ officers. Further, Stojičić's February 1993 order specified that PJP members should, preferably, be trained by PJP instructors at Mount Tara. In the absence of further evidence as to who provided the training of the PJP members at Mount Tara, the Trial Chamber is unable to determine with sufficient certainty whether and, if so, to what extent Unit members were involved. The Trial Chamber has also received evidence on the presence of the Accused in Tara and Bajina Bašta in January and February 1993.[3241] This evidence does not, however, conclusively establish that the Accused undertook any actions directed towards the training of PJP members at Mount Tara during their stay in the area. Accordingly, the Trial Chamber is unable to conclude that the Accused organized the training of the PJP members at Mount Tara.

1641. The Trial Chamber now turns to the training of a unit called the Drina Wolves. The evidence[3242] indicates that after February 1993 a unit referred to as the Drina Wolves was stationed at Mount Tara. In his prior testimony,[3243] Witness JF-052 stated that the Drina Wolves were subordinate to Franko Simatović. However, the witness did not attest to this

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[3240] Specifically, the evidence of Dejan Plahuta, Risto Šeovac, Witness JF-053, interview notes (in evidence as P973), and a letter written by Radovan Stojičić on the training of PJM members at Mound Tara (in evidence as D415).

[3241] In relation to Stanišić see the evidence of Risto Šeovac and Manojlo Milovanović, and a Serbian news report (in evidence as P1592). In relation to Simatović see the evidence of Witness JF-052, Risto Šeovac, Witness JF-031, Dejan Plahuta, Miroslav Deronjić, interview notes (in evidence as P973) in combination with the testimony of Witness JF-094, an excerpt from Mladić's notebook titled "Plan of action in Operation Udar (in evidence as P392), an interview with Branislav Vakić (in evidence as P1053), and the Serbian news report (in evidence as P1592).

[3242] Specifically, the evidence of Witness JF-052, a handwritten note by Dragutin Stanojević (in evidence as P2816), and a background check on Dragutin Stanojević (in evidence as page 3 of P479).

[3243] In evidence as exhibit P1587.

specific portion of his prior testimony during his testimony in the present case.[3244] The Trial Chamber recalls that when admitting the witness's prior testimony, it stated that it would take a very cautious approach in determining the weight to be given to this evidence and may consider whether there is corroborating evidence.[3245] The Trial Chamber has not received other evidence indicating that the Drina Wolves at the Tara camp were subordinated to Simatović. In this respect, the Trial Chamber considers that it is not clear whether the "Vukovi" mentioned by intelligence report P1075 are the same unit as the Drina Wolves. The remainder of the evidence regarding the status of the Drina Wolves (which appears to have included Dragutin Stanojević) is inconclusive as their status in early 1993.[3246] In the absence of evidence clearly establishing whether the Drina Wolves received training at Mount Tara or participated in operations relevant to the present case, the Trial Chamber will not make further findings with regard to the Drina Wolves.

1642. In its Final Trial Brief, the Stanišić Defence argues that the training at the Tara camp was coordinated by the Joint Staff in Tara, which consisted of VRS, VJ, Bosnian-Serb Republic MUP and Serbian MUP.[3247] Having evaluated the evidence before it, the Trial Chamber concludes that it has received no indications that the training at the Tara camp was coordinated by the Joint Staff. The remainder of allegations concerning the Tara Joint Staff will be addressed in the following chapter concerning the operations in Skelani.

1643. The Trial Chamber has received no evidence as to the financing or logistical or other substantial support the Unit may have received at the Tara camp at the time period reviewed in this section. Accordingly, the Trial Chamber will not consider this matter further.

Skelani camp and Skelani operations, June 1992-1993

1644. The Trial Chamber now turns to the Skelani camp and the Skelani operations. The Trial Chamber will consider whether the Accused directed the involvement of the Unit in particular operations in and around Skelani.[3248] It will further consider whether the Accused organized, supplied, financed, and supported the Unit's involvement in those particular operations.[3249] It will also review whether the Accused directed and organized the financing,

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[3244] Witness JF-052, T. 8793, 8795.
[3245] Decision on admission into evidence of prior testimony, statement, and related documents concerning Witness JF-052, 28 January 2011, para. 11.
[3246] The only clear evidence on Dragutin Stanojević's affiliation relates to his membership of the Unit after its formalization as the JATD in August 1993
[3247] Stanišić Defence Final Trial Brief, 17 December 2012, paras 783, 791-792, 798.
[3248] Indictment, para. 7.
[3249] Indictment, para. 7.

training, logistical support, and other substantial assistance or support for the Unit at the Skelani camp.[3250] Finally, it will consider whether the Accused directed and organized the training of other groups at the Skelani camp.

1645. In its Final Trial Brief, the Prosecution submits that in June or July 1992, Simatović met with Serb municipal leaders in Eastern Bosnia-Herzegovina and told them that training camps would be set up in the municipalities, run by Serbian special police units.[3251] Following Simatović's instructions, on 8 June 1992, Red Beret members (including Nikola Pupovac) established a training camp at Skelani. Red Berets also established a Skelani Red Berets unit (including Milenko Trifunović) under the command of and financed by Simatović. The Skelani Red Berets unit trained local Serbs.[3252] The Skelani Red Berets, commanded by Božović and Jovanović, participated in combat operations in eastern Bosnia-Herzegovina and controlled the bridge between Skelani and Bajina Bašta.[3253]

1646. The Trial Chamber has received the evidence of Miroslav Deronjić and Witness JF-033, as well as further documentary evidence, in relation to the Skelani camp and Skelani operations. The Trial Chamber will first review the evidence in relation to a meeting between Franko Simatović and local municipal leaders and the presence of Unit members Nikola Pupovac and Predrag Spasojević[3254] at a camp in Skelani in June or July 1992.

1647. **Miroslav Deronjić**, a Serb municipal leader from Bratunac,[3255] stated that in April 1992, a man called Predrag Spasojević came to Bratunac. He introduced himself as an official of the SDB, and showed his ID to the witness. Later on, the witness learned that he was a member of the Red Berets.[3256] In June or July 1992, he was invited by Dragan Trisić, the chief of the TO in Bajina Bašta, to a TO meeting which took place in the TO premises in the office of Jelić. The witness testified that Franko Simatović also attended the meeting. It was the first time the witness met Simatović.[3257] The delegation from Skelani, the delegation from Zvornik composed of Brano Grujić and Marko Pavlović, and the commander of the Višegrad Brigade

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[3250] Indictment, paras 3, 5, 15(c).
[3251] Prosecution Final Trial Brief, 14 December 2012, para. 254.
[3252] Prosecution Final Trial Brief, 14 December 2012, paras 255-256, 258.
[3253] Prosecution Final Trial Brief, 14 December 2012, paras 257-258.
[3254] For the Trial Chamber's findings on Nikola Pupovac and Predrag Spasojević being members of the Unit, see chapters 6.3.2 and 6.3.3 in relation to the Ležimir camp, respectively.
[3255] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), paras 1-3, 46, 215, 231, p. 1; P2509 (Miroslav Deronjić, *Milošević* transcript, 26-27 November 2003), p. 29617, 29935, 29939, 29966; P2510 (Miroslav Deronjić, *Krajišnik* transcript, 12-13, 16, 18-19 February 2004), pp. 856, 858-859, 862-865, 867-868, 873, 909, 923, 1126, 1223.
[3256] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 131.
[3257] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 134.

Vinko Pandurević were also present.[3258] Simatović stated that those in attendance at the meeting shared the task of establishing training camps in Skelani, Zvornik, and Višegrad. Simatović said that instructors and commanders would come from Serbia, from special police units within the Serbian MUP.[3259] He explained that the troops would be in a special separate structure which was under his command and that each camp would have its own commander. He also said that the troops would naturally cooperate with the VRS but that the lower-level commands would not have authority over the units.[3260] Simatović explained that the task had been agreed to at the highest level of military, political, and state circles of the Bosnian-Serb Republic and Serbia.[3261] The witness did not remember whether Simatović had referred to the Red Berets, but the witness later realized that the units were indeed the Red Berets.[3262] Simatović further said that the municipal representatives present at the meeting were to provide logistical support to the units, such as securing facilities of the training camps, recruiting 20-30 of their best young men at the municipal level as soldiers to be trained, and providing assistance in terms of vehicles and fuel. Simatović stressed that it was essential to find suitable facilities for the training.[3263] According to the witness, the main purpose of the meeting was to inform the municipalities of such trainings and to seek their assistance.[3264]

1648. In June 1992, a camp of the Red Berets was set up in Skelani and the witness frequently saw Predrag Spasojević there as an instructor at the camp.[3265] Dragan Spasojević told the witness that they would recruit 20-30 young men from Bratunac and train them in Skelani.[3266] Predrag Spasojević and Perica Mitrović informed the witness that they had already made a selection and that the men had agreed to be trained at the camp.[3267]

1649. The Trial Chamber will now review a number of military reports regarding the Skelani camp and Unit member Nikola Pupovac's presence in Skelani.[3268] A 28 July 1992 report on paramilitary formations in the territory of the Bosnian-Serb Republic, signed by Colonel Zdravko Tolimir, acknowledged that a camp of so-called Red Berets, headed by Nikola

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[3258] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 135.
[3259] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), paras 136, 138.
[3260] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 137.
[3261] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 136; P2509 (Miroslav Deronjić, *Milošević* transcript, 26-27 November 2003), p. 29634.
[3262] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 136.
[3263] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 137.
[3264] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 138.
[3265] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 132.
[3266] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), para. 139.
[3267] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), paras 133, 138-140.
[3268] For the Trial Chamber's findings that Nikola Pupovac was a member of the Unit, see chapter 6.3.2.

Pupovac, one of Captain Dragan's pupils, had been established in the Serbian municipality of Skelani.[3269]

1650. According to a 3 August 1992 report to the Eastern Bosnia Corps Command, concerning the operations by "Red Berets" units in the ranks of the VRS, a training camp was organized in the Serbian municipality of Skelani at the beginning of June 1992, for the purpose of training members of the Serbian army from a few municipalities in the Birač region. According to the report, the camp was directed by "a certain Pupavac" from Captain Dragan's group. Training included exercises for physical condition and endurance, a few sessions of firing practice, and tactical exercises. After the completion of their training, the groups returned to their home municipalities. In mid-July 1992, 20 officers arrived in Bratunac; they were commanded by Boško Nešković, who was assisted by Predrag Spasojević, who according to the report was a criminal claiming to be an employee of the Federal DB.[3270]

1651. A 15 May 1993 report on the establishment of Red Berets in Skelani stated that the Red Berets were a "unit for special purposes" of the MUP of Serbia in Skelani. According to the report, the unit was established on 8 June 1992 with 20 military conscripts and three instructors who trained the soldiers. From September 1992, persons who had not completed their military service were sent to the Red Berets unit for basic military training.[3271]

1652. On 25 February 1993, Commander Major Nebojša Ilić of the Skelani Independent Battalion reported to the Drina Corps Command that a unit of the MUP of Serbia (the Red Berets) was stationed in Skelani and nearly all of the Battalion's recruits received training in "that centre" for a period of between one and three months. Ilić added that by the time of his report, the battalion numbered around 800 soldiers, including two volunteer units (60 Radicals and 80 Red Berets soldiers) who were under the command of the battalion.[3272]

1653. The Trial Chamber now turns to documentary evidence regarding who was present at the Skelani camp. Documents entitled Republic of Serbia MUP personal files of Special Purpose Unit members provided that a number of persons from Skelani and Bajina Bašta

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[3269] P383 (Report on paramilitary formations in the territory of the Serbian Republic of Bosnia-Herzegovina, signed by Colonel Zdravko Tolimir, 28 July 1993), pp. 1, 5, 11.
[3270] P2104 (Report of Affairs Officer to the Eastern Bosnia Corps Command concerning operations by Red Berets in the ranks of the Army of the Serbian Republic, signed by Staff Sergeant Drago Nikolić, 3 August 1992).
[3271] P399 (Report of the Skelani Independent Battalion to the Drina Corps regarding the Establishment of the Red Berets, or the Units for Special Purposes of the MUP of Serbia in Skelani, 15 May 1993), p. 1.

joined the unit between May 1992 and April 1993.[3273] Twelve of these persons[3274] were also listed in the 15 May 1993 report on the establishment of Red Berets in Skelani.[3275] In addition, according to a background check, Gorgina Todorović, a reservist of the Republic of Serbia's MUP DB Special Operations Unit, worked at the Special Purpose Unit's camp in Skelani as a secretary from 1992 until September 1993.[3276]

1654. The 15 May 1993 report on the establishment of Red Berets in Skelani contained an attachment dated 9 April 1993 which listed around 50 persons from Skelani municipality[3277]

[3272] P3119 (Report of the Skelani Independent Battalion to the Drina Corps Command regarding an analysis of the last year's activities, 25 February 1993), p. 2.

[3273] P3138 (Series of documents relating to Milenko Trifunović), pp. p. 1 (personal file of special purpose member, Milenko Trifunović), 3 (handwritten personal history of Milenko Trifunović); P3129 (Document relating to Velibor Maksimović); P3130 (Series of Serbian MUP SDB documents relating to Miko Milić), p. 3 (personal file of special purpose member, Miko Milić); P3131 (Document relating to Milan Rankić); P3132 (Series of Serbian MUP SDB documents relating to Pedrag Jovanović), p. 2 (personal file of special purpose member, Pedrag Jovanović), p. 14 (handwritten statement by Pedrag Jovanović); P3134 (Series of documents relating to Radiša Maksimović), p. 5 (personal file of special purpose member, Radiša Maksimović); P3135 (Series of documents relating to Mirko Milanović), p. 3 (personal history of Mirko Milanović); p. 1 (personal file of special purpose member, Mirko Milanović, 30 May 1993); P3136 (Series of documents relating to Zoran Obrenović), p. 18 (personal file of special purpose member, Zoran Obrenović, 30 March 1993); P3139 (Series of documents relating to Mirko Trifunović), p. 3 (handwritten biography of Mirko Trifunović); p. 1 (personal file of special purpose member, Mirko Trifunović); P3140 (Series of documents relating to Zdravko Živanović) p. 5 (handwritten biography of Zdravko Živanović); P3127 (Series of documents relating to Dragan Marković), p. 3 (personal file of special purpose member, Dragan Marković); P3133 (Series of documents relating to Nebojša Janković), p. 1 (untitled form, 3 August 1993), p. 3 (handwritten resume of Nebojša Janković).

[3274] Namely, Milenko Trifunović, Velibor Maksimović, Miko Milić, Milan Rankić, Pedrag Jovanović, Radiša Maksimović, Mirko Milanović, Zoran Obrenović, Mirko Trifunović, Zdravko Živanović, Nebojša Janković, and Dragan Marković.

[3275] P399 (Report of the Skelani Independent Battalion to the Drina Corps regarding the Establishment of the Red Berets, or the Units for Special Purposes of the MUP of Serbia in Skelani, 15 May 1993), pp. 3-5; P3138 (Series of documents relating to Milenko Trifunović), p. 1 (personal file of special purpose member, Milenko Trifunović), p. 3 (handwritten personal history of Milenko Trifunović); P3129 (Document relating to Velibor Maksimović); P3130 (Series of Serbian MUP SDB documents relating to Miko Milić), p. 3 (personal file of special purpose member, Miko Milić); P3131 (Document relating to Milan Rankić); P3132 (Series of Serbian MUP SDB documents relating to Pedrag Jovanović), p. 2 (personal file of special purpose member, Pedrag Jovanović), p. 14 (handwritten statement by Pedrag Jovanović); P3134 (Series of documents relating to Radiša Maksimović), p. 5 (personal file of special purpose member, Radiša Maksimović); P3135 (Series of documents relating to Mirko Milanović), p. 3 (personal history of Mirko Milanović); p. 1 (personal file of special purpose member, Mirko Milanović, 30 May 1993); P3136 (Series of documents relating to Zoran Obrenović), p. 36 (personal file of special purpose member, Zoran Obrenović); P3139 (Series of documents relating to Mirko Trifunović), p. 3 (handwritten biography of Mirko Trifunović); p. 1 (personal file of special purpose member, Mirko Trifunović); P3140 (Series of documents relating to Zdravko Živanović) p. 5 (handwritten biography of Zdravko Živanović); P3133 (Series of documents relating to Nebojša Janković), p. 1 (untitled form, 3 August 1993), p. 3 (handwritten resume of Nebojša Janković); P3127 (Series of documents relating to Dragan Marković), p. 1 (untitled form, 27 May 1992); p. 3 (personal file of special purpose member, Dragan Marković).

[3276] P3182 (series of Serbian MUP SDB documents relating to Gorgina Todorović), pp. 4-5.

[3277] Including Milenko Trifunović, Velibor Maksimović, Miko Milić, Milan Rankić, Pedrag Jovanović, Radiša Maksimović, Mirko Milanović, Zoran Obrenović, Mirko Trifunović, Zdravko Živanović. Dragan Marković Aleksandar Radovanović, Rade Jovanović, Nebojša Janković, Radivoje Živanović, Petar Mitrović, Radan Sekulić, Medan Branislav, Jelko Ivanović, Milenko Savić, Staniša Stanojević, Dragiša Živanović, Dragan Sarić, Ratko Obrenović, Milija Blagojević, Nenad Vasić, Obradin Balčaković, Novak Marjanović, Milija Jovanović, Goran Matić, Jovan Mijatović, Dane Ivanović, Novica Petković, Milomir Ilić, Stojan Vasić, Dragoljub Simić, Radenko Mijatović, Dragutin Jakovljević, Radoje Živanović, Zoran Rakić, Miroslav Maksimović, and Vladimir Ivanović.

as members of the Red Berets.[3278] The Trial Chamber has reviewed multiple payment lists of the Serbian DB for units referred to as the "JPN" and the "JATD" for the period of August to December 1993. Thirty-nine persons, who were also listed in the 15 May 1993 report as persons from Skelani in the Red Berets,[3279] appear on these lists as beneficiaries.[3280]

1655. The Trial Chamber now turns to the evidence received in relation to the presence of Unit member Radojica Božović[3281] and the Unit's participation in operations in and around Skelani from January 1993. In this respect, the Trial Chamber will consider a number of military reports.

1656. The 15 May 1993 report on the establishment of Red Berets in Skelani stated that after the 16 January 1993 attack on Skelani, the unit left and went to Mount Tara for further training, returning to Skelani in February 1993. During this time, the unit was under the command of a person named Božović and consisted of 150 soldiers, 52 of whom were from Skelani. The group controlled the bridge in Skelani. It also took part in combat operations at Kragla Vode and the "mopping up" of the terrain around Rađenovice, where two soldiers from the unit were killed. According to the report, all attempts to return the soldiers of this unit to the Skelani Independent Battalion had failed. The unit frequently went to Tara to rest. On 14 May 1993, after staying near Višegrad, the unit returned to Skelani and refused to

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[3278] P399 (Report of the Skelani Independent Battalion to the Drina Corps regarding the Establishment of the Red Berets, or the Units for Special Purposes of the MUP of Serbia in Skelani, 15 May 1993), pp. 3-5.

[3279] Milenko Trifunović, Aleksandar Radovanović, Pedrag Jovanović, Rade Jovanović, Nebojša Janković, Radivoje Živanović, Petar Mitrović, Radan Sekulić, Branislav Medan, Jelko Ivanović, Milenko Savić, Staniša Stanojević, Dragiša Živanović, Miko Milić, Dragan Sarić, Mirko Trifunović, Ratko Obrenović, Milija Blagojević, Nenad Vasić, Obradin Balčaković, Novak Marjanović, Milija Jovanović, Zoran Obrenović, Radiša Maksimović, Goran Matić, Jovan Mijatović, Dane Ivanović, Novica Petković, Milomir Ilić, Stojan Vasić, Dragoljub Simić, Radenko Mijatović, Dragutin Jakovljević, Radoje Živanović, Mirko Milanović, Zoran Rakić, Miroslav Maksimović, Vladimir Ivanović, and Zdravko Živanović.

[3280] P157 (List of JPN members to be Paid Daily Allowances for 21 August to 10 September 1993), pp. 5-6; P1484 (List of JATD members to be Paid Daily Allowances for an unspecified date, presumably late 1993), pp. 4-5; P1485 (List of JATD members to be Paid Daily Allowances for an unspecified date, presumably September 1993), pp. 13-14; P1490 (List of JATD members to be Paid Daily Allowances for 26 August to 10 September 1993), pp. 9-10; P1491 (List of JATD members to be Paid Daily Allowances for 9 to 30 September 1993), pp. 8-9; P1493 (List of JATD members to be Paid Daily Allowances for 11 to 30 September 1993), pp. 1-2; P1494 (List of JATD members to be Paid Daily Allowances for 23 to 30 September 1993), pp. 9-10; P1498 (List of JATD members to be Paid Daily Allowances for 21 October to 10 November 1993), pp. 10-11; P1499 (List of JATD members to be Paid Daily Allowances for 21 October to 1 November 1993), pp. 5, 8; P1500 (List of JATD members to be Paid Daily Allowances for 28 October to 10 November 1993), pp. 11-12; P1501 (List of JATD members to be Paid Daily Allowances for 16 to 30 November 1993), p. 6; P1502 (List of JATD members to be Paid Daily Allowances for 27 to 30 November 1993), pp. 8-9; P1503 (List of JATD members to be Paid Daily Allowances for 1 to 31 December 1993), pp. 9-10; P1504 (List of JATD members to be Paid Daily Allowances for 7 to 31 December 1993), pp. 3, 5; P1505 (List of JATD members to be Paid Daily Allowances for 19 to 26 December 1993), pp. 9-10; P1506 (List of JATD members to be Paid Daily Allowances for 27 to 31 December 1993), pp. 5-7.

[3281] For the Trial Chamber's finding that Radojica Božović was a member of the Unit, see chapter 6.3.2.

subordinate themselves to the command of the Skelani Independent Battalion and instead insisted that only the MUP of Serbia could command them.[3282]

1657. According to an undated statement of the Serbian MUP DB Special Purpose Unit pertaining to events on 9 April 1993, signed by Radojica Božović as unit commander and Zvezdan Jovanović as deputy commander of the unit at Skelani, Major Ilić, the Commander of the Skelani Independent Battalion/TO, informed them that their line of defence in Karačići had been broken. Jovanović then took ten men to "mop up" the terrain, and, in a coordinated action with a group brought by Božović, they managed to push "the Muslims" back from this sector. The statement further provided that it was during this operation that the mutilated bodies of Žarko Teofanović and Ljubomir Obradović were found.[3283] In an unsigned and undated intelligence report on the formation of the Serbian DB JSO,[3284] the names of Žarko Teofanović and Ljubomir Obradović appear on a list of dead members of the unit.[3285] According to two untitled and undated statements, Žarko Teofanović and Ljubomir Obradović were killed on 9 April 1993 at the frontline by Muslims.[3286] The documents further note that Teofanović's wife Stojanka Teofanović and Obradović's wife Tina Obradović had been receiving reservist's salary and daily allowance payments.[3287] The Trial Chamber has reviewed multiple payment lists of the Serbian DB (JATD) for the period of 16 July 1994 to 31 December 1995; Stojanka Teofanović and Tina Obradović appear on these lists as beneficiaries.[3288]

[3282] P399 (Report of the Skelani Independent Battalion to the Drina Corps regarding the Establishment of the Red Berets, or the Units for Special Purposes of the MUP of Serbia in Skelani, 15 May 1993), pp. 1-2.
[3283] P3040 (Series of documents relating to Ljubomir Obradović), p. 2.
[3284] Military expert witness Reynaud Theunens concluded, based on its content and origins, that exhibit P1075 had been drafted by a VJ Security Organ after May 1996. See Reynaud Theunens, T. 8049-8057; P1574 (Curriculum Vitae of Reynaud Theunens).
[3285] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), p. 13.
[3286] P3122 (Series of documents relating to Žarko Teofanović), p. 1 (untitled document relating to Žarko Teofanović); P3040 (Series of documents relating to Ljubomir Obradović), p. 2.
[3287] P3122 (Series of documents relating to Žarko Teofanović), p. 1 (untitled document relating to Žarko Teofanović); P3040 (Series of documents relating to Ljubomir Obradović), p. 1.
[3288] P446 (List of JATD members to be Paid Daily Allowances for 16 to 31 July 1994), p. 10; P447 (List of JATD members to be Paid Daily Allowances for 1 to 31 August 1994), p. 5; P448 (List of JATD members to be Paid Daily Allowances for 1 to 15 September 1994), p. 11; P449 (List of JATD members to be Paid Daily Allowances for 16 to 30 September 1994), p. 12; P450 (List of JATD members to be Paid Daily Allowances for 1 to 15 October 1994), p. 7; P451 (List of JATD members to be Paid Daily Allowances for 16 to 31 October 1994), p. 9; P452 (List of JATD members to be Paid Daily Allowances for 16 to 30 November 1994), p. 3; P453 (List of JATD members to be Paid Daily Allowances for 1 to 15 December 1994), p. 7; P454 (List of members of the Unit to be Paid Daily Allowances for 16 to 31 December 1994), p. 7; P455 (List of JATD members to be Paid Daily Allowances for 1 to 15 December 1994), p. 15; P456 (List of members of the Unit to be Paid Daily Allowances for 23 to 31 January 1995), p. 5; P457 (List of JATD members to be Paid Daily Allowances for 1 to 15 January 1995), p. 11; P458 (List of JATD members to be Paid Daily Allowances for 1 to 15 February 1995), p. 18; P459 (List of JATD members to be Paid Daily Allowances for 16 to 31 March 1995), p. 6; P460 (List of JATD members to be Paid Daily Allowances for 16 to 28 February 1995), p. 15; P561 (List of JATD members

1658. In a hand-written biography written at Tara on 4 December 1993, Nikola Pilipović wrote that he was in Skelani from the beginning of February to July 1993.[3289] In an undated handwritten note, Ranko Lačević wrote that after joining the Special Purpose Unit of the MUP of Serbia in January 1993, he took part in operations in the Drina area, including Skelani, Osmaće, Srebrenica, Bratunac, and Zvornik prior to August 1993.[3290] The Trial Chamber further recalls the documentary evidence reviewed in relation to the Tara camp, indicating that from Tara, Milenko Popović participated in the fighting in the area of Srebrenica until the end of April.

1659. On 6 May 1993, Commander Vukoja Vuković of the Tactical Group 1 reported to the Drina Corps Commander that there allegedly existed an intervention unit in the Skelani camp and that 57 troops from Skelani wearing the so-called red berets and commanded by "Frenki" and Božović were in the Skelani camp. Vuković reported that these 57 persons were all considered military conscript of the Skelani Battalion, although they never spent a day in it, and he proposed that they be moved to his battalion.[3291]

1660. On 14 May 1993, Colonel Milenko Živanović of the Drina Corps Command reported to the Bosnian-Serb Republic Main Staff on problems in the relations with the Special Purpose Units of the Serbian MUP. According to Živanović, the superior officers and instructors of a Special Purpose Unit formed in Skelani were members of the Republic of Serbia MUP. The Serbian MUP instructors had trained 57 military conscripts from the territory of Skelani. The unit in Skelani was commanded by the Republic of Serbia MUP

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to be Paid Daily Allowances for 1 to 15 March 1995), p. 11; P462 (List of JATD members to be Paid Daily Allowances for 16 to 30 April 1995), p. 6; P463 (List of JATD members to be Paid Daily Allowances for 1 to 15 April 1995), p. 7; P464 (List of JATD members to be Paid Daily Allowances for 1 to May 1995), p. 7; P465 (List of JATD members to be Paid Daily Allowances for 16 to 31 May 1995), p. 20; P466 (List of JATD members to be Paid Daily Allowances for 1 to 15 June 1995), p. 22; P467 (List of JATD members to be Paid Daily Allowances for 16 to 30 June 1995), p. 21; P468 (List of JATD members to be Paid Daily Allowances for 1 to 15 July 1995), p. 13; P540 (List of JATD members to be Paid Daily Allowances for 16 to 31 July 1995), p. 14; P541 (List of JATD members to be Paid Daily Allowances for 16 to 31 August 1995), p. 9; P542 (List of JATD members to be Paid Daily Allowances for 1 to 15 August 1995), p. 9; P347 (List of JATD members to be Paid Daily Allowances for 16 to 30 September 1995), p. 19; P543 (List of JATD members to be Paid Daily Allowances for 1 to 15 September 1995), p. 28; P348 (List of JATD members to be Paid Daily Allowances for 1 to 15 October 1995), p. 40; P349 (List of JATD members to be Paid Daily Allowances for 16 to 31 October 1995), p. 12; P544 (List of JATD members to be Paid Daily Allowances for 1 to 15 November 1995), p. 6; P545 (List of JATD members to be Paid Daily Allowances for 16 to 30 November 1995), p. 69; P546 (List of JATD members to be Paid Daily Allowances for 1 to 15 December 1995), p. 19; P547 (List of JATD members to be Paid Daily Allowances for 16 to 31 December 1995), p. 26.

[3289] P3195 (Series of Serbian MUP SDB documents relating to Nikola Pilipović), pp. 13-14 (Hand-written autobiography by Nikola Pilipović, Tara, 4 December 1993).

[3290] P3172 (Series of Serbian MUP SDB documents relating to Ranko Lačević), p. 1 (Handwritten statement by Ranko Lačević).

[3291] P1441 (Report to the Drina Corps Commander, signed by Commander Vukoja Vuković, 6 May 1993), p. 2; P1438 (Explanation of the death of Colonel Sevilović), p. 2.

Special Units Command and its members had a much higher salary than other military conscripts. The unit in Skelani refused to subordinate or collaborate with the command of the Tactical Group, being the Battalion.[3292]

1661. In a 17 June 1993 Combat Readiness Report from the Skelani battalion of the VRS, Colonel Rade Rodić stated that a "(former) KVO" portion of the battalion was located in the Skelani elementary school as the "RS" paramilitaries called the "Red Berets". Rodić did not know under whose command the Red Berets were as they refused to follow the Skelani Battalion Commander's orders and, according to the information available to Rodić, they were financed by "Frenki". In the report, Rodić stated that 57 of the Red Berets had agreed to join the Security Department if certain conditions were met, including their continuing to "secure" a bridge crossing, which the report stated was a "source of income". Rodić requested that the 57 conscripts be placed under the command of the Skelani battalion commander and that the "RS" MUP resolve the issue of their finances, as "Frenki has financed them so far". In addition, Rodić requested that an order be issued for a "specific service" (e.g. the Military Police, municipal police or customs) to secure the bridge, and that older military conscripts of the Skelani Independent Battalion secure the airport, ensuring that it be used for combat operations, couriers, medical and transport tasks alone, and that it not become "anyone's fiefdom (Frenki's)".[3293]

1662. According to a report on combat readiness signed by Colonel Rajko Balać of the Skelani Independent Battalion Command, "Frenki's specials" made no new attempts to move goods across the bridge, and as a result, on explicit orders from "Mr. Franko" (the boss), the political and military leadership of Skelani municipality and the Skelani SB were prohibited from crossing the bridge and entering the FRY.[3294]

1663. The Stanišić Defence submits that when Franko Simatović and Radojica Božović were present in Skelani municipality, they were subordinate to Obrad Stevanović and Radovan Stojičić of the Serbian MUP and the Joint Staff of the VRS/VJ/Serbian and Bosnian-Serb Republic MUP at Tara.[3295] According to the Stanišić Defence, during this time, Božović may

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[3292] P2683 (Report to the Main Staff on Special Purpose Units of the Serbian MUP, Milenko Živanović, 14 May 1993), p. 2.
[3293] P387 (Combat Report of the VRS Skelani battalion to the VRS Main Staff and Drina Corps Command, 17 June 1993), p. 2.
[3294] P3120 (Report on combat readiness, signed by Colonel Rajko Balać of the Skelani Independent Battalion Command).
[3295] Stanišić Final Trial Brief, 17 December 2013, paras 791-793, 798, 804, 815, 827-834.

also have been subordinate to the VRS Skelani Battalion.[3296] In order to fully consider this argument, the Trial Chamber finally turns to evidence it has received in relation to the Joint Staff at Tara, Operation Udar, and Tactical Group 1.

1664. On 28 February 1993, Mladić, Chief of the VJ General Staff Panić, Commander Ojdanić of the Uzice Corps, Franko Simatović, and two unidentified men from the MUP attended a meeting at Mount Tara to plan Operation Udar.[3297] In his notes, Mladić indicated that the MUP troops were to be part of TG-1, which was subordinated to Mrkšić.[3298] The Trial Chamber refers to further evidence regarding Operation Udar, as reviewed in chapter 6.9, according to which Operation Udar lasted between 14 February and 25 April 1993 and resulted in the "liberation" of Serbian territories in the area of central Podrinje.

1665. On 25 May 1993, a Republic of Serbia MUP Detachment for Special Purposes (JPN) Officer issued a certificate approving the transfer of several commodities seized as "war bounty" from Skelani. The certficate followed an order issued by the Tactical Group Commander General Mile Mrkšić on 12 March 1993.[3299]

1666. **Witness JF-030**, a former Serb MUP officer,[3300] testified that at the beginning of March 1993, General Mrkšić and Colonel Milorad Stupar informed the commanders of the 72nd Brigade that the Bosnian Army had 3,000 to 4,000 persons operating in and around Srebrenica municipality, with some kind of headquarters in the area of Osmaće and Poznanovići. Mrkšić and Stupar told them that the VRS was "engaged to neutralise" the territory and needed their support.[3301] On 7 March 1993, the witness and his battalion travelled to Fackovići on the Bosnian side of the River Drina. On the Serbia-Bosnia border near Bačevac, they put on VRS patches.[3302] The witness testified that Stupar informed him that Serbian PJM units and Rajo Božović's Red Berets unit from the Bajina Bašta area would support the VJ operation with mortar fire.[3303] On 10 March 1993, the witness saw Stupar, Mrkšić, Mladić, and Colonel Lisica of the VRS at a meeting in Fackovići, where the witness was briefed on plans to launch an offensive in the area of Osmaće and Poznanovići. The

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[3296] Stanišić Final Trial Brief, 17 December 2013, paras 898-906.
[3297] Manojlo Milovanović, T. 4434, 4436-4438; P392 (Excerpt from Mladić notebook titled "Plan of action in Operation Udar", 28 February 1993), p. 3; P393 (Excerpt of P392 with "Udar" marked by witness Milovanović).
[3298] P392 (Excerpt from Mladić notebook titled "Plan of action in Operation Udar", 28 February 1993), p. 4; P433 (Chart of VJ Special Forces Corps and their involvement in the attack on Skelani, 1993).
[3299] P1442 (Certificate approving transfer of war bounty from Skelane, 25 May 1993).
[3300] P2091 (Witness JF-030, witness statement, 21 August 2003), p. 1, paras 4, 37.
[3301] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 44.
[3302] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 47.
[3303] P2091 (Witness JF-030, witness statement, 21 August 2003), paras 48-49, 51; Witness JF-030, T. 10696-10697; Witness JF-030, T. 10696-10697, 10740.

witness and others were informed that the operation would involve VJ special units (63rd, 68th, and 72nd Brigade), the VRS, and the Serbian MUP (PJM and Red Berets).[3304] The witness testified that during the 11 March 1993 attack on Osmaće and the 20 March 1993 attack on Poznanovići, he went to the Bosnian side of Bajina Bašta where he saw the Red Beret unit of Božović, wearing combat uniforms and red berets, and VRS soldiers.[3305]

1667. **Witness JF-053**, a former member and Platoon Commander of the PJM,[3306] testified that at the end of the training at Mount Tara, around 1 or 2 March 1993, the Commander of the Užice PJM battalion, Branko Prljevic and someone from the VJ ordered that the witness and his unit be deployed to Bosnia-Herzegovina.[3307] The operation involved units from the VJ and PJM units.[3308] According to the witness, the PJM unit deployed in this operation included members of the Red Berets.[3309] The witness estimated there were about thirty Red Berets deployed along the border.[3310]

1668. **Witness JF-033**, a member of the VJ in 1992 and 1993,[3311] testified that in January 1993, the 72nd Brigade went to Kremna.[3312] The next day, Mrkšić, Stupar, and Ojdanić, the commander of the Užice Corps, told them that they were assigned to liberate a village in Eastern Bosnia.[3313] Mrkšić gave a speech, saying that Bosnian Muslims had taken the town of Skelani and that the area had to be cleansed of Muslims, because Serbia was in danger, and Ojdanić said that the Užice Corps would provide artillery support, food, and ammunition from Serbia.[3314] Upon crossing the Drina river into Bosnia-Herzegovina, the witness and his unit took off their VJ caps and patches, and put on VRS insignia. When they arrived in Bosnia-Herzegovina, the approximately 200 soldiers met a Bosnian Serb guide and walked to Skelani where they met up with the 63rd Parachute Brigade.[3315] The witness further testified that during the operations in Eastern Bosnia, he never saw any state security units.[3316]

[3304] P2091 (Witness JF-030, witness statement, 21 August 2003), paras 51, 57.
[3305] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 60.
[3306] Witness JF-053, T. 10814.
[3307] P2108 (Witness JF-053, witness statement, 15 February 2008), paras 10-11.
[3308] P2108 (Witness JF-053, witness statement, 15 February 2008), para. 12; Witness JF-053, T. 10763-10764, 10774-10775, 10781.
[3309] Witness JF-053, T. 10763-10764, 10774-10775, 10781.
[3310] Witness JF-053, T. 10775.
[3311] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 11-12, 15; P432 (Pseudonym sheet of Witness JF-033 in previous case).
[3312] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 18-19.
[3313] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 19-20; Witness JF-033, T.5009-5010.
[3314] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 20, 98-99.
[3315] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 20-21; Witness JF-033, T. 5011, 5015.
[3316] Witness JF-033, T. 5022, 5064.

1669. The Trial Chamber has also received documentary evidence regarding the participation of Šešelj's volunteers in operations in and around Skelani in cooperation with Stevanović, Mrkšić, and Frenki "Stamatović" (which the Trial Chamber understands to refer to Simatović).

1670. In an interview published in Velika Srbija, Branislav Vakić stated that on 13 January 1993, Šešelj asked him to assemble 50 "Chetnik" volunteers to be dispatched to Skelani. Ljubiša Petković warned Vakić in Belgrade that on the Skelani front he would be under the command of the Serbian MUP. Vakić arrived in Bajina Bašta on 17 January 1993. There, MUP special forces commander Radojica Božović demanded that Vakić subordinate a number of his volunteers to Božović's command, which Vakić refused. Vakić went to Skelani and joined the TO under Major Ilić. In Skelani, he was joined by around 150 volunteers from Serbia. He frequently went to the Serbian MUP special forces staff, where he met Commander Obrad Stevanović and his deputy Frenki "Stamatović". On one occasion, a Serbian MUP bus took Vakić to Bajina Bašta, where he met Stevanović and "Stamatović" and the Serbian MUP special forces war staff to discuss an offensive towards Srebrenica. During this meeting, "Stamatović" warned Vakić that he was under his command and that he should take his 500 men to attack in the direction of Srebrenica with JNA artillery support. Major Mile Mrkšić was appointed commander of the joint TO-Serbian MUP forces in Skelani. Minister Sokolović provided Vakić's "Chetniks" with weaponry, winter clothing, ammunition, and a transmitter for communication with MUP Staff and the artillery at Mount Tara. Following the offensive in the direction of Srebrenica, Vakić sent half of his men home on buses provided by the Serbian MUP and they were awarded a Serbian MUP scroll of honour. After his departure from Srebrenica on 25 May 1993, at a meeting, "Stamatović" and the camp commander known as Pupe suggested to Vakić that only the fittest volunteers would wear police uniforms and receive additional training at the training centre on Mt. Tara, near Užice, Serbia, after which they would be sent to the front.[3317]

1671. On 11 November 1993, during a press conference, Šešelj showed a letter of thanks that Branislav Vakić, an SRS member and commander, had received from the Serbian MUP Special Purposes Unit, signed by Franko Simatović on 25 May 1993. The letter thanked Vakić for the cooperation and success during the fight for freedom of the Serbs in the Bosnian-Serb Republic, and was issued after the fight near Skelani.[3318]

[3317] P1053 (Interview with Branislav Vakić, by Nikola Dinić and Dragoljub Stamenković), pp. 13-18.
[3318] P1443 (Transcript of press conference with Šešelj, 11 November 1993), p. 5.

1672. The Trial Chamber will first address the establishment of a camp in Skelani. The Trial Chamber considers that Miroslav Deronjić's evidence with regard to the establishment of the Skelani camp is corroborated by documentary evidence.[3319] Based on the foregoing, the Trial Chamber finds that in June 1992, Franko Simatović met with local municipal leaders in Bajina Bašta and discussed the establishment of training camps, including in Skelani. At these camps, Serbian MUP instructors would train and command local Serb recruits. Simatović stated that these troops would be in a separate, special command structure under his command. The troops would cooperate with the VRS and lower-level commanders would not have authority over the units. Simatović added that the establishment of training camps had been agreed to at the highest level of political, military, and state circles of the Bosnian-Serb Republic and Serbia. Following this meeting, Unit members Nikola Pupovac and Predrag Spasojević[3320] established a camp in Skelani.

1673. The Stanišić Defence submits that Nikola Pupovac was not clearly linked to the Serbian DB between March 1992 and August 1993 and argues instead that he may have been acting on behalf of Captain Dragan while in Skelani.[3321] The Stanišić Defence further submits that Predrag Spasojević was operating in Skelani in a personal capacity.[3322] In this respect, the Trial Chamber notes that VRS reports from July and August 1992[3323] describe Nikola Pupovac as Captain Dragan's pupil and as belonging to Captain Dragan's group. However, there is no evidence establishing that Nikola Pupovac and Predrag Spasojević ceased to be members of the Unit in early or mid-1992. Instead, Miroslav Deronjić's evidence clearly establishes that Spasojević introduced himself as a Serbian DB official with Serbian DB ID. The remainder of the evidence reviewed above does not indicate that Captain Dragan was present at, or otherwise involved in, the Skelani camp in 1992. Finally, the June 1992 meeting clearly establishes that the Skelani camp was established pursuant to Simatović's instructions. This is further supported by documents referring to the unit in Skelani as belonging to the

[3319] Ždravko Tolimir's report on paramilitary formations in evidence as P383, the 15 May 1993 report on the establishment of Red Berets in Skelani in evidence as P399, Vakić's interview in evidence as P1053, and the 3 August 1992 report concerning the operations by "Red Berets" in the ranks of the Army of the Serbian Republic in evidence as P2104.
[3320] For the Trial Chamber's findings on Nikola Pupovac and Predrag Spasojević being members of the Unit, see chapter 6.3.2 and 6.3.3 in relation to the Ležimir camp, respectively.
[3321] Stanišić Defence Final Trial Brief, 17 December 2012, paras 884-887.
[3322] Stanišić Defence Final Trial Brief, 17 December 2012, paras 891-897.
[3323] Ždravko Tolimir's report on paramilitary formations in evidence as P383 and the 3 August 1992 report concerning the operations by "Red Berets" in the ranks of the Army of the Serbian Republic in evidence as P2104.

Serbian MUP and DB.[3324] In light of the foregoing, the Trial Chamber finds that both men continued to operate as Unit members in Skelani from June 1992.

1674. The Trial Chamber will now address the training of forces referred to as "Red Berets" at the Skelani camp. In light of the evidence reviewed above,[3325] the Trial Chamber finds that at the Skelani camp, Unit members trained new local recruits, including persons from Skelani, Bajina Bašta, and elsewhere in the Birač region. Following the training, a number of the local recruits (including Milenko Trifunović) operated as members of the Unit in Skelani from at least June 1992 to mid-1993. The evidence does not clearly establish whether the Unit in Skelani was formally subordinate to the VRS in 1992. Per Simatović's instructions at the June 1992 meeting, the Trial Chamber understands that the Accused remained in command of the Unit, as described in relation to the Ležimir camp. Consequently, the Trial Chamber concludes that the Accused organized the training of Unit members at the Skelani camp from June 1992 to the end of 1992.

1675. The Trial Chamber now turns to the Skelani operations in 1993. Based on the testimony of Witness JF-030, as well as several exhibits,[3326] the Trial Chamber finds that between February and May 1993, Unit members Radojica (Rajo) Božović and Zvezdan Jovanović[3327] commanded the Unit in Skelani. Based on their autobiographical notes,[3328] the Trial Chamber finds that Unit member Nikola Pilipović was present in Skelani between February and July 1993 and Unit member Milenko Popović participated in fighting in the area of Srebrenica between January and April 1993.[3329] Based on the evidence before it,[3330] the

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[3324] In particular the references to a "Unit for Special Purposes (Red Berets) of the MUP of Serbia", in the 15 May 1993 report on the establishment of Red Berets in Skelani in evidence as P399; a "Unit of the MUP of Serbia (Red Berets)" in the Skelani Independent Battalion report in evidence as exhibit P3119; a "Serbian MUP DB Special Purpose Unit" in the statement pertaining to the death of Žarko Teofanović and Ljubomir Obradović in evidence as P3040; and a "Special Purpose Unit of the Serbian MUP" in the 14 May 1993 Drina Corps Command report in evidence as exhibit P2683.

[3325] See in particular the evidence of Miroslav Deronjić, and a "Unit of the MUP of Serbia (Red Berets)" in the Skelani Independent Battalion report in evidence as exhibit P3119, the 3 August 1992 report concerning the operations by "Red Berets" in the ranks of the Army of the Serbian Republic in evidence as P2104, the 15 May 1993 report on the establishment of Red Berets in Skelani in evidence as P399, and the documents (including Special Purpose Unit personal files) reviewed above in relation to a number of persons from Skelani and Bajina Bašta.

[3326] The 15 May 1993 report on the establishment of Red Berets in Skelani in evidence as P399, Vakić's interview in evidence as P1053, the 6 May 1993 Tactical Group 1 report by Commander Vukoja Vuković in evidence as P1441, and the statement pertaining to the death of Žarko Teofanović and Ljubomir Obradović in evidence as exhibits P3040.

[3327] For the Trial Chamber's findings on Zvezdan Jovanović being a member of the Unit, see chapter 6.3.3 in relation to the Mount Ozren and Vila camps.

[3328] In evidence as part of exhibit P3195 and part of P3179 reviewed in chapter 6.3.3 in relation to the Tara camp.

[3329] For the Trial Chamber's findings on Nikola Pilipović and Milenko Popović being a member of the Unit, see chapter 6.3.2.

Trial Chamber finds that the Unit took part in combat operations in the Skelani area under the command of Unit member Božović in March and April 1993.[3331]

1676. The Trial Chamber will now consider whether the Accused directed the Unit during these operations. The Stanišić Defence argues that during these operations, Božović and the unit he commanded were subordinate to General Mrkšić and the Tara Joint Staff.[3332] Mladić notebook excerpts (in evidence as exhibits P392 and P393) reviewed above, indicate that in February 1993, Generals Mladić and Panić met with Simatović and others at Mount Tara to plan "Operation Udar". Based on the context (including the time and place of and the participants in the operations) the Trial Chamber understands the Unit's 1993 Skelani operations to have been part of Operation Udar. The diary excerpts, as well as Vakić's interview, and the certificate referring to an order issued by the Tactical Group Commander General Mrkšić,[3333] suggest that the Unit in Skelani was part of Tactical Group 1 under the command of General Mrkšić during the Skelani operations. In the absence of further indications as to the Accused's involvement in the Skelani operations, the Trial Chamber is unable to conclude that the Accused directed the Unit during the Skelani operations.

1677. The Trial Chamber will now review whether the Accused organized the involvement of the Unit in the Skelani operations. Documentary evidence reviewed above indicates that in 1993, the Unit in Skelani was formally subordinated to the Skelani Independent Battalion and that its members were officially considered conscripts of this battalion. However, the same evidence indicates that Unit members in fact refused to follow the battalion's orders. The evidence[3334] further indicates that during the Skelani operations, the Unit in Skelani cooperated with Sešelj's Chetnik volunteers (including Branislav Vakić), the VRS, VJ, and

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[3330] See in particular the testimonies of Witness JF-030 and Witness JF-053, as well as the 15 May 1993 report on the establishment of Red Berets in Skelani in evidence as P399, Vakić's interview in evidence as P1053, hand-written statements relating to Milenko Popović and Ranko Lačević in evidence as P3172 and P3179, and the statement pertaining to the death of Žarko Teofanović and Ljubomir Obradović in evidence as exhibits P3040.

[3331] The Trial Chamber has considered the submissions of the Simatović Defence disputing the reliability Witness JF-030's evidence. See Simatović Defence Final Trial Brief, 14 December 2012, paras 1060-1062. However, the Trial Chamber considers that Witness JF-030's evidence regarding the Unit's participation in the Skelani operations is consistent with other evidence it has reviewed. The Trial Chamber has further considered Witness JF-033's testimony that he did not see any Serbian DB units whilst participating in several operations in Eastern Bosnia in 1993. However, the Trial Chamber will not rely on Witness JF-033's evidence in this respect, in light of the evidence clearly establishing the Unit's involvement in the operations.

[3332] Stanišić Defence Final Trial Brief, paras 791-793, 798, 804, 815, 827-834.

[3333] In evidence as exhibits P1053 and P1442, respectively.

[3334] See in particular the evidence of Miroslav Deronjić, Witness JF-030, Witness JF-053, the Excerpt from Mladić's notebook in evidence as P392, Vakić's interview in evidence as P1053, Šešelj's press conference in evidence as P1443, and the statement pertaining to the death of Žarko Teofanović and Ljubomir Obradović in evidence as P3040.

Serbian PJM units who were under the command of Obrad Stevanović. Having considered the indications that the Unit operated under the command of Mrkšić and/or a Joint Staff at Tara, was formally subordinate to the Skelani Independent Battalion, and cooperated closely with other forces, the Trial Chamber finds, on the basis of documentary evidence reviewed above[3335] and in accordance with Simatović's statement at the June 1992 meeting, that the Accused remained in command of the Unit in Skelani, as further described in its findings in relation to the Ležimir camp, above. The Trial Chamber concludes that the Accused organized the Unit's involvement in the Skelani operations in March and April 1993.

1678. The Trial Chamber now turns to support provided to the Unit for these particular operations. Having reviewed relevant documentary evidence[3336] and a number of JATD payment lists,[3337] the Trial Chamber finds that between July 1994 and December 1995, the Serbian DB made regular payments to the wives of Unit members Žarko Teofanović and Ljubomir Obradović who were killed during the Unit's Skelani operations in April 1993. Further recalling its findings in relation to the Ležimir camp above, the Trial Chamber finds that the Accused supported the Unit's Skelani operations in April 1993 by providing financial support to the relatives of deceased members.

1679. The Trial Chamber will now address whether the Accused organized the financing and logistical support for the Unit in Skelani. Deronjić testified that during the June 1992 meeting, Simatović told local municipal leaders to secure the facilities for training camps and provide assistance in terms of vehicles and fuel. VRS Colonel Rade Rodić reported[3338] that in June 1993, "Frenki" financed the Unit in Skelani (although it is not clear what sources Rodić relied on in this respect). In light of this evidence and recalling its findings in chapter 6.3.2 and in relation to the Ležimir camp above, and its findings (including in relation to the Ležimir and Pajzoš camps) that the Accused financed the Unit at other camps, the Trial Chamber is is satisfied that the Accused organized the financing and logistical support for the Unit in Skelani between June 1992 and mid-1993, in cooperation with local municipal leaders.

[3335] The combat readiness report in evidence as P3120, Vakić's interview in evidence as P1053, The 15 May 1993 report on the establishment of Red Berets in Skelani in evidence as P399, the 6 May 1993 Tactical Group 1 report by Commander Vukoja Vuković in evidence as P1441, and the Živanović report in evidence as P2683.
[3336] The intelligence report in evidence as P1075, the statement pertaining to the death of Žarko Teofanović and Ljubomir Obradović in evidence as exhibits P3040 and P3119.
[3337] JATD payment lists in evidence as P347-P349, P446-P468, and P540-P547.
[3338] See in particular, the combat report in evidence as P387.

1680. The Trial Chamber will finally consider the training of other forces at the Skelani camp. Considering VRS reports,[3339] the Trial Chamber finds that members of the Unit trained members of the VRS, including the Skelani Battalion, at the Skelani camp. The training included exercises for physical condition and endurance, firing practice, and tactical exercises and lasted for a period of between one and three months. Further recalling its findings in relation to the Ležimir camp, the Trial Chamber finds that the Accused organized the training of VRS members between June 1992 and early 1993.

Bratunac camp and Bratunac operations, early 1993

1681. The Trial Chamber now turns to the Bratunac camp and the Bratunac operations. The Trial Chamber will consider whether the Accused directed the involvement of the Unit in particular operations in and around Bratunac.[3340] The Trial Chamber will further consider whether the Accused organized, supplied, financed, and supported the Unit's involvement in those particular operations.[3341] The Trial Chamber will also review whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit at the Bratunac camp.[3342] Finally, the Trial Chamber will consider whether the Accused directed and organized the training of other groups at the Bratunac camp.

1682. In its Final Trial Brief, the Prosecution submits that from early 1993, the Serbian MUP DB sent members of the Red Berets to establish a camp at Bratunac, where they trained local Serbs.[3343] The Serbian MUP financed the Bratunac Red Berets.[3344]

1683. The Trial Chamber will now consider the presence of Unit members, including Vasilije Mijović,[3345] in Bratunac from early 1993. **Miroslav Deronjić**, a Serb municipal leader from Bratunac,[3346] stated that a Red Berets camp was established in Bratunac in early 1993. The civilian authorities in Bratunac were not informed about its establishment, but they were summoned to a meeting with Vuksić (the Commander of the Bratunac Brigade), Vasilije

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[3339] In evidence as exhibits P2104 and P3119.
[3340] Indictment, para. 7.
[3341] Indictment, para. 7.
[3342] Indictment, paras 3, 5, 15(c).
[3343] Prosecution Final Trial Brief, 14 December 2012, paras 263-269; T. 20199.
[3344] Prosecution Final Trial Brief, 14 December 2012, para. 263.
[3345] For the Trial Chamber's findings on the membership in the Unit of Vasilije/Vaso Mijović, see chapter 6.3.3 in relation to the Brčko camp.
[3346] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), paras 1-3, 46, 215, 231, p. 1; P2509 (Miroslav Deronjić, *Milošević* transcript, 26-27 November 2003), p. 29617, 29935, 29939, 29966; P2510 (Miroslav Deronjić, *Krajišnik* transcript, 12-13, 16, 18-19 February 2004), pp. 856, 858-859, 862-865, 867-868, 873, 909, 923, 1126, 1223.

Mijović (a Major with the DB of Serbia), and a man called Njegoš. The three men explained that an order was issued to establish a Red Berets training camp in Bratunac. The witness saw that vehicles, ammunition and special weaponry were brought to the camps from Serbia and that four or five instructors arrived soon after. Once the camp was opened, this increased to seven or eight instructors. About a hundred men from Bratunac were recruited to the camp, underwent training, and participated in all combat operations around Kravica in Bratunac municipality, and in other minor operations, around the spring of 1993. At that time, large territories of Bratunac were taken by Muslim forces. The witness heard from local members of the Red Berets unit in Bratunac that they were paid by the Serbian MUP whilst they were in the region. The witness further testified that the Red Berets unit beat a local policeman on the day they arrived in Bratunac, and that Mijović had the power to do what he pleased, beating the Commander of the Bratunac Brigade on one occasion. The witness learned from Tomo Kovač that "the police" and Mladić were behind all the activities of the group of men. The unit was also involved in looting property and arresting and torturing Serbs. A decision was reached on expelling the unit from the municipality but Mladić prevented its implementation. The witness learned that their command for the area of Central Podrinje and Podrinje was located at the Tara Mount in Omorika Hotel, where "Frenki" was often seen.[3347]

1684. **Witness JF-026**, a Bosnian Serb from Zvornik,[3348] testified that the MUP of the Bosnian-Serb Republic dispatched Vaso Mijović to Bratunac as an instructor to the camp after "some sort of clash" with the local authorities occurred there.[3349] According to the witness, there was "incredible chaos" in Bratunac before Mijović was sent to establish a unit and seemingly introduced order, which the local police were unable to do. Witness JF-026 further testified that Mijović was "slapping about" the President of the municipality and President of the Executive Board.[3350]

1685. On 13 and 15 May 1993, General Ratko Mladić, Drina Corps Command Colonel Milutin Skočajić, and Bratunac Brigade Command Colonel Cvijetin Vuksić separately instructed that the MUP Special Purposes Unit, under the command of Mijović, was to be

[3347] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), paras 145-151.
[3348] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 1; P1654 (Pseudonym sheet for Witness JF-026); P2507 (Background information on Witness JF-026).
[3349] Witness JF-026, T. 9834-9835.
[3350] Witness JF-026, T. 9835.

subordinated to the 1st Bratunac Light Infantry Brigade and treated as a reconnaissance and sabotage detachment.[3351]

1686. On 14 May 1993, Colonel Milenko Živanović of the Drina Corps Command reported to the Bosnian-Serb Republic Main Staff on problems in the relations between with the Special Purpose Units of the Republic of Serbia MUP in the Drina Corps zone of responsibility.[3352] According to Živanović, superior officers and instructors of a Special Purpose Unit formed in Bratunac were members of the Republic of Serbia MUP. The Serbian MUP instructors had trained 70 military conscripts from Bratunac.[3353] The unit in Bratunac was controlled and commanded by the Republic of Serbia MUP and under the direct command of Vasilije Mijović. The report further stated that while Mijović as commander of the unit in Bratunac collaborated with the Commander of the Brigade, he had "started a little 'war' with the representatives of the local authorities".[3354] Živanović suggested that the MoD find a solution for subordinating the Police units to the Brigade commands, and prevent the further forming of units and of conscripts crossing from the Army over to other structures.[3355]

1687. In an urgent order dated 5 June 1993 from Drina Corps Command Colonel Milutin Skočajić, 20 soldiers from the anti-sabotage unit of the 1st Bratunac Light Infantry Brigade commanded by Mijović, were instructed to report to Lieutenant Colonel Cerović on 6 June 1993.[3356] The Trial Chamber has received further documentary evidence indicating that the Bratunac Light Infantry Brigade was subordinated to the Drina Corps Command, which in turn was subordinated to the Main Staff of the VRS.[3357]

1688. In an 18 June 1993 order signed by Vasilije Mijović as Commander of the Serbian MUP Special Purpose Unit, Momir Filipović was deployed to this Special Purpose Unit in

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[3351] P3123 (VRS order for the re-subordination of the Special Unit of the MUP of Serbia, signed by General Ratko Mladić, 13 May 1993); P1081 (Bratunac Light Brigade re-subordination order of MUP Special Purposes Unit under the command of Vasilije Mijović, 15 May 1993); D178 (Drina Corps Command report on the subordination of the MUP Special Unit, signed by Colonel Milutin Skočajić, 13 May 1993).
[3352] P2683 (Drina Corps Command report, Colonel Milenko Živanović, 14 May 1993).
[3353] P2683 (Report to the Main Staff on Special Purpose Units of the Serbian MUP, Milenko Živanović, 14 May 1993), p. 2.
[3354] P2683 (Drina Corps Command report, Colonel Milenko Živanović, 14 May 1993), p. 2.
[3355] P2683 (Drina Corps Command report, Colonel Milenko Živanović, 14 May 1993), p. 3.
[3356] D963 (Order from Drina Corps Command for 20 members of the anti-sabotage of the 1st Bratunac Light Infantry Brigade to report to Lt. Cl. Cerović, signed by Colonel Milutin Skočajić, 5 June 1993). The Trial Chamber notes that the order appears to have been dated 5 June 1992, which the Trial Chamber understands from the context to have been an error.
[3357] P385 (Urgent directive for further operations of the VRS, signed by General Ratko Mladic, 19 November 1992); D179 (Report from Bratunac Lpbr Command to Drina Corps Command, signed by Borivoje Tešić, 25 November 1992); D181 (Urgent report from Bratunac Lpbr Command to Drina Corps Command, signed by Borivoje Tešić, 27 November 1992); P276 (Urgent report from Command of the Bratunac Lpbr to the Main Staff of the VRS and the Command of the Drina Corps, signed by Miladin Prstojević, 25 January 1993).

Bratunac.[3358] Military Police Commander Miloš Mitrović of the 1st Bratunac Light Infantry Brigade Command reported that on 22 February 1993, members of the military police under the age of 35 were assigned to a Special Unit under the command of Major Vasilije Mijović for training.[3359]

1689. An official note from the Valjevo DB Centre, dated 8 January 1997, listed Vaso Mijović as an employee of the 2nd RBD Administration of the Serbian MUP.[3360] The document also noted that Mijović was sent to Bratunac by the DB and that he held a high rank in the DB.[3361] The Trial Chamber has received in evidence copies of three different official IDs issued to Mijović, namely: a Serbian MUP ID card of 21 March 1978, an RSK DB ID card of 2 April 1992, and a Bosnia-Herzegovina MUP ID card of 20 January 1992.[3362]

1690. The Trial Chamber now turns to the documentary evidence regarding the presence of other Unit members, including Budimir Zečević,[3363] in Bratunac. According to a signed statement by Miomir Popović, Budimir Zečević, a member of the unit's reserve force, was present at the camp in Bratunac in the spring of 1993.[3364] According to handwritten orders by Vasilije Mijović, the Commander of the Special Unit of the "Republika Srpska", Budimir Zečević took a business trip with someone named Njegoš on 24 February 1993.[3365] The same orders listed Milenko Prodanović as the duty officer at the camp in February 1993.[3366] The names of Mijović and several members of his unit as mentioned in these handwritten orders (including Budimir Zečević) appear on JATD payment lists from August and September 1993, and May to October 1995.[3367]

[3358] P3239 (Order issued by Bratunac Special Purpose Unit Commander Vasilije Mijović, 18 June 1993).
[3359] P277 (Daily report from the Bratunac Military Police, 23 February 1993), p. 1.
[3360] P1585 (Series of Serbian MUP SDB documents relating to Vasilije Mijović), p. 14 (SDB Official note on Vaso Mijović).
[3361] P1585 (Series of Serbian MUP SDB documents relating to Vasilije Mijović), p. 14 (SDB Official note on information pertaining to Vaso Mijović).
[3362] P488 (Scans of three original police IDs for Vasilije Mijović), pp. 1-7.
[3363] For the Trial Chamber's findings on the membership of Miomir Popović and Budimir Zečević in the Unit, see chapter 6.3.3 in relation to the Ležimir camp.
[3364] P3199 (Series of Serbian MUP SDB documents relating to Budimir Zečević), p. 1 (2nd statement on war profiteering in Bratunac, signed by Miomir Popović).
[3365] D1224 (Report containing two daily orders of the commander of the special unit of the Republic of Srpska, 25 February 1993 and 6 March 1993).
[3366] D1224 (Report containing two daily orders of the commander of the special unit of the Republic of Srpska, 25 February 1993 and 6 March 1993), p. 2.
[3367] P157 (List of JPN members to be Paid Daily Allowances for 21 August to 10 September 1993), p. 8; P1490 (List of JATD members to be Paid Daily Allowances for August and September 1993), p. 5; P465 (List of JATD members to be Paid Daily Allowances for 16 to 31 May 1995), p. 24; P466 (List of JATD members to be Paid Daily Allowances for 1 to 15 June 1995), p. 6; P467 (List of JATD members to be Paid Daily Allowances for 16 to 30 June 1995), p. 15; 468 (List of JATD members to be Paid Daily Allowances for 1 to 15 July 1995, p. 6; P540 (List of JATD members to be Paid Daily Allowances for 16 to 31 July 1995), pp. 7-8; P541 (List of JATD members to be Paid Daily Allowances for 16 to 31 August 1995), pp. 16-17; P542 (List of JATD members to be

1691. In addition to the above Unit members, the Trial Chamber has received evidence regarding the presence of Miomir Popović and Ranko Lačević in Bratunac. According to Miomir Popović's Special Purpose Unit member's personal file, he joined the Unit on 2 November 1991.[3368] On 11 August 1999, Miomir Popović, an employee of the Serbian MUP, gave a statement on the premises of the Section for Counter-Intelligence, Intelligence and Security of the JSO, in Belgrade. He stated that between February and August 1993, he was engaged in Bratunac as a member of the reserve force of the Special Operations Unit of the Serbian MUP DB.[3369] He was a member of the unit's combat part, which at that time was commanded by Colonel Vasilije Mijović.[3370] The Trial Chamber further notes that, at the end of the Kula ceremony in 1997, Jovica Stanišić presented an award of valour to Miomir Popović.[3371]

1692. According to a hand-written autobiography, Ranko Lačević had been a member of the Special Purpose Unit of the Serbian MUP since January 1993 and participated in the war in Bratunac before returning to Mt. Tara in August.[3372] In addition, a certificate from the 1st Bratunac Light Infantry Brigade Command dated 27 May 1993 listed Ranko Lačević as a member of the Special Purpose Unit of the MUP of Serbia, and attested to his participation in the operations in the Bratunac and Skelani area from 15 February onwards, where he carried out the duty of an instructor of the special unit of the VRS.[3373]

1693. In relation to combat operations in the Bratunac area in early 1993, the Trial Chamber further recalls the evidence reviewed in relation to the Skelani camp regarding the Joint Staff at Tara, Operation Udar, and Tactical Group 1.

1694. The Trial Chamber now turns to the presence of Boško Nešković and units referred to as "Red Berets" linked to Nešković in Bratunac between July 1992 and October 1994.

Paid Daily Allowances for 1 to 15 August 1995), pp. 20-21; P543 (List of JATD members to be Paid Daily Allowances for 1 to 15 September 1995), pp. 5-7; P347 (List of JATD members to be Paid Daily Allowances for 1 to 15 September 1995), pp. 43, 45-46; and P349 (List of JATD members to be Paid Daily Allowances for 16 to 31 October 1995), p. 45-48.

[3368] P3196 (Documents related to Miomir Popović), p. 7 (Personal file of Special Purpose Unit member Miomir Popović).

[3369] P3196 (Documents related to Miomir Popović), pp. 17-18 (Statement of Miomir Popović to the JSO of the Serbian MUP, 11 August 1999), p. 17; P3199 (Documents related to Budimir Zečević), pp. 1-2 (Statement of Miomir Popović to the JSO of the Serbian MUP, 11 August 1999), p. 1.

[3370] P3196 (Documents related to Miomir Popović), pp. 17-18 (Statement of Miomir Popović to the JSO of the Serbian MUP, 11 August 1999), p. 17; P3199 (Documents related to Budimir Zečević), pp. 1-2 (Statement of Miomir Popović to the JSO of the Serbian MUP, 11 August 1999), p. 1.

[3371] P61 (Video of award ceremony at Kula with transcript), p. 27.

[3372] P3172 (Series of Serbian MUP SDB documents relating to Ranko Lačević), p. 1 (handwritten statement by Ranko Lačević).

[3373] P3238 (Certificate from the command of the 1st Bratunac Light Infantry Brigade, 27 May 1993).

1695. On 3 August 1992, Drago Nikolić reported to the Eastern Bosnia Corps Command, concerning the operations by "Red Berets" units in the ranks of the VRS. Nikolić stated that in July 1992, a group of about 20 officers who trained in camouflage uniforms, wore red berets, and were armed exclusively with automatic rifles and other contemporary light weapons, arrived in Bratunac and were commanded by Boško Nešković.[3374] According to the report, upon their arrival, Nešković requested that he be allowed to form a camp to train new members and was refused permission to do so, as a result of which he acted on his own initiative and managed to attract a number of youths to join the group so that it grew to approximately 60 members.[3375]

1696. In a report entitled "The War History of the Reconnaissance Platoon the 'Red Berets'", 3rd infantry battalion commander Sreten Petrović wrote that a Red Berets unit was formed on 14 July 1992 in Bratunac, and was active in the area until 1993.[3376]

1697. According to a 26 September 1994 report on combat readiness in the Bratunac Brigade, Nešković's Red Berets platoon was considered an 'extra-establishment unit'.[3377] On 27 October 1994, the 1st Bratunac Light Infantry Brigade ordered Boško Nešković, the Commander of the Red Berets platoon, to prepare the unit for combat.[3378] In a 5 April 1995 request to the Banja Luka MUP, Commander Goran Sarić of the Bijeljina Special Police Brigade listed Nešković as a Red Berets member killed in an operation.[3379]

1698. The Trial Chamber finally turns to the presence of Milenko Prodanović and the unit referred to as the "Mungosi" linked to Prodanović in Bratunac. A Zvornik SJB report to the MUP Bijeljina on 9 May 1994, stated that in September 1993, "after the unit of the MUP of Serbia was disbanded", Milenko Prodanović (a.k.a. Mungo) formed a 30-man Sabotage and Reconnaissance platoon called the "Mungosi", some members of which had previously been part of Vasilije Mijović's unit.[3380] The names of Milenko Prodanović and one of the members of his unit, both of whom were mentioned in the 9 May 1994 Zvornik SJB report to the MUP Bijeljina on problems with the Mungosi in the area of Bratunac (in evidence as exhibit P1082)

[3374] P2104 (Report of OB Affairs Officer to the Eastern Bosnia Corps Command concerning operations by Red Berets in the ranks of the VRS, signed by Staff Sergeant Drago Nikolić, 3 August 1992), p. 1.
[3375] P2104 (Report of OB Affairs Officer to the Eastern Bosnia Corps Command concerning operations by Red Berets in the ranks of the VRS, signed by Staff Sergeant Drago Nikolić, 3 August 1992), p. 1.
[3376] D866 (War History of the Reconnaissance Platoon the Red Berets Report, Bratunac, 13 September 1995).
[3377] D868 (Report on combat readiness in the Bratunac Brigade, 26 September 1994), p. 3.
[3378] D861 (Order on the engagement of the Red Berets, 27 October 1994).
[3379] D867 (Request to the Banja Luka MUP, 5 April 1995).
[3380] P1082 (Report from SJB Zvornik addressing problems with the Mungosi, signed by SJB Chief Dragomir Vasić, 9 May 1994).

appear on JATD payment lists from August and September 1993, and from May to October 1995.[3381]

1699. The Trial Chamber will first address the establishment of a camp in Bratunac. Based on the evidence of Miroslav Deronjić and Witness JF-026, as well as further documentary evidence reviewed above,[3382] the Trial Chamber finds that in early 1993, Unit members Vasilije (Vaso) Mijović, and Njegoš Kušić[3383] established a camp at Bratunac. Based on the documentary evidence reviewed above in relation to Miomir Popović and Budimir Zečević, the Trial Chamber finds that Miomir Popović joined the Unit in 1991 and was at the Bratunac camp with Unit member Budimir Zečević[3384] in early 1993.

1700. The Stanišić Defence argues that Mijović had allegiances to many individuals and institutions (including the Bosnian-Serb Republic MUP and DB) and contends that the totality of the evidence suggests that Mijović used his personal connections to set himself up as a police unit in Bratunac.[3385] According to the Stanišić Defence, this was a new unit, unconnected to the supposed 28 Elite Trainers alleged by the Prosecution's.[3386] The Simatović Defence argues that in Bratunac, the "Red Berets" and Vaso Mijović were part of the VRS.[3387] The Prosecution responds that coordinated joint operations with or temporary resubordination to other military or MUP structures (such as Mijović's participation in VRS combat formations in the 1993 Drina valley operations) do not make the Serbian DB's special units formally part of those other structures or diminish their allegiance to the Serbian DB and the Accused.[3388]

[3381] P157 (List of JPN members to be Paid Daily Allowances for 21 August to 10 September 1993), p. 8; P1490 (List of JATD members to be Paid Daily Allowances for August and September 1993), p. 5; P465 (List of JATD members to be Paid Daily Allowances for 16 to 31 May 1995), p. 24; P466 (List of JATD members to be Paid Daily Allowances for 1 to 15 June 1995), p. 6; P467 (List of JATD members to be Paid Daily Allowances for 16 to 30 June 1995), p. 15; 468 (List of JATD members to be Paid Daily Allowances for 1 to 15 July 1995), p. 6; P540 (List of JATD members to be Paid Daily Allowances for 16 to 31 July 1995), p. 7; P541 (List of JATD members to be Paid Daily Allowances for 16 to 31 August 1995), p. 17; P542 (List of JATD members to be Paid Daily Allowances for 1 to 15 August 1995), p. 21; P543 (List of JATD members to be Paid Daily Allowances for 1 to 15 September 1995), p. 5; P347 (List of JATD members to be Paid Daily Allowances for 1 to 15 September 1995), p. 46; and P349 (List List of JATD members to be Paid Daily Allowances for 16 to 31 October 1995), p. 47.

[3382] In particular the daily report of 1st Bratunac Lpbr Commander Miloš Mitrović in evidence as exhibit P277, the Drina Corps command report in evidence as exhibit P2683, Miomir Popović's statements on war profiteering in evidence as exhibits P3196 and P3199, and Mijović's June 1993 order in evidence as exhibit P3239.

[3383] For the Trial Chamber's findings that Vasilije Mijović and Njegoš Kušić were members of the Unit, see chapter 6.3.3 in relation to the Brčko and Mount Ozren and Vila camps, respectively.

[3384] For the Trial Chamber's findings that Budimir Zečević was a member of the Unit, see chapter 6.3.3 in relation to the Ležimir camp.

[3385] Stanišić Defence Final Trial Brief, 17 December 2012, paras 867-870.

[3386] Stanišić Defence Final Trial Brief, 17 December 2012, paras 806-808, 841-843.

[3387] Simatović Defence Final Trial Brief, 14 December 2013, paras 1252, 1257, 1278.

[3388] Prosecution closing arguments, T. 20199-20200.

1701. In relation to these arguments, the Trial Chamber has reviewed Witness JF-026's evidence that Mijović was sent to Bratunac by the Bosnian-Serb Republic MUP, as well as the documentary evidence indicating that in 1992, Mijović held official IDs of the Serbian MUP, the RSK DB, and the Bosnia-Herzegovina MUP and that in May 1993, Mijović was formally subordinated to the 1st Bratunac Light Infantry Brigade of the VRS. However, in light of Miroslav Deronjić's evidence, as corroborated by Mijović's June 1993 order and the SDB Official note,[3389] as well as the presence of other Unit members at the Bratunac camp, the Trial Chamber is satisfied that Mijović went to Bratunac as a Unit member operating on behalf of the Accused. The Trial Chamber has also considered its findings[3390] that when deployed elsewhere in Croatia and Bosnia-Herzegovina, the Unit operated under different names and cooperated with and, at times, was formally subordinated to organizations other than the Serbian MUP DB. In light of this, the Trial Chamber does not consider Mijović's official IDs of the RSK DB and the Bosnia-Herzegovina MUP or his formal subordination to the VRS to be inconsistent with his membership in the Unit.

1702. The Trial Chamber considers that Miroslav Deronjić's evidence in relation to the training of persons at the Bratunac camp is corroborated by Witness JF-026's testimony, as well as by documentary evidence.[3391] Based on the foregoing, the Trial Chamber finds that in early 1993, Unit members recruited and trained between 70 and 100 local men at the Bratunac camp. A number of the men who were trained at the Bratunac camp operated as members of the Unit in Bratunac from early to mid-1993. Based on the foregoing and further considering its findings in relation to the Ležimir camp, the Trial Chamber finds that the Accused organized the training of Unit members at the Bratunac camp from early to mid-1993.

1703. The Trial Chamber will now address the operations undertaken from the Bratunac camp. Based on the evidence before it,[3392] the Trial Chamber finds that the Unit in Bratunac participated in combat operations in and around Bratunac from around February 1993 and during the spring of 1993. Recalling its discussion of the evidence in relation to the Skelani camp, the Trial Chamber understands the Unit's 1993 Bratunac operations to have been part of Operation Udar, during which the Unit in Bratunac may have operated as part of Tactical Group 1 under the command of General Mrkšić. The evidence above further indicates that

[3389] In evidence as exhibits P3239 and P1585.
[3390] In chapters 6.3.2 and 6.3.3 in relation to the Mount Ozren and Vila and Skelani camps.
[3391] These documents are the Bratunac Military Police Daily report in evidence as exhibit P277, the Drina Corps command report in evidence as P2683, and the Bratunac Light Infantry Brigade Certificate in evidence as P3238.

from May 1993, the Unit in Bratunac was subordinated to the VRS. In view of the evidence received, the Trial Chamber is unable to establish that the Accused directed the involvement of the Unit in Bratunac in these operations. However, in view of its findings in relation to the Ležimir camp, the Trial Chamber finds that the Accused organized the involvement of the Unit in these operations.

1704. The Trial Chamber now turns to supplies, finances, and support for the Bratunac camp and operations. Based on Miroslav Deronjić's evidence that local Unit members in Bratunac were paid by the Serbian MUP and that vehicles, ammunition, and special weaponry were brought from Serbia, and in view of its findings in relation to the Ležimir camp, the Trial Chamber finds that the Accused organized the financing, logistical support, and other substantial assistance or support for the Unit at the Bratunac camp and during the Bratunac operations. This finding is further supported by JATD payment lists from August to September 1993, on which Mijović, Zečević, and other members of the Unit in Bratunac appear.

1705. The Trial Chamber now turns to the training of other groups at the Bratunac camp. Based on the daily report and Ranko Lačević's certificate,[3393] the Trial Chamber finds that members of the Unit trained members of the VRS military police and VRS special units at the Bratunac camp in 1993. In view of its findings in relation to the Ležimir camp, the Trial Chamber finds that the Accused organized the training of VRS members at the Bratunac camp in 1993.

1706. Having considered the evidence in relation to the unit commanded by Boško Nešković (known as the "Red Berets") in the Bratunac area set out above, the Trial Chamber concludes that it has received insufficient evidence to establish a significant link between this unit on the one hand, and the Unit, the Serbian DB, or the Accused, on the other hand. In relation to the unit commanded by Milenko Prodanović (known as the Mungosi), the Trial Chamber notes that according to the Zvornik SJB report, Prodanović formed this unit in September 1993, after "the unit of the MUP of Serbia was disbanded". JATD payment lists indicate that in August and September 1993 and from May to October 1995 the Serbian DB financed Milenko Prodanović and another member of this unit. The evidence does not establish any further links between the Mungosi unit, on the one hand, and the Unit, the Serbian DB, or the

[3392] Having considered in particular Miroslav Deronjić's evidence, the certificate and statement of Ranko Lačević (in evidence as exhibits P3238 and P3172, respectively), and the statement of Miomir Popović on war profiteering (in evidence as exhibit P3196).
[3393] In evidence as exhibits P277 and P3238.

Accused, on the other hand. The Trial Chamber will therefore not further consider these groups.

Operation Pauk, November 1994-August 1995

1707. The Trial Chamber has addressed the role of the Accused in organising and directing the involvement of, and supporting and supplying the JATD in the Pauk operation in chapters 6.5.4 and 6.5.5.

The Bilje camp, April 1995

1708. The Trial Chamber now turns to the Bilje camp in 1995. The Trial Chamber will review whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the JATD at a camp in Bilje in 1995. The Trial Chamber will also consider whether the Accused directed and organized the training of other groups at this camp.

1709. In its Final Trial Brief, the Prosecution submits that from April 1995, the Red Berets, under the command of Mijović, trained recruits and SVK members at the Bilje camp in Baranja.[3394] Simatović approved material, technical equipment, salaries, and daily allowances for the Bilje camp.[3395]

1710. **Witness JF-036**, a Serb and DB official in the SAO SBWS,[3396] testified that Vasilije Mijović came to the area of Baranja in mid-1995.[3397] Mijović commanded a JATD unit with training centres in the region and headquarters in Bilje.[3398] The Trial Chamber notes that in chapter 6.5.3 it considered the testimony of Witness JF-036 that Vasilije Mijović was sent to Baranja by the Belgrade DB to establish DB control over the region. In a diagram prepared by the witness showing the links between the MUP of Serbia and the RSK in the years 1993-1996, the JATD in Bilje and its commander Vasilije Mijović are portrayed as directly subordinated to the Serbian DB and Jovica Stanišić.[3399] According to the witness, the JATD was deployed to Baranja in order to train and recruit men for military service, as well as to prevent the local population from leaving following the Croatian Operation Storm.[3400] At a graduating ceremony for the recruits, the witness had personally met Vasilije Mijović who

[3394] Prosecution Final Trial Brief, 14 December 2012, para. 367.
[3395] Prosecution Final Trial Brief, 14 December 2012, para. 367.
[3396] P342 (Witness JF-036, witness statement, 2 May 2001), pp. 1-2.
[3397] Witness JF-036, T. 4194.
[3398] P342 (Witness JF-036, witness statement, 2 May 2001), p. 15; Witness JF-036, T. 4195; P341 (Pseudonym sheet for witness JF-036), p. 1.
[3399] P342 (Witness JF-036, witness statement, 2 May 2001), pp. 16-17, 21.

had given a speech at the event.[3401] In a TV interview, Mijović stated that he was responsible for training soldiers who would go on to serve in the Special Police Brigade of the RSK prepared for combat operations.[3402] Witness JF-036 testified that based on the topography of the surroundings shown in the video-clip recording of Mijović's interview, it must have been filmed in Baranja, presumably in or around Bilje.[3403] The witness believed that members of Mijović's unit operated independently of the local police in Baranja.[3404]

1711. A report on the work of the JATD unit in Baranja reviewed in chapter 6.5.3, provided that on 25 October 1995, Vasilije Mijović, as the Commander of the Serbian MUP JATD in Bilje, reported to Radonjić that young soldiers who had been trained by JATD instructors were placed under the command of the Baranja Division. Mijović further reported to Radonjić that 50 members of the JATD were on the first line of defence towards Bilje, with a reconnaissance group monitoring the enemy lines in the direct vicinity of the camp. In the report, Mijović also complained to Radonjić about the disciplinary system imposed on his unit by Božović after he arrived in the area of Bilje.[3405]

1712. A newspaper article about abuse of authority and corruption among Serbian Krajina Special Forces in Beli Manastir in the summer of 1995, recorded that Mijović was running the Beli Manastir SUP as a branch office of the Serbian DB in Baranja, claiming to have been sent there by Slobodan Milošević and Jovica Stanišić. The article expressed the mistrust of the people of Baranja in these allegations, as well as in the claim of Mijović's men to be enjoying the protection of "Frenki Stamatović".[3406] As the Commander of the JATD unit, Mijović signed a document compiled on 29 July 1995, recording items temporarily seized during a forensic investigation in Beli Manastir.[3407] A memorandum on smuggling, re-sale and removing of cars from Baranja to the FRY implicated the Commander of the JATD, Colonel Mijović in this activity.[3408] According to the same memorandum, the most expensive cars

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[3400] Witness JF-036, T. 4194-4195.
[3401] Witness JF-036, T. 4196.
[3402] P355 (Transcript of Video Clip of Training, undated), pp. 2-3.
[3403] Witness JF-036, T. 4237-4238.
[3404] Witness JF-036, T. 4196-4197.
[3405] D1623 (Series of documents concerning Djurica Banjac), p. 12 (Report on the work of the ATD unit in Baranja, 25 October 1995).
[3406] P346 (Newspaper article published in Nasa Borba, 31 July 1995), pp. 4-5.
[3407] D35 (Minutes document regarding Zeljko Milisavljevic, 29 July 1995), pp. 1-2.
[3408] P345 (Report on abuse of position by members of the SUP in Baranja), pp. 1-2.

were taken to the DB, and in particular to Stanišić.[3409] A compilation of 29 July 1995 shows the inventory of the Beli Manastir SUP building where the JATD had been operating from.[3410]

1713. A report on the situation in the territory and within the SVK reviewed in chapter 6.5.3, considered that the head of the DB in Baranja was "Slavko" Mijović.[3411]

1714. The Trial Chamber has also considered exhibit P1061 as reviewed in chapter 6.5.3, providing that a unit commanded by Vasilije Mijović had been active in the SAO SBWS and was officially a MUP special unit directly connected to the Serbian MUP DB.

1715. The Trial Chamber has reviewed evidence in chapter 6.5.4 on JATD payment lists of 1995, on which Vaso Mijović commonly features as a beneficiary. In addition to the lists reviewed in that chapter, a JATD payment list recording payments for the time period of 1-15 August 1995 also featured Mijović's name.[3412]

1716. On 24 October 1995, Gojko Kranjčević reported to Radonja "Medo" Radonjić[3413] at the Serbian MUP JATD that on 18 October 1995, he went to the MUP building in Belgrade to request the transfer of equipment and cars from Belgrade to the unit in Bilje. In Belgrade, Kranjčević discussed the matter with "F's" secretary Sladja, who told him that she would seek "F's" approval.[3414] The next day, Sladja told Kranjčević to forget about the cars, but that other items had been approved which Milenko would supply when he delivered the salaries and daily allowances later that week.[3415]

1717. Considering the testimony of Witness JF-036, Mijović's own statements recorded in the TV interview,[3416] and Mijović's report from Bilje to Milan Radonjić and the Serbian MUP JATD mentioning Božović's arrival in the area,[3417] the Trial Chamber finds that JATD

[3409] P345 (Report on abuse of position by members of the SUP in Baranja), p. 1.
[3410] D36 (Record of inventory at the premises of the Beli Manastir SUP building, 29 July 1995), pp. 1-2.
[3411] The Trial Chamber considers it likely that the person referred to as "Slavko" Mijović is the same person as Vasilije Mijović.
[3412] P542 (JATD List of Employees to be paid Daily Allowance for 1 to 15 August 1995), p. 21.
[3413] The Trial Chamber considers "Radonja Radonjić" to refer to deputy commander of the JATD, Milan Radonjić.
[3414] D1623 (Series of documents concerning Djurica Banjac), p. 17 (Statement submitted by Gojko Kranjčević to Radonja Radonjić, 25 October 1995). Based on the circumstances of the above incident, as well as on the name of the secretary in question, the Trial Chamber considers "F" to refer to Franko Simatović.
[3415] D1623 (Series of documents concerning Djurica Banjac), p. 17 (Statement submitted by Gojko Kranjčević to Radonja Radonjić, 25 October 1995).
[3416] In evidence as P355.
[3417] In evidence as part of exhibit D1623,

member Vasilije Mijović[3418] arrived in the Baranja region in mid-1995, where he commanded a JATD unit which had its headquarters in Bilje.

1718. The Trial Chamber now turns to whether the Accused directed and organized the financing, training, logistical support, or any other substantial assistance to the JATD in Bilje in 1995. The Trial Chamber considers that Mijović's name appears on several of the JATD payment lists from mid-1995 and the report on the transfer of salaries, materiel and technical equipment from Belgrade to the JATD unit in Bilje[3419] set out above. On the basis of the foregoing and recalling its findings in chapter 6.3.2, the Trial Chamber finds that the Accused organized the financing of the JATD in Bilje in 1995 and provided other substantial assistance in the form of supplies and equipment to the same unit,

1719. The Trial Chamber now turns to the training of other groups in Bilje in 1995. The Trial Chamber considers Witness JF-036's testimony that the JATD in Baranja were tasked with training and recruiting men for military service and had several training centres in the Baranja area. Mijović's JATD report[3420] provides that soldiers trained by the JATD unit were placed under the Baranja Division Command. Finally, in a TV interview[3421] Mijović stated that he was responsible for training soldiers for combat operations, who would go on to serve in the Special Police Brigade of the RSK. Based on the foregoing, the Trial Chamber finds that the JATD unit commanded by Vasilije Mijović provided military training to a number of persons who went on to serve in the SVK Baranja Division. Recalling the findings in chapter 6.3.2, the Trial Chamber finds that the Accused directed and organized the military training of persons who went on to serve in the SVK Baranja Division.

Sova camp and the Poskok Detachment, June 1995

1720. The Trial Chamber now turns to the Sova camp in 1995. The Trial Chamber will review whether the Accused directed and organized the financing and training of the JATD at the Sova camp in 1995.

1721. In its Final Trial Brief, the Prosecution submits that around June 1995, at the Serbian MUP DB Sova camp near Knin, members of the Red Berets assembled and trained the Poskok Detachment.[3422] In early August 1995, the Poskok Detachment moved to Pajzoš.[3423]

[3418] The Trial Chamber recalls its findings that Vasilije Mijović was a member of the Unit in chapter 6.3.3 in relation to the Brčko camp, including after it was formalized as the JATD, as set out in chapter 6.3.2.
[3419] In evidence as part of D1623.
[3420] In evidence as exhibit D1623, reviewed in chapter 6.5.3.
[3421] In evidence as exhibit P355.
[3422] Prosecution Final Trial Brief, 14 December 2012, paras 284-286, 367.

1722. **Witness JF-048**, a former member of the Red Berets,[3424] testified that the Poskok unit was a Krajina-based special unit headed by Miloš Opačić, a.k.a. Čiroki.[3425] Miloš Opačić's brother was also a member of the Poskok unit.[3426] The Opačić brothers were alleged to have been Milan Martić's bodyguards.[3427] The witness recognized the name of Mladen Opačić from the Poskok unit on the JATD employees' payment list for 16 to 31 August 1995.[3428] Nenad Šare, Miloš Opačić, and Goran Opačić all appear on several JATD payment lists relevant to the time period mid-August to late-October 1995.[3429]

1723. The Trial Chamber has further received documentary evidence on individuals who trained at Sova as members of the Poskok Detachment. According to handwritten documents written by Nenad Šare and a clearance report by RSK MUP RDB Chief Aco Drača, Šare transferred from the RSK MUP reserve forces to the Poskok Detachment at the Sova camp on 18 June 1995, from which he later went on to operate in Lipovica.[3430] The JSO personal history file of Nenad Šare states that the Sova camp operated under the auspices of the Serbian MUP RDB.[3431] JSO personal history files, Poskok candidate questionnaires and other documents of a biographic nature recorded the following individuals as members of the Poskok Detachment: Zoran Berić, Željko Mandić, Milorad Marinković, Veljko Gaćeša, Jugoslav Kesić, Jovo Mirković, and Nikica Miljević.[3432] These documents indicate that from mid-June 1995, the Poskok Detachment assembled and trained at the Sova camp, near

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[3423] Prosecution Final Trial Brief, 14 December 2012, para. 367.
[3424] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 1-2, 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14576.
[3425] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 6, 12; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14589.
[3426] Witness JF-048, T. 5758-5761.
[3427] P523 (Witness JF-048, witness statement, 6 May 2000), p. 12.
[3428] P536 (Payment list authentication chart with comments by Witness JF-048), p. 3 (Comments on P541); P541 (JATD List of Employees to be paid Daily Allowance for 16 to 31 August 1995), p. 5.
[3429] P347 (List of Employees Paid Daily Spending Allowance, signed by JATD Commander Milan Radonjić, 29 September, 1995), pp. 33-34; P348 (JATD List of Employees to be paid Daily Allowance for 1 to 15 October 1995), p. 2-3; P349 (JATD List of Employees to be paid Daily Allowance for 16-31 October 1995), pp. 15-16; P541 (JATD List of Employees to be paid Daily Allowance for 16 to 31 August 1995), pp. 12-13; P543 (JATD List of Employees to be paid Daily Allowance for 1 August to 15 September 1995), pp. 2-3.
[3430] P2810 (Handwritten personnel profile on Poskok Detachment member Nenad Šare, Lipovica, 12 July 1996); P2814 (Curriculum Vitae submitted by Nenad Šare, Ilok, 6 December 1995); P2820 (Handwritten personal history, by Nenad Šare, Kula, 15 April 1997); P2825 (Handwritten SDB JSO personal history, by Nenad Šare, 24 December 1998); P2847 (Poskok Detachment candidate details form, signed by Nenad Šare), p. 2.
[3431] P2825 (Handwritten SDB JSO personal history, by Nenad Šare, 24 December 1998).
[3432] P2811 (Biography of Milorad Marinković); P2812 (Biographical note of Jovo Mirković, 6 December 1995); P2813 (Personal history of Nikica Miljević, 6 December 1995); P2815 (Vetting report on Jovo Mirković for the Serbian MUP RDB, 7 January 1997), p. 1; P2817 (Character reference of Zoran Berić, 12 July 1996); P2826 (Curriculum Vitae, Jugoslav Kesić, Belgrade, 26 October 1991); P2831 (Form for Jugoslav Kesić); P2832 (Curriculum Vitae of Željko Mandić, 26 January 2000), p. 2; P2833 (Curriculum Vitae of Željko Mandić), p. 1; P2839 (Poskok detachment candidate questionnaire, Veljko Gaćeša; P3103 (Official note of the RDB JSO on Zoran Raić, 15 March 1999), p. 1.

Knin.[3433] The biography of Milorad Marinković of the Republic of Serbia JSO referred to the Poskok Detachment as belonging to the JATD of the MUP of Serbia, and the JSO curriculum vitae of Jugoslav Kesić from 1999 described it as the *JATD* Poskok Detachment.[3434] Following the advancement of the Croatian forces in the SRK in early August 1995, the Poskok Detachment moved to Ilok.[3435] Documentary evidence further referred to Miloš Opačić as a member of the Poskok Detachment around 1995.[3436]

1724. Documentary evidence indicates that, in 1996, the Poskok detachment trained at the Lipovica JATD facility and that assistant commander of the JATD Zoran Raić issued orders to the Poskok detachment and sent recommendations to Franko Simatović and Milan Radonjić regarding the assignments of Miloš Opačić and Goran Opačić within the Poskok Detachment.[3437]

1725. The Trial Chamber has reviewed evidence in chapter 6.3.2 that Jugoslav Kesić and Veljko Gaćeša received training at the Golubić camp in mid-1991. The Trial Chamber further recalls the evidence reviewed in chapter 6.3.2 that at the start of the Kula ceremony in 1997, Colonel Žika Ivanović introduced Colonel Goran Opačić as one of the unit's veteran officers and that, at the end of the Kula ceremony, Jovica Stanišić presented an award of valour to Goran Opačić.

1726. According to the Serbian MUP Novi Sad Dispatch of 7 January 1996, after the fall of the RSK, the Poskok Detachment, including Jovo Marković, was engaged in the defence of the Srem-Baranja District.[3438]

[3433] P2811 (Biography of Milorad Marinković); P2826 (Curriculum Vitae, Jugoslav Kesić, Belgrade, 26 October 1991); P2831 (Form for Jugoslav Kesić); P2832 (Curriculum Vitae of Željko Mandić, 26 January 2000), p. 2; P2833 (Curriculum Vitae of Željko Mandić), p. 1; P2839 (Poskok detachment candidate questionnaire, Veljko Gaćeša).

[3434] P2811 (Biography of Milorad Marinković); P2826 (Curriculum Vitae, Jugoslav Kesić, Belgrade, 26 October 1991).

[3435] This conclusion is based on the place and date indicated in the heading of the following documents: P2812 (Biographical note of Jovo Mirković, 6 December 1995); P2813 (Personal history of Nikica Miljević, 6 December 1995).

[3436] P2823 (Official Note from the SDB JSO Counter Intelligence, Intelligence and Security Department, signed by Voja Sovilj, 20 March 1997); P2824 (Personal history of Miloš Opačić, a candidate for an apartment in Kula, 23 March 1998); P2845 (List of personal equipment and weapons issued to Miloš Opačić); P2846 (Statement signed by candidate Miloš Opačić of the Poskok Detachment).

[3437] P2757 (Official Note from the DB JATD Centre to Deputy Commander M. Radonjić, signed by Aleksandar Nikić, 12 March 1996); P3108 (Recommendation to establish commanding personnel in the Poskok Detachment signed by assistant commander of the JATD Zoran Raić, 11 March 1996). Considering the JATD Lipovica facility, see further chapter 6.3.3 in relation to the Pajzoš camp in 1995.

[3438] P2815 (Serbian MUP Novi Sad Dispatch of 7 January 1997, signed by Milan Popivoda, Chief of Centre).

1727. Based on the evidence above,[3439] the Trial Chamber finds that in June 1995, the Poskok Detachment (including former Unit members Miloš and Goran Opačić[3440] and at least two other persons who had been trained at Golubić in 1991) was assembled and received training at the Sova camp near Knin. At this time, the Poskok Detachment was part of the Serbian MUP DB JATD. Based on the foregoing and recalling its finding in chapter 6.3.2, the Trial Chamber finds that the Accused organized the training of the Poskok Detachment at the Sova training camp.

1728. The Trial Chamber considers that in August 1995 the Poskok Detachment moved from Knin to Ilok and then further on to Lipovica, where they continued to receive training, as established in relation to the Pajzoš camp in 1995-1996, below. Based on the JATD payment lists covering the period of mid-August to October 1995, on which Poskok Detachment members appear as beneficiaries, and recalling its finding in chapter 6.3.2, the Trial Chamber finds that the Accused organized the financing of the Poskok Detachment from mid-August to October 1995.

1729. The Trial Chamber has considered the evidence indicating that the Poskok Detachment was engaged in the defence of the Srem-Baranja District, but considers that it is unable to conclude to what extent the Poskok Detachment was involved in the SBWS operations in 1995 considered in chapter 6.5.3.

SBWS operations, 1995

1730. The Trial Chamber has addressed the role of the Accused in organising and directing the involvement of, and supporting and supplying the JATD in the SBWS operations in chapters 6.5.3 and 6.5.4.

Pajzoš camp, May 1995-1996

1731. The Trial Chamber now turns to the Pajzoš camp in May 1995. The Trial Chamber will consider whether the Accused directed and organized the financing, training, logistical

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[3439] The affiliation of the Poskok Detachment with the JATD is shown in the documentary evidence; P2757 (Official Note from the DB JATD Centre to Deputy Commander M. Radonjić, signed by Aleksandar Nikić, 12 March 1996); P2811 (Biography of Milorad Marinković); P2825 (Handwritten SDB JSO personal history, by Nenad Šare, 24 December 1998); P2826 (Curriculum Vitae, Jugoslav Kesić, Belgrade, 26 October 1991); P3108 (Recommendation to establish commanding personnel in the Poskok Detachment signed by assistant commander of the JATD Zoran Raić, 11 March 1996).

[3440] The Trial Chamber recalls its findings in chapter 6.3.2 that Goran and Miloš Opačić were members of the Unit in the SAO Krajina in mid-1991. The Trial Chamber has received evidence reviewed in chapters 6.3.2 and 3.1.7 indicating that Goran and Miloš Opačić ceased to be members of the Unit following its departure from the Krajina in July or August 1991.

support, and other substantial assistance or support for the JATD at the Pajzoš camp in May 1995.[3441]

1732. In its Final Trial Brief, the Prosecution submits that from May 1995, the Red Berets trained police academy graduates at Pajzoš and that Simatović visited the Pajzoš camp during this period.[3442] In this regard, the Trial Chamber has considered the evidence set out below.

1733. The Trial Chamber has received evidence from Witness JF-048, Witness JF-031, Rade Vujović, and Dejan Plahuta in relation the Pajzoš camp in 1995. The Trial Chamber has further considered documentary evidence as well as evidence reviewed in other parts of the Judgement.

1734. **Witness JF-048**, a former member of the Red Berets,[3443] testified that in April 1995, he attended a recruitment meeting with the representatives of the "special forces" of the police at his Police Academy. The representatives were dressed in uniforms and wore red berets and the witness heard that they belonged to the Red Berets.[3444] At the meeting, Dragoslav Krsmanović, one of the Red Berets representatives, said that they were part of a relatively new unit of the DB which dealt with the most difficult situations.[3445] The witness and others from Bosnia-Herzegovina volunteered to join the unit after graduation.[3446] The graduates initially received the status of interns and only became regular MUP employees upon passing the state exam.[3447] The Red Berets' existence and activities were not known to the public.[3448] The Red Berets' instructors repeated the message of secrecy and importance of the unit during the daily trainings.[3449] The witness did not receive any document confirming his affiliation with the special police unit.[3450]

[3441] Indictment, paras 3, 5, 15(c).
[3442] Prosecution Final Trial Brief, 14 December 2012, para. 367.
[3443] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 1-2, 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14576.
[3444] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 3-4; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14576-14577; Witness JF-048, T. 5715, 5780, 5790.
[3445] P523 (Witness JF-048, witness statement, 6 May 2000), p. 4; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14577; Witness JF-048, T. 5715, 5752, 5770, 5775-5776, 5782.
[3446] P523 (Witness JF-048, witness statement, 6 May 2000), p. 4; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14577; Witness JF-048, T. 5714, 5770.
[3447] P523 (Witness JF-048, witness statement, 6 May 2000), p. 19; Witness JF-048, T. 5809-5810.
[3448] P523 (Witness JF-048, witness statement, 6 May 2000), p. 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14610-14613; Witness JF-048, T. 5780.
[3449] P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14580, 14610-14613; Witness JF-048, T. 5717, 5719-5720, 5731, 5780, 5788.
[3450] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 4, 14; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14589.

1735. Witness JF-048 testified that in late May or early June 1995, the witness reported, as instructed by Krsmanović, at the MUP building in Belgrade.[3451] The witness and about 30 newly recruited Red Berets were transported by bus to Pajzoš in eastern Slavonia.[3452] The recruits included graduates from the Police Academy, police officers, and civilians who had been members of the JNA/VJ's anti-sabotage units and the 63rd Parachute Brigade.[3453] The camp received weapons and ammunition on a regular basis that mostly arrived in a truck with an M602 number plate, which according to the witness was a DB number plate.[3454] In this respect, the Trial Chamber notes that **Dejan Slišković** also testified that DB vehicles had official MUP plates which were blue and started with M601 or M602.[3455] **Witness JF-048** further testified that there was a communication centre at the camp, with area code 0210, which was used for contacting Belgrade.[3456] A villa that had belonged to Tito near the base was used by Krsmanović, Simatović, Božović, and the general in charge of the SVK when they visited the camp.[3457] In Pajzoš, the new unit received uniforms, guns, knives, rifles, combat vests, black balaclavas, and NATO camouflage hats.[3458] The uniforms they were given resembled those of the US and NATO uniforms. Dragoslav Krsmanović and Zvezdan (a.k.a. Zveki) were in charge of the camp and the Pajzoš unit.[3459] Training at Pajzoš included the use of live ammunition and hand grenades and the use of domestic and foreign weapons, guns, sniper rifles, knives, and night vision scopes.[3460]

1736. The witness testified that between June and August 1995, Franko Simatović came by helicopter to Pajzoš.[3461] Simatović was accompanied by Božović.[3462] At the end of September

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[3451] P523 (Witness JF-048, witness statement, 6 May 2000), p. 4; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14581; Witness JF-048, T. 5774, 5790.
[3452] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 6-7; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14581-14582, 14618.
[3453] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 6-7; Witness JF-048, T. 5763, 5794-5795; P525 (Proofing note of Witness JF-048, 13 June 2010).
[3454] P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14585; Witness JF-048, T. 5790.
[3455] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 53.
[3456] P523 (Witness JF-048, witness statement, 6 May 2000), p. 7; Witness JF-048, T. 5788; P531 (Diagram of Pajzoš camp).
[3457] P523 (Witness JF-048, witness statement, 6 May 2000), p. 7; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14582-14583.
[3458] P523 (Witness JF-048, witness statement, 6 May 2000), p. 7; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14583; Witness JF-048, T. 5722.
[3459] P523 (Witness JF-048, witness statement, 6 May 2000), p. 7; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14582; P536 (Payment list authentication chart with comments from Witness JF-048), (Comments on P541), p. 3; P539 (Series of stills of Kula Camp Video (P61) with Witness JF-048 comments), (Stills of Zveki with related comments, time codes 01'28", 10'14"), pp. 1, 3.
[3460] P523 (Witness JF-048, witness statement, 6 May 2000), p. 8.
[3461] P523 (Witness JF-048, witness statement, 6 May 2000), p. 9; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14585, 14619-14620; Witness JF-048, T. 5830, 5836-5837.
[3462] P523 (Witness JF-048, witness statement, 6 May 2000), p. 9; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14585.

or early October 1995, the Red Berets were ordered to move to a camp situated in the forest in Zirište, near the village of Nijemci (Vinkovci municipality), where they stayed for about 45 to 60 days and continued their training.[3463] Most of the instructors from Pajzoš were also there, including Krsmanović, Zvizdić, Milosavljević, Dukić, Trifković, and Jovanović.[3464] In late December 1995 or early January 1996, the unit moved to a training camp in Lipovica where they received basic physical training.[3465] At some point, the Poskok unit with Miloš Opačić arrived to Lipovica and eventually, some members of the Poskok unit became the instructors of the Red Berets.[3466] In late 1995, during a meeting at Lipovica with the Red Berets including the witness, Krsmanović and Božović; Simatović – who was welcomed like the main commander – said that the Red Berets were to be able to carry out any given order and that they worked for the interests of Serbia.[3467] They would receive everything that was necessary to carry out their tasks. He also said that the President's doors were open to him.[3468]

1737. Witness JF-048 identified several names of his fellow recruits with whom he studied and trained at various locations, as well as of instructors Milos Dukić, Dragoslav Krsmanović, Dragoje Zvizdić, Milan Milosavljević, Goran Trifković, and Jovanović, on JATD payment lists for 1 to 15 July, and 1 August to 31 December 1995.[3469]

[3463] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 11-12; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14587-14588.
[3464] Witness JF-048, T. 5724-5725; P536 (Payment list authentication chart with comments by Witness JF-048), (Comments on P541), p. 3.
[3465] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 12-13; Witness JF-048, T. 5726-5727.
[3466] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 6, 12; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14589; P539 (Series of stills of Kula Camp Video (P61) with Witness JF-048 comments), (Still of Miloš Opačić's brother and Zvezdan Jovanović with related comments, time code 09'59"), p. 2; Witness JF-048, T. 5726, 5729, 5757-5761.
[3467] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 5, 10; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14672-14673.
[3468] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 5-6; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14580; Witness JF-048, T. 5791.
[3469] P536 (Payment list authentication chart with comments by Witness JF-048) (Comments on P347), (Comments on P348), (Comments on P349), (Comments on P468), (Comments on P540), (Comments on P541), (Comments on P542), (Comments on P543), (Comments on P544), (Comments on P545), (Comments on P546), (Comments on P547), pp. 1-6, 8, 10, 12, 14, 16, 18-20; P347 (JATD List of Employees to be paid Daily Allowance for 16 to 30 September 1995), p. 14; P348 (JATD List of Employees to be paid Daily Allowance for 1 to 15 October 1995); P349 (JATD List of Employees to be paid Daily Allowance for 16 to 31 October 1995), pp. 2-3; P468 (JATD List of Employees to be Paid Daily Spending Allowance for 1 to 15 July 1995); P540 (JADT List of Employees to be paid Daily Allowance for 1 to 15 July 1995), p. 2; P541 (JATD List of Employees to be paid Daily Allowance for 16 to 31 August 1995), p. 3; P542 (JATD List of Employees to be paid Daily Allowance for 1 to 15 August 1995), p. 3; P543 (JADT List of Employees to be paid Daily Allowance for 1 August to 15 September 1995), p. 36; P544 (JATD List of Employees to be paid Daily Allowance for 1 to 15 November 1995), p. 41; P545 (JATD List of Employees to be paid Daily Allowance for 16 to 30 November 1995), p. 10; P546 (JATD List of Employees to be paid Daily Allowance for 1 to 15 December 1995), pp. 2-4; P547 (JADT List of Employees to be paid Daily Allowance for 16 to 31 December 1995), pp. 2-4.

1738. **Witness JF-031**, a Serb from Knin municipality,[3470] testified that at the end of August 1995 he met Major Fićo (Filipović) and Raja Božović in Ilok.[3471] They took him to a location near Ilok called Titova villa where 50 other Red Berets, including Pilipović and Subotić, were stationed.[3472] Major Fićo and Božović invited him to stay and rejoin the Red Berets, but he declined and returned the following morning to Belgrade.[3473]

1739. **Dejan Plahuta**, a.k.a Svabo, a former member of the JATD and the JSO,[3474] testified that in early August 1995, the witness was sent from Lipovica to Pajzoš, along with about eleven other JATD members, among them Dragoslav Krsmanović.[3475] At a given time, there were up to 20 JATD members in Pajzoš, mainly securing the Pajzoš facility.[3476] The priority was to guard Tito's villa, since it housed electronic equipment for reconnaissance, surveillance, and scrambling.[3477] The witness saw Simatović in Pajzoš two or three times. Simatović would arrive and go straight to the villa where he would stay up to two days.[3478]

1740. **Rade Vujović**, engineer and former chief of the Security Department of the Serbian MUP,[3479] testified that in 1993 and 1994 the 7th Department became involved in Pajzoš.[3480] Pajzoš was chosen as a strategic location to intercept communications of a large part of Eastern Slavonia.[3481] When he was in Pajzoš, the witness was told that the equipment and the operators needed to be secured for reasons of physical protection and confidentiality, and that the securing activity was carried out by 10 to 12 JATD members per shift.[3482] The witness testified that in Pajzoš he met Franko Simatović twice at working meetings.[3483]

1741. The Trial Chamber has received testimony from Dragoslav Krsmanović regarding the Pajzoš camp in 1995. Considering the overall assessment of the witness's reliability as outlined in chapter 2, the Trial Chamber will not rely on his evidence.

[3470] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[3471] P998 (Witness JF-031, witness statement, 1 June 2001), p. 21; Witness JF-031, T. 7443-7445; P1001 (List of persons present at Fruška Gora), p. 1.
[3472] P998 (Witness JF-031, witness statement, 1 June 2001), p. 21; P1001 (List of persons present at Fruška Gora), pp. 1-2.
[3473] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 21-22; P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19321.
[3474] Dejan Plahuta, T. 19303.
[3475] Dejan Plahuta, T. 19364.
[3476] Dejan Plahuta, T. 19365.
[3477] Dejan Plahuta, T. 19352, 19365.
[3478] Dejan Plahuta, T. 19370.
[3479] Rade Vujović, T. 19562-19565.
[3480] Rade Vujović, T. 19596, 19598, 19608-19609, 19664.
[3481] Rade Vujović, T. 19598.
[3482] Rade Vujović, T. 19601, 19608-19609, 19665-19666, 19710.
[3483] Rade Vujović, T. 19600.

1742. An intelligence report on an interview with Predrag Milisavijević reviewed in chapter 6.5.3, stated that in October 1995, the DB leadership, including Stanišić, Simatović, Krsmanović, and Filipović, was located in Pajzoš from where they commanded the army in Krajina and that Rajo Božović was appointed coordinator between the MUP and the army.[3484]

1743. In a JSO interview of 16 November 1996, Saša Anđelović stated that he had joined the unit under Zvezdan Jovanović in May 1995. He had first stayed with the unit in Pajzoš.[3485] The Trial Chamber further considers documentary evidence reviewed in chapter 6.5.3 indicating that Zvezdan Jovanović proposed to relieve Nikola Pilipović of his duties at the Pajzoš camp, where he had commanded training.[3486]

1744. A VJ intelligence report on the meeting of 7 September 1995, reviewed in chapter 6.5.3, recorded that the Serbian DB had around 100 men accommodated in Pajzoš near Ilok. It noted that the men were led by Frenki's deputy "Fića" with Rajo Božović in the field.[3487]

1745. In chapter 6.5.4 the Trial Chamber has reviewed JATD payment lists during the 1995 SBWS operations on which, among others, Zvezdan Jovanović, Dragan Filipović a.k.a. Fića, and Radojica Božović appeared as beneficiaries.

1746. Based on the evidence before it,[3488] the Trial Chamber finds that in late May or early June 1995, at a training camp at Pajzoš, newly recruited members of the JATD who had been sent from Belgrade were trained for combat operations. Training instructors included JATD members Dragoslav Ksrmanović, Zvezdan Jovanović, and Nikola Pilipović. Witness JF-048 was one of the recruits. In June and August 1995, Franko Simatović and JATD members Radojica Božović and Dragan Filipović (also known as Major Fićo) visited the camp. Based on the evidence of Witness JF-048, the Trial Chamber finds that Serbian DB trucks brought weapons and equipment to the Pajzoš camp in 1995. Based on the testimony of Witness JF-048 and in view of its findings on the Poskok Detachment in relation to the Sova camp, the Trial Chamber finds that at the end of September or beginning of October 1995, JATD members provided further training for the new JATD recruits. This training took place in a forest in Zirište, near Nijemci. Thereafter, the training continued at the Lipovica camp in late December 1995 or early January 1996. Božović and Simatović visited the Lipovica camp,

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[3484] See exhibit P2360.
[3485] P2898 (Note on interview with Saša Anđelović, 16 November 1996), p. 2.
[3486] See exhibit P3195.
[3487] Exhibit P1080.
[3488] Specifically, evidence of Witness JF-048, as corroborated by the testimony of Witness JF-031, the intelligence report reviewed in chapter 6.5.3 (in evidence as P2360), the JSO interview with Saša Anđelović (in evidence as P2898), and the proposal to relieve Nikola Pilipović of duty (in evidence as P3195).

where Simatović told the JATD members that they would receive everything that was necessary to carry out their task.

1747. The Trial Chamber has considered the Stanišić Defence's submissions that the activity at Pajzoš in the autumn of 1995 was of a purely defensive nature, aiming to safeguard the surveillance equipment stationed at Tito's villa.[3489] The testimony of Dejan Plahuta and Rade Vujović supports that there was electronic intelligence equipment at Pajzoš which the JATD guarded. However, the Trial Chamber considers that while Pajzoš may have been used as an intelligence point, this evidence does not contradict the evidence above establishing that training also took place at Pajzoš, nor does it undermine the Trial Chamber's findings in respect of such training.

1748. Based on the JATD payment lists covering the period July-December 1995 and Witness JF-048's evidence identifying instructors and recruits on those lists, the Trial Chamber finds that the DB financed the JATD at Pajzoš, Zirište, and Lipovaca in 1995.

1749. Based on the foregoing and recalling its findings in chapter 6.3.2, the Trial Chamber finds that the Accused directed and organized the training, financing, logistical support, and other substantial assistance or support for the JATD unit at camps at Pajzoš, Zirište, and Lipovaca between late May or early June 1995 and early 1996.

Captain Dragan Fund (KDF)

1750. The Trial Chamber will now review whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Unit through the Captain Dragan Fund.

1751. In its Final Trial Brief, the Prosecution submits that Captain Dragan founded the KDF in autumn 1991 to provide financial assistance to members of special units, including the Special Purpose Unit of the Serbian DB under the command of Simatović and/or Radojica Božović, Živojin Ivanović (a.k.a Žika Crnogorac), and Ilija Vučković, and members of the SDG under Arkan's command, as well as members of other armed groups, who were injured or killed during operations.[3490]

1752. According to the undated minutes of a meeting, Dragan Vasiljković, a.k.a. Captain Dragan, and Minister Tomislav Simović discussed the work of the KDF. The KDF was established to provide financial support for families of persons who were killed or wounded

[3489] Stanišić Defence Final Trial Brief, 17 December 2012, paras 919-923.
[3490] Prosecution Final Trial Brief, 14 December 2012, paras 287-288.

on the frontline, regardless of whether they were members of the JNA, the TO, or volunteer-units. Volunteers could make contributions to the fund.[3491]

1753. At the Kula ceremony in 1997, Simatović stated that one of the Unit's humanitarian activities was the promotion of the KDF which employed over 150 wounded persons, cared for over 2,500 children of killed soldiers, and also mediated in the employment of around 6,000 socially deprived persons.[3492]

1754. The Trial Chamber has received in evidence a large number of claim forms submitted to the KDF. Between October 1991 and September 1995 members of various special units, including a unit referred to as the Red Berets under the command of Božović, submitted claims for compensation to the KDF.[3493] During that same time period, the RSK MoD issued at least one certificate to an injured member to enable him to submit a claim to the fund.[3494] The Bosnian-Serb Republic MUP, the MUP of Serbia, and the RSK MUP also issued such

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[3491] P1069 (Minutes of Conversation between Captain Dragan and Tomislav Simović), pp. 1-2.
[3492] P61 (Video of award ceremony at Kula with transcript), p. 11.
[3493] P144 (Questionnaire B1, Slobodan Katanić, 31 May 1993); P145 (Questionnaire B1, Goran Ratko Đurić, 25 February 1993); P146 (Questionnaire B1, Mladen Markrić, 22 July 1993); P147 (Questionnaire B2, Milomir Todić, 15 September 1992); P148 (Questionnaire B1, Duško Drobić, 17 May 1992); P323 (Claim form, related documentation, and certificate relating to Slobodan Vasiljević, signed by Radovan Stojić); P337 (Claim form and certificates relating to Nenad Marković signed by Želijko Ražnatović, 9 November and 4 December 1991); P569 (Two documents relating to Jovan Vejnović), pp. 1-3 (Questionnaire B1, Belgrade, signed by Nada Krupa, 25 March 1992); P2610 (Series of documents related to Siniša Ćalić and certificate of wounding, signed by Rade Božić, 18 March 1993); P2646 (Claim form and certificate relating to Vukan Šubarić at Centre for Special Training of the TO of Slavonia, Baranja, and Western Srem, signed by Želijko Ražnatović, 18 October 1991); P2647 (Claim form and certificate relating to Ratko Knežević submitted to the Captain Dragan Fund, signed for Milan Šuput, 25 September 1995); P2648 (Claim form and certificate relating to Momir Ilić, signed by Milislav Stojanović, 22 January 1994); P2649 (Claim form and decision on financial assistance relating to Dušan Mastikosa, signed for Captain Dragan, 15 June 1993); P2650 (Claim form relating to Milorad Đuđić, signed by Nataša Počuča, 4 October 1991); P2652 (Claim form relating to Nedeljko Orlić, signed for Captain Dragan, 4 May 1993); P2653 (Claim form and certificate relating to Aleksandar Uglješić, signed by Ilija Vučković, 10 July 1992); P2654 (Claim form and decision on financial assistance relating to Miodrag Todorović, signed for Captain Dragan, 1 July 1993); P2655 (Claim form relating to Zdravko Narančić, signed by Ana Dordević, 24 December 1991); P2656 (Claim form relating to Milisav Jović, signed by Darinka Mamula, 28 May 1992); P2657 (Claim form and discharge sheet relating to Nikola Mirčeta, 25 December 1991); P2996 (Claim form and certificate relating to Dušan Momčilović, signed by Djuro Ljiljak, 3 August 1992); D202 (Documents associated with Miodrag Obradović Captain Dragan Fund questionnaire and certification of service, 26 May 1992); D1686 (Claim form and medical records relating to Zdravko Narančić, dates between 14 August 1991- 24 December 1991); D1687 (Claim form and certificate relating to Risto Savić, signed by Srećko Radovanović, 5 July 1992); D1688 (Claim form and certificate relating to Nenad Mitić, signed by Mile Beronjo, 17 April 1994); D1689 (Claim form and decision relating to Radiša Lazarević, signed for Captain Dragan, 27 July 1993).
[3494] P2647 (Claim form and certificate relating to Ratko Knežević submitted to the Captain Dragan Fund, signed for Milan Šuput, 25 September 1995), p. 7.

certificates.[3495] In 1993, decisions to authorise claims to the fund were made on Captain Dragan's behalf in Belgrade.[3496]

1755. The Trial Chamber finds, based on the evidence reviewed above, that sometime in autumn 1991, Captain Dragan established the KDF to provide financial assistance to wounded soldiers and their families. A number of Unit members and members of the SDG may have applied for and received financial assistance from the KDF for financial assistance. Further, Unit members and the Serbian DB may have provided certificates in support of such applications. However, the Prosecution has not argued nor pointed to evidence clearly establishing that the Accused funded or operated the KDF, or were otherwise involved in it. Although Simatović referered to the Unit's promotion of the KDF at the Kula ceremony, the Trial Chamber is unable to determine what such promotion would have consisted of. Under these circumstances, the Trial Chamber will not further consider whether the Accused provided substantial assistance or support for the Unit through the KDF.

6.3.4 The Accused failed to instruct the Unit to refrain from committing unlawful acts

1756. According to the Indictment, the Accused failed to instruct the Unit/the JATD to refrain from committing unlawful acts.[3497] The Trial Chamber has not received any direct evidence in this respect. The Trial Chamber refers to its findings above regarding the Accused's acts and conduct in relation to the Unit.

[3495] For example P144 (Questionnaire B1, Slobodan Katanić, 31 May 1993); P569 (Two documents relating to Jovan Vejnović), pp. 1-3 (Questionnaire B1, Belgrade, signed by Nada Krupa, 25 March 1992); P2653 (Claim form and certificate relating to Aleksandar Uglješić, signed by Ilija Vučković, 10 July 1992); P2996 (Claim form and certificate relating to Dušan Momčilović, signed by Djuro Ljiljak, 3 August 1992).

[3496] P146 (Questionnaire B1, Mladen Markrić, 22 July 1993); P2649 (Claim form and decision on financial assistance relating to Dušan Mastikosa, signed for Captain Dragan, 15 June 1993), p. 8; P2652 (Claim form and decision on financial assistance for Nedeljko Orlić, signed for Captain Dragan, 4 May 1993), p. 7; P2654 (Claim form and decision on financial assistance relating to Miodrag Todorović, signed for Captain Dragan, 1 July 1993), p. 8; D1689 (Claim form and decision relating to Radiša Lazarević, signed for Captain Dragan, 27 July 1993).

[3497] Indictment, paras 5, 15(c).

6.4 The Serbian Volunteer Guard

6.4.1 Introduction

1757. In this chapter, the Trial Chamber will review the evidence concerning the unit known as the SDG. The Trial Chamber will address the Prosecution allegations as they are presented in the Indictment. In this respect, it will first review the evidence on the formation of the SDG. Second, it will examine whether the Accused directed the SDG in specific operations. Third, it will consider whether the Accused organized, supplied, financed, and supported the involvement of the SDG in particular operations. Fourth, the Trial Chamber will turn to the allegations that the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the SDG. Finally, it will consider the Accused's alleged failure to instruct the SDG to refrain from committing unlawful acts.[3498]

6.4.2 The Accused directed and organized the formation of the Serbian Volunteer Guard

1758. According to the Indictment, the Accused directed and organized the formation of the SDG.[3499] In its Final Trial Brief, the Prosecution submits that the SDG was founded in Serbia on 11 October 1990.[3500] With respect to the formation of the SDG, the Trial Chamber has received relevant evidence from, in particular, Jovan Dimitrijević, Borislav Pelević, and Witness JF-057, as well as documentary evidence. The Trial Chamber will take into consideration the evidence and the parties' arguments relating to further support rendered to the SDG below, in the relevant sections of this chapter.

1759. **Jovan Dimitrijević**, a former member of the SDG,[3501] testified that in 1991 Radmilo Bogdanović and Arkan became friends when the first was honorary president of the football team and on the management board of Red Star Belgrade and the latter leader of the team supporters.[3502] The witness further testified that the basic cell from which the SDG developed were supporters of Red Star Belgrade.[3503] According to **Borislav Pelević**, a member of the SDG since 10 January 1992,[3504] Željko Ražnatović, a.k.a. Arkan, had told Radmilo

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[3498] To the extent the Prosecution used different terminology in relation to these alleged acts of the Accused in its Final Trial Brief, the Trial Chamber interprets such different wording to reflect the Indictment charges.
[3499] Indictment, paras 4, 15(b).
[3500] Prosecution Final Trial Brief, 14 December 2012, para. 311.
[3501] Jovan Dimitrijević, T. 16055.
[3502] Jovan Dimitrijević, T. 16167-16168.
[3503] Jovan Dimitrijević, T. 16168.
[3504] Borislav Pelević, T. 16319, 16321-16322, 16515.

Bogdanović, the SFRY Minister of Interior, that he had decided to found the SDG.[3505] Regarding the circumstances of the formation, **Witness JF-057**, a Serb from Serbia,[3506] testified that the SDG was established on 11 October 1990 in Pokajnica, a monastery near Belgrade, and that every year on 11 October the SDG celebrated the anniversary of the unit's founding.[3507] The witness testified that there were originally 10 or 15 men who took an oath when the SDG was founded, and specified that some of the founders were Željko Ražnjatović, a.k.a. Arkan, Nebojša Đorđević, a.k.a. Šuca, Saša Pavlović, a.k.a. Crvko, Nenad Marković, a.k.a. Šicko, and Dragan Petrović, a.k.a. Kajman.[3508] In an undated interview, Arkan said that the SDG was founded on 11 October 1990, and had been arming and organizing to fight the "Ustasha" Army. Arkan said that he went to Knin to meet authorities there and offer them help. According to Arkan, he formed the SDG in order to gather all volunteers who wanted to defend Serbia and save Serbs, with fighters from different parties, including Šešelj's radicals and members of the SPO.[3509]

1760. The Trial Chamber has received evidence on the formation of the Serbian Guard, another group separate from the SDG, which according to **Milan Babić**, who was the Prime Minister of the SAO Krajina,[3510] was established by the "Serb renewal movement".[3511] The Trial Chamber understands that **Witness JF-030**, a former Serb MUP officer,[3512] referred to the Serbian Guard when he testified that in the spring 1991, Giška Božović set up the SDG.[3513] His evidence is inconsistent with evidence given by witnesses closely affiliated with Arkan and the SDG, as well as with evidence on Arkan's own narration of the formation of the SDG. Accordingly, the Trial Chamber has not relied on Witness JF-030's evidence in this respect.

1761. The Trial Chamber considers that the evidence received in relation to the formation of the SDG is largely consistent. While noting that the credibility and reliability of Witness JF-

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[3505] Borislav Pelević, T. 16330.
[3506] P1615 (Witness JF-057, witness statement, 9 July 2002), pp. 1-2.
[3507] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 4; P1618 (Witness JF-057, prior testimony), p. 19419.
[3508] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 4; P1618 (Witness JF-057, prior testimony), pp. 19419-19421; Witness JF-057, T. 9405; P1620 (Charts of exhibits commented on by Witness JF-057, 22 November 2010), p. 2.
[3509] P2924 (Interview with Željko Ražnjatović, On Gazette), pp. 1-2.
[3510] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12965; P1880 (Death Certificate of Milan Babić).
[3511] P1051 (TANJUG press article in which Jokić terms paramilitary groups illegal, 25 July 1991); P1054 (Response of the Serbian Republic MUP to Šešelj's inquiry regarding paramilitary groups, 22 October 1991); P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1574-1576.
[3512] P2091 (Witness JF-030, witness statement, 21 August 2003), p. 1, paras 4, 37.
[3513] P2093 (Witness JF-030, witness statement, 15 February 2008), para. 27.

057 is attacked in the Final Trial Briefs of the Simatović Defence and the Stanišić Defence,[3514] the Trial Chamber is satisfied that the information provided by the witness relevant to this section is uncontroversial between the parties.

1762. Based on the evidence set out above, the Trial Chamber finds that the SDG was formed from a cell of Red Star Belgrade football club supporters by Arkan and others, including Nebojša Đorđević, Saša Pavlović, Nenad Marković, and Dragan Petrović, on 11 October 1990 in Pokajnica near Belgrade. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding. Consequently, the Trial Chamber is unable to conclude that the Accused directed or organized the formation of the SDG.

6.4.3 The Accused directed the Serbian Volunteer Guard in particular operations in Croatia and Bosnia-Herzegovina

1763. According to the Indictment, the Accused directed the involvement of the SDG in particular operations in Croatia and Bosnia-Herzegovina.[3515] In this sub-chapter the Trial Chamber will focus only on the Prosecution's allegation that the Accused directed or commanded the involvement of the SDG in specific operations. Aspects such as supplying, organizing, financing, and supporting the SDG in these operations have been dealt with separately in other sub-chapters.[3516] The Trial Chamber has received evidence about the alleged involvement of the SDG in six operations: the SAO SBWS operation in 1991, the operations in Bosnia-Herzegovina in 1992 (Bijeljina and Zvornik), Operation Pauk, operations in Treskavica/Trnovo in June-July 1995, the Banja Luka operations in 1995, and operations in the SAO SBWS in 1995. In this sub-chapter, the Trial Chamber will address the Prosecution's allegations in relation to (a) the SAO SBWS operation in 1991, (b) operations in Bosnia-Herzegovina in April 1992, and (c) operations in Banja Luka in 1995. The Trial Chamber will address the role of the Accused in directing the involvement of the SDG in Operation Pauk, and the 1995 operations in Trnovo/Treskavica and the SAO SBWS in chapter 6.5.3.

[3514] Simatović Defence Final Trial Brief, 14 December 2012, paras 645-703; Stanišić Defence Final Trial Brief, 17 December 2012, Confidential Annex III, Section C.
[3515] Indictment, paras 4, 7.
[3516] Chapters 6.4.3 and 6.4.4.

1764. Before however moving to the evidence on these operations, the Trial Chamber will review the evidence it has received in relation to the general structure and command of the SDG.

General structure and command of the SDG

1765. The Trial Chamber has received evidence from Borivoje Savić, Borislav Pelević, Witness JF-029, Petar Djukić, and Witness C-015, as well as documentary evidence, in relation to the general command and structure of the SDG.

1766. **Borivoje Savić**, a Serb from Vinkovci in the municipality of Vukovar, Croatia,[3517] testified that, on 16 May 1991, he met Arkan for the first time in a café called Trozubac in Nušićeva Street in Belgrade. The witness asked him directly who his boss was and Arkan told him that it was Jovica Stanišić.[3518]

1767. According to an unsigned and undated intelligence report (exhibit P1075), which military expert **Reynaud Theunens**[3519] concluded, based on its content and origins, had been drafted by a VJ Security Organ after May 1996, the SDG was one of the paramilitary units engaged in the territory of the RSK and the Bosnian-Serb Republic from the beginning of the war in 1991 which was and remained in direct contact with the Serbian DB and MUP or which was engaged under the guise of special units of the DB or MUP.[3520] At the time of the report, the SDG had been or was being transferred to the territory of the Republic of Serbia and was not to be included in the JSO, but used for special tasks outside the DB and MUP structures.[3521]

1768. According to **Borislav Pelević**, a member of the SDG since 10 January 1992,[3522] when the SVK was established, the SDG came under the command of Mile Novaković and Bogdan Sladojević and later under Dušan Lončar, as part of the SVK 11th Corps. As part of the SVK, the SDG participated in different operations with units of the VRS and the Bosnian-Serb Republic MUP. When the Vance Plan was implemented in 1992, the SDG were transformed into part of the RSK police, pursuant to an order received from the SVK. As part of the RSK police, Arkan was technically subordinate to Ilija Kojić, although this did not reflect real day-to-day command. Following the Vance Plan, the SDG first wore blue berets and later wore

[3517] Borivoje Savić, T. 1739.
[3518] Borivoje Savić, T. 1810-1811.
[3519] Reynaud Theunens, T. 8049-8057; P1574 (Curriculum Vitae of Reynaud Theunens).
[3520] Reynaud Theunens, T. 8081-8083, 8233-8237; P1575 (Reynaud Theunens expert report, 30 June 2007), p. 124; P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), p. 2.
[3521] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), p. 2.

dark red berets. The SDG operated as part of the RSK police until the attack on Maslenica, in Obrovac municipality, in late January 1993. Towards the end of January 1993, following crimes committed by Croats at Maslenica, the witness and Arkan joined the SDG in Erdut and travelled in a convoy towards the Knin-Krajina. In order to travel between the Western RSK (including Erdut) and the Eastern RSK, without having to pass a police border control, the SDG travelled in military trucks along improvised military routes pursuant to an agreement with Serbian Defence Minister Tomislav Simović, instead of through the official border crossings. The SDG members were not allowed to travel in uniform or carry weapons in either direction, in order to avoid police checks by the Serbian MUP. The SDG also sent dispatches of uniforms from Novi Sad and Kosovo to Erdut by bypassing the Serbian MUP and DB controls, as the police would have confiscated the uniforms.[3523]

1769. **Witness JF-029**, who was a high-ranking official in the SAO SBWS and RSK MoD from 1991 to April 1996,[3524] testified that from April 1992, Arkan's unit was subordinated to the PJMs, also known as the Blue Brigades. The PJMs were under the command of the RSK MUP. Arkan was directly subordinate to PJM Vukovar Brigade commander Božidar Košutić, who was in turn directly subordinate to RSK assistant minister of the interior Ilija Kojić.[3525] Košutić also held the position of Colonel in the VJ.[3526] During this period, Arkan's unit wore blue police uniforms. There were constant conflicts between Arkan and Košutić and Arkan and Kojić.[3527] Kojić would on occasion solve problems with Arkan directly, but at times Hadžić would interfere, and Kojić would ask for the witness's assistance.[3528] From 1993, when the SVK was created, until 1996, Arkan's unit was under the command of the Vukovar

[3522] Borislav Pelević, T. 16319, 16321-16322, 16515.
[3523] Borislav Pelević, T. 16369, 16372-16375, 16410, 16415, 16441, 16465-16466, 16470, 16488-16489, 16524-16525, 16528, 16546-16547.
[3524] Witness JF-029, T. 10004-10007, 10083, 10089, 10156; P1665 (Pseudonym sheet, Witness JF-029); P1668 (Table of documents reviewed by Witness JF-029 with comments, 7 December 2010), pp. 5, 8-9, 11; P1678 (Order appointing Witness JF-029 to a position within the MoD, signed by Goran Hadžić on behalf of Ilija Kojić, 19 December 1991); P1685 (RSK MoD Decision assigning Witness JF-029 a position, signed by Minister Colonel Stojan Španović, 1 February 1993); P1689 (RSK Government Decision assigning Witness JF-029 a position, signed by Prime Minister Borislav Mikelić, 6 July 1994,); P1692 (VJ Decision assigning Witness JF-029 a position in the RSK MoD, signed by officer Stevo Medaković, 30 October 1995); D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 4, 15-16, 43.
[3525] Witness JF-029, T. 10035-10036, 10110-10112, 10180, 10224; P1666 (Tables of people Witness JF-029 refers to and significant meetings attended, 7 December 2010), p. 3.
[3526] Witness JF-029, T. 10036; P1666 (Tables of people Witness JF-029 refers to and significant meetings attended, 7 December 2010), p. 3.
[3527] Witness JF-029, T. 10110-10111, 10114, 10226.
[3528] Witness JF-029, T. 10111.

Corps.[3529] In 1993 or 1994, Arkan clashed with RSK President Martić, following which Arkan left the area.[3530]

1770. **Petar Djukić**, RSK chief police inspector from 15 March 1993 to 1 July 1996,[3531] testified that on 16 February 1993, Arkan in conjunction with RSK forces under the command of Miroljub Vujović, Secretary of MoD's Vukovar Department, and Vujović's superior, Assistant Minister of Defence Milan Milanović a.k.a. Mrgud, took over the RSK MUP building in an effort to remove its leaders because they suspected them of cooperating with the Serbian DB.[3532] On 15 March 1993, Lončar was in command of Arkan's unit.[3533] In April 1993, Martić announced that "Arkan, and three other active inspectors of the Serbian MUP" from the SJB were banned from entering the region of the Bosnian-Serb Republic.[3534]

1771. On two occasions in 1992 and 1993, **Witness C-015**, a Serb from Croatia,[3535] requested protection from Mrgud to carry out his duties when working for the SAO SBWS authorities, and was given Legija and a number of Arkan's soldiers.[3536] When the witness encountered certain problems with the Yugoslav Border Police in carrying out his duties, Arkan was informed by one of his men of these problems. Shortly thereafter, Arkan arrived and disarmed the Yugoslav Border police, and helped the witness complete his tasks.[3537]

1772. The Trial Chamber will now review the evidence on specific operations.

SAO SBWS 1991

1773. The Trial Chamber received evidence with regard to the Prosecution's allegation that the Accused directed the involvement of the SDG in the SAO SBWS in 1991, which included a number of military operations as set out in chapter 3.2.6, through documentary evidence and through the testimony of Borislav Bogunović, Witness JF-030, Witness C-1118, Borislav

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[3529] Witness JF-029, T. 10034.
[3530] Witness JF-029, T. 10180; P1666 (Tables of people Witness JF-029 refers to and significant meetings attended, 7 December 2010), p. 3.
[3531] Petar Djukić, T. 17910, 17913, 17918-17920, 17971, 18003-18004, 18059, 18062, 18065; D759 (Letter of appreciation from Gen. Walter Fallmann, UNTAES Civpol Commissioner, 22 August 1996); D760 (UNTAES Certificate of Appreciation in relation to 13 and 14 April 1997 elections in SBWS); D761 (Letter of Appointment from Jacques Paul Klein, Acting UNTAES Director, 2 June 1996).
[3532] Petar Djukić, T. 17978-17979, 18015-18020, 18025-18027.
[3533] Petar Djukić, T. 17997, 17999, 18011-18013, 18117, 18121.
[3534] Petar Djukić, T. 17997-17998, 18028.
[3535] P2 (Witness C-015, witness statement, 13 May 1999), p. 2; P3 (Witness C-015, supplementary witness statement, 24 January 2001), p 1.
[3536] P2 (Witness C-015, witness statement, 13 May 1999), p. 7; P3 (Witness C-015, supplementary witness statement, 24 January 2001), p. 1; Witness C-015, T.1702-1703.
[3537] P2 (Witness C-015, witness statement, 13 May 1999), pp. 7-8.

Pelević, Witness C-015, Witness JF-029, Dušan Knežević, Gvozden Gagić, and Witness JF-035.

1774. Much of the evidence received indicates links between the SDG and the SAO SBWS TO, and links between the SDG and the JNA.

1775. In an undated video excerpt, Arkan told the interviewer that his unit was under command of the TO of the SAO SBWS, and that the TO was under the command of the armed forces of the JNA.[3538] According to an order dated 21 September 1991, Hadžić appointed Arkan as a TO centre Erdut commander as of that same date.[3539]

1776. According to **Borislav Pelević**, the SDG was initially under the command of the SAO SBWS TO.[3540] Consequently, Arkan was subordinate to the SAO SBWS TO Commander, Radovan Stojičić, a.k.a. Badža, who visited the training centre in Erdut very frequently, and the witness personally saw him on a number of occasions at the centre.[3541] Arkan and General Biorčević told Pelević that in late 1991 the SDG had carried out several military operations in cooperation with the JNA.[3542] At that time, the SDG received orders from JNA corps commander General Bratić, later replaced by General Biorčević.[3543]

1777. **Witness C-015**, a Serb from Croatia,[3544] testified that in 1991, Arkan agreed to wear the insignia of the Serb TO, and that he was engaged in military operations on the Vukovar front under the operational command of the JNA. Witness C-015 also testified that "on paper" Arkan was subordinated to the TO, but in reality, he was not under anyone's control. The witness testified that Arkan complied with the commands of 12th Novi Sad Corp commander General Andrija Biorčević, but that when the latter left, Arkan "no longer complied with any commands".[3545]

1778. **Witness JF-029**, who was a high-ranking official in the SAO SBWS and RSK MoD from 1991 to April 1996,[3546] testified that in 1991, Arkan's unit was under the command of

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[3538] D196 (Video of interview with Arkan).
[3539] D339 (Order of appointment by Hadžić, 21 September 1991).
[3540] Borislav Pelević, T. 16374, 16524; P3067 (Report compiled for the Crime Police Administration-Service for Discovering War Crimes, MUP Republic of Serbia, on Borislav Pelević, 17 February 2010), pp. 2-3.
[3541] Borislav Pelević, T. 16337, 16339, 16497-16498, 16500, 16524, 16623-16624.
[3542] Borislav Pelević, T. 16336, 16516-16517, 16520.
[3543] Borislav Pelević, T. 16336.
[3544] P2 (Witness C-015, witness statement, 13 May 1999), p. 2; P3 (Witness C-015, supplementary witness statement, 24 January 2001), p 1.
[3545] Witness C-015, T. 1663-1665, 1714.
[3546] Witness JF-029, T. 10004-10007, 10083, 10089, 10156; P1665 (Pseudonym sheet, Witness JF-029); P1668 (Table of documents reviewed by Witness JF-029 with comments, 7 December 2010), pp. 5, 8-9, 11; P1678 (Order appointing Witness JF-029 to a position within the MoD, signed by Goran Hadžić on behalf of Ilija

the TO.[3547] Throughout this period, the TO was subordinate to the JNA.[3548] Therefore, Arkan's unit operated in the area of responsibility of and was subordinate to the JNA Novi Sad Corps, north of the Vuka river.[3549] Arkan was subordinate to the TO commander, a position held first by Kojić, then by Stojičić from September 1991 and Trajković from November 1991.[3550] While Stojičić was in the region, Arkan cooperated with him and followed all of his orders.[3551]

1779. **Dušan Knežević**, the Serb police commander in Ilok between November 1991 and June 1992,[3552] testified that Badža was formally the superior of Arkan, as Arkan was heading his group of volunteers under the TO.[3553] Badža coordinated his activities related to his commander function with Biorčević and used to call himself the TO supreme commander.[3554] He testified that Arkan was engaged in military activities with the army and had no direct connections with the police.[3555]

1780. **Gvozden Gagić**, an employee of the MUP of Serbia in the early 1990s,[3556] testified that Badža was the overall commander for the TO staff whereas Arkan was the commander of one of the units under that staff, but the two had a close relationship. According to the witness, Arkan's relations with the Novi Sad Corps Command and lower-ranking officers of that corps were professional, and he conducted himself as a subordinate. He testified that the SDG was also subordinated to Badža, but that they carried out tasks directly pursuant to orders of the Novi Sad Corps Command.[3557]

Kojić, 19 December 1991); P1685 (RSK MoD Decision assigning Witness JF-029 a position, signed by Minister Colonel Stojan Španović, 1 February 1993); P1689 (RSK Government Decision assigning Witness JF-029 a position, signed by Prime Minister Borislav Mikelić, 6 July 1994,); P1692 (VJ Decision assigning Witness JF-029 a position in the RSK MoD, signed by officer Stevo Medaković, 30 October 1995); D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 4, 15-16, 43.

[3547] Witness JF-029, T. 10034, 10178-10179.

[3548] Witness JF-029, T. 10093-10094, 10179; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 9-10, 18.

[3549] Witness JF-029, T. 10179.

[3550] Witness JF-029, T. 10034, 10093, 10178-10179; P1666 (Tables of people Witness JF-029 refers to and significant meetings attended, 7 December 2010), pp. 3-5.

[3551] Witness JF-029, T. 10108-10109.

[3552] D371 (Dušan Knežević, witness statement, 17 August 2011), p.1, paras 1, 28, 32; Dušan Knežević, T. 13378, 13504; D377 (Report by Dušan Knežević about the situation in Pakrac valley and the request for ammunition for the local population addressed to the assistant chief of the SJB Bucalo, 23 April 1991), p. 1.

[3553] Dušan Knežević, T. 13490-13491.

[3554] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 19.

[3555] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 22; D373 (Map of the Srem region with locations relevant to Dušan Knežević's testimony).

[3556] Gvozden Gagić, T. 17101-17102.

[3557] Gvozden Gagić, T. 17134, 17141, 17276.

1781. Two witnesses provided evidence on other links between the SDG and SAO SBWS authorities. **Witness JF-035**, a Serb from Bosnia-Herzegovina,[3558] testified that after the fall of Vukovar, Arkan's men became a regular military force of the "SAO Krajina" in charge of security for the area.[3559] The witness also testified that a number of people were members of Arkan's Tigers, but had been issued SNB ID cards, namely: Mile Ulemek, who the witness described as Head of Security of Arkan's Tigers; Milorad Stričević, a.k.a. Puki, who was initially a TO member, then a member of Arkan's Tigers and received the rank of colonel; a person with the first name Goran, who "worked as a bodyguard for Milorad Stričević, previously Colonel Jovanović or Ivanović's driver"; a person with the first name Nebojša nicknamed "Šuco"; and a person nicknamed "Kaljavi".[3560] These persons, who had been tasked with providing security in Arkan's headquarters, had been issued such cards by Stevo Bogić so that they could move throughout the area freely (although Witness JF-035 believed Arkan's men could move freely throughout the area regardless of their SNB cards).[3561]

1782. **Borislav Bogunović** first met Arkan before the end of August 1991, while he was stationed in Dalj.[3562] The witness knew that Arkan was in charge of a training centre in Erdut, and that he had arrived in Erdut from Serbia fully equipped with arms.[3563] The witness testified that Arkan was accompanied in Erdut by 200-300 of his men. Arkan was not a member of the Government, but would sometimes attend meetings as he was based very close to the Government building in Erdut. The witness's impression was that Arkan attended meetings in order to "control" or "interfere with" some Government ministers, particularly Ilija Kojić, the Minister of Defence.[3564] The witness also testified that Arkan was very close to Hadžić, and that the two men spent a significant amount of time together and were frequently in contact.[3565] In general, Arkan said very little during Government meetings and did not issue orders, but left afterwards with Hadžić for further discussions.[3566] The witness also stated that,

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[3558] P494 (Witness JF-035, witness statement, 18 October 2000), p. 2; P495 (Witness JF-035, supplemental witness statement, 6 May 2001), p. 1; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12231.
[3559] P494 (Witness JF-035, witness statement, 18 October 2000), p. 6. The Trial Chamber understands, in the context of the witness's testimony, that the fall of Vukovar relates to 18 November 1991.
[3560] P494 (Witness JF-035, witness statement, 18 October 2000), p. 5.
[3561] Witness JF-035, T. 5409, 5462.
[3562] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 21, 27, 59, 62; Borislav Bogunović, T. 6082-6083; P556 (Footage of Velepromet warehouse); P555 (Photo spread no. SWK-01 and List no. 2, November 1991); D78 (Video showing Vukovar, 20 November 1991).
[3563] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 27, 80.
[3564] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 45, 79; Borislav Bogunović, T. 6027-6028.
[3565] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 27, 45, 81; Borislav Bogunović, T. 5988.
[3566] Borislav Bogunović, T. 5988, 6026.

at some point, Arkan demanded that Hadžić keep him informed of all current events when he was absent from meetings.[3567] According to Bogunović, Arkan exercised some degree of control over Hadžić.[3568] If the Government left Erdut to go to Vukovar, security was provided by Arkan's soldiers.[3569]

1783. A few witnesses provided evidence on possible links between the SDG and the Serbian DB during the operations in the SAO SBWS in 1991/1992. **Borislav Bogunović** testified that Arkan did not report to the SAO SBWS Government and acted independently of any Government influence.[3570] Neither Ilija Kojić as Minister of Defence, nor the JNA had any authority over him. The witness testified that Arkan was subordinate to the Serbian MUP and Stanišić, rather than the JNA or the SAO SBWS Government. Although Arkan never issued any direct threats, Bogunović testified that there was a general perception that the consequences of opposing him could be violent.[3571]

1784. **Witness JF-030**, a former Serb MUP officer,[3572] testified that a few days after the attack on Dalj, he went to Borovo Selo with Janko Milaković, where he saw Arkan in front of the Borovo Selo School with some of his men. Arkan and two other Serbian DB members showed MUP ID cards, and said that they were from the Serbian DB.[3573] The witness also concluded that they were from the DB due to their combat equipment and communication sets in the vehicles they arrived in. Further, the witness testified that other than members of the army or the police, no one could go from Serbia to Croatia with arms ammunition without the approval of the DB.[3574]

1785. **Witness C-1118**, a Croat from Osijek municipality,[3575] testified that at approximately 10 a.m. on 20 November 1991, he was taken to Stričević for interrogation which lasted approximately one hour.[3576] Whilst detained at the Erdut training camp he overheard a

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[3567] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 79.
[3568] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 81.
[3569] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 34.
[3570] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 29, 79.
[3571] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 22; Borislav Bogunović, T. 6028-6029.
[3572] P2091 (Witness JF-030, witness statement, 21 August 2003), p. 1, paras 4, 37.
[3573] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 15; P2092 (Witness JF-030, proofing notes, 14 September 2009), p. 1; Witness JF-030, T. 10676-10678.
[3574] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 15.
[3575] Witness C-1118, T. 1950, 1968-1969; P23 (Witness C-1118, witness statement, 4 June 1999), pp. 1-2; P24 (Witness C-1118, witness statement, 12 June 1999), p. 1; P25 (Witness C-1118, witness statement, 25 April 2007), p. 1.
[3576] P23 (Witness C-1118, witness statement, 4 June 1999), p. 6.

conversation between Arkan and one of the soldiers, or Stričević, with Arkan saying that they were waiting for "orders from Belgrade".[3577]

1786. In its Final Trial Brief, the Prosecution bases its argument that Stanišić directed the involvement of the SDG in the SAO SBWS in 1991-1992 on one key premise: that there existed a relationship between Stanišić and Arkan, with Stanišić being in control of Arkan.[3578] In relation to Simatović's involvement in SDG operations in 1991, the Prosecution submits that he went to Erdut on multiple occasions in autumn 1991, and that Simatović met with Arkan, Badža, Vasković and others in Erdut for discussions. Further, the Prosecution submits that at the beginning of November 1991, before the fall of Vukovar, Simatović returned to Erdut for a meeting with JNA personnel and commanders.[3579] The Trial Chamber notes, however, that the sole basis for this submission is the evidence of Milomir Kovačević. The Stanišić Defence dispute the credibility of Milomir Kovačević in relation to certain parts of his testimony, whilst relying upon his evidence in other respects.[3580] The Trial Chamber has assessed this witness's evidence in chapter 2 and has deemed it unreliable.[3581] The Trial Chamber therefore places no weight on this witness's testimony and will not consider his evidence further.

1787. Furthermore, the Prosecution also relies on the evidence of Witness JF-030.[3582] The Trial Chamber recalls its decision to admit into evidence the witness's previous inconsistent statements on matters relevant to this case for the truth of their content.[3583] Further, the Trial Chamber recalls its emphasis at the time that in relation to such statements, it would cautiously assess their probative value in light of the evidence as a whole.[3584] The witness often provided general statements without providing any factual basis. Where he did provide a factual basis for his assertions, for example in relation to concluding DB affiliation on the basis of certain weaponry or the fact that people crossed the border, the Trial Chamber considered these conclusions unconvincing. In this respect, and in light of the totality of the evidence, the majority, Judge Picard dissenting, finds that it cannot place much weight on the witness's evidence on matters related to the link between Arkan and the Serbian DB.

[3577] Witness C-1118, T. 1999-2000; P25 (Witness C-1118, witness statement, 25 April 2007), para. 9. See further chapter 3.2.6.
[3578] Prosecution Final Trial Brief, 14 December 2012, para. 655.
[3579] Prosecution Final Trial Brief, 14 December 2012, para. 318.
[3580] Stanišić Defence Final Trial Brief, 17 December 2012, paras 440, 442.
[3581] See Chapter 2.
[3582] See Chapter 2.
[3583] See T. 13136.
[3584] T. 13137.

1788. In its Final Trial Brief, the Stanišić Defence argues that there was close cooperation between Arkan and the JNA and Badža, and not with Stanišić.[3585] The Stanišić Defence submits that Arkan was supplied with weapons, equipment and supplies by the JNA and the Serbian MUP, not the Serbian DB.[3586] According to the Stanišić Defence, Arkan and Badža's TO controlled the movement into and around the SAO SBWS and the Prosecution's conclusion, that because Arkan's men were able to travel freely and obtain uniforms and weaponry meant that they must have been under Serbian DB control, is ill-founded.[3587]

1789. The Trial Chamber will now analyse the evidence suggesting a directing link between the SDG and the Serbian DB in relation to the SAO SBWS in 1991. First, Borivoje Savić testified that in May 1991, whilst he was in Belgrade, Arkan told him that Stanišić was his boss. The Trial Chamber finds that this statement is inherently generic, is not clearly connected to the operation in the SAO SBWS in 1991, and does not in and of itself demonstrate that Stanišić directed the involvement of Arkan and the SDG in the SAO SBWS. Second, Borislav Bogunović testified, *inter alia*, that Arkan was subordinate to the Serbian MUP and Stanišić, rather than the JNA or the SAO SBWS Government. The foundation of this witness's knowledge in relation to this assumption is unclear and the Trial Chamber therefore does not place weight upon this statement. Third, Witness C-1118 testified that whilst he was detained at the Erdut training centre, in November 1991, he overheard a conversation in which Arkan said that he was waiting for orders from Belgrade. The Trial Chamber considers that this statement is vague and does not in and of itself show that Accused directed the involvement of Arkan or the SDG in the SAO SBWS in 1991. Fourth, Exhibit P1075 is an unsigned, undated document, which depicts the SDG as a paramilitary unit that was in direct contact with the Serbian DB and MUP or which was engaged under the guise of special units of the DB or MUP. However, despite Reynaud Theunens's testimony, without further substantiation, the Trial Chamber finds the report too generic to conclude that the Accused directed the involvement of the SDG in the SAO SBWS. The majority, Judge Picard dissenting, finds that neither in and of itself, nor cumulatively, does the evidence rise to a level sufficient to establish that the Serbian DB or Stanišić directed the involvement of the SDG in the SAO SBWS in 1991. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding.

[3585] Stanišić Defence Final Trial Brief, 17 December 2012, paras 443-445.
[3586] Stanišić Defence Final Trial Brief, 17 December 2012, paras 442, 445.
[3587] Stanišić Defence Final Trial Brief, 17 December 2012, paras 441-442.

1790. To the extent that TO commanders Kojić and Badža may have had any links to the Serbian DB, the Trial Chamber is nonetheless unable to conclude that such a link, whatever it could have meant at the time, constitutes evidence that the Accused directed the involvement of the SDG in the SAO SBWS. These findings, limited only to directing, are also consistent with the evidence on the general structure and command of the SDG, which indicates that the SDG was subordinated to RSK organs during the war.

1791. In relation to Simatović, the Trial Chamber notes that in its Final Trial Brief, the Prosecution does not submit that he directed the involvement of Arkan or the SDG in the SAO SBWS in 1991-1992, apart from his presence in Erdut on two occasions. Recalling its conclusion that Milomir Kovačević's evidence cannot be relied upon, as noted above, and considering that the Prosecution's submission with regard to Simatović is based solely on this witness's evidence, the Trial Chamber does not consider Simatović's presence in Erdut on two occasions sufficiently probative to establish that Simatović directed Arkan or the SDG. The Trial Chamber therefore finds that Simatović did not direct the involvement of the SDG in the SAO SBWS in 1991. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding.

Bosnia-Herzegovina 1992 (Bijeljina and Zvornik)

1792. The Trial Chamber received evidence with regard to the Prosecution's allegation that the Accused directed the involvement of the SDG in Bosnia-Herzegovina in 1992, through Witness JF-025, Witness JF-057, Jovan Dimitrijević, and Witness JF-026. In its Final Trial Brief, the Prosecution argues that the Serbian DB gave orders in relation to operations that took place in Bijeljina and Zvornik.[3588] The Stanišić Defence, in its Final Trial Brief, submits that Stanišić and the Serbian DB played no role in the attacks in Zvornik, and argues that the JNA was responsible for the take-over of Zvornik.[3589] In its Final Trial Brief, the Simatović Defence submits that Arkan and the SDG acted under the command of JNA General Savo Janković in the liberation of Zvornik, and that Simatović was not connected in any way with the activities Arkan undertook in that territory.[3590]

[3588] Prosecution Final Trial Brief, 14 December 2012, para. 658.
[3589] Stanišić Defence Final Trial Brief, 17 December 2012, para. 720.
[3590] Simatović Defence Final Trial Brief, 14 December 2012, paras 530, 548-549.

1793. **Witness JF-025**, a Serb from Croatia,[3591] testified that while Arkan's Tigers were in Bijeljina, members of the TO were supposed to hold the boundaries of the town.[3592] The witness testified that the SDG was in Bijeljina to provide support to the local Serb police and that it assisted in establishing law and order in the town.[3593] Further, the witness testified that the attack on Bijeljina involved neither the JNA nor the police of the Republic of Serbia.[3594]

1794. **Witness JF-057** testified that Arkan stated that he and Major Mauzer directed the Bijelina operation.[3595]

1795. **Jovan Dimitrijević**, a former member of the SDG,[3596] testified that when he was in Bijeljina, Arkan told him that the troops would proceed to Tuzla but then Biljana Plavšić, Vladika Kačavenda, and General Prascević convinced him that Tuzla was safe and, therefore, there was no need for the troops to go there. [3597]

1796. **Witness JF-026**, a Bosnian Serb from Zvornik,[3598] testified that during the period of impeded communication with the republican level Crisis Staff, which lasted from the outbreak of the conflict in Zvornik up to 20 April 1992, Biljana Plavšić, then a member of the Bosnia-Herzegovina Presidency, visited the Crisis Staff offices in the Alhos factory on two occasions in April 1992: a day or two prior to the outbreak of the conflict, either 7 or 8 April 1992, and two or three days after the take-over of Zvornik.[3599] She was particularly interested in the situation in Zvornik, the implementation of the instructions for the Serb-minority municipalities, and the level of organization of Serbs.[3600] On both occasions, Plavšić held a meeting with certain members of the Crisis Staff and Marko Pejić, Arkan's deputy in Zvornik.[3601]

[3591] P612 (Witness JF-025, prior testimony 2003), p. 18019, 18054; P611 (Second pseudonym sheet for Witness JF-025); P613 (First pseudonym sheet for Witness JF-025).
[3592] Witness JF-025, T. 6267-6268.
[3593] P612 (Witness JF-025, prior testimony 2003), p. 18095; P607 (Report of CSB Bijeljina to the Bosnian-Serb Republic Presidency, 29 July 1992).
[3594] P612 (Witness JF-025, prior testimony 2003), p. 18072.
[3595] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 9, P1618 (Witness JF-057, prior testimony), p. 19425.
[3596] Jovan Dimitrijević, T. 16055.
[3597] Jovan Dimitrijević, T. 16108.
[3598] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 1; P1654 (Pseudonym sheet for Witness JF-026); P2507 (Background information on Witness JF-026).
[3599] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 60-61; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21192, 21209, 21875-21876, 21908; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 15023-15024; Witness JF-026, T. 9681, 9746.
[3600] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 60-61; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21192-21193, 21876, 21908; Witness JF-026, T. 9688-9689.
[3601] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 60-61; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21192, 21211; Witness JF-026, T. 9744-9745.

1797. The witness testified that Arkan ordered the Zvornik Crisis Staff to get ready to attack Zvornik.[3602] The decision to attack Zvornik was reached on 7 April 1992, and Arkan and Marko Pejić, a.k.a. Peja, his deputy in Zvornik, ordered the Crisis Staff to launch the operation.[3603] After this decision, the number of volunteers coming to Zvornik increased, and in total, more than 100 volunteers arrived.[3604] Most of them were from neighbouring municipalities in Serbia, in particular Mali Zvornik, Loznica, and Ljubovija.[3605]

1798. The witness testified that immediately before the clash in Zvornik on 8 April 1992, there was a meeting on the military take-over of Zvornik, which included Marko Pavlović, General Savo Janković of the Tuzla Corps, and Colonel Tačić in Hotel Jezero in Mali Zvornik. Arkan's men were provided with tanks, artillery and mortars by the JNA, in particular by the battalion of the 336th motorised brigade, under the command of Dragan Obrenović, which also participated in the take-over.[3606] A daily report on combat activities by the General Staff of the Armed Forces, dated 12 April 1992, listed a loss of three of Arkan's men under the section dealing with activities during combat in the 1st military district.[3607] Witness JF-026 confirmed that Arkan's group acted as a part of JNA forces in 1992.[3608] Nonetheless, when Arkan or his deputy Pejić walked in or out of the room, Captain Obrenović and other army officers, as well as members of the Crisis Staff stood at attention, some of them also being slapped by Arkan during his visits.[3609] The army officers' complaint about Arkan's arrogant behaviour, however, led to an intervention with the General Staff and to Colonel Tačić's order for Arkan to leave Zvornik, with which Arkan immediately complied.[3610]

[3602] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 57; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21865.
[3603] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 58; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21199, 21870; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14935-14936.
[3604] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 58; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21200, 21868; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14937.
[3605] P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21200, 21868; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14936-14937; Witness JF-026, T. 9786.
[3606] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 59; Witness JF-026, T. 9827-9830, 9847.
[3607] D158 (Daily report on combat and other activities in the 1st, 2nd, 3rd, and 4th military district, Dragoljub Ilić, 12 April 1992), p. 1
[3608] Witness JF-026, T. 9751-9752; D158 (Daily report on combat and other activities in the 1st, 2nd, 3rd, and 4th military district, Dragoljub Ilić, 12 April 1992), p. 1.
[3609] P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21204-21205, 21865-21866; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14997-14998; Witness JF-026, T. 9833, 9849-9850.
[3610] Witness JF-026, T. 9833, 9849; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14999.

1799. On 10 April 1992, Commander Major General Savo Janković of the 17th Corps Command requested the 2nd Military District Command to engage in air strikes with fighter bombers on Kula in Zvornik at 9 a.m. on 11 April 1992, so as to neutralise attacks on units defending the bridges on the Drina river.[3611]

1800. The Trial Chamber recalls its findings that Arkan's men, a local paramilitary group acting under Mirko Blagojević, the TO, and the Bijeljina SDS took control of Bijeljina town by 4 April 1992, in chapter 3.3.1, and that on 8 April 1992, a combination of Serb forces – the police, the TO, the JNA, and the SDG – attacked Zvornik town, in chapter 3.8.2. Based on the testimony of Witness JF-025, Jovan Dimitrijević, Witness JF-026, and Witness JF-057 reviewed above, and evidence in chapters 3.3.1 and 3.8.2, the Trial Chamber finds that whilst Arkan and the SDG operated in concert with other forces during the take-overs of Bijeljina and Zvornik, the evidence is inconclusive regarding the SDG's operational subordination. Whilst the Trial Chamber has received evidence demonstrating that Biljana Plavšić may have been involved in directing the take-over of Zvornik and, possibly, Bijeljina, the Trial Chamber finds this evidence to be too vague and, thus, inconclusive. Similarly, while Colonel Tačić ordered Arkan to leave the area after the take-over of Zvornik, the Trial Chamber cannot infer from this alone that the SDG was directed by the JNA. The Trial Chamber has not received evidence with regard to the Accused directing the involvement of the SDG in Bosnia-Herzegovina in 1992. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding.

Banja Luka 1995

1801. When referring to the Banja Luka operations in the finding below, the Trial Chamber relies on the Prosecution's narration of the events unravelling in the greater area of Banja Luka in the fall of 1995. In its Pre-trial Brief, the Prosecution describes the Banja Luka operation as a concerted operation between the Serbian MUP, the SDG, the VRS, and the MUP of the Bosnian-Serb Republic, aiming to prevent the "fall" of Banja Luka and to secure the corridor between the Bosnian-Serb Republic and Serbia.[3612]

1802. According to the Indictment, the Accused directed the involvement of the SDG in the Banja Luka operations.[3613] In its Final Trial Brief, the Prosecution submits that during

[3611] D177 (Cable from Major General Savo Janković requesting air strikes in Zvornik municipality, 10 April 1992).
[3612] Prosecution Pre-Trial Brief, 2 April 2007, para. 168
[3613] Indictment, para. 7. The Indictment alleges that the Accused directed the involvement of the special units of the Republic of Serbia DB in particular operations in Croatia and Bosnia-Herzegovina.

September and October 1995, the SDG participated with 300-400 men in operations in the area of Banja Luka, Mrkonjić Grad, Ključ, and Prijedor, in an effort to bolster the frontline. The Prosecution relies primarily on the testimony of Witness JF-057 to show that the Accused were directing the SDG in Banja Luka, referring to evidence given by the witness that Arkan received orders over the phone from the Serbian MUP. The Prosecution further refers to the witness stating that during the Banja Luka operations, Arkan met with Simatović almost every day when he was not in Bosnia-Herzegovina.[3614] The Simatović Defence submits in its Final Trial Brief that the involvement of the SDG in the Banja Luka operations was directed by General Momir Talić and Tomislav Kovač.[3615] In its Final Trial Brief, the Stanišić Defence maintains that the SDG were subordinated to the Bosnian-Serb Republic MUP during the Banja Luka operations, refuting any evidence showing coordination with, or subordination to, the Serbian MUP.[3616]

1803. In this sub-chapter the Trial Chamber will focus only on the Prosecution's allegation that the Accused directed the involvement of the SDG in the Banja Luka operations in 1995.[3617] In this regard the Trial Chamber has received evidence from Witness JF-010, Borislav Pelević, Witness JF-027, Srđan Grekulović, and Witness JF-057, alongside documentary evidence. The Trial Chamber has also considered relevant evidence set out in chapter 6.4.4.

1804. The Trial Chamber has reviewed a number of orders from September and October 1995 concerning the involvement of the SDG in the Banja Luka operations. On 20 September 1995, Deputy Minister Tomislav Kovač wrote to the Doboj and Prijedor SJBs, following the Bosnian-Serb Republic President's decision on the unification of all armed forces in the zone of the 1st and 2nd Krajina Corps. On behalf of the Bosnian-Serb Republic MUP, Kovač designated Nenad Gojković, Milorad Novaković, and Mladenko Vasiljević to the joint staff of the Doboj operative group, and Savo Cvjetinović, Simo Drljača, Mile Mećed, Ljubiša Borovčanin, and Željko Ražnjatović to the joint staff of the Prijedor operative group.[3618] On 26 September 1995, Kovač sent an order to the Tigers Special Unit of the MUP to move along

[3614] Prosecution Final Trial Brief, 14 December 2012, para. 333.
[3615] Simatović Defence Final Trial Brief, 14 December 2012, paras 614-615.
[3616] Stanišić Defence Final Trial Brief, 17 December 2012, paras 1220-1227.
[3617] Aspects such as supplying, organizing, financing, and supporting the SDG in this operation have been dealt with separately, in chapter 6.4.4.
[3618] D140 (Decision in relation to unification of armed forces, signed by Deputy Minister Tomislav Kovač, 20 September 1995).

the Sanski Most-Mrkonjić Grad axis and link up with the rest of the MUP units under the command of Brane Pećanac.[3619]

1805. On 11 October 1995, Kovač ordered that the Commander of the Tigrovi Special Purposes Unit, Željko Ražnatović, the Chief of the Prijedor Public Security Centre, and the Commander of the Janja Detachment should immediately start arresting deserters from the front line, organize them in military ranks, and return them to their original brigades.[3620] On 12 October 1995, President Radovan Karadžić authorised the "Special Unit of the Ministry of the Interior of Republika Srpska, the Tigers", to arrest deserters and fugitives from the armed forces of the Republic and to hand them over to the commands of the army in order for them to be sent back into combat.[3621]

1806. In addition to the documentary evidence above, the Trial Chamber has reviewed the testimony of several witnesses relevant to determine the matter of whether the Accused directed the involvement of the SDG in the Banja Luka operations. According to **Witness JF-010**, a Serb from a village in Sanski Most municipality,[3622] Arkan's men arrested Serbs of military age in Prijedor municipality in October 1995. These men were fleeing Sanski Most.[3623] **Borislav Pelević** testified that Arkan received orders from the commander of the 1st Krajina Corps Momir Talić and from Bosnian-Serb Republic MUP Minister Tomislav Kovač, who co-operated closely with the commander of the Bosnian-Serb Republic special police brigade, Borovčanin.[3624] **Witness JF-027**, a Croatian ethnic Serb and a former member of the SDG,[3625] testified that after the army of Bosnia-Herzegovina took over Sanski Most, his battalion moved to Prijedor to defend the town together with MUP and VRS units. According to the witness, his battalion received orders from the Bosnian-Serb Republic MUP through Simo Drljača, the head of the SJB, and not from the VRS, because the witness saw Arkan and Drljača together all the time. The VRS, two Bosnian-Serb Republic MUP units (namely the Janja and the special Prijedor Departments), and the SDG participated in the military action at Oštra Luka, in Sanski Most municipality, around this time, after which the witness's unit was

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[3619] P2946 (Order to Tigers Special Unit, Tomislav Kovač, 26 September 1995); P2947 (Report by Ljuban Ećim on the period 26-28 September 1995, 28 September 1995).
[3620] D28 (Order directed to Željko Ražnatović and others to arrest deserters, Tomislav Kovač, 11 October 1995).
[3621] D190 (Authorisation to arrest deserters and fugitives from the armed forces, signed by Radovan Karadžić, 12 October 1995), p. 1.
[3622] P262 (Witness JF-010, *Milošević* transcript, 1-5 May 2003), pp. 19834-19835, 20029, 20077; P261 (Pseudonym sheet for Witness JF-010); P263 (Background information on Witness JF-010).
[3623] P262 (Witness JF-010, *Milošević* transcript, 1-5 May 2003), p. 19917; Witness JF-010, T. 3766-3767, 3817.
[3624] Borislav Pelević, T. 16435-16436, 16441; D664 (Photograph of Arkan and Tomislav Kovač), p. 1.
[3625] P1596 (Witness JF-027, witness statement, 27 February 2004), p. 1, para. 7; Witness JF-027, T. 8887, 8890, 8971.

ordered to go to Mrkonjić Građ. The witness's battalion then advanced with the MUP units and the Drina Wolves (a special VRS unit) towards Mrkonjić Građ and Ključ.[3626] The witness recognized P1590 as depicting the patch of the Drina Wolves.[3627]

1807. **Srđan Grekulović,** a high ranking police officer of the Serbian MUP and Commander of the 36th Detachment of the PJPs between 1995 and 1998,[3628] testified that a joint operative and ministerial command structure existed at Banja Luka, with the superior ministerial staff headed by Tomislav Kovač, Deputy Minister of Interior of the Bosnian-Serb Republic, whose office had been moved to Banja Luka at that time.[3629] Under the ministerial level, there were three operative staffs each headed by a chief of security. Almost all officers in this structure were from the Bosnian-Serb Republic.[3630] Stevanović and the witness represented the PJP in the joint staff.[3631] The Serbian MUP forces were subordinated to the local MUP of the Bosnian-Serb Republic, and the witness's superior was the Chief of the Banja Luka CSB, Brane Pećanac.[3632]

1808. **Witness JF-057** testified that in September and October 1995, members of the Banja Luka DB came to the SDG headquarters; they were looking for Arkan and explained that, together with Arkan, they would have a meeting with Frenki. Among them were Ljuban Ećim, the head of the Banja Luka DB and the Banja Luka DB members Radomir Sejmanović, a.k.a. Šubara, Simo Drljača and someone with the last name Kajkut, who, according to the witness were later involved in the Banja Luka operation.[3633] Members of the Tigers told the witness that they were in the Velika Kladuša operation with these same Banja Luka DB members. The witness testified that the Banja Luka DB were "under the informal command of Frenki and Stanišić and that they had roughly the same relationship with Belgrade DB as Arkan had with Belgrade DB".[3634]

1809. The Trial Chamber has further reviewed evidence from **Witness JF-057** in relation to the involvement of Simatović in directing the SDG in Banja Luka, considering that the witness testified that during the Banja Luka operations in 1995, Arkan met with

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[3626] P1596 (Witness JF-027, witness statement, 27 February 2004), paras 35-40; Witness JF-027, T. 8951.
[3627] Witness JF-027, T. 8951.
[3628] D522 (Srđan Grekulović, witness statement, 25 October 2011), para. 1.
[3629] D522 (Srđan Grekulović, witness statement, 25 October 2011), paras 15-16; Srđan Grekulović, T. 15217; D533 (Request for information sent to the CSB Zvornik, signed by Tomislav Kovač, 26 September 1995).
[3630] Srđan Grekulović, T. 15218-15219.
[3631] D522 (Srđan Grekulović, witness statement, 25 October 2011), para. 15.
[3632] D522 (Srđan Grekulović, witness statement, 25 October 2011), para. 17; Srđan Grekulović, T. 15217.
[3633] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 7; Witness JF-057, T.9376, 9486-9489.
[3634] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 7.

Simatović almost every day, and received orders from him over the phone, as set out in chapter 6.4.4.

1810. In a Mladić notebook entry of a 3 October 1995 meeting with Dragan Filipović a.k.a. Fića, and Radojica Božović, Filipović is recorded as stating that Arkan's men were under the control of Pećanac.[3635]

1811. Based on the evidence above, particularly considering the operative orders from Kovač and Karadžić in September and October 1995 calling on Arkan and the SDG to join the rest of the MUP units and to arrest deserters from the front lines, the Trial Chamber finds that the involvement of the SDG in the Banja Luka operations was directed by the leadership of the Bosnian-Serb Republic, notably Tomislav Kovač and Radovan Karadžić. This is confirmed by evidence indicating a directing function of their subordinates; the Chief of the Banja Luka CSB, Brane Pećanac, and Simo Drljača, head of the SJB in Prijedor. Noting that the testimony of Pelević indicates that General Momir Talić gave orders to Arkan, the Trial Chamber finds that the involvement of the SDG in certain aspects of the combat operations in the area of Banja Luka was directed by Momir Talić.

1812. The evidence set out above suggests two possible ways in which the Accused might have directed the involvement of the SDG in Banja Luka. The first way is through a direct, yet "informal" command, meeting directly with Arkan in Belgrade. The second way is through indirect command, via Simo Drljača. In this regard the Trial Chamber notes that Witness JF-027 testified that his SDG unit was commanded by Drljača, and that Witness JF-057 testified that Drljača came to Belgrade in September and October 1995 to meet with Arkan and Simatović. The Trial Chamber however considers that the evidence on the meetings is inconclusive in relation to the question of whether the Accused directed the involvement of the SDG in the Banja Luka operations, as it does not specify the content of the meetings, or the effect of them. This is equally applicable to the evidence indicating the direct control of Simatović over the involvement of the SDG in Banja Luka. The Trial Chamber further notes that the basis of Witness JF-057's knowledge that the Banja Luka DB was under the "informal command" of Jovica Stanišić and Franko Simatović is unspecified and that this information is uncorroborated by other evidence. Consequently, the Trial Chamber has not relied on this part of Witness JF-057's testimony. For a general discussion on the reliability of Witness JF-057, the Trial Chamber refers to chapter 6.4.5.

[3635] P2546 (Excerpt from Mladić's diary, dated 3 October 1995), p. 1.

1813. Based on the foregoing, the Trial Chamber considers that it has received insufficient evidence to show that the Accused directed the SDG in the Banja Luka operations in 1995. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG in other ways does not affect this finding.

6.4.4 The Accused organized, supplied, financed, and supported the involvement of the Serbian Volunteer Guard in particular operations in Croatia and Bosnia-Herzegovina

1814. According to the Indictment, the Accused organized, supplied, financed, and supported the SDG's involvement in particular operations in Croatia and Bosnia-Herzegovina.[3636] The Trial Chamber has received evidence about the alleged involvement of the SDG in six operations: the SAO SBWS operation in 1991, the operations in Bosnia-Herzegovina in 1992 (Bijeljina and Zvornik), Operation Pauk, operations in Treskavica/Trnovo in June-July 1995, the Banja Luka operations in 1995, and operations in the SAO SBWS in 1995. In this sub-chapter, the Trial Chamber will address the Prosecution's allegations in relation to (a) the SAO SBWS operation in 1991, (b) operations in Bosnia-Herzegovina in April 1992, and (c) operations in Banja Luka in 1995. The Trial Chamber will address the role of the Accused in organizing the involvement of, and financing, supporting and supplying the SDG in Operation Pauk, and the 1995 operations in Trnovo/Treskavica and the SBWS in chapters 6.5.3 and 6.5.4.

SAO SBWS 1991

1815. The Trial Chamber has received evidence with regard to the Prosecution's allegation that the Accused organized, supplied, financed, and supported the involvement of the SDG in the SAO SBWS in 1991, through documentary evidence and through the testimony of Nebojša Bogunović, Witness DST-035, Witness JF-030, Witness JF-015, Borislav Pelević, Reynaud Theunens, and Jovan Dimitrijević. It has also taken judicial notice of Adjudicated Facts.

1816. According to the Adjudicated Facts, the JNA and in particular its Air Force arm actively cooperated with and assisted paramilitary units during 1991 and 1992 in operations in Croatia and Bosnia-Herzegovina and liberally supplied them with arms and equipment.[3637]

[3636] Indictment, paras 5, 7.
[3637] Adjudicated facts I, fact 202.

1817. With regard to organizing the involvement of the SDG in the SAO SBWS in 1991, the Trial Chamber received the following evidence.

1818. **Nebojša Bogunović** was a policeman by training, who served as chief of staff to SAO SBWS TO Commander Radovan Stojicić a.k.a. Badža from around August 1991 until sometime in 1992.[3638] He manned checkpoints in Erdut in September/October 1991 and testified that in July 1991, Arkan arrived with three or four men at the crossing just before nightfall to take the ferry, with weapons in their vehicle.[3639] The witness did not allow them to cross, despite Arkan's insistence that they were sent by Radmilo Bogdanović.[3640] Arkan was indignant, with his men already taking positions from which they could shoot, but they eventually left and returned early the following morning with a permit signed by Bogdanović on stationery with the Serbian MUP letterhead.[3641] Arkan's group was then allowed to cross the checkpoint and enter Eastern Slavonia.[3642] The witness also testified that along with one JNA tank, Arkan was engaged in combat operations during the first attack on Bogdanovci when Ilija Kojić was wounded.[3643]

1819. **Witness JF-030**, a former Serbian MUP officer,[3644] testified that a few days after the attack on Dalj, Arkan arrived in Borovo Selo and the witness, Arkan, Borovo Selo TO commanders, and two men from the Serbian DB (who the witness referred to by their nicknames) all met in the TO headquarters located in Jovica Vučenović's house. The two DB men explained that Arkan was the commander of the SDG. Arkan told those present at the meeting that "Dad" sent them to Borovo Selo in order to free the Serbian people in the SAO Krajina. According to the witness, it was clear that "Dad" meant Milošević.[3645]

1820. In a speech, Andrija Biorčević praised the contribution made by Arkan's volunteers and stressed that this was not a paramilitary formation, but that the volunteers were people

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[3638] D334 (Nebojša Bogunović, witness statement, 15 August 2011), paras 3-4, 9, 51; D335 (Nebojša Bogunović, proofing note, 15 August 2011); Nebojša Bogunović, T. 13164, 13199-13200, 13239-13240, 13271.
[3639] D334 (Nebojša Bogunović, witness statement, 15 August 2011), paras 9, 17-18, 22, 24-30, 51; D335 (Nebojša Bogunović, proofing note, 15 August 2011); Nebojša Bogunović, T. 13164, 13199-13200, 13239-13240, 13271; D334 (Nebojša Bogunović, witness statement, 15 August 2011), paras 33-34; D337 (Map indicating location of Novi Sad).
[3640] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 34; Nebojša Bogunović, T. 13189-13190, 13219.
[3641] D334 (Nebojša Bogunović, witness statement, 15 August 2011), paras 33-34; Nebojša Bogunović, T. 13189-13190, 13257-13258, 13260-13261.
[3642] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 34.
[3643] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 60; Nebojša Bogunović, T. 13285-13286.
[3644] P2091 (Witness JF-030, witness statement, 21 August 2003), p. 1, paras 4, 37.
[3645] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 16.

who came voluntarily to fight for the Serbian people.[3646] Biorčević stated that his men would surround a village, Arkan's volunteers would enter it and kill those who refused to surrender, and Biorčević's men would then go on. According to military expert **Reynaud Theunens**,[3647] Biorčević was Commander of the 12th JNA Corps (Novi Sad) and, during the operations in the SAO SBWS, was commander of JNA OG North. According to Theunens, Biorčević's speech related to the SAO SBWS operations and indicates cooperation between the JNA OG North and the SDG.[3648]

1821. **Witness JF-015**, a former Serb police officer in Dalj,[3649] testified that Arkan must have had the support of either the JNA or the DB, as he and his men travelled freely in the area of the SAO SBWS and had no problems passing through checkpoints.[3650]

1822. The Trial Chamber also received evidence related to the arming and supplying of the SDG in the SAO SBWS in 1991.

1823. **Witness DST-035**, a former high-ranking Serbian DB officer from Belgrade,[3651] testified that the DB had information that Arkan received weapons from the Lipovica TO depot, sold automatic rifles "for the MUP", and had contacts with Keković, Chief of the SDB of Montenegro, Krajger, and Zdravko Mustac, Head of the "SSDB".[3652]

1824. **Witness JF-015** confirmed that Arkan's men cooperated with JNA units, and that Arkan was supplied with the JNA's weapons and ammunition already in 1991.[3653]

1825. On 13 October 1991, Milinko Đoković of the Security Organ of the Serbian TO Staff Belgrade reported that the "Serbian Guard" was taking part in combat operations in the SAO SBWS. According to the report, a command had been formed in the Vojvodina TO Centre in Erdut, headed by Željko Ražnjatović, a.k.a. Arkan, and with a special role for Goran Mijačić, both of whom received privileged treatment from Serbian Ministers and other government

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[3646] P1219 (Transcript of speech by General Biorčević).
[3647] Reynaud Theunens, T. 8049-8057; P1574 (Curriculum Vitae of Reynaud Theunens).
[3648] Reynaud Theunens, T. 8592; P1575 (Reynaud Theunens expert report, 30 June 2007), p. 237; P1219 (Transcript of speech by General Biorčević).
[3649] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, p. 1, paras 1, 22, 43; P312 (Decision on redeployment of Witness JF-015 within the Dalj police, signed for the SAO SUP Minister by Boro Bogunović, 1 October 1991).
[3650] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, para. 33; Witness JF-015, T. 4088-4089, 4126.
[3651] D270 (Witness DST-035, witness statement, 27 June 2011), p. 1, paras 1-5.
[3652] D270 (Witness DST-035, witness statement, 27 June 2011), para. 76; D273 (SDB Report on handling of illegal weapons, 18 July 1991), p. 2.
[3653] Witness JF-015, T. 4105, 4128-4129; P337 (Captain Dragan Fund file of Nenad Marinović), certificate of participation in fight, signed by Arkan for Commander Enes Taso, 4 December 1991; D31 (Report on the

officials. Đoković reported that this group was committing uncontrollable genocide and various forms of terrorism and spreading intensive propaganda in the greater Vukovar area, and Đoković suggested raising the problem with Serbian federal organs.[3654]

1826. As stated in a report signed by Mile Babić, dated 18 October 1991, Arkan stated that weaponry, mines, and explosives had been supplied by the MUP and the MoD of the Republic of Serbia and that he had distributed these to TO staffs in Erdut, Sarvaš, and Borovo Selo.[3655]

1827. According to an official note of 10 December 1991, signed by Frenki, Arkan's SDG was connected to a company called Jugoskandik.[3656] On 14 September 1992, Radovan Radojević provided to the Federal Secretariat for National Defence an analysis of Arkan's operations, noting the role of private entrepreneurs who assisted him in the civil war and his control of the black market for petrol.[3657]

1828. **Borislav Pelević**, a member of the SDG since 10 January 1992,[3658] testified that the TO based in Dalj provided the SDG in Erdut with free supplies and with ammunition, Zoljas, grenades, and occasionally with rifles for their training, on a weekly basis. Businesses in the SAO SBWS and Vojvodina (in Serbia) also provided the SDG with supplies. According to the witness, Arkan asked Radmilo Bogdanović, the SFRY Minister of Interior, for assistance in the form of weapons and equipment. Bogdanović referred Arkan to General Tomislav Simović, the FRY Minister of Defence. Arkan, General Biorčević of the Novi Sad Corps, and Dobrila Glisić, who was Simović's chef de cabinet, told the witness that the JNA gave weapons (automatic rifles, ammunition, grenades, Zoljas, and Osas) to the SDG pursuant to an agreement Arkan had reached with Simović.[3659]

1829. **Jovan Dimitrijević** testified that he was present at one meeting at the end of February, beginning of March 1992 in Belgrade, where Arkan requested a number of vehicles from the JNA, represented by General Simović and two other JNA soldiers. General Simović didn't authorize this request because he didn't have the means. Despite that, co-operation continued with regard to weapons and ammunition. The witness testified that Arkan obtained his

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activities of Arkan's men, signed by Chief Major General Mile Babić of the 1st Military District, 18 October 1991).

[3654] P1076 (Serbian Republic TO report on the activity of the SDG, 13 October 1991), pp. 1-2.

[3655] D31 (Report on the activities of Arkan's men, signed by Chief Major General Mile Babić of the 1st Military District, 18 October 1991), p. 1.

[3656] D407 (Official Note of the MUP Serbia, signed by Frenki, 10 December 1991).

[3657] D391 (Information on counter-intelligence regarding Arkan, signed by Radovan Radojević, 14 September 1992).

[3658] Borislav Pelević, T. 16319, 16321-16322, 16515.

[3659] Borislav Pelević, T. 16328-16331, 16363, 16497, 16517.

supplies through his relationship with General Simović, which was established on the basis of a recommendation by Bogdanović.[3660]

1830. According to a report dated January by Colonel Milić Jovanović to the security organs of the 1st Military District and the 12th Corps and to the Federal Secretariat for National Defence, Arkan, the commander of the SDG, had been on the territory of Slavonia since May. Jovanović reported that the SDG had acquired vehicles and weaponry (Škorpion sub-machine guns for soldiers, Hecklers for officers) "from the TO, MUP, and [the] … reserve force of the JNA". Jovanović reported that the centre was financed and supplied in various ways which had not been fully analysed. The centre was established at the expense of the Republic of Serbia Ministry of National Defence. The centre was financed by the Socialist Party of Serbia, as well as by numerous enterprises, including the Dalj farm which donated money to the SDG on the written orders of Goran Hadžić. The Novi Sad refinery and the 12th Corps Commander supplied the SDG with fuel. According to the report, Arkan was officially subordinated to the 12th Corps, but entered and left combat as he pleased.[3661]

1831. The Trial Chamber also received the following evidence with regard to the financing of the Erdut Training Centre. On 17 January 1992, Arkan addressed a letter to the Dalj company, specifying expenses of the Erdut training centre and requesting that in the future they be separated from those of the Government and the Ministries.[3662] On 22 January 1992, Milan Panišić, Director of the Dalj company, signed an invoice directed to the MoD, concerning expenses of the Erdut training centre for the year 1991.[3663] On 23 January 1992, the SDK (Public Auditing Service) of the Republic of Serbia provided the SAO SBWS Ministry of Finance with the list of account owners at their SDK Branch.[3664] The Dalj company's account, with Panišić as their representative, as well as the Budget of the SAO SBWS account, listed under the name of Goran Hadžić, appeared on this list.[3665] In 1992,

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[3660] Jovan Dimitrijević, T. 16171-16174; P404 (Interview with Radmilo Bogdanović), p. 3.
[3661] P1078 (12th Corps Command Report on Arkan and the SDG, signed by Milić Jovanović, January 1992), pp. 1-5, 9.
[3662] P332 (Letter to Dalj company, signed by Arkan, 17 January 1992).
[3663] Witness JF-015, T. 4054-4056; P330 (SAO SBWS Secretariat Certificate, confirming the appointment of Milan Panišić as acting director, signed for Goran Hadžić by an unidentified person, 27 September 1991); P331 (Invoice from Dalj company to the MoD, signed by Milan Panišić, 22 January 1992).
[3664] P333 (List of account owners at the Sombor branch of the SDK prepared by the Public Auditing Service in the Republic of Serbia, signed by the Chief of the Branch, Dušanka Ignjatović, 23 January 1992).
[3665] Witness JF-015, T. 4058; P333 (List of account owners at the Sombor branch of the SDK prepared by the Public Auditing Service in the Republic of Serbia, signed by the Chief of the Branch, Dušanka Ignjatović, 23 January 1992), pp. 4, 7.

Milan Milanović of the SAO SBWS Vukovar MoD approved the payment of the expenses of the TO Centre at Erdut by the Dalj socially-owned enterprise.[3666]

1832. In its Final Trial Brief, the Prosecution does not focus on the different forms of support it alleges the Accused provided to the SDG in the SAO SBWS operation, but instead infers that Stanišić played a key role in such matters due to the nature of Stanišić's relationship with Arkan.[3667] This aspect is dealt with in the section on whether the accused directed the involvement of the SDG in the SAO SBWS operation in 1991/1992. The Prosecution argues that because of Arkan's relationship with the Serbian DB, it was made possible for Arkan to cross the border between Serbia and the SAO SBWS with weapons.[3668] The Prosecution also argues that Stanišić sent Arkan to the SAO SBWS.[3669] In its arguments, the Prosecution relies, *inter alia*, on exhibit P327, a report by the Federal Secretariat for National Defence Security Administration dated 1 October 1991, as evidence that Arkan was fully supported by the Serbian MUP and MoD.[3670] However, the Trial Chamber considers that the relevant part of the report is, at best, hearsay evidence and of a general nature, without any clear reference to evidence in support of it. Given its limited probative value, the Trial Chamber will not rely on this statement.

1833. The Stanišić Defence argues that Arkan was supplied with weapons by the Serbian MUP and the JNA, and not the Serbian DB.[3671] It submits that the evidence of Milomir Kovačević and Witness JF-030, suggesting that the Serbian DB supplied Arkan and the SDG with weapons, lacks probative value.[3672] The Trial Chamber recalls that it has deemed witness Kovačević unreliable and will thus not consider his evidence further.[3673] With regard to the probative value of Witness JF-030's evidence, the Trial Chamber recalls its finding in chapter 6.4.2. The Stanišić Defence opposes the Prosecution's thesis that Arkan's ability to be able to move around freely must have been because he was supported by the Serbian DB.[3674] The Trial Chamber finds this thesis unpersuasive.

[3666] P1187 (Approval of payment of expenses at Erdut, signed by Milan Milanović for the MoD, Vukovar).
[3667] Prosecution Final Trial Brief, 14 December 2012, paras 655-656.
[3668] Prosecution Final Trial Brief, 14 December 2012, para. 308.
[3669] Prosecution Final Trial Brief, 14 December 2012, para. 655.
[3670] Prosecution Final Trial Brief, 14 December 2012, para. 656.
[3671] Stanišić Defence Final Trial Brief, 17 December 2012, paras 438-445.
[3672] Stanišić Defence Final Trial Brief, 17 December 2012, paras 439-442.
[3673] See Chapter 2.
[3674] Stanišić Defence Final Trial Brief, 17 December 2012, paras 441-442.

1834. The Simatović Defence submits that Arkan was armed by the JNA from JNA depots, which General Simović enabled.[3675] The Simatović Defence argues that when Arkan established and equipped the SDG in Erdut, he closely cooperated with Radmilo Bogdanović and Tomislav Simović, and that the Serbian DB, especially Simatović, played no role in supplying the SDG with weapons, equipment, and provisions.[3676]

1835. The Trial Chamber recalls its findings that between August and November 1991, the SDG, JNA, and TO took over villages in the county of Vukovar-Srijem, namely Bršadin, Đeletovci, Nijemci, and Lužac in chapters 3.2.6 and 6.4.2. The Trial Chamber further recalls its findings that the SDG, JNA, and Šešelj's men took over Vukovar on 18 November 1991 in chapter 3.2.6 and 6.4.2. Moreover, the Trial Chamber recalls its findings that numerous crimes were committed by the SDG in the area of the SAO SBWS, specifically at the Erdut training centre, in 1991 and 1992 in chapter 3.2.

1836. Based on the evidence reviewed above and in chapters 3.2.6 and 6.4.2, the Trial Chamber finds that the SDG cooperated with the JNA, SNB, Šešelj's men, and the TO in the SAO SBWS in 1991 and 1992. With regard to the supply of weapons and ammunition, the Trial Chamber finds that the SDG was supplied by the JNA/MoD, the Serbian MUP, and the TO. Businesses in the SAO SBWS and in Vojvodina (Serbia) also provided the SDG with supplies and the JNA further supplied fuel.

1837. The Prosecution submits that TO commander Badža was paid by the Serbian MUP while he was in the SAO SBWS and that his later links with Stanišić show that he was subordinated to him.[3677] The Prosecution makes a similar argument about Ilija Kojić, Badža's predecessor.[3678] The Trial Chamber is not convinced that any later associations provide for the only reasonable conclusion that such associations already existed during the SAO SBWS operations in 1991. Evidence about any links between Badža and Stanišić during the SAO SBWS operations in 1991 comes from Borislav Bogunović, the SAO SBWS Minister of Interior between May and December 1991,[3679] who testified that Hadžić told him that Stanišić was the link between Milošević and Badža.[3680] The Trial Chamber is unable to come to this same conclusion based on this evidence which lacks sufficient foundation. Evidence about

[3675] Simatović Defence Final Trial Brief, 14 December 2012, para. 473.
[3676] Simatović Defence Final Trial Brief, 14 December 2012, paras 526, 529.
[3677] Prosecution Final Trial Brief, 14 December 2012, para. 162; T. 20195, 20221.
[3678] Prosecution Final Trial Brief, 14 December 2012, para. 864.
[3679] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 6, 8, 73; Borislav Bogunović, T. 6005.
[3680] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 18; Borislav Bogunović, T. 6061-6062.

any links between Kojić and Stanišić during the early SAO SBWS operations, around the time when Kojić was TO commander, comes from Witness JF-030, who testified that two men from the Serbian DB frequently visited Kojić and gave him instructions.[3681] In light of the Trial Chamber's previous findings in relation to the reliability of Witness JF-030's evidence in chapter 6.4.2, the Trial Chamber is unable to place any weight on this evidence as it pertains to linking persons with the Serbian DB. In any event, the Trial Chamber found that the TO was subordinated to the JNA (chapter 6.4.2) and even if there was any link between the TO commanders and the Serbian DB, the Trial Chamber is unable to conclude that such a link, whatever it could have meant at the time, constitutes evidence that the Accused controlled the TO.

1838. With regard to financing, based on documentary evidence P331 (invoice), P1187 (approval of payment), P1078 (report), D391 (counter-intelligence information), and D407 (official note), the Trial Chamber finds that the Erdut training centre was, at least in part, financed by the SAO SBWS government, the Socialist Party of Serbia, and other enterprises. The Trial Chamber has received no other evidence about the SDG's financing during the SAO SBWS operation in 1991. The Trial Chamber considers in this respect that the list of account owners of the public auditing services (exhibit P333) is insufficient to draw any conclusions in relation to financing.

1839. The Trial Chamber has received insufficient evidence to determine that the Accused played any role with regard to supplying, financing, or supporting the involvement of the SDG during the operations in the SAO SBWS in 1991. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding.

1840. With regard to organizing the involvement of the SDG, the Trial Chamber received evidence indicating relationships between Arkan and Radmilo Bogdanović/the Serbian MUP (from Nebojša Bogunović) and Arkan and Milošević (from Witness JF-030). The Trial Chamber does not find the evidence on this matter conclusive but in any event, notes that the evidence does not show that the Accused organized the involvement of the SDG to the SAO SBWS in 1991. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding. It is the Trial Chamber's understanding, also considering the link between Arkan and Bogdanović,[3682] that

[3681] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 8.
[3682] See also chapter 6.4.2.

reference to the Serbian MUP in the context of this sub-chapter does not refer to the DB part of the Serbian MUP.

Bosnia-Herzegovina 1992 (Bijeljina and Zvornik)

1841. With regard to the Prosecution's allegation that the Accused organized, supplied, financed, and supported the involvement of the SDG in Bosnia- Herzegovina in 1992, the Trial Chamber has taken judicial notice of Adjudicated Facts and received evidence from Witness JF-057, Jovan Dimitrijević, Borislav Pelević, and Witness JF-026, as well as through documentary matierials. In its Final Trial Brief, the Prosecution argues that a relationship existed between the Accused and Kostić and Radmilo Bogdanović, through whom the Accused sent the SDG to Zvornik after the take-over of Bijeljina.[3683] The Stanišić Defence, in its Final Trial Brief, submits that the Prosecution has not shown that Stanišić provided instructions or orders to Kostić, or that Kostić's actions were in furtherance of any Serbian DB policy.[3684] In this respect the Stanišić Defence contests the evidence of Witness JF-026, that Kostić played a role in sending the SDG to Zvornik, and with regard to his testimony that Bogdanović sent the witness to see Kostić about weapons.[3685] In its Final Trial Brief, the Simatović Defence submits that Biljana Plavšić requested that Arkan go to Bijeljina and that she then insisted that he go on to Zvornik and that Simatović was not involved with Arkan's arrival or activities in the territory.[3686]

1842. According to the Adjudicated Facts, paramilitary forces operated in conjunction with the JNA and were used as infantry shock troops to make up for declining numbers in the regular army. They included Željko Ražnjatović's Serbian Volunteer Guard (later known as "Arkan's Tigers") and Vojislav Šešelj's Četniks, both of which came to be particularly feared by the Muslim population for their brutality and indiscipline.[3687] The Trial Chamber also recalls the Adjudicated Facts about the JNA arming paramilitaries in 1991 and 1992, as set out above in the SAO SBWS sub-chapter.

1843. With regard to the involvement of the SDG in Bijeljina and Zvornik in 1992, according to the Adjudicated Facts, local SDS boards, crisis staffs, and regional (SAO) governments often invited and assisted paramilitary groups.[3688] This occurred, for example, with the

[3683] Prosecution Final Trial Brief, 14 December 2012, para. 658.
[3684] Stanišić Defence Final Trial Brief, 17 December 2012, para. 734.
[3685] Stanišić Defence Final Trial Brief, 17 December 2012, paras 730-733, 736-737.
[3686] Simatović Defence Final Trial Brief, 14 December 2012, paras 530-551.
[3687] Adjudicated facts I, fact 201.
[3688] Adjudicated facts IV, fact 161.

Yellow Wasps, the Red Berets, Mauzer's men, and Arkan's men, operating in north-eastern Bosnia-Herzegovina (Bijeljina, Brčko, and Zvornik).[3689]

1844. In an undated video interview, Arkan stated that he had come to Bijeljina at the invitation of the SDS.[3690] According to another video interview, purportedly recorded one day after the Bijeljina operation, Arkan stated that he had come to Bijeljina at the invitation of the TO and the Serbian people of Semberija and Bijeljina.[3691]

1845. A number of witnesses testified regarding Arkan and the SDG's involvement in Bijeljina. **Witness JF-057**, a Serb from Serbia,[3692] testified that the Serbian DB gave orders in relation to operations that took place in Bijeljina and Zvornik.[3693] When questioned further about who ordered Arkan and the SDG to go to Bijeljina and Zvornik, the witness testified that "Arkan would always say that without orders from the DB, the state security, the Tigers were not deployed anywhere".[3694] However, the witness also testified that Arkan did not indicate that he had had to get permission from the Serbian DB or MUP to participate in the defence of the Serbian territories. Furthermore, Witness JF-057 testified that Tigers who participated in the take-over of Bijeljina said that Biljana Plavšić invited the Tigers to go to there and that the objective was to take over the town and disarm the Muslim population.[3695]

1846. **Jovan Dimitrijević**, a former member of the SDG,[3696] testified with regard to the request for assistance by the Presidency of Bosnia-Herzegovina, represented by Biljana Plavšić, that he was informed that an action was prepared a day prior to the operation. Sixty men left Erdut and went to Bijeljina together with Arkan. According to the witness, seven or eight days after the operation in Bijeljina, about 60 of Arkan's men proceeded to Zvornik, following Biljana Plavšić's instructions.[3697]

1847. On 29 September 1992, Simeun Čuturić, Chief of the VRS Eastern Bosnia Corps Intelligence Organ, reported that the town of Brčko was flooded by patriotic individuals who used a devotion to "Serbism" as an excuse to commit crimes, and who included Arkan's men in May and June. According to the report, the Bijeljina leadership had gathered 550 fighters at the beginning of the war, the most notorious of whom were Ljubiša Savić, a.k.a. Mauzer,

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[3689] Adjudicated facts IV, fact 162.
[3690] P644 (Video interview with Arkan), p. 1.
[3691] D52 (Set of video interviews, *inter alia* with Arkan), p. 1.
[3692] P1615 (Witness JF-057, witness statement, 9 July 2002), pp. 1-2.
[3693] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 9.
[3694] P1618 (Witness JF-057, Prior testimony), pp. 19425-19426.
[3695] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 9; Witness JF-057, T. 9414.
[3696] Jovan Dimitrijević, T. 16055.

Major Gavrilović, a.k.a. Brne, and Arkan's men, who were led by Peja. According to the report, radical "Chetniks" led by Vojvoda (or Duke) Mirko Blagojević and his associate Mile (Bolero) Gatarević were active in parts of Burić brdo, Ciganluk, and Brčko town. The report blamed bad organization for creating a situation that led to murders by out-of-control individuals of Arkan's unit. According to the report, Simo Radovanović (Captain Dragan's instructor) suggested to the civilian authorities to transport the corpses to a safe location in order to prevent information from spreading.[3698]

1848. The Trial Chamber also received evidence with regard to Arkan and the SDG's involvement in Zvornik. **Borislav Pelević**, a member of the SDG since 10 January 1992,[3699] testified that following the take-over of Bijeljina, Biljana Plavšić insisted on proceeding towards Zvornik, because Serbs were under the threat of Muslim forces that had organized themselves.[3700]

1849. **Witness JF-026**, a Bosnian Serb from Zvornik,[3701] testified that during Biljana Plavšić's first visit to the Crisis Staff offices in the Alhos factory in April 1992, she asked for Arkan to be brought to Zvornik.[3702] Witness JF-026 further testified that the Zvornik Crisis Staff requested the assistance of, among others, the parliamentary assembly committee for Serbs outside Serbia led by Bogdanović.[3703] The Crisis Staff was instructed to contact Radoslav Kostić.[3704] Kostić informed the Crisis Staff that Arkan's unit was in Bijeljina and suggested that it notify Arkan about the situation in Zvornik and request his help.[3705] On 3 or 4 April 1992, a Zvornik Crisis Staff delegation went to the Bijeljina cultural centre called "Dom kultura" to request Arkan for assistance with the situation in Zvornik.[3706] After hearing

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[3697] Jovan Dimitrijević, T. 16099-16100, 16109, 16288.
[3698] P1432 (Intelligence Report concerning crimes committed during the take-over of Brčko, signed by Simeun Čuturić, 29 September 1992), pp. 1-3.
[3699] Borislav Pelević, T. 16319, 16321-16322, 16515.
[3700] Borislav Pelević, T. 16351, 16479.
[3701] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 1; P1654 (Pseudonym sheet for Witness JF-026); P2507 (Background information on Witness JF-026).
[3702] D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 15024-15025, 15031; Witness JF-026, T. 9744.
[3703] Witness JF-026, T. 9679-9680, 9745, 9821-9822.
[3704] P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21913; Witness JF-026, T. 9680, 9745.
[3705] P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21913; Witness JF-026, T. 9680-9681, 9745, 9823.
[3706] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 50; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21195-21196; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14933-14934, 15024; Witness JF-026, T. 9682, 9819-9820.

their request, Arkan introduced the witness to Major Pejić, who went to Zvornik with some SDG members.[3707]

1850. After the meeting, the delegation, together with a unit of 20-30 of Arkan's men, crossed the Drina river by a small boat near the village of Badovinci, and proceeded towards Zvornik during the night.[3708] The unit was accommodated in the Radaljska Banja hotel, located approximately 10 kilometres from Zvornik.[3709] During the meeting in Zvornik the following day, Pejić explained that the unit was there to assist the Serb people in Zvornik should a conflict occur.[3710] The witness was not aware of any payment made by the Zvornik Crisis Staff to Arkan for his unit's deployment to Zvornik; some time later, however, there was a discussion on purchasing jeeps for the SDG.[3711]

1851. Witness JF-026 testified that Arkan arrived in Zvornik in a vehicle with Federal SUP license plates, with full police gear, i.e. uniform, weapons and communications equipment, and passed through official checkpoints on his way to Zvornik.[3712]

1852. While the witness was not aware when Kostić became a Serbian DB official, he testified that at least up to April 1992, when the arming in Zvornik was completed, Kostić worked in Slavonija and Baranja, initially as the commander of the police station in Darda, and later as a high-ranking official of the MUP RSK.[3713] In or around February 1992, Kostić was the RSK minister of the interior for Slavonija and Baranja.[3714] The Stanišić Defence accepts that Kostić had certain information-gathering obligations towards the Serbian RDB as an operative already in 1992.[3715] According to the witness, however, it was a standard practice of the Serbian MUP to employ or grant a stipend to the police officers expelled by Croats from the SUPs in RSK.[3716]

[3707] P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21196; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14935-14936, 15024; Witness JF-026, T. 9682.
[3708] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 51; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21196-21197, 21846, 21867-21868; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14995; Witness JF-026, T. 9745-9746, 9820.
[3709] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 51; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21196-21197, 21846; Witness JF-026, T. 9681, 9820.
[3710] P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21197, 21866-21867.
[3711] D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 15032-15033.
[3712] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 51; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21882; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14934-14935; Witness JF-026, T. 9682, 9819.
[3713] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 37; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21173; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14901-14902, 14910; Witness JF-026, T. 9669, 9802, 9806, 9716-9717, 9730.
[3714] Witness JF-026, T. 9804.
[3715] Witness JF-026, T. 9813.
[3716] Witness JF-026, T. 9814.

1853. The Trial Chamber recalls its findings that Arkan's men, a local paramilitary group acting under Mirko Blagojević, the TO, and the Bijeljina SDS took control of Bijeljina town by 4 April 1992, in chapter 3.3.1 and 6.4.3, and that on 8 April 1992, a combination of Serb forces – the police, the TO, the JNA, and the SDG – attacked Zvornik town, in chapter 3.8.2 and 6.4.3.

1854. At the outset, the Trial Chamber recalls that in chapter 3.8.2 it considered the evidence of Witness JF-026 to be reliable. Notwithstanding this, the Trial Chamber notes inconsistencies in the witness's evidence in relation to matters relevant for the present finding. First, as summarised above, Witness JF-026 testified that the Zvornik Crisis Staff requested the assistance of the assembly committee for Serbs outside Serbia, led by Bogdanović and that the Crisis Staff was instructed to contact Radoslav Kostić. However, at transcript pages 9821-9822, the witness also testified that the Zvornik Crisis Staff contacted, *inter alia*, Kostić on their own initiative. Second, as summarised above, Witness JF-026 testified that Kostić suggested that the Zvornik Crisis Staff notify Arkan about the situation in Zvornik and request his help. However, the witness also previously testified that Kostić contacted the Zvornik Crisis Staff and instructed them to go to Bijeljina in order to ensure logistical support to Arkan's unit which was to be redeployed to Zvornik.[3717] In light of this, the Trial Chamber will treat Witness JF-026's evidence on this point with caution.

1855. With regard to the evidence of Witness JF-057 on the Serbian DB giving orders in relation to operations in Bijeljina and Zvornik, the Trial Chamber considers this statement to be of a general nature for which the witness did not provide any clear basis of knowledge. The Trial Chamber further notes that the witness then went on to testify that Arkan did not indicate that he had sought the permission of the Serbian DB to participate in the defence of the Serbian territories, and that the witness heard that Biljana Plavšić invited the SDG to go to Bijeljina. Accordingly, the Trial Chamber has placed little weight on the witness's general statement in this regard.

1856. In terms of the reliability of the evidence received from witnesses Borislav Pelević and Jovan Dimitrijević, the Trial Chamber recalls its finding in chapter 6.4.5 that parts of their evidence were negatively affected by their association with and apparent loyalty to Arkan. The Trial Chamber notes that both witnesses provided evidence on a very specific matter,

[3717] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 50; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21174-21175; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14933.

namely that Biljana Plavšić instructed/insisted that after Bijeljina, Arkan proceed to Zvornik. In light of the other evidence received in this sub-chapter regarding Biljana Plavšić's presence in the area around that time, and given that the evidence of these two witnesses is mutually corroborative, the Trial Chamber finds that in this specific context, and in relation to Plavšić's involvement, it can rely on the evidence of Borislav Pelević and Jovan Dimitrijević.

1857. The Trial Chamber will now assess the evidence in relation to Bijeljina. With regard to the supply of weapons and ammunition and other support, the Trial Chamber finds, based on the Adjudicated Facts, that the JNA provided arms and equipment, and that the local SDS assisted the SDG during the Bijeljina operation in 1992. The Trial Chamber has received insufficient evidence to show that the Accused financed, supplied, or supported the SDG during the Bijeljina operation in 1992. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding.

1858. With regard to organizing the involvement of the SDG in Bijeljina, whilst the Trial Chamber received evidence that Arkan and the SDG were invited to Bijeljina by the TO (D52 (video)), the Trial Chamber finds that, based on the vast majority of the evidence (P644 (video), Witness JF-057, Borislav Pelević, and Jovan Dimitrijević), Arkan and the SDG were invited to Bijeljina by Biljana Plavšić/the SDS. The Trial Chamber received insufficient evidence to conclude that the Accused organized the involvement of the SDG in Bijeljina in 1992. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding.

1859. The Trial Chamber will now assess the evidence in relation to Zvornik. With regard to the supply of weapons and ammunition, the Trial Chamber finds, based on the Adjudicated Facts, that the JNA provided arms and equipment, and that the local SDS assisted the SDG during the Zvornik operation in 1992. The Trial Chamber has received insufficient evidence that the Accused financed, supplied, or supported the SDG during the Zvornik operation in 1992. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding.

1860. With regard to organizing the involvement of the SDG in Zvornik, the Trial Chamber received evidence that Arkan was requested to go to Zvornik by the Zvornik Crisis Staff (Witness JF-026) as well as evidence of Borislav Pelević and Jovan Dimitrijević, that after the take-over of Bijeljina, Biljana Plavšić instructed/insisted that Arkan and the SDG proceed to

Zvornik. In light of the above discussion on these witnesses' reliability, the Trial Chamber is unable to conclude with sufficient certainty who organized the SDG's involvement in Zvornik. The Trial Chamber received insufficient evidence to conclude that the Accused organized the involvement of the SDG in Zvornik in 1992. The Trial Chamber finds that without further evidence, the mere fact that the Accused were involved with the SDG at a later stage does not affect this finding.

Banja Luka 1995

1861. The Indictment states that the Accused organized, supplied, financed, and supported the involvement of the SDG in the Banja Luka operations.[3718] In this regard, the Trial Chamber has received evidence from Witness JF-057, Borislav Pelević, Manojlo Milovanović, Srđan Grekulović, Witness JF-050, and Witness JF-010, in addition to documentary evidence as set out below. In this sub-chapter, the Trial Chamber will also consider whether the Accused organized, supplied, financed, and supported the involvement of a special unit of the Serbian MUP – the PJPs – during the Banja Luka operations.

1862. On 16 April 1994, Željko Ražnjatović, as Commander of the SDG and President of the Party for Serbian Unity, wrote to Bosnian-Serb Republic President Radovan Karadžić, expressing support to resistance against NATO and USA forces and stating that the SDG were ready to protect Serbian people and were expecting Karadžić's call to join the Bosnian-Serb Republic forces in protecting the Serbian nationality and Orthodoxy.[3719]

1863. The Trial Chamber has reviewed a number of testimonies relevant to determine whether the Accused organized the involvement of the SDG in the Banja Luka operations in 1995, alongside notes and reports by Ratko Mladić considering events relevant to the same. **Witness JF-057** testified that around September 1995, Arkan and about 300-400 people went from Erdut to Banja Luka.[3720] If something important was going on and provided that Arkan was not in Banja Luka, Arkan met with Simatović almost every day during the Banja Luka operation in 1995. The witness testified that during this time they met three times per week on

[3718] Indictment, para. 7. The Indictment alleges that the Accused had responsibility for the special units of the Republic of Serbia DB and organized, supplied, financed and supported their involvement in particular operations in Croatia and Bosnia Herzegovina.
[3719] D29 (Party for Serbian Unity letter to Radovan Karadžić, Željko Ražnjatović, 16 April 1994).
[3720] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 8-9; Witness JF-057, T. 9374, 9385; P1620 (Charts of exhibits commented on by Witness JF-057, 22 November 2010), p. 4.

average.[3721] When nothing important was going on, they met about twice a month. Arkan would always go to Frenki's office for meetings.[3722] In Banja Luka, Arkan received orders by phone from the Serbian MUP, specified by the witness to mean by "Frenki or anybody else".[3723] The VRS had started to retreat from the battlefield in the areas of Ključ and Sanski Most, so Arkan's Tigers with "some forces of General Talić, commander of the 1st Krajina Corps" and the Banja Luka DB were sent to take over these positions and bolster the front line.[3724] The Banja Luka operation included the areas of Sanski Most, Mrkonjić Grad, Banja Luka, Prijedor, and Ključ.[3725] Witness JF-057 testified that when the Tigers went to Banja Luka in September 1995, units composed of the Tigers, the Tigers military police, and DB (Banja Luka and Serbia) were formed.[3726] The witness testified that Toma Kovač, police minister of the Bosnian-Serb Republic, was also involved in the Banja Luka operation, in Sanski Most.[3727] Mihajlo Ulemek accompanied the Tigers to Banja Luka as head of the Tigers military police section.[3728] Saša Ašćerić, a.k.a. Asterix, an SDG member who had participated in the Velika Kladuša operation, also participated in the Banja Luka operation in September 1995.[3729]

1864. A note in Mladić's notebook from a meeting on 22 September 1995 states that 300 of Arkan's men had arrived and been put into the Bosnian-Serb Republic MUP. **Manojlo Milovanović**, Chief of the Main Staff of the VRS between May 1992 and 1996,[3730] testified that these men arrived earlier in the month, not on the day of the meeting, and that at the meeting he briefed Mladić on the history of events in Banja Luka.[3731] Milovanović testified that around 16 September 1995, Arkan had come uninvited to Ključ municipality and joined the VRS in combat.[3732] According to the witness, at a meeting also attended by Karadžić and

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[3721] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4; P1616 (Witness JF-057, witness statement, 10 November 2002), p.12; P1618 (Witness JF-057, prior testimony), pp. 19449-19450; P1619 (Witness JF-057, Memorandum of amendments made to prior statements and testimony, 22 November 2010), p. 1; P1645 (map annotated by witness).
[3722] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4; P1616 (Witness JF-057, witness statement, 10 November 2002), p.12; P1618 (Witness JF-057, prior testimony), pp. 19449-19450; P1619 (Witness JF-057, Memorandum of amendments made to prior statements and testimony, 22 November 2010), p. 1.
[3723] Witness JF-057, T. 9380-9381.
[3724] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 8-9; P1618 (Witness JF-057, prior testimony), pp. 19515-19517.
[3725] P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 5, 8; Witness JF-057, T. 9374; P1645 (map annotated by witness).
[3726] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 9.
[3727] Witness JF-057, T. 9481-9482.
[3728] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5.
[3729] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 5.
[3730] P375 (Curriculum vitae of witness Manojlo Milovanović), p. 2.
[3731] Manojlo Milovanović, T. 15525; P2543 (Excerpt from Mladić's diary, 22 September 1995), p. 5.
[3732] Manojlo Milovanović, T. 4374, 4497, 15525.

Momčilo Krajišnik, Arkan stated that he had come on Karadžić's orders, but Karadžić did not confirm this when asked. Arkan did not produce the order at the time, nor did Milovanović ever see the order.[3733] **Witness JF-010**, a Serb from a village in Sanski Most municipality,[3734] testified that Arkan had come to Sanski Most in 1995 following an invitation from the top of the SDS.[3735]

1865. On 23 September 1995, VRS Main Staff Commander Ratko Mladić reported to the Bosnian-Serb Republic MUP that SDG formations, known as Tigers, under the command of Arkan, were present in the 2nd Krajina Corps's area. The Tigers were paramilitary formations acting independently of the VRS. The Tigers physically abused and kidnapped VRS members at command posts, disarmed parts of units, and confiscated materials. According to the report, Arkan was in possession of a decision by Karadžić empowering him to arrest, question, and incarcerate men fit for military service. The Tigers forcibly inducted VRS members into their ranks and recruited them with promises of a 600 dinar salary, a 10,000 dinar compensation if they were to get wounded, and unemployment and health insurance through the Serbian MUP. Mladić requested that Karadžić revoke Arkan's power to arrest VRS members and civilians and that the MUP take measures against Arkan and his formations for their crimes against VRS members and civilians, since Arkan had identified himself as a member of the Serbian and the Bosnian-Serb Republic MUP.[3736] **Manojlo Milovanović** testified that Mladić made this request despite not knowing if the order did in fact exist.[3737]

1866. **Borislav Pelević** testified that in September and October 1995, about 200 SDG members, under Arkan's command, participated in combat in the Banja Luka Krajina.[3738] The witness visited Arkan in Banja Luka in mid-October 1995, and learnt that Arkan was a member of the staff of the associated forces, or joint command, for the VRS.[3739] Exhibit D140 was shown to the witness in this respect, a letter signed by the Deputy Minister Kovač of the

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[3733] Manojlo Milovanović, T. 4397-4398, 4497-4498; P377 (Clip from video "The Unit"), pp. 17-18.
[3734] P262 (Witness JF-010, *Milošević* transcript, 1-5 May 2003), pp. 19834-19835, 20029, 20077; P261 (Pseudonym sheet for Witness JF-010); P263 (Background information on Witness JF-010).
[3735] Witness JF-010, T. 3775, 3777, 3809; P282 (BBC world news footage depicting Arkan's soldiers arriving in Sanski Most); P283 (Video depicting Arkan stating that the Serbian Volunteer Guard is 800 metres from Muslim-occupied Ključ).
[3736] P289 (Report to Bosnian-Serb Republic MUP and Bosnian-Serb Republic President on presence of Serbian Volunteer Guards, Ratko Mladić, 23 September 1995), pp. 2-3.
[3737] Manojlo Milovanović, T. 4608.
[3738] Borislav Pelević, T. 16433-16434, 16603-16604, 16606, 16633; D666 (Video of a speech by Borislav Pelević at the SDG anniversary event on 10 October 1995).
[3739] Borislav Pelević, T. 16434-16435, 16450, 16604-16605.

Bosnian-Serb Republic to order this joint command, including Arkan.[3740] A brigade from a volunteer unit from the Bosnian-Serb Republic, called "Vukovi" or the Wolves from Drina, was also present as part of the joint Serbian forces in Banja Luka.[3741]

1867. The Trial Chamber has further received evidence on the deployment of Serbian MUP units to Banja Luka in 1995.

1868. **Manojlo Milovanović** testified that a day or two before a meeting on 22 September 1995 at the VRS IKM in Banja Luka, Karadžić told him that Special Police units from the Serbian MUP would arrive to help defend Banja Luka.[3742] Mladić recorded notes of the 22 September 1995 meeting, at which Milovanović stated that a team from the Serbian DB had arrived and told him that three brigades would come.[3743] They introduced themselves as Filipović and Božović and, according to the witness, they first mentioned sending three brigades and later reduced that number to 900; however, the witness testified that he did not believe any PJM men ever arrived.[3744] **Witness JF-057** testified that the Banja Luka DB and the Red Berets, led by Raja Božović, were involved in the Banja Luka operation.[3745]

1869. **Srđan Grekulović**, a high ranking police officer of the Serbian MUP and Commander of the 36th Detachment of the PJPs between 1995 and 1998,[3746] testified that in late August 1995, he attended a meeting with Radovan Stojičić, a.k.a. Badža, Chief of the SJB of the Serbian MUP and Deputy Minister of the Interior of Serbia, and Colonel Obrad Stevanović, who commanded all the PJPs at that time. At the meeting he was informed that the Bosnian-Serb Republic Government had asked the Serbian Government to deploy Serbian MUP forces to the Bosnian-Serb Republic.[3747] Stojičić asked for 400 police officers from the PJPs to extend assistance to the MUP in the Bosnian-Serb Republic to deal with the flow of refugees, and security and desertion problems. Dragan Filipović and the Serbian DB were to co-ordinate these forces. The witness believed that this decision to send the Serbian MUP forces to the Bosnian-Serb Republic must have already been made prior to this meeting by officials from the top ranks of the government. According to the witness, the Serbian DB could not, on its own, decide on sending the PJPs to Bosnia-Herzegovina in 1995, but that Jovica Stanišić

[3740] D140 (Decision in relation to unification of armed forces, signed by Deputy Minister Tomislav Kovač, 20 September 1995).
[3741] Borislav Pelević, T. 16435.
[3742] Manojlo Milovanović, T. 15522.
[3743] P2543 (Excerpt from Mladić's diary, dated 22 September 1995), p. 5.
[3744] Manojlo Milovanović, T. 15522, 15527.
[3745] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 9; Witness JF-057, T. 9374-9375.
[3746] D522 (Srđan Grekulović, witness statement, 25 October 2011), para. 1.
[3747] D522 (Srđan Grekulović, witness statement, 25 October 2011), paras 6, 14.

could propose to the Serbian Minister of Interior that police officers, from the SJB, be sent to a certain location. It was then up to the Minister to issue an order to the Chief of the SJB to send these men.[3748]

1870. Grekulović further testified that shortly after the meeting, Stevanović went to the headquarters of the PJP Kosovo Detachment in Priština to discuss their readiness to protect the population in the Bosnian-Serb Republic. It was decided that three companies, including some 400 men from the Kosovo Detachment, would be deployed to the towns of Doboj, Teslić, Banja Luka, Prijedor, Sanski Most, and Mrkonjić Grad in the Bosnian-Serb Republic in early September 1995. These companies were commanded by the witness once they were in the field.[3749] The companies, together with members of the Bosnian-Serb Republic MUP, performed standard police tasks and prevented regular forces from the VRS and the MUP from deserting, in the territory covered by the Banja Luka CSB, the Doboj CSB and the Prijedor CSB.[3750] These tasks were no longer being performed by the Bosnian-Serb Republic PJPs and other MUP forces as they had been sent to the front line together with the VRS. The companies did not take part in combat operations nor were connected to or performed any tasks with the VRS, except in relation to bringing in military conscripts. The companies carried light arms and wore normal blue uniforms with a PJP rank and a patch consisting of a PJP emblem on a tri-colour flag.[3751] They received a regular salary and a field supplement. The companies returned to Serbia after 46-47 days in late October 1995 without any casualties or equipment losses.[3752]

1871. Finally, the Trial Chamber recalls the evidence given by Grekulović on the joint operative and ministerial command structure at Banja Luka, as set out in the chapter 6.4.2. The Trial Chamber particularly notes that his testimony provides evidence showing that the Chief of the Banja Luka CSB, Brane Pećanac, was the superior of Grekulović and the Serbian MUP PJPs. The Trial Chamber further considers that as the commander of the PJPs, the

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[3748] Srđan Grekulović, T. 15215-15217, 15250, 15308, 15314-15315.
[3749] D522 (Srđan Grekulović, witness statement, 25 October 2011), paras 7-8, 10, 13.
[3750] D522 (Srđan Grekulović, witness statement, 25 October 2011), paras 10-11; Srđan Grekulović, T. 15216, 15271; D526 (Report on the activities performed until 29 September 1995, sent to the Bijeljina CSB, signed by Milenko Karišik); D527 (Daily information sent to the Bosnian-Serb Republic MUP and the Banja Luka CSB, 30 September 1995); D528 (Daily information sent to the Bosnian-Serb Republic MUP and the Banja Luka CSB, 1 October 1995); D529 (Report on action 'Kosovski Božur', signed by Vlado Djordjević, 2 October 1995); D530 (Report on action 'Kosovski Božur', sent to the Bosnian-Serb Republic MUP, signed by Vlado Djordjević, 3 October 1995); D531 (Report on detained military conscripts sent to the Bosnian-Serb Republic MUP, signed by Brane Pećanac, 3 October 1995); D532 (Report on detained military conscripts sent to the Bosnian-Serb Republic MUP, signed by Brane Pećanac, 5 October 1005).
[3751] D522 (Srđan Grekulović, witness statement, 25 October 2011), paras 9, 12, 22; Srđan Grekulović, T. 15257-15258, 15269.

witness reported to the local Bosnian-Serb Republic MUP, and occasionally to the Operative Centre of the MUP of Serbia in Belgrade.[3753] Filipović from the Serbian DB was not a member of the joint staff, but coordinated the Serbian MUP forces.[3754] He was in permanent contact with senior officers from the Bosnian-Serb Republic MUP.[3755] Dujović, a.k.a. Duja, a Serbian DB operative assigned to the witness, liaised between the witness and Filipović about the supply of food and cigarettes from Belgrade.[3756] The companies used their own weapons and vehicles, and had fuel supplies from the Bosnian-Serb Republic.[3757] The witness testified that the Serbian MUP Kosovo SAJ Unit, commanded by Radoslav Stalević a.k.a. Sava, was also present in the territory of the Banja Luka CSB during this time; the Unit had similar tasks to those of the witness's companies.[3758]

1872. Dated 29 September 1995, an entry in Mladić's notebook reads "Jovica Stanišić is angry about something (he gave us 300 of his men and the US is begrudging us for having advertised Arkan)".[3759] In an entry of Mladić's notebook of 30 September 1995 recording a meeting between Mladić, Perišić, and Stanišić in Belgrade, Stanišić stated that "there is no command there, political conflicts, town are falling, Arkan has embedded himself there, we sent 400 people. As far as I have been informed this helped at Sanski Most and Novigrad".[3760] During his testimony, Grekulović was shown the entry dated 30 September 1995 considering the "400 people", and testified that Stanišic was speaking about the Serbian MUP, and not Arkan's forces.[3761]

1873. Considering the matter of financing the SDG during the Banja Luka operation, the Trial Chamber has reviewed evidence given by Witness JF-057 and Witness JF-050 alongside documentary evidence such as JATD payment lists from the time of the operations.

1874. **Witness JF-057** testified that in the Banja Luka and other operations, but not Treskavica, the Serbian DB sent money to the SDG headquarters in Belgrade, which was then used to pay the SDG members who participated in the operations.[3762] The witness testified that, apart from the office workers, Tigers did not have regular salaries, but that whenever

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[3752] D522 (Srđan Grekulović, witness statement, 25 October 2011), paras 21-22; Srđan Grekulović, T. 15226.
[3753] D522 (Srđan Grekulović, witness statement, 25 October 2011), para. 17.
[3754] D522 (Srđan Grekulović, witness statement, 25 October 2011), para. 18; Srđan Grekulović, T. 15227.
[3755] Srđan Grekulović, T. 15254-15255.
[3756] Srđan Grekulović, T. 15232-15234, 15253.
[3757] Srđan Grekulović, T. 15234-15235.
[3758] D522 (Srđan Grekulović, witness statement, 25 October 2011), para. 14; Srđan Grekulović, T. 15267.
[3759] P2544 (Mladić notebook entry, 29 September 1995).
[3760] P2545 (Mladić notebook entry, 30 September 1995).
[3761] D522 (Srđan Grekulović, witness statement, 25 October 2011), para. 26; Srđan Grekulović, T. 15306.
[3762] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8.

money came from the Serbian DB, that money would be given to the soldiers of the Tigers.[3763] The witness testified that, after May 1995, sometimes part of the salaries of the SDG soldiers came from General Lončar, although this was irregular; the witness believed Lončar received the money for the Tigers from the RSK government.[3764]

1875. Witness JF-057 additionally testified that during the Banja Luka operation, sometimes Mladen Šarac, an SDG member who had also been part of the Treskavica operation, or Rade Rakonjac who was in charge of Arkan's security, would go to pick up money at the Serbian DB Belgrade office at Kneza Miloša street, which they then brought to the Belgrade SDG headquarters.[3765]

1876. The Trial Chamber has further reviewed payment lists of the Serbian DB JATD covering the time-span of the Banja Luka operations. In these lists, Mihajlo Ulemek, Mladen Šarac, and Rade Rakonjac, all implicated with the SDG's involvement in Banja Luka in the present evidence, appear as beneficiaries in the autumn of 1995.[3766] Witness JF-050 recognized a number of Arkan's men, among them Mile Ulemek, as he was shown these payment lists.[3767] Additionally, on one payment list, the name of Žarica Radnov also appears.[3768] A member of the SDG since 5 September 1994, Radnov was killed on 7 October 1995 in Ključ, as noted in a personnel file from the Erdut training centre.[3769] Commenting on this document, Pelević recalled that at that time the SDG had besieged Ključ together with the special brigade of the MUP of the Bosnian-Serb Republic.[3770] The aforementioned payment list also features the name of Mimir Ristić.[3771] Ristić is explained by Witness JF-057 to have operated with the military police during the Banja Luka operations.[3772] Finally, in two of the

[3763] P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 10-11.
[3764] P1618 (Witness JF-057, prior testimony), p. 19472; Witness JF-057, T. 9474, 9590.
[3765] P1615 (Witness JF-057, witness statement, 9 July 2002), pp. 3-4; P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 5, 8, 11; P1618 (Witness JF-057, prior testimony), p. 19454; Witness JF-057, T. 9467-9470, 9592-9599.
[3766] P348 (List of Employees Paid Daily Spending Allowance, signed by JATD Commander Milan Radonjić, 10 August, 1995), p. 52; P543 (JATD List of Employees to be paid Daily Allowance for 1 August to 15 September 1995), p. 8.
[3767] P588 (DB payments records comments chart signed by Witness JF-050, 28 June 2010), pp. 6-7.
[3768] P348 (List of Employees Paid Daily Spending Allowance, signed by JATD Commander Milan Radonjić, 10 August, 1995), p. 54.
[3769] P3070 (Personnel File of Žarica Radnov), p. 1.
[3770] Borislav Pelević, T. 16585.
[3771] P348 (List of Employees Paid Daily Spending Allowance, signed by JATD Commander Milan Radonjić, 10 August, 1995), p. 55.
[3772] P1632 (List of names referred to by Witness JF-057), p. 4.

lists, the name of Dragan "Kajman" Petrović is recorded.[3773] Kajman is referred to by Witness JF-027 to have participated in the Banja Luka operations.[3774]

1877. The Trial Chamber has also received and reviewed general evidence on the responsibility for organizing, supporting, and financing the SDG's involvement in the Banja Luka operations. According to **Borislav Pelević**, on 10 October 1995, the SDG held an event in Erdut to celebrate its anniversary.[3775] The anniversary was attended by SDG General Marko Pejić, known as Peja, as well as by Serbian MUP PJP unit commander Obrad Stevanović.[3776] On 22 October 1995, after the events in Banja Luka, President Radovan Karadžić sent thank-you notes to the SDG, as well as to commander Arkan personally.[3777] On 30 May 1996, Arkan was decorated by Radovan Karadžić with the Medal of Karadjordje's Star, the highest decoration of the Bosnian-Serb Republic.[3778]

1878. With regard to the organization of the involvement of the SDG in the Banja Luka operations, the Trial Chamber considers that around September 1995, the SDG went from Erdut to Banja Luka. While Milovanović suggests that Arkan came uninvited to the theatre of conflict in Ključ on around 16 September 1995 to join the VRS in combat, he notes that Arkan himself claims to have come on Karadžić's orders. This claim is supported by Witness JF-010, who testified that the SDG came to Sanski Most following an invitation of the top echelon of the SDS. Nevertheless, on 29 September 1995, an entry in Mladić's notebook reads "Jovica Stanišić is angry about something (he gave us 300 of his men and the US is begrudging us for having advertised Arkan)". On 30 September 1995, Mladić recorded Stanišić stating that "Arkan has embedded himself there, we sent 400 people. As far as I have been informed, it helped both in Sanski Most and Novi Grad". In its Final Trial Brief, the Prosecution argues that the latter note shows that Stanišić sent Arkan and the SDG to Bosnia-Herzegovina in 1995.[3779] The Prosecution further suggests that the notebook entry from 29 September 1995 indicates that Arkan's men worked under the cover of Serbian MUP

[3773] P348 (List of Employees Paid Daily Spending Allowance, signed by JATD Commander Milan Radonjić, 10 August, 1995), p. 36; P543 (List of individuals receiving daily allowances for the period 1 September to 15 September 1995 issued by the Serbian MUP-RDB), pp. 6, 8.
[3774] P1596 (Witness JF-027, witness statement, 27 February 2004), paras 31-32.
[3775] Borislav Pelević, T. 16449-16452; D666 (Video of a speech by Borislav Pelević at the SDG anniversary event on 10 October 1995).
[3776] Borislav Pelević, T. 16451, 16623.
[3777] Borislav Pelević, T. 16456; D668 (Certificate of appreciation to the Serbian Volunteer Guards, signed by Radovan Karadžić, 22 October 1995).
[3778] Borislav Pelević, T. 16457; D669 (Certificate decorating Željko Ražnatović with the Medal of Karadjordje Star, signed by Radovan Karadžić, 30 May 1996).
[3779] Prosecution Final Trial Brief, 14 December 2012, para. 595.

authority during their deployment in 1995.[3780] The Prosecution's submissions are challenged by the Stanišić Defence, arguing that the entries in Mladić's notebooks from 29 and 30 September 1995 refer to the men sent from the Serbian MUP in the manner described by Grekulović above.[3781] The Simatović Defence joined this submission with regard to exhibit P2545, the entry of 30 September 1995.[3782]

1879. The Trial Chamber considers the meaning of Mladić's notebook entries to be ambiguous, noting that they could be interpreted as referring to either the Serbian MUP forces or the SDG. In addition, the Trial Chamber notes that Mladić's notebook entry of 30 September 1995 (exhibit P2545) speaks of Arkan 'embedding himself' in the area. This language indicates that Arkan was not deployed by Stanišić. Also, the entry continues to read 'we sent 400 people', suggesting that Arkan's group is separate from the group of 400 men. The Chamber has also received evidence indicating that the SDG came to Banja Luka following an invitation or order by Radovan Karadžić. There is also evidence suggesting that the SDG came on its own initiative to the area. The Trial Chamber considers the evidence on the deployment of the SDG to the Banja Luka area inconclusive. Based on the foregoing, the Trial Chamber considers there to be reasonable doubt as to whether the Accused organized the involvement of the SDG in the Banja Luka operations in 1995.

1880. With regard to the financing of the SDG's involvement in the Banja Luka operations, considering the payment lists summarised above, the Trial Chamber finds that a number of SDG members who participated in the Banja Luka operations, including Mihajlo Ulemek, Mladen Šarac, and Rade Rakonjac, received financial support from the Serbian DB. This is consistent with the Trial Chamber's findings in chapter 6.4.5 about the Serbian DB's financing of the SDG in 1994 and 1995 outside of particular operations. Based on the foregoing and the evidence of Witness JF-057, the Trial Chamber finds that the Serbian DB financed the involvement of the SDG in the Banja Luka operations in 1995. The Trial Chamber further finds that the names of SDG members appear on the same JATD payment lists on which the names of JATD members, such as Radojica Božović, Davor Subotić, and others,[3783] can be found. It further finds that these payment lists are signed by Milan Radonjić. Recalling its finding in chapter 6.3.2 that Milan Radonjić held a command position within the JATD and that the JATD was a unit of the Serbian DB subordinate to the Accused at the

[3780] Prosecution Final Trial Brief, 14 December 2012, para. 665.
[3781] Stanišić Defence Final Trial Brief, 17 December 2012, paras 1237-1245.
[3782] Simatović Defence Final Trial Brief, 14 December 2012, paras 1131, 1136.
[3783] For the Trial Chamber's finding on the membership of these individuals in the JATD see chapter 6.3.2.

relevant time, the Trial Chamber finds that the Accused financed the involvement of the SDG in the 1995 Banja Luka operations. The Trial Chamber further observes that General Lončar and the RSK also paid the SDG during their involvement in the Banja Luka operations.

1881. The Trial Chamber has not received sufficient evidence to show that the Accused supplied or otherwise supported the SDG during the Banja Luka operations in 1995 in any other way than as set out above.

1882. With regard to organizing the involvement of other Serbian MUP units to the Banja Luka operations, the Trial Chamber finds that, based on the testimony of Grekulović, following a request by the Bosnian-Serb Republic Government, the Serbian Government deployed Serbian MUP forces, so called PJPs, to the Bosnian-Serb Republic in early September 1995. The Trial Chamber is not aware of any involvement of the Accused in the decision to deploy these units to Banja Luka. Mladić's notebook entry of 29 September 1995 (exhibit P2544) is too vague in this regard to conclude that the Accused deployed the PJP units. Accordingly, the Trial Chamber finds that it is unable to conclude that the Accused organized the involvement of the PJPs in the Banja Luka operation.

1883. The Trial Chamber has not received sufficient evidence to show that the Accused financed the PJPs during the Banja Luka operations in 1995.

1884. With regard to supply and support, the Trial Chamber finds that, based on Grekulović's testimony, the Serbian DB supplied and supported the PJPs during the Banja Luka operations with food and cigarettes. In addition, the Trial Chamber understands Witness JF-057's testimony about the Red Berets under Božović participating in the Banja Luka operations to refer to Božović's alleged coordinating role for the PJPs. Further evidence suggests that apart from Božović, Filipović also coordinated the PJPs in the Banja Luka operations in 1995. In particular because the evidence received indicates the existence of a joint operative and ministerial command structure during the Banja Luka operations under the Bosnian-Serb Republic Minister Kovač, the Trial Chamber understands the coordinating role of Božović and Filipović to comprise liaising, supporting or facilitating. Recalling its findings in chapter 6.3.2 that Božović and Filipović were members of the JATD, a unit of the Serbian DB subordinate to the Accused at the relevant time, and that they both held command positions within that unit, the Trial Chamber finds that the Accused supported the PJP's involvement in the Banja Luka operations by providing it with food and cigarettes. The Trial Chamber further observes that other supplies were received from the Bosnian-Serb Republic.

6.4.5 The Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Serbian Volunteer Guard

1885. According to the Indictment, the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the SDG.[3784]

1886. In the present section the Trial Chamber will consider whether the Accused directed and organized the financing, logistical support, and other substantial assistance or support for the SDG outside the time-period of specific operations addressed in chapters 6.4.4, 6.5.3, and 6.5.4, and whether they directed and organized the SDG's training. The Trial Chamber will below set out and review the evidence of Witness JF-057, Witness JF-035, Nebojša Bogunović, Dejan Slišković, Witness JF-050, Witness C-015, Witness DST-035, Witness JF-027, Witness JF-025, Reynaud Theunens, Gvozden Gagić, and documentary evidence. In its Final Trial Brief, the Prosecution argues that the Accused directed and organized the financing, training, logistical support and other substantial assistance or support for the SDG as the SDG was under their command.[3785] According to the Prosecution, the Serbian DB remained in constant contact with the SDG and financed the SDG by paying SDG members' salaries.[3786] The Stanišić Defence argues that Arkan was well-connected to politicians and military commanders and received his supplies through them, and not through the Serbian DB.[3787] The Simatović Defence mainly attacks the credibility of Witness JF-057 as further set out below.

1887. The Trial Chamber will first set out the evidence received in relation to financing of the SDG.

1888. **Witness JF-057** testified that members of the SDG would go to the SDB office to pick up money that was delivered to them there.[3788] Sometimes the Serbian DB delivered money directly to the Erdut camp for the SDG soldiers' salaries.[3789] The witness testified that Arkan received money from the Serbian DB – Dinars worth millions of DEM – which was always newly printed cash and was mainly used for paying the Tigers.[3790] No records were kept of the

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[3784] Indictment, paras 5, 15(c).
[3785] Prosecution Final Trial Brief, 14 December 2012, paras 303-305.
[3786] Prosecution Final Trial Brief, 14 December 2012, paras 307-310.
[3787] Stanišić Defence Final Trial Brief, 17 December 2012, paras 434-438.
[3788] P1615 (Witness JF-057, witness statement, 9 July 2002), pp. 3-4; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 11; P1619 (Witness JF-057, Memorandum of amendments made to prior statements and testimony, 22 November 2010), p. 1.
[3789] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 11; Witness JF-057, T. 9596.
[3790] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 11; Witness JF-057, T. 9596-9597.

amounts received.[3791] The witness testified that the money received from the DB was never put into bank accounts and that, for example, the Tigers would receive their salaries in individual envelopes, and that the rest would be divided into two equal parts, one of which was put into Arkan's safe, and the other going to a contractor who was building Arkan's house.[3792] The witness acknowledged that the direct knowledge on payments by the Serbian DB to the SDG as provided is limited to the period of November 1994 to January 1996.[3793]

1889. Witness JF-057 testified that the SDG was also sponsored by way of money and other contributions by wealthy businessmen and that some companies contributed to the funding of the SDG.[3794] This money was used to buy supplies for the Erdut training camp. The witness testified that no specific conditions were placed on the donations received; some people gave money "because of Arkan", some thought they should donate to "help the Serb people" and that the SDG was defending the Serb people.[3795] The witness testified that the SDG company on Kneza Miloša Street kept receipts for these transactions.[3796] The SDG company account was used to pay the workers in Arkan's companies and the SDG office workers.[3797]

1890. Other witnesses also provided evidence in relation to salaries of SDG members. According to **Nebojša Bogunović**, Arkan's unit was funded in part by donations from Serbs living abroad, and was better equipped than other formations in Eastern Slavonia. Arkan's men were regularly paid in foreign currency, either DEM or Swiss francs.[3798] **Dejan Slišković**, a Serb who was a member of the JATD from June 1994 to May 1995,[3799] testified that when he was paid during his time with Arkan's Tigers, after May 1995, he received his salary, consisting of about 300 DEM per month in brand new, freshly printed notes, in the same white stapled envelopes with blue letters as he had when he had been in the Red Berets.[3800] In Erdut, SDG Captain Lada, who was in charge of the Erdut camp, told the

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[3791] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4.
[3792] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 11; P1618 (Witness JF-057, prior testimony), p. 19454; Witness JF-057, T. 9467-9468, 9470.
[3793] Witness JF-057, T. 9472.
[3794] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 10; P1618 (Witness JF-057, prior testimony), pp. 19453, 19555-19556, 19558; Witness JF-057, T. 9379, 9463-9465, 9552-9555, 9561, 9563; P1620 (Charts of exhibits commented on by Witness JF-057, 22 November 2010), p. 1.
[3795] P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 10-11; P1618 (Witness JF-057, prior testimony), p. 19569.
[3796] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4.
[3797] P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 10-11.
[3798] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 64.
[3799] P440 (Dejan Slišković, witness statement, 14 September 2003), p. 1, paras 3-4, 20; P441 (Dejan Slišković, witness statement, 8 April 2010), p. 1, paras 13-14, 63.
[3800] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 22; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 24, 46, 68; Dejan Slišković, T. 5137-5138.

witness that the money arrived from Serbia.[3801] **Witness JF-050**, a Croat from Jajce in Bosnia-Herzegovina,[3802] testified that he recognized the names of a number of SDG members on Serbian DB JATD payment lists between 1994 and 1995.[3803] On one occasion, when **Witness JF-027**, a Croatian ethnic Serb and a former member of the SDG,[3804] was on leave in Belgrade, he received his salary on the premises of the MUP in Belgrade.[3805] In an undated interview, Arkan said that Šešelj was the main sponsor of his forces, but that support also came from patriots in Belgrade and from all over Serbia.[3806]

1891. Two witnesses provided evidence regarding Arkan having been a DB agent for the SFRY and Serbia. **Witness JF-057** testified that an SDG member nicknamed "Kale", who worked with Arkan in the 1970s and 1980s, stated that before the war started in 1991 Arkan was an SFRY DB agent working outside the SFRY.[3807] **Witness DST-035**, a former high-ranking Serb DB officer from Belgrade,[3808] testified that Arkan had been the object of surveillance from 1989 to 1990 by the Belgrade Administration.[3809] According to DB information, Arkan had been working for the Federal DB since the mid-1980s as an associate, held official Federal DB identification papers and was being remunerated.[3810] According to the witness, from 1991 until 1995, Arkan was the subject of continuous surveillance by the Serbian DB.[3811] Following Stanišić's appointment as Chief, he ordered the DB to diligently monitor Arkan.[3812] The witness testified that through monitoring, the DB had information that, from 1991 to 1992, Arkan was in control of volunteers from Serbia who were recruited by the SDG and sent to Erdut and other locations outside Serbia where they were trained and armed.[3813] Reporting on Arkan was categorised as high-security and code-names, for instance "Kafa", were used to identify him in DB reports. Although the use of pseudonyms in DB

[3801] Dejan Slišković, T. 5255.
[3802] P570 (Witness JF-050, witness statement, 15 December 1998), p. 2; P572 (Witness JF-050, prior testimony), p. 18369.
[3803] P588 (DB payment records comment chart signed by Witness JF-050); see also e.g. payment records admitted as P157, P541-P543, P545-P547, P1490-P1491, P1493-P1494, P1496-1497.
[3804] P1596 (Witness JF-027, witness statement, 27 February 2004), p. 1, para. 7; Witness JF-027, T. 8887, 8890, 8971.
[3805] Witness JF-027, T. 8886-8887, 8892.
[3806] P2924 (Interview with Željko Ražnjatović, On Gazette), p. 1.
[3807] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 2; P1618 (Witness JF-057, prior testimony), pp. 19445, 19551-19552; Witness JF-057, T. 9415, 9426-9427, 9614-9615; P1646 (Report by the Belgrade Administration of the SDB of the MUP Serbia, to the MUP Serbia SDB 3rd Administration, dated 7 January 1991, pp. 1-6.
[3808] D270 (Witness DST-035, witness statement, 27 June 2011), p. 1, paras 1-5.
[3809] D270 (Witness DST-035, witness statement, 27 June 2011), paras 70-72, 80; Witness DST-035, T. 12340.
[3810] D270 (Witness DST-035, witness statement, 27 June 2011), paras 71-73; Witness DST-035, T. 12239-12242; D272 (Dispatch from Chief of SDB RSUP Zoran Janacković concerning Arkan, 9 January 1990), p. 1.
[3811] Witness DST-035, T. 12166, 12176-12177, 12184, 12246-12248.
[3812] Witness DST-035, T. 12166, 12168, 12250-12251, 12270.

reports as a matter of practice indicated that the person referred to was registered as a DB associate, according to the witness the use of pseudonyms for Arkan did not indicate any affiliation with the DB but was rather done for security purposes given the high sensitivity of his case.[3814] As a matter of practice, in addition to associates, targets of processing in high-security cases were also referred to by pseudonyms.[3815]

1892. In relation to arming and other supply, the Trial Chamber received the following evidence. **Dejan Slišković** testified that it was forbidden to have the automatic weapons which the men guarding the SDG headquarters in Belgrade had without special permission from the MUP.[3816]

1893. **Witness JF-057** testified that while the SDG received support – such as food and cigarettes – from many private wealthy Serbs, their weapons and ammunition were supplied by the SVK.[3817] The witness testified that General Dušan Lončar signed all the orders and requisition papers for weapons and ammunition that went to the SDG.[3818] The SVK in Erdut also provided the Tigers with oil, but only as much as was needed on a day to day basis for operations and getting to the frontline.[3819]

1894. The Trial Chamber also received evidence in relation to specific incidents suggesting other links between the Serbian DB and the SDG. Witness JF-057 testified that during the first week of September 1995, a member of the SDG who was on leave in Belgrade was arrested there and sent to the Belgrade central prison.[3820] The witness testified that when the SDG in Belgrade contacted Simatović's secretary Slađana for his release, this was done immediately and the SDG member showed up at the SDG headquarters in Belgrade one hour later.[3821] Witness JF-057 further testified that the Tigers did not receive DB ID cards, even though in the DB records they were registered as DB reserve members. Whenever a Tiger

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[3813] Witness DST-035, T. 12168.
[3814] Witness DST-035, T. 12312-12313, 12339-12341.
[3815] Witness DST-035, T. 12367-12369; D288 (Leković's Official Note on work of Commission investigating unauthorised disclosure, 19 July 1991), p. 15.
[3816] Dejan Slišković, T. 5138-5139, 5253-5254.
[3817] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4; P1618 (Witness JF-057, prior testimony), p. 19472. The witness testified about supply provided by the VJ, specifically Dušan Lončar. In light of the totality of the evidence linking Lončar clearly to the SVK, the Trial Chamber considers that the witness was mistaken when referring to the VJ.
[3818] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 11; P1618 (Witness JF-057, prior testimony), pp. 19472, 19511; Witness JF-057, T. 9473.
[3819] P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 11-12. See above explanation about the witness's reference to the VJ.
[3820] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 4; P1618 (Witness JF-057, prior testimony), p. 19506.

member was wounded, their medical card was taken to Simatović's secretary, Slađana, who would stamp it "reserve member" so that the Serbian state would pay for medical treatment.[3822] "Doctor Ivanović" would treat wounded SDG members at his private clinic "Anlave", but there were some things which he could not treat; in those instances, the SDG asked the Serbian DB for help.[3823]

1895. **Witness JF-025**, a Serb from Croatia,[3824] testified that enlisting in Arkan's Tigers satisfied the requirement to serve in the JNA.[3825] The witness later heard from people in his platoon that some of the recruits were able to exchange prison time for service with Arkan.[3826]

1896. According to an unsigned and undated intelligence report (exhibit P1061), the SDG, led by Željko (Arkan) Ražnjatović, was connected to the Serbian MUP, as evidenced by the fact that a number of SDG members held official identity cards.[3827] Military expert witness **Reynaud Theunens**[3828] concluded, based on its content and origins, that the document had been drafted by a VJ Security Organ after May 1996.[3829]

1897. **Witness JF-057** testified that all 12 SDG cars had three sets of licence plates: those originally issued for the car, Krajina police licence plates, and MUP of Serbia licence plates.[3830]

1898. With regard to the setting up of the Erdut training centre in 1995 and training in general, the Trial Chamber received the following evidence.

1899. **Witness JF-057** testified that at the end of 1993, things were relatively quiet on the war front and the SDG had been disbanded. At the end of 1993 the training camp in Erdut had been recovered for the police by Radovan Stojičić, a.k.a. Badža. From June 1993 until March 1994 there were about 200 SDG members training there.[3831] The last 50 SDG members left the camp in March 1994. The witness testified this "police" led by Badža was the "SAJ",

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[3821] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 4; P1617 (Witness JF-057, witness statement, 29 November 2002), p. 2; Witness JF-057, T. 9618.
[3822] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 10; P1618 (Witness JF-057, Prior testimony), p. 19450; Witness JF-057, T. 9381-9382, 9449-9453, 9618.
[3823] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 10; Witness JF-057, T. 9450.
[3824] P612 (Witness JF-025, prior testimony 2003), pp. 18019, 18054; P611 (Second pseudonym sheet for Witness JF-025); P613 (First pseudonym sheet for Witness JF-025).
[3825] P612 (Witness JF-025, prior testimony 2003), p. 18023.
[3826] P612 (Witness JF-025, prior testimony 2003), p. 18111; Witness JF-025, T. 6242.
[3827] P1061 (Report on paramilitary units, unsigned, undated), pp. 1-2.
[3828] Reynaud Theunens, T. 8049-8057; P1574 (Curriculum Vitae of Reynaud Theunens).
[3829] Reynaud Theunens, T. 8233-8234.
[3830] P1618 (Witness JF-057, prior testimony), pp. 19450-19451; Witness JF-057, T. 9353; P1624 (Letter from SDG volunteer to the President of Serbia, not dated), p. 2.

Specialna Antiteroristićka Jedinica (Special Anti-Terrorist Unit).[3832] Witness JF-057 testified that Badža had a good working relationship with Arkan from 1991, which changed in 1993 one of the reasons being Arkan's continued involvement in the smuggling business, which was a strain on their relationship.[3833] It appeared to Witness JF-057 that the police and the Serbian DB did not approve of it.[3834] According to the witness, the Serbian DB was not so much interested in the illegality of the smuggling, but the attention this drew to Arkan and his unit and what it was doing.[3835]

1900. On 15 April 1994, SVK Colonel Dušan Grahovac reported that the commander of the 11th Corps and Chief of Security had visited SDB Chief Stanišić and that they had agreed that the 102nd Training Centre in Erdut should stay under the authority of the MUP Krajina and that SVK Military Police recruits should be trained together with MUP members at this location.[3836]

1901. **Witness JF-057** testified that Arkan did nothing without the support or permission of Frenki or the DB and, for example, would not call SDG members back to active duty, would not take them to a training camp or take them on any operation without the approval or support of the DB.[3837] Witness JF-057 testified that when Western Slavonia fell to the Croats in May 1995, the DB needed help. The witness testified that as a result, a new training camp was set up for the SDG, and that this was made possible by – and could not have been done without – the DB, according to what Arkan and SDG members said.[3838]

1902. Witness JF-057 testified that the new SDG training camp in Erdut had a direct telephone line between with the SDG headquarters in Belgrade, which was arranged by the DB. In addition, the DB also set up two direct radio links between the SDG headquarters in Belgrade to (i) the Erdut camp, and (ii) the security at Arkan's house. The witness testified

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[3831] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 2; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 2; P1618 (Witness JF-057, prior testimony), p. 19457.
[3832] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 2.
[3833] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 2; P1618 (Witness JF-057, prior testimony), pp. 19458, 19552, 19571-19572; Witness JF-057, T. 9581.
[3834] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 2; P1618 (Witness JF-057, prior testimony), pp. 19552-19553.
[3835] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 2; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 12.
[3836] P1688 (SVK report on meeting between Stanišić and Commander of 11th Corps and Chief of Security, 15 April 1994, signed by Dušan Grahovac).
[3837] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 12; P1618 (Witness JF-057, prior testimony), pp. 19425-19426, 19445-19446.
[3838] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 4; P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 2-3; P1618 (Witness JF-057, prior testimony), p. 19510; Witness JF-057, T. 9373-9375, 9474-9475.

Arkan needed DB approval for these radio links as the frequency had to be approved to avoid interference with other frequencies. The witness testified such approval was required by law by the Serbian MUP.[3839]

1903. **Witness C-015**, a Serb from Croatia,[3840] testified that on one occasion in 1995, he saw Stanišić at a Training Centre in Erdut where Stanišić landed with a helicopter. Stanišić was in the company of Radovan Stojičić, a.k.a. Badža.[3841]

1904. **Gvozden Gagić**, an employee of the MUP of Serbia in the early 1990s,[3842] testified that the SDG was trained in Erdut by members of the SAJ unit.[3843] The SAJ was part of the SJB of the Serbian MUP.[3844]

1905. **Witness JF-035** testified that the same evening in mid-August 1994, that Arkan's men were told that they would be involved in Operation Pauk, two buses were sent to take them out of Belgrade to a place called Lipovačka Šuma, which was the Serbian DB logistics base.[3845] The buses were driven by police officers wearing blue police camouflage uniforms. Upon arrival in Lipovačka Šuma, there were a couple of Land Rover vehicles parked outside ready for combat action – a mortar was mounted to one and a heavy machine-gun to another – and more combat vehicles were parked within the building complex. Members of the Red Berets were there already.[3846] Arkan's men were still wearing civilian clothes, while the Red Berets had green NATO-style camouflage uniforms and were equipped with first class military equipment. Arkan's men were sent to a restaurant to wait until equipment was loaded into buses, and were also given some assault rifles; later, these rifles would be distributed by registration numbers but at the time they were not listed at all.[3847] They waited there the entire night as more soldiers or policemen arrived in buses. Finally, some five to six buses full of people and equipment, and three to four trailer trucks full of camouflage combat vehicles and

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[3839] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 3; P1618 (Witness JF-057, prior testimony), p. 19451.
[3840] P2 (Witness C-015, witness statement, 13 May 1999), p. 2; P3 (Witness C-015, supplementary witness statement, 24 January 2001), p 1.
[3841] Witness C-015, T. 1624-1635.
[3842] Gvozden Gagić, T. 17101-17102.
[3843] Gvozden Gagić, T. 17122, 17136.
[3844] Gvozden Gagić, T. 17137.
[3845] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12193.
[3846] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; Witness JF-035, T. 5475.
[3847] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12193.

fuel tanks departed for Mount Tara.[3848] They stopped at a hotel which had been turned into a Red Berets Training Centre. At this Training Centre were a number of Red Berets members, including a person nicknamed "Riki" and Rajo Božović, who Witness JF-035 described as a commander.[3849] Arkan's men spent some three to four nights at the Centre, where they were given equipment and went through more training. At that time, Milorad Ulemek began separating officers from soldiers in the unit and imposing strong military discipline within the troops.[3850]

1906. **Witness JF-027** also provided evidence about this training. He testified that he and other SDG members were taken to Lipovačke Šume, outside Belgrade, where he observed armoured vehicles painted in the same camouflage colours as his uniform.[3851] At this location the witness signed a document, which he believes may have been a contract, although he was not sure what it was, and was given some money. The next day, the witness was transferred to Mount Tara, where he lodged at a hotel which belonged to the MUP. At Mount Tara, the witness saw Red Berets for the first time. At Mount Tara, at what the witness later learnt was a MUP-owned base used by the SDB, the witness received training for a week, consisting of military drills and practice together with the Red Berets. Legija was in charge of the training.[3852] **Witness JF-057** also testified that some of Arkan's Tigers stated that before going to Velika Kladuša, they first went to a Serbian DB camp on Mount Tara, where they received training for about a week.[3853]

1907. The Trial Chamber notes that **Dragoslav Krsmanović** also testified about this training. Considering the overall assessment of the witness's reliability as outlined in chapter 2, the Trial Chamber will not, however, rely on his evidence.

1908. The Trial Chamber will first address the challenges to the credibility of Witness JF-057. The Stanišić Defence urges the Trial Chamber to approach the evidence of Witness JF-057 with utmost caution.[3854] It challenges the witness's credibility and reliability on two main grounds: (1) the witness only had direct knowledge about Arkan's relationship with Simatović

[3848] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 121923.
[3849] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17, Witness JF-035, T. 5418.
[3850] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17.
[3851] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 12; P1597 (Witness JF-027, witness statement, 8 November 2010), p. 1.
[3852] P1596 (Witness JF-027, witness statement, 27 February 2004), paras 12-13; Witness JF-027, T. 8920-8921, 8924.
[3853] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; 1618 (Witness JF-057, *Prior testimony*), pp. 19460-19461, 19578-19579.
[3854] Stanišić Defence Final Trial Brief, 17 December 2012, paras 1047, 1064.

from late November 1994 onwards and (2) the witness changed the testimony on material aspects.[3855] The Simatović Defence argues that exhibits D1356 and D1357 (e-mails sent by the witness to the Stanišić Defence and the Prosecution following the witness's testimony) where the witness mentions a "deal" with the Prosecution about testifying in the instant case, "dramatically challenge the admissibility of the testimony given by this witness".[3856] The Simatović Defence adds that witnesses Pelević and Dimitrijević challenged Witness JF-057's inconsistent evidence.[3857] In the closing arguments, the Prosecution responds that exhibits D1356 and D1357 do not negate the witness's reliability. The Prosecution points to the fact that the witness's evidence in a prior statement and testimony, which was given before the circumstances discussed in the letters, are consistent with the testimony in the instant case.[3858] The Prosecution adds that the witness's evidence is corroborated by other evidence, including the Serbian DB payment records.[3859] Lastly, the Prosecution submits that exhibits D1356 and D1357 do not say that the witness was untruthful when providing evidence.[3860] In relation to witnesses Pelević and Dimitrijević, the Prosecution submits that Dimitrijević's evidence about Witness JF-057 is lacking in foundation and speculative.[3861] According to the Prosecution, the evidence of Borislav Pelević is overshadowed by his apparent bias in favour of Arkan.[3862]

1909. The Trial Chamber acknowledges that Witness JF-057 only possesses direct knowledge about the SDG from late 1994 onwards. The Trial Chamber kept this in mind when assessing the witness's evidence which related to other time periods. The witness was very precise in giving answers and exhibited a good memory. The Trial Chamber allows for the reasonable possibility that the witness was not informed of all details of the SDG's actions. As for the alleged internal inconsistencies in the evidence, the Trial Chamber finds that on the whole the witness's accounts are credible and that the alleged inconsistencies are often more appropriately qualified as clarifications of inaccuracies.[3863] As for the alleged "deal" between the witness and the Prosecution, the Trial Chamber notes that neither exhibit D1356 nor D1357 states that the witness provided untruthful testimony. The Trial Chamber further notes that even prior to any alleged "deal" the witness provided evidence consistent

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[3855] Stanišić Defence Final Trial Brief, 17 December 2012, paras 1048, 1229, 1231, Annex III.
[3856] Simatović Defence Final Trial Brief, 14 December 2012, paras 647-648.
[3857] Simatović Defence Final Trial Brief, 14 December 2012, paras 649, 663, 684 *et seq*.
[3858] T. 20215.
[3859] T. 20215-20216.
[3860] T. 20216.
[3861] T. 20216-20217.
[3862] T. 20217-20218.
[3863] See e.g. in relation to the number of SDG members who went to Banja Luka in 1995 – cf. Stanišić Defence Final Trial Brief, 17 December 2012, para. 1229.

with the testimony in the instant case. Lastly, the Trial Chamber is satisfied with the Prosecution's explanations regarding the alleged "deal"[3864] and notes that the Defence did not request to re-call the witness in order to further clarify the two e-mails. As for witnesses Pelević and Dimitrijević, the Trial Chamber notes that while having been in positions to provide relevant evidence, the witnesses categorically denied any wrongdoings of the SDG even when confronted with evidence of the same, which the Trial Chamber found reliable, see chapter 3.2. In this respect, the Trial Chamber also considers that their association with and apparent loyalty to Arkan negatively affects the reliability of parts of their evidence.

1910. The Trial Chamber has considered Arkan's involvement with the federal DB in the 1980s as well as the evidence of him being monitored by the Serbian DB between 1991 and 1995. In light of the evidence of Witness DST-035, the majority, Judge Picard dissenting, considers this issue to be inconclusive in relation to either supporting or contradicting any involvement of the Accused with the SDG.

1911. In relation to financing of the SDG, the Trial Chamber notes that the accounts of Witness JF-057, Dejan Slišković, and Witness JF-027, who were all connected to the SDG, are consistent with the Serbian DB JATD payment records that Witness JF-050 commented on. Based on this evidence, the Trial Chamber finds that members of the SDG received remunerations from the Serbian DB between 1994 and 1995 outside of particular operations. The Trial Chamber further finds that these JATD payment lists contain not only the names of SDG members, but also the names of members of the JATD, such as Radojica Božović, Davor Subotić, and others.[3865] Also, many if not most of these payment lists are signed by Milan Radonjić. Recalling its finding in chapter 6.3.2 that Milan Radonjić held a command position within the JATD and that the JATD was a unit of the Serbian DB subordinate to the Accused at the relevant time, the Trial Chamber finds that between 1994 and 1995 and outside of particular operations, the Accused directed and organized the financing for the SDG members. The Trial Chamber further observes that the SDG received additional funding through contributions and donations from businessmen and Serbs living abroad.

1912. In relation to supply and other support, the Trial Chamber notes that the evidence suggests that the SDG received support from various sources. The Trial Chamber finds on the basis of the evidence of Witness JF-057 that the SVK, as well as private individuals, supported the SDG *inter alia* with weapons and ammunition. This notwithstanding, the Trial

[3864] See Prosecution Rule 66 (C) Motion, 15 March 2012, paras 6-9.
[3865] For the Trial Chamber's findings on the membership of these individuals in the JATD see chapter 6.3.2.

Chamber also finds based on the evidence of Witness JF-057, Dejan Slišković, and exhibit P1061 that the Serbian MUP assisted the SDG *inter alia* through providing license plates for SDG vehicles or identity cards for its members. Evidence of support provided by the Serbian MUP in and of itself does not implicate the Serbian DB. With regard to Stanišić's presence at a Training Centre in Erdut, the Trial Chamber considers the evidence provided by Witness C-015 and exhibit P1688 to be insufficient on its own to draw any conclusions about the Accused supporting the SDG. Witness JF-057 specifically implicated the Serbian DB in relation to support being provided to the SDG, in relation to the Serbian DB arranging for SDG members' medical care and listing them as reserve MUP members. While the witness occasionally provided sweeping statements linking the Serbian DB to the SDG, the witness also testified about specific incidents which corroborate such statements, e.g. the stamping of SDG members' medical cards by Frenki's secretary. Recalling the Trial Chamber's conclusion about Witness JF-057's reliability, the Trial Chamber finds that the Serbian DB provided support to the SDG between 1994 and 1995. The Trial Chamber recalls that Jovica Stanišić, as chief of the Serbian DB, was tasked with *inter alia* making decisions on how to employ assets and methods.[3866] Furthermore, although the powers of Simatović within the DB were much more limited, Simatović's secretary Slađana stamped medical cards of the SDG members with "reserve member", thus arranging for the provision of medical care to the SDG members. In view of the above, the Trial Chamber finds that between 1994 and 1995, the Accused directed and organized support for the SDG by arranging medical care for its members.

1913. In relation specifically to training of the SDG, the Trial Chamber finds, based on the evidence of Witness JF-035, Witness JF-027, and Witness JF-057 that SDG members were trained by Legija at Mount Tara prior to Operation Pauk. Legija was a member of the SDG (see chapter 3.2). The Trial Chamber has received insufficient evidence to conclude that the SDG were trained by the Serbian DB. Further, there is insufficient evidence to conclude that this training was coordinated by the Serbian DB or the Accused. Lastly, the evidence of Gvozden Gagić indicates that the SJB members trained the SDG at its Erdut camp. In this respect, the Prosecution argues that the Serbian MUP SJB under Radovan Stojičić a.k.a. Badža closely coordinated its activities with the MUP DB and the JATD.[3867] It further refers to the evidence of Dejan Slišković, who testified that the SDB and the SJB had a very correct co-operation and that from what he knew and what he had heard, Badža's SJB unit and the

[3866] See Trial Chamber's discussion in chapter 6.2.1.

SDB unit acted jointly in some operations.[3868] In this respect, the Trial Chamber also recalls the evidence **Manojlo Milovanović**, the Chief of the Main Staff of the VRS between May 1992 and 1996,[3869] reviewed in chapter 6.3.3 in relation to the Tara camp, that when he met with General Panić, Jovica Stanišić, and Radovan Stojičič, a.k.a. Badža at Mount Tara in January 1993, Badža told him that he had arrived "with the boss", but did not identify who the "boss" was. The Trial Chamber considers however that it has received insufficient evidence that Badža and the SJB acted on the orders of the Serbian DB or the Accused. In view of all the above, the Trial Chamber cannot conclude that the Accused directed and organized training for the SDG at the Erdut and Mount Tara camps.

6.4.6 The Accused failed to instruct the Serbian Volunteer Guard to refrain from committing unlawful acts

1914. According to the Indictment, the Accused failed to instruct the SDG to refrain from committing unlawful acts.[3870] The Prosecution did not address these charges directly in its Final Trial Brief.

1915. The Trial Chamber has not received any direct evidence in this respect. The Prosecution submits that the Serbian DB documented crimes committed by the SDG in the SAO SBWS and in Bijeljina and Zvornik.[3871] The Trial Chamber did not find that the Accused directed any of the particular operations in which the SDG participated, something which could have created an obligation to instruct to refrain from committing unlawful acts.

[3867] Prosecution Final Trial Brief, 14 December 2012, para. 164; T. 20220-20221.
[3868] Prosecution Final Trial Brief, 14 December 2012, para. 164; T. 20221; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 20-21; Dejan Slišković, T. 5097-5098.
[3869] P375 (Curriculum vitae of witness Manojlo Milovanović), p. 2.
[3870] Indictment, paras 5, 15(c).
[3871] Prosecution Final Trial Brief, 14 December 2012, paras 713, 769-771, 773.

6.5 Skorpions

6.5.1 Introduction

1916. In this chapter, the Trial Chamber will review the evidence concerning the unit known as the Skorpions (*Škorpioni*). The Trial Chamber will address the Prosecution's allegations as they are presented in the Indictment. In this respect, it will first review the evidence on the formation of the Skorpions. Second, it will examine whether the Accused organized and directed the involvement of the Skorpions, and supported and supplied the Skorpions in specific operations. Third, it will consider whether the Accused financed the involvement of the Skorpions in particular operations. Fourth, the Trial Chamber will turn to the allegations that the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Skorpions. Finally, it will consider the Accused's alleged failure to instruct the Skorpions to refrain from committing unlawful acts.

1917. In relation to organizing and directing involvement of the Skorpions, and supporting and supplying them in particular operations, the Trial Chamber considers the following. The Trial Chamber has received evidence about the alleged involvement of the Skorpions in three operations: (a) Operation Pauk in the APZB, (b) the operations in Treskavica/Trnovo in June-July 1995, and (c) in the SAO SBWS in 1995.[3872] In its Final Trial Brief, the Prosecution submits that the SDG and the JATD also participated in these operations.[3873] Having reviewed the evidence on the Skorpions received in this context, the Trial Chamber considers it to be linked with the evidence on the involvement of the SDG and the JATD in the same operations. The Trial Chamber will therefore jointly review the evidence on organizing and directing the involvement of, and supporting and supplying the SDG, the Skorpions, and the JATD in the three aforementioned operations. Similarly, in so far as the Prosecution alleges that the Accused financed the involvement of the Skorpions in these specific operations, the Trial Chamber will review the evidence it has received in this respect together with the evidence received in relation to the charges that the Accused financed the involvement of the SDG and the JATD in these operations.

1918. The Trial Chamber has addressed the role of the Accused in organizing and directing the involvement of, and financing, supporting and supplying the SDG and the Unit or the JATD in other operations in chapters 6.3.3 and 6.4.4.

[3872] Prosecution Final Trial Brief, 14 December 2012, paras 343-375.
[3873] Prosecution Final Trial Brief, 14 December 2012, paras 343-375.

6.5.2 The Accused directed and organized the formation of the Skorpions

1919. According to the Indictment, the Accused directed and organized the formation of the Skorpions.[3874] In this respect, the Trial Chamber has received evidence from Goran Stoparić, Witness JF-024, Witness JF-029, Witness C-015, Petar Djukić, Borivoje Savić, and Aco Drača, and has reviewed relevant documentary evidence. Evidence on any further support rendered to the Skorpions will be considered below, in the relevant sections of this chapter.

1920. **Goran Stoparić**, a former member of the Skorpions,[3875] testified that he had asked an officer at the Skorpions' headquarters in Đeletovci about how the unit had been established, and was told that it was a special unit of the SDB, formed as a satellite unit of the Red Berets to secure the oil fields of the Serbian national oil company, and to guard the RSK border with Croatia.[3876] The establishment of the unit took place at a meeting in Novi Sad which was attended by Mihalj Kertes, Dule Filipović, Slobodan Grahovac, Slobodan Medić, Radovan Stojičić a.k.a. Badža, Rajo Božović, Zivko Sokolovački, Milan Milanović a.k.a. Mrgud, and others, some three months before he joined it in late 1992 or early 1993.[3877] Mrgud personally designated Medić as commander of this unit.[3878] The witness testified that he became an instructor and commander of the special reconnaissance unit within the Skorpions.[3879] He further testified that members of the Skorpions had their own military booklets, and did not have any Serbian MUP DB identification cards.[3880] The witness was issued a red identification booklet by the Skorpions which contained stamps certified by the Serbian MUP.[3881]

1921. **Witness JF-029**, who was a high-ranking official in the SAO SBWS and RSK MoD from 1991 to April 1996,[3882] testified that pursuant to a request from Petar Golubović, director

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[3874] Indictment, paras 4, 15(b). In para. 4, the Indictment alleges that the Accused established or assisted in the establishment of the Skorpions unit. In its Final Trial Brief, the Prosecution alleges that the Accused formed the Skorpions unit. (See Prosecution Final Trial Brief, 14 December 2012, paras 187, 194, 610, 641.) The Trial Chamber understands this wording to reflect the aforementioned Indictment charges.
[3875] P1702 (Goran Stoparić, witness statement, 24 November 2003), para. 68; Goran Stoparić, T. 10327.
[3876] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 68-70, 72, 78; Goran Stoparić, T. 1027, 10333, 10419, 10492-10493.
[3877] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 69-70; Goran Stoparić, T. 10327, 10419, 10493.
[3878] Goran Stoparić, T. 10419.
[3879] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 68, 72.
[3880] Witness JF-029, T. 10217.
[3881] P1702 (Goran Stoparić, witness statement, 24 November 2003), para. 78; Goran Stoparić, T. 10437-10439.
[3882] Witness JF-029, T. 10004-10007, 10083, 10089, 10156; P1665 (Pseudonym sheet, Witness JF-029); P1668 (Table of documents reviewed by Witness JF-029 with comments, 7 December 2010), pp. 5, 8-9, 11; P1678 (Order appointing Witness JF-029 to a position within the MoD, signed by Goran Hadžić on behalf of Ilija Kojić, 19 December 1991); P1685 (RSK MoD Decision assigning Witness JF-029 a position, signed by Minister Colonel Stojan Španović, 1 February 1993); P1689 (RSK Government Decision assigning Witness JF-029 a

of the Krajina oil industry at the time, in December 1991 or January 1992, the SAO SBWS government decided to set up a unit to secure the Krajina oil fields.[3883] According to the conclusions of the SAO SBWS government, on 20 January 1992, following information received from Pero Golubović about the strategic importance of the electricity supply facilities, the SAO SBWS government decided to instruct the MoD to take necessary measures, in cooperation with Golubović, to provide security to these facilities.[3884] The witness testified that the SAO SBWS Deputy Minister of Defence at the time was Milan Milanović a.k.a. Mrgud (as of 19 December 1991), who in February 1992, became RSK Assistant Minister of Defence.[3885]

1922. **Petar Djukić**, RSK chief police inspector from 15 March 1993 to 1 July 1996,[3886] testified that a special battalion known as the Skorpions was established in 1992 with Major Slobodan Medić, a.k.a. Boca, as commander.[3887] **Borivoje Savić**, a Serb from Vinkovci in the municipality of Vukovar, Croatia,[3888] testified that the Skorpions unit was set up with what they claimed was the primary objective of protecting the oilfields at Đeletovci but was also involved in other tasks.[3889] **Aco Drača**, head of the SDB in Benkovac from late winter or early spring in 1991 and deputy chief of the Krajina SDB from August 1992,[3890] testified that the Krajina DB was monitoring the Skorpions, and that is why he knew that the unit was based in Đeletovci and was tasked by the Krajina oil industry with securing the oil fields.[3891]

1923. **Witness JF-024**, a Serb from Croatia,[3892] testified that he had heard that Major Antonić of the JNA authorized Slobodan Medić, a.k.a. Boca, to set up a unit, called the

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position, signed by Prime Minister Borislav Mikelić, 6 July 1994); P1692 (VJ Decision assigning Witness JF-029 a position in the RSK MoD, signed by officer Stevo Medaković, 30 October 1995); D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 4, 15-16, 43.

[3883] Witness JF-029, T. 10049, 10123-10124, 10213; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 7-9, 20-21; D214 (Two documents tendered by the Simatović Defence through Witness JF-029) (SAO SBWS decision instructing MoD to provide security for the oil industry, signed by Goran Hadžić, 21 January 1992), p. 3.

[3884] D217 (Conclusions of the SBWS government, 9 April 1992, signed by Goran Hadžić).

[3885] Witness JF-029, T. 10006; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 4, 43.

[3886] Petar Djukić, T. 17910, 17913, 17918-17920, 17971, 18003-18004, 18059, 18062, 18065; D759 (Letter of appreciation from Gen. Walter Fallmann, UNTAES Civpol Commissioner, 22 August 1996); D760 (UNTAES Certificate of Appreciation in relation to 13 and 14 April 1997 elections in SBWS); D761 (Letter of Appointment from Jacques Paul Klein, Acting UNTAES Director, 2 June 1996).

[3887] Petar Djukić, T. 17978, 18153.

[3888] Borivoje Savić, T. 1739.

[3889] Borivoje Savić, T. 1804.

[3890] Aco Drača, T. 16692, 16742, 16776-16777.

[3891] Aco Drača, T. 16875, 16877-16878.

[3892] P2146 (Witness JF-024, witness statement, 17 February 2005), p. 1, paras 4-6; P2147 (Witness JF-024, witness statement, 25 May 2005), pp. 1-2; P2148 (Witness JF-024, witness statement, 31 May 2005), p. 1; P2149 (Witness JF-024, witness statement, 7 October 2010), p. 1.

"Skorpions", to guard the oilfields in Đeletovci.[3893] The witness testified that after the Skorpions were disbanded, some members, recommended by Slobodan Medić, were given a document stating that they were part of a reserve force of the Special Unit of the Serbian SDB, known as the JSO.[3894] A former member of the Skorpions showed such a document to the witness.[3895] The witness further testified that Goran Stoparić was a member of the reconnaissance unit of the Skorpions, but he was not a commander, and that the Skorpions did not have any ID cards, although there was apparently some talk of it.[3896]

1924. **Witness C-015**, a Serb from Croatia,[3897] testified that the oilfields in Đeletovci were guarded by the Skorpions unit.[3898] The witness further testified that Mrgud personally set up the Skorpions Unit, which was under the command of Slobodan Medić Boca. Mrgud told the witness at the time that everything he was doing was for the needs of the SDB, but the witness later considered such assertions doubtful in light of Mrgud's incarceration and his alleged wealth.[3899]

1925. In its Final Trial Brief, the Prosecution argues that the insignia of each of the Serbian DB's special units (the Unit, the SDG and the Skorpions) contained a single, upward-facing sword and four Cyrillic Ss, demonstrating their common nexus to the Serbian DB and distinguishing them from other units that did not have such a direct connection.[3900] The Trial Chamber will now review the evidence received from Goran Stoparić, Witness JF-005, Witness JF-024, Witness JF-027, Witness JF-029, Witness JF-048, Witness C-1118, Borivoje Savić, Dejan Slišković, Slobodan Lazarević, Witness JF-035, and Witness JF-050, as well as through documentary sources, in relation to the insignia worn by the Skorpions, the SDG and the Unit also referred to as the Red Berets. In this respect, **Goran Stoparić** testified that members of the units of the Red Berets, as well as other DB satellite units, such as the Skorpions, the Grey Wolves from the Zvornik area, the special unit of the CSB from Doboj (commanded by a person called Zenga), Arkan's Tigers, the Wolves from Vučjak, and the Horned Vipers (commanded by a person called Gumar) all wore an emblem with a sword and

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[3893] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 28, 42; Witness JF-024, T. 11088-11092.
[3894] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 47, 84.
[3895] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 47.
[3896] Witness JF-024, T. 11095, 11111-11112.
[3897] P2 (Witness C-015, witness statement, 13 May 1999), p. 2; P3 (Witness C-015, supplementary witness statement, 24 January 2001), p 1.
[3898] P2 (Witness C-015, witness statement, 13 May 1999), p. 5; Witness C-015, T. 1698.
[3899] Witness C-015, T. 1672-1673, 1698-1699, 1722-1725.
[3900] Prosecution Final Trial Brief, 14 December 2012, para. 376.

four Ss on the left shoulder and unit-specific insignia on the right shoulder.[3901] The Skorpions had a scorpion badge on their red berets and on most of their vehicles.[3902] In relation to the Wolves from Vučjak or Vučijak, **Witness JF-005**, a Croatian Serb member of the JSN or Special Purpose Unit from April 1992,[3903] recognized their patch, which depicted a grey wolf on a grey background, below the colours of the Serbian flag.[3904] The witness testified that the Wolves from Vučijak was not a Red Beret unit.[3905] The Trial Chamber further recalls the evidence of Witness JF-005 in chapter 6.3.3 in relation to the Doboj camp about the Unit's insignia.

1926. On 24 October 2006, testifying before a Belgrade court in a criminal case against Medić and others, **Witness JF-029** stated that as part of the SVK, the Skorpions wore uniforms with army insignia on one shoulder, "Skorpions" unit insignia on the other, and insignia on their caps.[3906] **Borivoje Savić** testified that the Skorpions unit wore uniforms with the emblem of a scorpion on the overalls.[3907]

1927. **Witness JF-024** testified that the Skorpions wore a badge with a sword and "Skorpion" written below the sword.[3908] Exhibit P2157, recognized by the witness as the Skorpions badge, also depicts a Serbian flag.[3909] According to the witness, the sword was the insignia of the Serbian SDB.[3910] The witness testified that there was also a second Skorpions' emblem, without a sword, but with a scorpion, worn on the other sleeve.[3911] The witness testified that the badges worn by Arkan's men were similar to those worn by the Skorpions, except that Arkan's men had "Serbian Volunteer Guard" written under the sword and that

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[3901] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 70-71; Goran Stoparić, T. 10450-10451, 10453-10454, 10456-10459. See also Prosecution Final Trial Brief, para. 87, where the Prosecution submits that one of the meaning of the word "poskok" is "horned viper."
[3902] P1702 (Goran Stoparić, witness statement, 24 November 2003), para. 71; Goran Stoparić, T. 10336, 10338-10339.
[3903] P137 (Witness JF-005, witness statement, 25 January 2004), p. 1, paras 1, 3, 11; P136 (Witness pseudonym sheet); Witness JF-005, T. 2760, 2851, 2857.
[3904] P138 (Witness JF-005, witness statement, 4 November 2009), para. 36; P149 (Patch of the Wolves of Vučijak).
[3905] P137 (Witness JF-005, witness statement, 25 January 2004), para. 26; P138 (Witness JF-005, witness statement, 4 November 2009), para. 17.
[3906] Witness JF-029, T. 10184; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 37, 75.
[3907] Borivoje Savić, T. 1804-1805.
[3908] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 46; Witness JF-024, T. 11056-11057; P2157 (Insignia of Skorpion unit).
[3909] P2157 (Insignia of Skorpion unit).
[3910] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 46; Witness JF-024, T. 11056.
[3911] Witness JF-024, T. 11146; P255 (Book of patches, insignia and uniforms of Serbian Armed Forces) p. 77.

only the Skorpions and the SDG wore such badges.[3912] The witness recognized insignia featuring a sword, which he described as DB insignia, in the pictures of Zvezdan Jovanović and Milorad Ulemek, in a photo of a red beret, and in a still from the 1997 Kula ceremony video (exhibit P61), where it is visible on a wall behind the two Accused.[3913] The witness identified the wolf insignia as the JSO insignia.[3914]

1928. **Slobodan Lazarević**, an officer of KOS (1968-1998) and of the 21st corps of the SVK stationed in Topusko (1992-1995),[3915] testified that during Operation Pauk, he saw the special forces of the Serbian police wearing a patch depicting an upside down sword with a Serbian flag.[3916]

1929. **Dejan Slišković**, a Serb who was a member of the JATD from June 1994 to May 1995,[3917] testified that when in the field, the reserve/paramilitary members of the JATD removed all insignia from their uniforms. All the JATD units had the same emblems on their berets, being a sword with four "S" symbols and the red, white, and blue of the Serbian flag.[3918] The units wore their berets in "safe areas."[3919] According to the witness, the SDG wore insignia of a tiger with the letters SDG, a three-headed eagle, and a sword with two blades.[3920]

1930. **Witness JF-035**, a Serb from Bosnia-Herzegovina,[3921] testified that members of the Red Berets had a badge on their berets with a sword and four Cyrillic letters S, and on their shoulders they wore insignia depicting a wolf's head with an open mouth.[3922]

[3912] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 46; Witness JF-024, T. 11058-11060; P2158 (Insignia and photos), nos 4, 7.
[3913] Witness JF-024, T. 11059-11060; P2158 (Insignia and photos), nos 8, 9(b), 10, 12-13.
[3914] Witness JF-024, T. 11060; P2158 (Insignia and photos), no. 14.
[3915] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), pp. 12315, 12317, 12319-12320, 12326. 12340; Slobodan Lazarević, T. 3275-3276, 3280-3281, 3284.
[3916] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), p. 12352; Slobodan Lazarević, T. 3327-3328; P227 (Patch).
[3917] P440 (Dejan Slišković, witness statement, 14 September 2003), p. 1, paras 3-4, 20; P441 (Dejan Slišković, witness statement, 8 April 2010), p. 1, paras 13-14, 63.
[3918] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 39; Dejan Slišković, T. 5094.
[3919] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 39.
[3920] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 28; Dejan Slišković, T. 5103-5105.
[3921] P494 (Witness JF-035, witness statement, 18 October 2000), p. 2; P495 (Witness JF-035, supplemental witness statement, 6 May 2001), p. 1; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12231.
[3922] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), pp. 12196-12197; Witness JF-035, T. 5416, 5476; P505 (Still photo of a red beret with unit insignia taken from the video The Unit - Red Berets, Part 1).

1931. **Witness JF-027**, a Croatian ethnic Serb and a former member of the SDG,[3923] testified that following his training with the Red Berets at Mount Tara, he received a red beret, which he wore occasionally, and an oval metal emblem depicting the Serbian flag, a sword, and a snake, which he never wore.[3924] **Witness JF-050**, a Croat from Jajce in Bosnia-Herzegovina,[3925] testified that Arkan's men referred to themselves as Tigers or Super Tigers and the two wore different patches on their uniforms.[3926] The witness recognized three insignia of Arkan's men, each depicting a sword and four Serbian Ss in the background; two of the patches also showed an eagle, and one of them depicted a tiger.[3927] **Witness C-1118**, a Croat from Osijek municipality,[3928] testified that he identified the soldiers that took him to Erdut as Arkan's soldiers, as they wore insignia on their uniforms which read "Tigers". The witness recognized the Arkan's men emblem in a picture which features a tiger and a sword with four Serb Ss.[3929]

1932. **Witness JF-048**, a former member of the Red Berets,[3930] testified that the new recruits at Pajzoš in 1995 had plain berets, whereas instructors wore insignia with four Cyrillic Ss, bearing a golden sword against a light blue background, which the witness believed was later used by the PJPs.[3931]

1933. The Trial Chamber has further examined several patches and insignia of Serb armed forces. In this respect it notes that among other formations that used a sword in its emblem, two crossed swords appear in, *inter alia*, the Krajina armed formations' patch and the SRS patch; a single sword with its blade pointing upwards is presented on the PJP patch; and a sword with a blade pointing downwards is used in the patch of the "*Serbia Dobrovoljacka Jedinica UBR-90*".[3932]

[3923] P1596 (Witness JF-027, witness statement, 27 February 2004), p. 1, para. 7; Witness JF-027, T. 8887, 8890, 8971.
[3924] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 13.
[3925] P570 (Witness JF-050, witness statement, 15 December 1998), p. 2; P572 (Witness JF-050, prior testimony), p. 18369.
[3926] P570 (Witness JF-050, witness statement, 15 December 1998), p. 4; P572 (Witness JF-050, prior testimony), pp. 18388-18391.
[3927] P572 (Witness JF-050, prior testimony), pp. 18390-18391; P580 (SDG Patch with a Tiger); P582 (SDG Patch); P583 (SDG Patch).
[3928] P23 (Witness C-1118, witness statement, 4 June 1999), pp. 1-2; PP24 (Witness C-1118, witness statement, 12 June 1999), p. 1; P25 (Witness C-1118, witness statement, 25 April 2007), p. 1; Witness C-1118, T. 1950, 1968-1969.
[3929] Witness C-1118, T. 1981-1982; P31 (Tiger insignia).
[3930] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 1-2, 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14576.
[3931] P523 (Witness JF-048, witness statement, 6 May 2000), p. 7; P532 (Photograph of Red Berets insignia).
[3932] P255 (Book of patches, insignia and uniforms of Serbian Armed Forces) pp. 19-20, 22-23, 35-36, 43, 49, 80, 89, 96, 121; P1974 (SAO Krajina Prime Minister Decree on the insignia worn by members of the armed forces, 2 August 1991).

1934. The Trial Chamber will first address the Defence's submissions with regard to the reliability of Goran Stoparić. The Stanišić Defence claims that Stoparić's testimony was internally inconsistent and contradicted by the testimony of Witness JF-024.[3933] The Simatović Defence claims that Goran Stoparić is an untrustworthy witness, who admitted before a court in Belgrade to having lied in a criminal case against a certain individual, and claimed that he had been persuaded to do so by the Defence counsel.[3934] The Trial Chamber notes that Stoparić had confessed to his lie prior to appearing before the Trial Chamber and confirmed these allegations when testifying in Court, stating that he had lied in the Podujevo murder case against Saša Cvjetan.[3935] The Trial Chamber considers that the witness's previous conduct need not necessarily affect the reliability or credibility of his evidence given in the present case and in a different context. In relation to the Stanišić Defence submissions, the Trial Chamber notes some inconsistencies within the witness's testimony, but does not consider them significant enough to affect the overall accuracy and the essence of his evidence in relation to the Skorpions. Furthermore, the Trial Chamber notes that it has already reviewed some of Stoparić's evidence in chapters 3.2.6 and 3.7.1, where it considered it sufficiently credible and consistent to be able to rely on in its findings. In the present case, Stoparić presented himself as commander of a special reconnaissance unit of the Skorpions and testified that he was given a Skorpions ID booklet. His evidence in this respect is contradicted by that of Witness JF-024. The Trial Chamber acknowledges that certain parts of Stoparić's evidence may have been exaggerated, including those parts relating to his position within the Skorpions. The Trial Chamber will remain mindful of these exaggerations. Nevertheless, in view of the entirety of his evidence, as well as other evidence received, the Trial Chamber has no doubt that Stoparić was indeed a member of the Skorpions at the relevant time. The Trial Chamber will treat the inconsistencies in the witness's testimony, as well as any assumptions he has made based on the interpretation of the events that he witnessed or was told about,[3936] with caution. The Trial Chamber will also keep in mind, when making its findings, that the witness admitted to lying on the stand and will weigh his evidence against the entirety of the evidence reviewed, including that of Witness JF-024.

[3933] Stanišić Defence Final Trial Brief, 17 December 2012, para. 1075; Annexes III-D and III-E.
[3934] Simatović Defence Final Trial Brief, 14 December 2012, paras 892-893.
[3935] Goran Stoparić, T. 10540-10541.
[3936] For example, in relation to salaries received by the Skorpions, he failed to provide any basis for his conclusion that a reference to the Serbian MUP automatically implied the Serbian DB. See the testimony of the witness in chapter 6.5.5.

1935. The Trial Chamber will now move to its findings. On the basis of the evidence of Witness JF-029, Borivoje Savić, Goran Stoparić, Aco Drača, Witness JF-024, Witness C-015, and Petar Djukić, the Trial Chamber finds that the Skorpions, with a base in Đeletovci, was established in late 1991 or early 1992. As to the primary objectives of the unit, the Trial Chamber notes that all the witnesses provided consistent evidence in this respect, testifying that the Skorpions were to provide security to the oil fields in the region and to guard the border between the RSK and Croatia.

1936. The Trial Chamber will now consider the evidence received on insignia. In this respect, even assuming that the insignia worn by the Skorpions, the SDG, and the Unit/JATD a.k.a. the Red Berets contained a common nexus - a sword and four Cyrillic Ss – the Trial Chamber has not received conclusive evidence that this insignia was indeed an official emblem of the Serbian DB and that no other unit, apart from those who belonged to the DB, wore a similar patch. To the contrary, in view of the pictures of insignia examined above, the Trial Chamber considers that a sword is a rather common element of military emblems and patches. Although Witness JF-024, who claimed that the sword was a DB symbol, testified that the sword insignia was only worn by the SDG and the Skorpions, other witnesses provided evidence further indicating that the Red Berets wore a similar patch, and Stoparić testified that other "DB satellite units", including the Wolves from Vučjak, also wore insignia depicting a sword; Stoparić failed to provide any basis for his general conclusion that these units were DB's satellites.[3937] Furthermore, Witness JF-005, an insider himself, did not mention a sword when testifying about the Red Berets' insignia.

1937. The Trial Chamber has received evidence about individuals and institutions involved in the formation of the Skorpions. In this respect, Witness JF-029 and Witness C-015 testified that the SAO SBWS government and Milan Milanović a.k.a. Mrgud from the MoD set up the unit; Witness JF-024 provided evidence that Slobodan Medić a.k.a. Boca set up the Skorpions following an authorization from JNA Major Antonić; and finally Goran Stoparić testified that he heard that the unit was established as a satellite unit of the Serbian DB during a meeting in Novi Sad between Boca, Mrgud, Mihalj Kertes, Radovan Stojičić, Rajo Božović, and others. The Trial Chamber considers the source of Witness JF-024's knowledge unclear and the remainder of the reviewed evidence to be of a general and vague nature. In light of the above, the Trial Chamber is unable to determine with sufficient certainty who of the abovementioned

[3937] The Trial Chamber notes that in its Final Trial Brief, the Prosecution did not make any submissions with regard to the unit referred to as the Wolves from Vučjak.

persons organized the formation of the Skorpions. Consequently, the Trial Chamber is unable to conclude that the Accused directed and organized the formation of the Skorpions.

6.5.3 The Accused organized and directed the involvement of the Skorpions, the SDG, and the JATD in particular operations in Croatia and Bosnia-Herzegovina, and supported and supplied the involvement of these units in the operations – Operation Pauk November 1994-July 1995, Treskavica/Trnovo June-July 1995, and 1995 SBWS operations

1938. According to the Indictment, the Accused organized and directed the involvement of, and supported and supplied the Skorpions, the SDG, and the JATD a.k.a. the Red Berets in particular operations in Croatia and Bosnia-Herzegovina.[3938]

1939. In this sub-chapter, the Trial Chamber will address the Prosecution's allegations in relation to (a) Operation Pauk, (b) the operations in Treskavica/Trnovo in June-July 1995, and (c) in the SAO SBWS in 1995. However, before moving to the evidence on Operation Pauk, the Trial Chamber will review the evidence received in relation to the general structure and command of the Skorpions.

General structure and command of the Skorpions

1940. The Trial Chamber has received evidence from Witness C-015, Witness JF-027, Witness JF-024, Witness JF-029, Borivoje Savić, Dejan Slišković, Goran Stoparić, Petar Djukić, and Gvozden Gagić, as well as through documentary evidence, in relation to the Skorpions' structure.

1941. Several witnesses gave evidence about the direct command of the Skorpions. In this respect, Witness C-015, Witness JF-024, Witness JF-027, Witness JF-029, Dejan Slišković, Petar Djukić, and Borivoje Savić provided evidence that the Skorpions were commanded by Slobodan Medić a.k.a. Boca.[3939]

1942. Two witnesses testified about the Skorpions' links with the SAO SBWS government and the SVK. **Petar Djukić** testified that the Skorpions were answerable to the MoD Erdut headquarters, headed by Mrgud, who was at the time the Assistant Minister of Defence with

[3938] Indictment, para. 7. The Trial Chamber understands the wording of the Indictment to be reflected in paras 6, 342-346, 349, 354-355, 366 of the Prosecution's Final Trial Brief.
[3939] P2 (Witness C-015, witness statement, 13 May 1999), p. 5; Witness C-015, T. 1671; P2146 (Witness JF-024, witness statement, 17 February 2005), para. 40; P1596 (Witness JF-027, witness statement, 27 February 2004), para. 46; Borivoje Savić, T. 1804; Witness JF-029, T. 10049-10050, 10125-10126; D212 (Transcript of

unlimited power given to him by either President Martić or MoD Minister Suput.[3940] According to the witness, both Mrgud and General Dušan Lončar, Chief of Staff of the SVK, exercised control over the Skorpions which operated as a military unit, and as a MUP security unit.[3941] On certain issues the Skorpions received orders from General Lončar, in relation to the security of the oil plant they guarded, the Skorpions received orders from the director of the oil company, and on other specific issues from Mrgud.[3942] Mrgud gave orders to the unit from its formation in 1992 until its departure from the area in 1996; as for the Corps commander and the director of the oil company, they changed over the 1992-1995 period.[3943]

1943. **Witness JF-029**, who was a high-ranking official in the SAO SBWS and RSK MoD from 1991 to April 1996,[3944] testified that in 1991, the unit set up to secure the oil fields was subordinate to the SAO SBWS TO. In April or May 1992, it came under the command of the PJM, also known as the Blue Brigades, which were formed by the RSK MUP. In 1993, the unit was subordinate to the newly established SVK and came under the command of General Lončar, at which point it was renamed the Skorpions.[3945] Throughout this time, the unit was present in the SAO SBWS area.[3946]

1944. Furthermore, several witnesses provided evidence about the Skorpions' links with the Accused and the Serbian DB. **Goran Stoparić**, a former member of the Skorpions,[3947] testified that he reported to Medić, the unit's commander, who, according to the witness, reported to Legija, Mrgud, Lončar, Simatović, and ultimately to Stanišić.[3948] The witness testified that men referred to by others as Serbian SDB operatives regularly visited the

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testimony of Witness JF-029 before a local court on 24 October 2006), p. 7; P1666 (Tables of people Witness JF-029 refers to and significant meetings attended, 7 December 2010), p. 3; Petar Djukić, T. 17978, 18153.

[3940] Petar Djukić, T. 17978-17979, 18036-18037, 18151; D764 (Report by RDB Centre, Novi Sad, 21 June 1995), p. 1.

[3941] Petar Djukić, T. 17992, 18038-18039, 18153; Manojlo Milovanović, T. 4392-4394.

[3942] Petar Djukić, T. 17979-17980.

[3943] Petar Djukić, T. 18153-18154.

[3944] Witness JF-029, T. 10004-10007, 10083, 10089, 10156; P1665 (Pseudonym sheet, Witness JF-029); P1668 (Table of documents reviewed by Witness JF-029 with comments, 7 December 2010), pp. 5, 8-9, 11; P1678 (Order appointing Witness JF-029 to a position within the MoD, signed by Goran Hadžić on behalf of Ilija Kojić, 19 December 1991); P1685 (RSK MoD Decision assigning Witness JF-029 a position, signed by Minister Colonel Stojan Španović, 1 February 1993); P1689 (RSK Government Decision assigning Witness JF-029 a position, signed by Prime Minister Borislav Mikelić, 6 July 1994); P1692 (VJ Decision assigning Witness JF-029 a position in the RSK MoD, signed by officer Stevo Medaković, 30 October 1995); D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 4, 15-16, 43.

[3945] Witness JF-029, T. 10049, 10124-10125, 10172-10173; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 9, 11, 20-21, 53, 95.

[3946] Witness JF-029, T. 10049-10050; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), p. 7.

[3947] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 68, 77; Goran Stoparić, T. 10327.

[3948] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 77, 82; Goran Stoparić, T. 10333, 10355, 10419, 10445.

Skorpions headquarters.[3949] The witness further testified that the Skorpions were officially supposed to be under the SVK, but that the Serbian MUP wielded influence over the unit, and it was always conveyed to them at meetings that the Serbian DB was behind the Skorpions.[3950] As Medić explained to the witness, the borders belonged to the military and the oil wells to the DB.[3951]

1945. **Witness JF-024**, a Serb from Croatia,[3952] testified that although the Skorpions began under JNA command, he assumed that in either late 1992 or early 1993, when the JNA left the region, the Serbian SDB took command of the Skorpions.[3953] The witness heard stories that Boca met Badža and Mrgud in Beli Monastir, and that it is how it was organized, but he did not know any details.[3954] The witness also testified that some time later, at the Tovarnik police check-point he saw truck-loads of crude oil passing to Serbia, and thought it was not possible without the SDB.[3955] The witness testified that he learnt from the media, after some members of the Skorpions had been arrested, that the Skorpions and the SDG belonged to the Serbian DB.[3956] The witness testified that in 1994, and throughout 1995, the Skorpions were organized into two companies and six platoons, one reconnaissance platoon and one working platoon.[3957] The reconnaissance platoon was independent of the companies and received orders directly from Medić. The witness further testified that the unit received orders from the Serbian SDB and that Slobodan Medić boasted of meeting with, and receiving orders from the Accused. According to the witness, Milanović was the intermediary between Medić and Ulemek, on the one hand, and the SDB leadership, Stanišić and Simatović, on the other. Milanović would meet with the Accused before passing orders to Medić and Ulemek.[3958]

1946. According to a Report on the situation in Eastern Slavonia and Baranja, based on an 8 June 1995 interview with the Chief of Security of the 11th Corps, Mrgud reported to Stanišić in Belgrade and did "everything but his functional duties". Furthermore, Mrgud, Kojić and Arkan, supported by the MUP of Serbia, "prevented the flow of money to Knin", and Mrgud and Kojić made all the decision "under the patronage of the MUP of Serbia (Jovica Stanišić)".

[3949] P1702 (Goran Stoparić, witness statement, 24 November 2003), para. 73; Goran Stoparić, T. 10432-10433.
[3950] Goran Stoparić, T. 10460-10461.
[3951] Goran Stoparić, T. 10461.
[3952] P2146 (Witness JF-024, witness statement, 17 February 2005), p. 1, paras 4-6; P2147 (Witness JF-024, witness statement, 25 May 2005), pp. 1-2; P2148 (Witness JF-024, witness statement, 31 May 2005), p. 1; P2149 (Witness JF-024, witness statement, 7 October 2010), p. 1.
[3953] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 42; Witness JF-024, T. 11012-11014.
[3954] Witness JF-024, T. 11089-11092, 11013-11014.
[3955] Witness JF-024, T. 11013-11014.
[3956] Witness JF-024, T. 11122-11123.
[3957] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 50; Witness JF-024, T. 11093.

Mrgud was to pay Arkan's men, probably with the money the Arkan's men "guarded" in Erdut.[3959]

1947. **Borivoje Savić**, an SDS member from Vinkovci in the municipality of Vukovar, Croatia,[3960] testified that in the spring of 1992, Medić told him that his boss was Jovica Stanišić, and **Dejan Slišković**, a Serb who was a member of the JATD from June 1994 to May 1995,[3961] testified that Boca Medić was subordinate to Jovica Stanišić.[3962]

1948. Furthermore, according to unsigned and undated intelligence reports,[3963] which military expert witness **Reynaud Theunens**[3964] concluded, based on their content and origins, had been drafted by a VJ Security Organs after May 1996, the paramilitary unit of 150-200 armed members run by Slobodan (Boca) Medić operated in the SAO SBWS (RSK) and the Bosnian-Serb Republic from the beginning of the war in 1991 until the enforcement of the Dayton Agreement, and was and remained in direct contact with the RDB and MUP or was engaged under the guise of special units of the RDB or MUP.[3965] It engaged in smuggling.[3966] According to one of these reports, at the time it was drafted, the Skorpions were either to be transferred to the territory of the Republic of Serbia or were already transferred there, and they were not to be included in the JSO, but used for special tasks outside the RDB and MUP structures.[3967]

1949. The Trial Chamber has also received evidence suggesting that there were no links between the Skorpions and the Serbian DB. **Witness JF-029** was positive that nobody in the SAO SBWS received orders from outside, i.e. from Serbia, and testified that Mrgud never received orders from Badža.[3968] According to the witness, the Skorpions was not a unit of the Serbian DB and its members were not from the Serbian MUP and he did not know whether

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[3958] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 42-43, 48, 50.
[3959] P1652 (Intelligence Report on the Situation in Eastern Slavonia and Baranja, unsigned), p. 1.
[3960] Borivoje Savić, T. 1739-1740.
[3961] P440 (Dejan Slišković, witness statement, 14 September 2003), p. 1, paras 3-4, 20; P441 (Dejan Slišković, witness statement, 8 April 2010), p. 1, paras 13-14, 63.
[3962] Borivoje Savić, T. 1804; Dejan Slišković, T. 5120; P483 (Video depicting two men in camouflage uniforms in a trench with binoculars and a radio), 00:07-00:08.
[3963] P1061 (Report on paramilitary units, unsigned, undated); P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated).
[3964] Reynaud Theunens, T. 8049-8057; P1574 (Curriculum Vitae of Reynaud Theunens).
[3965] Reynaud Theunens, T. 8081-8083, 8201-8217, 8233-8237; P1575 (Reynaud Theunens expert report, 30 June 2007), pp. 109, 124, 130; P1061 (Report on paramilitary units, unsigned, undated), p. 1; P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), p. 2.
[3966] P1061 (Report on paramilitary units, unsigned, undated), p. 1.
[3967] P1075 (Report on the formation of the JSO of the RDB of Serbia, unsigned, undated), p. 2.
[3968] D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 15-16, 19-20.

the Serbian DB had any units.[3969] In view of the witness's position at the SAO SBWS and the RSK MoD in the time, the Trial Chamber has difficulties believing his lack of knowledge on issues of great importance. Furthermore, the Trial Chamber does not consider that the witness could have indeed known whether "nobody" in the SAO SBWS received orders from the outside, and considers such sweeping and general statements unreliable.

1950. **Gvozden Gagić**, an employee of the MUP of Serbia in the early 1990s,[3970] testified that during the investigation on the Trnovo killings he interviewed the Medić brothers, and none of them indicated having been a member of, or working for the Serbian DB.[3971] The witness himself conducted some studies on the Skorpions before they were put on trial and was unable to establish any links between them and the Serbian MUP or SDB.[3972]

1951. The Trial Chamber will consider this evidence in relation to the above-mentioned operations in which the Skorpions were involved.

(a) Operation Pauk November 1994-July 1995

1952. In its Final Trial Brief, the Prosecution submits that in November 1994, the Accused deployed the Skorpions, the SDG, and the JATD and commanded them in joint operations to support Fikret Abdić, the President of the APZB, in its fight against the ABiH.[3973]

1953. In relation to Operation Pauk, the Trial Chamber has received evidence from several witnesses,[3974] as well as through documentary evidence.

1954. **Aco Drača**, head of the SDB in Benkovac from late winter or early spring in 1991 and deputy chief of the Krajina SDB from August 1992,[3975] testified that Operation Pauk commenced on 17 November 1994.[3976] **Manojlo Milovanović**, the Chief of the Main Staff of the VRS between May 1992 and 1996,[3977] testified that according to information the witness received from Nikola Koljević, the VRS launched Operation Pauk, originally named "Stit 1994", as a result of the failed September 1994 Breza Operation, and that Operation Pauk was

[3969] Witness JF-029, T. 10165-10166; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 98-100.
[3970] Gvozden Gagić, T. 17101-17102.
[3971] Gvozden Gagić, T. 17218-17222.
[3972] Gvozden Gagić, T. 17222.
[3973] Prosecution Final Trial Brief, 14 December 2012, paras 343-344, 346.
[3974] For the Trial Chamber's examination of the Defence submissions in relation to the credibility and reliability of Witness JF-057, see chapter 6.4.5.
[3975] Aco Drača, T. 16692, 16742, 16776-16777.
[3976] Aco Drača, T. 16816.
[3977] P375 (Curriculum vitae of witness Manojlo Milovanović), p. 2.

halted in December 1994 and restarted on 12 or 13 February 1995.[3978] Operation Pauk was a temporary force whose task was to break up the ABiH 5th Corps and restore Fikret Abdić in the Bihać region.[3979] According to **Mladen Karan**, a retired counter-intelligence officer of the SSNO,[3980] Operation Pauk ended by the beginning of August 1995, when the RSK fell.[3981] Milovanović and several other witnesses testified that General Mile Novaković was the Commander of Operation Pauk.[3982]

1955. The Trial Chamber has also received evidence from Milovanović that he was asked to take over the Pauk Command. On 22 February 1995, Milovanović arrived at Petrova Gora upon the orders of Mladić, to assume command of Operation Pauk.[3983] He went to the front line with General Mile Novaković, where they encountered Simatović, who was wearing a camouflage military uniform and stated he was there with Stanišić.[3984] On the following day, at the end of the meeting regarding the handover of command, at which Stanišić, Simatović, and officers and commanders of the SVK were present, Stanišić stated that Milovanović was to take over the command of Operation Pauk based on the decision of the Supreme Defence Council of the FRY and the Supreme Command of the VRS.[3985] There was a piece of paper in front of Stanišić and Stanišić pointed to the name of Slobodan Milošević, which was on the paper. Milovanović refused to take over command, telling Stanišić that he would not carry out orders from him because he, Stanišić, was a policeman, not a soldier.[3986] In this respect **Aco Drača** testified that during Operation Pauk he never attended any meeting where the replacement of General Novaković with Manojlo Milovanović was discussed, and he believed that he would have known about such meeting, had it indeed taken place.[3987]

1956. The Trial Chamber will now review the evidence it has received in relation to the preparations for Operation Pauk. In this respect, on 30 June 1994, Major Djuro Ćelić sent an intelligence report to the SVK Main Staff, on operations in the APZB between 14 and 29 June

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[3978] Manojlo Milovanović, T. 15465, 15468, 15478.
[3979] Manojlo Milovanović, T. 4390, 4575.
[3980] Mladen Karan, T. 17669-17671, 17679-17681; P3092 (Mladen Karan personnel file, signed by Dragoljub Djukić, Official Military Gazette, 8 April 1996), p. 3; P3093 (Note on Mladen Karan's work performance, signed by Veljko Bosanac, undated), p. 1; P3094 (Report on Mladen Karan, author Rade Rašeta, SVK Security Department, 3 February 1995), p. 1; P3096 (Statement on inhibition of work of 11th Corps security organs by members of RDB MUP Serbia, signed by Mladen Karan, undated), pp. 3, 6-8.
[3981] Mladen Karan, T. 17851, 17889.
[3982] Manojlo Milovanović, T. 4626; P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), p. 12422; Slobodan Lazarević, T. 3314, 3408; Aco Drača, T. 16811; Witness JF-027, T. 8935-8936, 8945; Dejan Plahuta, T. 19357.
[3983] Manojlo Milovanović, T. 4388-4390, 4540-4541; P377 (Clip from video "The Unit"), p. 8.
[3984] Manojlo Milovanović, T. 4389, 4391-4392; P377 (Clip from video "The Unit"), p. 9.
[3985] Manojlo Milovanović, T. 4392-4394; P377 (Clip from video "The Unit"), p. 10.
[3986] Manojlo Milovanović, T. 4388-4390, 4393, 4395; P377 (Clip from video "The Unit"), p. 10.

1994. The Report stated that in Velika Kladuša, members of the VRS and VJ met with Fikret Abdić, who accepted the proposal to launch offensive activities. Abdić further informed that he had attended a meeting on 21 June 1994 with President Milošević, General Perišić, Major-General Čeleketić, General Mladić, Borislav Mikelić, and Jovica Stanišić, and that Milošević had granted weapons and ammunition worth USD 9,000,000 for the needs of the APZB army.[3988] **Aco Drača** and **Mladen Karan** were both told by Abdić that President Milošević had agreed to help Abdić ensure his and his people return to Velika Kladuša.[3989]

1957. According to an entry in Mladić's notebook, on 7 October 1994, he attended a meeting with President Milošević, General Perišić, General Čeleketić, and Jovica Stanišić. During the meeting Mladić noted Milošević's proposal that Stanišić could engage his 300-400 men to assist Abdić with the operation in Kladuša, and that Stanišic said that they could provide artillery support and radio reconnaissance, form a battalion of 700-800 men, and bring Abdić's army into shape, with the help of the Yugoslav army.[3990] Mladić wrote "why? ???" next to a note which reads: "JS is advocating that they have a joint command (RSK+JS) and to have JS coordinate operations"; it was also noted that with regard to setting up the command, "JS" said that "our Simatović must go".[3991]

1958. In an intelligence report, Colonel Stevan Bogojević reported that on 7 November 1994, he had met with the chief of the Banja Luka RDB, Nedeljko Kesić, General Momir Talić, Stanišić, and Simatović.[3992] Stanišić informed Bogojević that the purpose of his visit was to direct "armed combat" and that he had ensured supplies of ammunition and fuel and that transports for the Bosnian-Serb Republic and the RSK would "pass without hindrance" while he, Stanišić, was in the territory. Stanišić stated that afterwards he would travel to Petrova Gora to meet with General Mile Novaković and Milan Martić and would stay there as long as the situation required. Stanišić stated that he had provided enough forces to ensure the "liberation" of Velika Kladuša, but that he needed to synchronise this with the VRS forces and SVK Supreme Command staff. Upon learning that Milovanovic was at the Bihać part of the front line, Stanišić ordered Kesić to arrange a meeting for him with Milovanović.[3993] On 8 November 1994, Milovanović attended a meeting regarding Operation Pauk in Slunj, Croatia,

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[3987] Aco Drača, T. 16825-16826.
[3988] P1285 (Report on the situation in the APZB, sent by Major Djuro Ćelić, 30 June 1994), pp. 1, 3.
[3989] Mladen Karan, T. 17703.
[3990] P2536 (Excerpt from Mladić's Notebook, 7 October 1994), pp. 1, 6, 11.
[3991] P2536 (Excerpt from Mladić's Notebook, 7 October 1994), pp. 15-16.
[3992] P379 (Witness Milovanović comments on authenticity of VRS Documents, 22 April 2010), p. 1; P380 (Intelligence Report from Colonel Bogojević to General Tolimir, 8 November 1994), p. 1.
[3993] P380 (Intelligence Report from Colonel Bogojević to General Tolimir, 8 November 1994), pp. 1-2.

at the Forward Command Post of the Supreme Command of the SVK, with Martić, Stanišić, SVK General Čeleketić, Fikret Abdić and several of Abdić's officers.[3994] He was to give Abdić 6,000 rifles and launch an offensive towards Bihać, but he declined because he was not authorized to negotiate with Martić or Abdić.[3995] The Trial Chamber will now move to the evidence in relation to the establishment of the Command for Operation Pauk.

1959. According to a 31 December 1994 entry in the Pauk Command Operations Logbook, the Commander of the Pauk Operation Group visited the Supreme Command in Velika Kladuša.[3996]

1960. On or around 6 January 1995, Colonel Rade Rašeta of the SVK Main Staff received a communication, which stated that on 9 November 1994, the chief and members of the Security Department and members of the SVK Main Staff had gone to the Forward Command Post of the SVK Main Staff, located in Korenica, Croatia. It also stated that on the following day, 10 November 1994, Colonel Smiljanić informed Rašeta that a parallel Forward Command Post was being set up in the Kordun area of Croatia, at which were Mile Novaković, Colonel Čedo Bulat (retired) as Chief of Staff, Mihajlo Knežević as the Security and Intelligence organ, Jovica Stanišić representing the Republic of Serbia, and members of the MUP. Smiljanić told Rašeta that Stanišić had informed him that he, Smiljanić was to transfer to Kordun for the Operation Pauk campaign, but that he had refused. Smiljanić expressed concern that the formation of the parallel Command in Kordun meant the taking over of the SVK Main Staff functions from the commandant and his adjutants. He also stated that Stanišić claimed that Slobodan Milošević stood behind everything Stanišić said. On 13 November 1994, Martić, who had arrived the previous day, convened a meeting with the leaders of Operation Pauk, including Novaković and Stanišić, and informed everyone that the Forward Command Post of the SVK was in Korenica. Although Stanišić and Novaković agreed to this, the daily reports of the security and intelligence organ in their command that they sent to the Korenica Forward Command Post were "superficial, generalised, and in some things confusing". Smiljanić further told Rašeta that on 10 December he had been in Belgrade with Gledić and Šuput, and that Stanišić had told Smiljanić that if everything was all right, he

[3994] Manojlo Milovanović, T. 4540-4541, 4624-4625.
[3995] Manojlo Milovanović, T. 4541-4542, 4625.
[3996] P235 (Pauk Command Operations Logbook, 16 November 1994-25 May 1995), p. 55.

would at once give him keys to a family flat and promotion to the rank of General would certainly follow.[3997]

1961. **Slobodan Lazarević**, an officer of KOS (1968-1998) and of the 21st corps of the SVK stationed in Topusko (1992-1995),[3998] testified that in late 1993 Simatović set up the Pauk headquarters in Petrova Gora in the RSK for the Serbian Special Forces of the police.[3999] **Mladen Karan** and **Aco Drača** also testified that the Pauk military command was set up on top of Petrova Gora in a JNA radio relay facility called Magarčevac.[4000] The Pauk military command consisted of SVK officers, including General Mile Novaković and Čedomir Bulat, and local SUP members from Glina and Vojnić.[4001] **Lazarević** testified that this headquarters was 600-800 metres away from the second Pauk headquarters in Bosnia-Herzegovina.[4002] The Serbian Special Forces were headed by Božović and Ulemek a.k.a. Legija, as well as their superior Simatović, all of the SDB.[4003] Simatović was stationed in Petrova Gora, while the other two were at Pauk in Bosnia-Herzegovina.[4004] Božović also had a headquarters in Kladuša in Bosnia-Herzegovina.[4005] According to Lazarević, Novaković, although official commander of Pauk, could not command Arkan's Tigers, and Lazarević never saw Novaković issue orders to units of the Serbian Special Forces.[4006] On a regular basis, Lazarević observed how Arkan's units arrived at a warehouse across from his house in the RSK to get supplies.[4007]

1962. The Trial Chamber will now consider the evidence in relation to forces involved in Operation Pauk. **Slobodan Lazarević** testified that Arkan's forces were deployed in a joint command headquarters called "Pauk" in Bosnia-Herzegovina.[4008] Besides Arkan's tigers (100 men), the Pauk unit also consisted of members of the 21st SVK corps (400 men), Fikret

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[3997] P382 (Communication No. 191-3 from Colonel Rade Rašeta, Main Staff Security Department SVK, 6 January 1995), pp. 1-2, 8.
[3998] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), pp. 12315, 12317, 12319-12320, 12326, 12340; Slobodan Lazarević, T. 3275-3276, 3280-3281, 3284.
[3999] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), p. 12352; Slobodan Lazarević, T. 3287-3289, 3295, 3327, 3334, 3337.
[4000] Mladen Karan, T. 17704-17705, 17709, 17811; Aco Drača, T. 16811.
[4001] Mladen Karan, T. 17705-17706, 17892.
[4002] Slobodan Lazarević, T. 3295, 3327.
[4003] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), p. 12426; Slobodan Lazarević, T. 3297, 3310.
[4004] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), p. 12426; Slobodan Lazarević, T. 3406, 3408.
[4005] Slobodan Lazarević, T. 3406, 3408-3409.
[4006] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), p. 12427.
[4007] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), pp. 12434-12435.
[4008] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), p. 12356; Slobodan Lazarević, T. 3295.

Abdić's forces, the Serbian Special Police (200 men), the 39th SVK corps, the 15th SVK corps, and the 1st and 2nd Krajina corps of the VRS.[4009] When serving in Pauk, members of the 21st SVK corps were asked to remove their insignia. Other units engaged in Operation Pauk did similarly.[4010]

1963. **Mladen Karan** testified that among the groups temporarily re-subordinated to the Pauk command were Tactical Group 3, consisting of 100 men under the command of Rajo Božović, and Tactical Group 2, a brigade of 1000 Fikret Abdić men under the command of Milorad Ulemek, a.k.a. Legija.[4011] The witness was informed by the Main Staff security section that Legija had been sent to train Fikret Abdić's forces at Milan Martić's request. Based on this information from his superiors and on the understanding that Legija was under the command of the Vukovar Corps under General Dušan Lončar, the witness concluded that Legija was a member of the 11th Corps.[4012] Tactical Groups 2 and 3 operated within the Pauk context from May until the end of Operation Pauk in 1995, but the witness did not know whether Božović and Legija remained until the end.[4013] The witness testified that the SDG and the Skorpions were officially under the command of 11th Corps SVK, under General Bogdan Sladojević and later General Dušan Lončar.[4014]

1964. **Aco Drača** testified that the FRY sent a convoy with assistance in the form of uniforms, food, and technical equipment, but no weapons were provided. Žika Ivanović, with a group of about 10-15 men arrived with the convoy, and later Milorad Ulemek also came with about 12 men; they were supposed to train Abdić's forces.[4015] Another unit that arrived with the convoy, which the witness believed was an anti-terrorist unit of the Serbian MUP, was tasked with providing security to the facilities in Magarčevac and did not take part in combat activities.[4016] The instructors that arrived with the convoy joined tactical groups on the front; in the meantime Rajo Božović replaced Ivanović.[4017] The witness testified that at the request of Milan Milanović, the 11th Corps sent the Skorpions and a group led by Ulemek to Operation Pauk, but the 11th Corps did not send its own battalions to this operation.[4018] To the

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[4009] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), pp. 12357, 12422, 12426; Slobodan Lazarević, T. 3295, 3303, 3404.
[4010] P224 (Slobodan Lazarević, Slobodan Milošević transcript, 29-31 October 2002), pp. 12426-12428.
[4011] Mladen Karan, T. 17811-17812, 17813-17814, 17888.
[4012] Mladen Karan, T. 17728, 17812-17813.
[4013] Mladen Karan, T. 17851, 17889.
[4014] Mladen Karan, T. 17728-17730.
[4015] Aco Drača, T. 16812-16815, 16829.
[4016] Aco Drača, T. 16824-16825, 16830-16831.
[4017] Aco Drača, T. 16816-16817.
[4018] Aco Drača, T. 16881-16883.

knowledge of the Krajina DB, there was a battalion or a brigade of the 11th Corps based in Mirkovci, close to Opatovci and Đeletovci, but the Skorpions unit, which was based in Đeletovci, was not under the 11th Corps. The witness further testified that only the units under the 11th Corps Command could have been stationed in this area. In that respect he accepted that Đeletovci and Mirkovci were in the same region, but he believed Mirkovci was of strategic importance to the SVK defence.[4019]

1965. The Trial Chamber will now move to the evidence received in relation to the Skorpions' alleged participation in Operation Pauk. **Witness JF-024** testified that in the beginning of November 1994, the Skorpions participated in a coordinated attack, involving Fikret Abdić's forces and the SVK, commanded by General Dušan Lončar, on Bugari, an enclave of Bihać in Bosnia-Herzegovina.[4020] The witness testified that Milan Milanović, a.k.a. Mrgud, and General Lončar issued orders for the operation to Slobodan Medić.[4021]

1966. In the beginning of April 1995 until 12 April 1995, approximately 150 Skorpions and Fikret Abdić's forces participated in a two-week operation in the area of Velika Kladuša, near the village of Vrnograča in Bosnia-Herzegovina.[4022] The Skorpions had local police guides when they were crossing over from the RSK to the territory controlled by Fikret Abdić.[4023] The Skorpions were sent to replace the Dvor Na Uni TO unit that had been fighting against the ABiH.[4024] The operation was planned by Milorad Ulemek, a.k.a. Legija, who also commanded Fikret Abdić's forces, General Mile Novaković from the SVK, Milan Milanović, a.k.a. Mrgud, and Slobodan Medić.[4025] During the operation, Milanović issued orders to

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[4019] Aco Drača, T. 16875-16877.
[4020] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 51-53; P2149 (Witness JF-024, witness statement, 7 October 2010), para. 2; P2151 (Photos taken by Witness JF-024 with descriptions), p. 6; P2152 (Photos taken by Witness JF-024), p. 45.
[4021] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 51, 55; Witness JF-024, T. 11103-11105, 11172.
[4022] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 57-58, 63; P2149 (Witness JF-024, witness statement, 7 October 2010), paras 2, 8, 15, 25; Witness JF-024, T. 11173; P2151 (Photos taken by Witness JF-024 with descriptions), p. 5; P2152 (Photos taken by Witness JF-024), pp. 28, 41; P2153 (Witness JF-024 comments on Pauk Video and Scorpion Video), p. 1.
[4023] Witness JF-024, T. 11193-11194; P2153 (Witness JF-024 comments on Pauk Video and Scorpion Video), p. 6; P2161 (Video of Trnovo Skorpion operation); D225 (Video still from Skorpion Video).
[4024] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 58; P2149 (Witness JF-024, witness statement, 7 October 2010), para. 7.
[4025] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 58-59; P2149 (Witness JF-024, witness statement, 7 October 2010), paras 9, 12, 14; Witness JF-024, T. 11172; P2151 (Photos taken by Witness JF-024 with descriptions) pp. 7-10; P2152 (Photos taken by Witness JF-024), pp. 16-23; P2153 (Witness JF-024 comments on Pauk Video and Scorpion Video), p. 1; D224 (Video still of Mile Novakovic and Milorad Ulemek).

Ulemek.[4026] According to the witness, Ulemek had a higher position of authority than Medić.[4027]

1967. **Witness JF-029** testified that the RSK President and the SVK Main Staff deployed up to 35 SVK units from the SAO SBWS, which he said included the Skorpions, in cycles to assist SVK units in the southern Knin part of the Krajina and the VRS in Bihać, Kladuša, and Trnovo.[4028] While in Bihać, they were commanded by General Mile Novaković, commander of Operation Pauk, and the headquarters were in Kladuša.[4029] From 1994 to 1995, the Skorpions participated in Operation Pauk in Velika Kladuša, Bihać, in Bosnia-Herzegovina, led by General Lončar and under the command of General Novaković.[4030] The witness testified that he had no information about the role of the Serbian MUP in this operation.[4031] After a short time, the witness observed that all 300 men of the Skorpions unit became sick and Medić, in agreement with Novaković, ordered the unit to withdraw from Operation Pauk.[4032]

1968. **Petar Djukić** testified that the RSK had an agreement with the Bosnian-Serb Republic to supply operations in support of Western Bosnia and Fikret Abdić.[4033] The SVK 11th Corps sent the Skorpions to Kordun to reinforce Abdić.[4034]

1969. The Trial Chamber will now consider the evidence regarding the deployment and the participation of the SDG in Operation Pauk. In this respect, **Witness JF-057,** a Serb from Serbia,[4035] testified that on 4 and 18 November 1994, Arkan gathered men from the former SDG at the Belgrade headquarters.[4036] Arkan later told the witness that around 4 November 1994, Frenki had told him that Arkan needed men to re-supply his unit to assist in a mission.[4037] Each of the men who arrived at the headquarters had to turn in their personal ID's and belongings, which would be recorded and kept for them until they returned.[4038] The SDG

[4026] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 62.
[4027] Witness JF-024, T. 11035.
[4028] Witness JF-029, T. 10128-10129, 10159-10161, 10173, 10194.
[4029] Witness JF-029, T. 10128-10129.
[4030] Witness JF-029, T. 10050, 10129; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 96-97.
[4031] Witness JF-029, T. 10050-10051.
[4032] Witness JF-029, T. 10129-10130.
[4033] Petar Djukić, T. 18046.
[4034] Petar Djukić, T. 17995, 18040.
[4035] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 2.
[4036] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; Witness JF-057, T. 9359-9360, 9455.
[4037] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; 1618 (Witness JF-057, *Prior testimony*), p. 19460.
[4038] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6; Witness JF-057, T. 9359-9360.

members left in cars, which the witness identified as MUP cars, because of the blue colour of their license plates and the letter M.[4039] The witness later found out that the mission in question was in Velika Kladuša and was also known as Operation Pauk.[4040] The witness believed that the 19 November 1994 entry in the Pauk Command Operations logbook about the arrival of 30 men for Legija, referred to the arrival of the SDG members dispatched from the SDG headquarters in Belgrade.[4041] **Borislav Pelević**, a member of the SDG since 10 January 1992,[4042] testified that the SDG were re-activated when their instructors left for Velika Kladusa in November 1994.[4043]

1970. **Witness JF-057** further testified that Arkan's SDG members did not wear their Tiger badges during the operation.[4044] Of the approximately 60 SDG members that took part in the Velika Kladuša operation, the witness recalled the following: Milorad Ulemek a.k.a. Milorad Luković or Legija, Ranko Poletan, Dušan Gajić, Dragan Petrović, a.k.a. Kajman, Boris Batez, Saša Ašćerić, a.k.a. Asterix, Slobodan Stojančević, a.k.a. Laki, Saša Milaković, Nebojša Đorđević, Mihajlo Ulemek, Jovica Stojisavljević, Zoran Stojanović, Rade Rakonjac, Mladen Šarac, Jugoslav Simić, Svetozar Pejović, Željko Stanivuković, Nebojša Stojiljković, Žarko Aleksić, a.k.a. Marinac, Cica Pera, and Dimitrije Jašek, a.k.a. Mita and Jugoslav Mićić, a.k.a. Juga (both killed during the operation).[4045] The Serbian DB also lost a high-ranking officer, Kojić or Konjić, also referred to as "Kole", in the Velika Kladuša operation.[4046]

1971. Following their training at Mount Tara, the SDG, together with a group of members of "Frenki's men", went to Velika Kladuša and trained Fikret Abdić's men, and later also fought along side them.[4047] During the Velika Kladuša operation, from which the SDG came back sometime in August 1995, the Tigers were led by Milorad Ulemek. [4048] Arkan himself never went to Velika Kladuša, as he was too well known to personally lead the mission, but some SDG members and Slađana, Simatović's secretary, told the witness that Simatović was often

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[4039] Witness JF-057, T. 9360.
[4040] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 2; P1645 (Map annotated by Witness JF-057).
[4041] P1620 (Charts of exhibits commented on by Witness JF-057, 22 November 2010), p. 1.
[4042] Borislav Pelević, T. 16319, 16321-16322, 16515.
[4043] Borislav Pelević, T. 16398.
[4044] Witness JF-057, T. 9584-9585.
[4045] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1617 (Witness JF-057, witness statement, 29 November 2002), pp. 2-3; P1618 (Witness JF-057, Prior testimony), pp. 19464, 19468, 19561-19562.
[4046] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6; P1618 (Witness JF-057, *Prior testimony*), p. 19468.
[4047] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1618 (Witness JF-057, *Prior testimony*), pp. 19546-19547, 19562; Witness JF-057, T. 9584.
[4048] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6; P1618 (Witness JF-057, Prior testimony), pp. 19461, 19465; Witness JF-057, T. 9480.

present in Velika Kladuša.[4049] Some of Arkan's Tigers told Witness JF-057 they believed the Pauk operation had been run under the supervision of the DB.[4050]

1972. Witness JF-057 testified that during the Velika Kladuša/Pauk operation as well as the Treskavica operation, there was telephone contact between Arkan and Simatović, about twice a week. When Arkan called Simatović, he did so in two different ways. Either someone from Arkan's staff called Simatović's secretary and asked for Simatović; Simatović would then call Arkan back on his direct line.[4051] The other way was that someone from Arkan's staff called a number, mentioned the word "Pauk", whereupon Arkan would be transferred to Simatović.[4052] Witness JF-057 testified that "there was never any paperwork between Arkan and Frenki […].This war was being directed from the telephone".[4053] Slađana notified the SDG headquarters when SDG members, who were on leave in Belgrade from Velika Kladuša, would have to return on duty for this operation.[4054] During the Velika Kladuša operation, the communication between the SDG unit who participated in the operation and the SDG went through the Serbian DB.[4055] Slađana would also pass on parcels to individual SDG members in Velika Kladuša.[4056]

1973. Witness JF-057 testified that after the Pauk operation, Milorad Ulemek returned with his group to Erdut and Rajo Božović was supposed to take his group to Belgrade.[4057] In November 1995, Mihajlo Ulemek gave an interview to a Belgrade magazine "Intervju" in which he disclosed details regarding the Velika Kladuša operation, the training of Fikret Abdić's men, and other matters.[4058] The witness testified that, afterwards, Simatović called

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[4049] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6.
[4050] Witness JF-057, T. 9582.
[4051] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1618 (Witness JF-057, Prior testimony), p. 19446, 19449; P1619 (Witness JF-057, Memorandum of amendments made to prior statements and testimony, 22 November 2010), p. 1.
[4052] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1618 (Witness JF-057, *Prior testimony*), pp. 19446, 19463.
[4053] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3.
[4054] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6; P1618 (Witness JF-057, *Prior testimony*), p. 19466; Witness JF-057, T. 9618.
[4055] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8; Witness JF-057, T. 9362.
[4056] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 10; P1618 (Witness JF-057, Prior testimony), pp. 19466-19467.
[4057] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 7.
[4058] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 5; Witness JF-057, T. 9362-9363.

Arkan and asked him "what did your fool do?"[4059] Mihajlo Ulemek was then called to go to Arkan's office, where Arkan yelled at him.[4060]

1974. The Trial Chamber has also received evidence from two witnesses in relation to the SDG's involvement in Operation Pauk. **Witness JF-035**, a Serb from Bosnia-Herzegovina,[4061] testified that in mid-August 1994, Arkan gathered approximately 50 former SDG members and former members of the Super Tigers at his main office in his headquarters based in a villa opposite the Crvena Zvezda football stadium in Belgrade. On arrival, their ID documents were taken away.[4062] Witness JF-035 testified that it was standard procedure for the Serbian MUP to request this when Arkan's men were sent to the front line.[4063] Witness JF-035 testified that Arkan told the men they would be placed under a new command, but he did not reveal any details at that stage. He emphasised that they were not to reveal that they were Arkan's men to anyone. The group would be commanded by Milorad Ulemek, a.k.a. Legija.[4064] The operation they would be involved in was Operation Pauk.[4065]

1975. Several days after their training at the Red Berets Training Centre at Mount Tara, Arkan's men were put into buses again and were sent back to Belgrade. From Belgrade, a column including some ten buses (carrying equipment and personnel), and police cars went to Petrova Gora.[4066] Arkan's men crossed the border on a bridge, despite the embargo.[4067] A person with the nickname "Frenki", who the witness was told was the leading or main commander of the Red Berets, had his headquarters located close to a World War Two memorial centre called Partisan Hospital.[4068] Arkan's men spent two nights there. They were re-issued military equipment and received red berets with a badge with a sword and four

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[4059] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 5; P1618 (Witness JF-057, *Prior testimony*), p. 19580; P1619 (Witness JF-057, Memorandum of amendments made to prior statements and testimony, 22 November 2010), p. 1.
[4060] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 5; Witness JF-057, T. 9362-9363.
[4061] P494 (Witness JF-035, witness statement, 18 October 2000), p. 2; P495 (Witness JF-035, supplemental witness statement, 6 May 2001), p. 1; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12231.
[4062] P494 (Witness JF-035, witness statement, 18 October 2000), p. 16; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12192; Witness JF-035, T. 5415-5416, 5435.
[4063] Witness JF-035, T. 5415.
[4064] P494 (Witness JF-035, witness statement, 18 October 2000), p. 16.
[4065] P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12203; Witness JF-035, T. 5419-5420.
[4066] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), pp. 12193-12196.
[4067] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12195.
[4068] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12197; Witness JF-035, T. 5418-5419.

Cyrillic Ss, which they used "toward the end of the first mission".[4069] From that moment onwards, Arkan's men worked under the overall command of the Red Berets and were supposed to identify themselves as Special Police, but they were instructed never to admit they came from Serbia in case they ran into trouble.[4070] They did not identify themselves as Arkan's men because Fikret Abdić's Army, who were Muslims, did not like Arkan.[4071]

1976. Witness JF-035 testified that Milorad Ulemek instructed Arkan's men to collaborate with Fikret Abdić's army in order to fight against the ABiH, particularly the ABiH 5th Corps, and take control of Bihać and Velika Kladuša.[4072] Arkan's men and members of the Red Berets were also ordered to train Fikret Abdić's army and prepare them for upcoming battles. Later, Arkan's men were deployed in the village of Ahovo and actively participated in battles as a part of the Velika Kladuša offensive. The witness testified that "Fikret Abdić's part of Bosnia" was split up into two operational zones, one was controlled by Rajo Božović and the other was controlled by Milorad Ulemek.[4073] Milorad Ulemek's, bodyguards were Mladen Šarac and Boban Gojaković.[4074] The following were commanded by Milorad Ulemek: (1) The training centre for new recruits called Surovi, under Nenad Bujošević, a.k.a. Veliki Rambo, and Vladan Panić, a.k.a. Pana, as his deputy.[4075] Other instructors were Jugoslav Gluščević, a.k.a. Jugo, Novica Negović or Njegović, persons nicknamed "Valjevac" and "Mali Rambo", Dejan Gjović, a.k.a. Srna, and a man called Batez. (2) A support unit, commanded by Colonel Rade Rakonjac. (3) A group in charge of logistics. (4) A military police intervention platoon. (5) The border police headed by Božidar Cakić, a.k.a. Bugar or Bugi. (6) Mihajlo (Mile) Ulemek, officer in charge of interrogation of prisoners, who was a member of the Red Berets unit commanded by Milorad Ulemek.[4076]

1977. Witness JF-035 testified that Milorad Ulemek, as well as other "high ranking officers" would go to Petrova Gora for daily coordination meetings, and people said that they met up

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[4069] P494 (Witness JF-035, witness statement, 18 October 2000), p. 17; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), pp. 12196-12197, 12208; Witness JF-035, T. 5420.
[4070] P494 (Witness JF-035, witness statement, 18 October 2000), p. 18; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12208.
[4071] P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12208; Witness JF-035, T. 5420.
[4072] P494 (Witness JF-035, witness statement, 18 October 2000), p. 18; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12198, 12256; Witness JF-035, T. 5481.
[4073] P494 (Witness JF-035, witness statement, 18 October 2000), p. 18; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), pp. 12204-12205, 12209.
[4074] P494 (Witness JF-035, witness statement, 18 October 2000), p. 19; Witness JF-035, T. 5421.
[4075] P494 (Witness JF-035, witness statement, 18 October 2000), p. 19; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12205; P499 (Report of Muhamed Cović on the visit to the Surovi Recruit Training Centre, 11 March 1995), p. 1.
[4076] P494 (Witness JF-035, witness statement, 18 October 2000), p. 19.

with Frenki there.[4077] The witness personally met Frenki once in Petrova Gora during Operation Pauk in 1994.[4078] The witness believed that during Operation Pauk Milorad Ulemek had private telephone calls with Arkan over losses or wounded persons, requests for uniforms, and requisitioning of materials.[4079] The witness testified that Milorad Ulemek would receive instructions from RSK General Mile Novaković and passed them on to his troops.[4080]

1978. The witness testified that after initial fighting at Velika Kladuša, Arkan's men and the Red Berets were sent to various training centres where they continued training members of Fikret Abdić's army, but did not directly participate in battles. "Frenki" had ordered that Red Berets members would not directly participate in further battles, and the witness heard that the reason was that it was difficult to justify in reports why Serbs from Serbia had died in a Bosnian battlefield. Three persons were killed in the operations: a person called Jugoslav, a.k.a. Jugo, and Colonels nicknamed "Mita" and "Kole".[4081] Kole was a commander of "the special police unit" stationed in the Erdut barracks.[4082] After breaking out of enemy encirclement at Petrova Gora, Arkan's men returned to Erdut, where they were given back their identification papers which they had handed over before the commencement of Operation Pauk.[4083]

1979. **Witness JF-027**, a Croatian ethnic Serb and a former member of the SDG,[4084] also testified about the SDG's involvement in Operation Pauk, providing evidence which was in essence consistent with that of Witness JF-035 above, about the SDG's deployment and the training given to Abdić's forces.[4085] Regarding the time frame of the events, the witness testified that Arkan gathered the SDG members in Belgrade in October or November 1994.[4086] He further added that during Operation Pauk, the SDG was in Bosnia-Herzegovina "as part of the Red Berets". They were divided into two tactical groups, both under the Pauk

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[4077] P494 (Witness JF-035, witness statement, 18 October 2000), p. 19; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12211.
[4078] P494 (Witness JF-035, witness statement, 18 October 2000), p. 19; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12211; Witness JF-035, T. 5419, 5496.
[4079] Witness JF-035, T. 5420.
[4080] Witness JF-035, T. 5493.
[4081] P494 (Witness JF-035, witness statement, 18 October 2000), p. 18; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), pp. 12199-12201, 12203-12204, 12293; P235 (Pauk Command Operations Logbook, 16 November 1994-25 May 1995), pp. 13, 24.
[4082] P494 (Witness JF-035, witness statement, 18 October 2000), p. 18; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), pp. 12199-12200.
[4083] P494 (Witness JF-035, witness statement, 18 October 2000), p. 20; Witness JF-035, T. 5435.
[4084] P1596 (Witness JF-027, witness statement, 27 February 2004), p. 1, para. 7; Witness JF-027, T. 8887, 8890, 8971.
[4085] P1596 (Witness JF-027, witness statement, 27 February 2004), paras 11, 14-17, 19, 21; P1597 (Witness JF-027, witness statement, 8 November 2010), p. 1; Witness JF-027, T. 8925, 8927-8929, 8932-8933.
[4086] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 11.

Command: the Tactical Group 1 was commanded by Božović of the Red Berets, and the second, by Legija of the SDG.[4087] Tactical Group 1 was made up of Rajo Božović's men.[4088] Riki, from Krajina, was Božović's deputy.[4089] Rade Rakonjac was Legija's deputy.[4090] During Operation Pauk, the Red Berets, the SDG, and the Skorpions worked side by side in close cooperation.[4091] **Witness JF-048**, a former member of the Red Berets,[4092] testified that the Red Berets cooperated with Boca's unit, but he did not think that Boca's unit was affiliated with the SDB or Arkan's Tigers.[4093]

1980. The Trial Chamber will now move to the evidence received in relation to the Red Berets' participation in Operation Pauk. **Witness JF-057** testified that during Operation Pauk, the Serbian DB unit – the Red Berets – was led by Rajo Božović, member of the Serbian DB.[4094]

1981. **Dejan Slišković** testified that in mid-September 1994, the witness's unit loaded their vehicles and travelled by bus to Petrova Gora, in Vojnić municipality, in a convoy which included volunteer units from Serbia, Montenegro, and Bosnia-Herzegovina, as well as members of the reserve paramilitary formations of the JATD, and Arkan's Tigers.[4095] The convoy was joined by JATD artillery vehicles which had been stationed at Tara.[4096] During the trip, Draško Suvara told the witness that Žika Crnogorac had told him that Franko Simatović was in the vehicle which led the convoy.[4097] The JATD's Gazelle and Bell Ranger helicopters were also transported to Petrova Gora. When taking part in reconnaissance, security, and attacks against the Bosnian 5th Corps, the JATD had air support from their own Gazelles.[4098] The witness and others were told to avoid members of the VJ in Bosnia-Herzegovina.[4099]

[4087] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 24; Witness JF-027, T. 8878, 8925, 8933-8934, 8980.
[4088] Witness JF-027, T. 8885, 8933-8934.
[4089] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 24; Witness JF-027, T. 8934.
[4090] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 24.
[4091] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 25.
[4092] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 1-2, 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14576.
[4093] P523 (Witness JF-048, witness statement, 6 May 2000), p. 11; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14586.
[4094] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6; P1618 (Witness JF-057, *Prior testimony*), pp. 19461, 19465; Witness JF-057, T. 9480.
[4095] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 6; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 25-29; Dejan Slišković, T. 5102-5105.
[4096] Dejan Slišković, T. 5103-5104.
[4097] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 28; Dejan Slišković, T. 5105.
[4098] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 13; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 43; Dejan Slišković, T. 5177-5178.
[4099] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 14.

1982. From mid to late September 1994 until the beginning of February 1995, the witness was assigned to providing security for Stanišić and Simatović at the communications centre at Magarčevac, near Petrova Gora, together with Milos Đukić and Nebojša Stanković.[4100] The witness saw Stanišić for the first time at this communications centre, and Stanišić asked the witness and other JATD members to secure his office, which he shared with Simatović and which was located on the first floor of the building.[4101] When the witness arrived, Franko Simatović, his secretary Slađana, Zvezdan Jovanović, and Dragan Leštarić were also present at the communications centre.[4102] Stanišić made Jovanović and Leštarić, who were his closest guards, commanders, and they reported to Stanišić.[4103] If the witness and others from his unit were travelling in the area, Slađana would telephone ahead to notify whoever controlled the checkpoints to let them through.[4104] The witness testified that during his time there, Stanišić and Simatović spent most of their time in the office.[4105] When Stanišić or Simatović were absent, Radonjić and Dragan Krsmanović were in charge.[4106] A topographic map of the region of Western Bosnia where the operations were taking place hung in the office, on which around 30 communications centres were marked.[4107] JATD members communicated with these centres at night in code.[4108] Persons working in communications at Magarčevac informed the witness that Stanišić had a direct satellite phone line to Milošević as well as a direct link with the Serbian MUP headquarters in Belgrade.[4109] Miroslav Kurak drove Stanišić and Simatović in a black Mercedes Puch all-terrain vehicle.[4110]

1983. At the communications centre, the witness saw Stanišić and Simatović meet with Milan Martić, Fikret Abdić, Milorad Ulemek a.k.a. Legija, Stojan Župljanin, and many army officers. According to the witness, Legija's first deputy in Velika Kladuša was Šarac.[4111] The witness overheard many military exercises in Bosnia-Herzegovina being planned in the office

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[4100] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 7; P441 (Dejan Slišković, witness statement, 8 April 2010), paras 30-31, 37, 99; Dejan Slišković, T. 5107-5108, 5174, 5182.
[4101] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 30, 32-33, 37; Dejan Slišković, T. 5106-5107.
[4102] Dejan Slišković, T. 5107.
[4103] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 30-31; Dejan Slišković, T. 5107.
[4104] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 7; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 52.
[4105] Dejan Slišković, T. 5108.
[4106] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 11; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 42.
[4107] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 33-34; Dejan Slišković, T. 5109.
[4108] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 34.
[4109] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 9; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 35.
[4110] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 31.
[4111] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 8; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 46.

and heard those present there using the word Pauk, which he believed referred to a military operation carried out in the area at the time.[4112] The witness observed Legija meet Stanišić and Simatović on at least three occasions, for briefings in the communication centre near Petrova Gora.[4113] Legija would wear a uniform and a beret with the same insignia the JATD had.[4114] **Goran Stoparić** confirmed that in Velika Kladuša, Arkan's Tigers wore JSO/Red Beret insignia.[4115] **Dejan Slišković** assessed, based on the communications and interaction he observed between Stanišić, Simatović, and Legija, that Legija was subordinate to them.[4116] In November 1994, the witness observed Milan Martić meet with Stanišić and Simatović in Petrova Gora. In December 1994, the witness observed Martić and Mladić meet with Stanišic and Simatović.[4117]

1984. In the second half of November 1994, when standing outside the building, near an open window of the office which Stanišić and Simatović shared, the witness overheard Legija asking for permission to attack Kladuša, stating that he would be able to mount a frontal attack and take the position, and heard Abdić answering that it should be a classical infantry attack and that he did not want a single building destroyed.[4118] The witness then heard Simatović state that everything would happen as they had agreed.[4119] On one occasion, at the command centre in Petrova Gora, in the presence of the witness's infantry unit, Simatović said that this was the last time they would be deployed, after which they could return to Serbia.[4120]Sometime in February 1995, the witness was deployed to Široka Rijeka, a command post five kilometres north of Velika Kladuša.[4121] Stanišić visited this command post regularly.[4122] The witness was discharged from the JATD in May 1995 and joined the VJ.[4123]

1985. **Dejan Plahuta**, a.k.a. Svabo, a former member of the JATD and member of the JSO,[4124] testified that from April until the end of July 1995 he was in Petrova Gora, where he was sent at the order of Dragoslav Krsmanović; Milan Karapandža was the witness's superior

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[4112] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 8; Dejan Slišković, T. 5179.
[4113] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 47; Dejan Slišković, T. 5125, 5194, 5250.
[4114] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 47.
[4115] P1702 (Goran Stoparić, witness statement, 24 November 2003), para. 89; Goran Stoparić, T. 10504.
[4116] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 46; Dejan Slišković, T. 5126.
[4117] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 49; Dejan Slišković, T. 5126-5128.
[4118] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 8; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 37; Dejan Slišković, T. 5125-5126, 5250.
[4119] Dejan Slišković, T. 5125-5126, 5251.
[4120] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 58.
[4121] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 12; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 55.
[4122] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 12.
[4123] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 21; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 64; Dejan Slišković, T. 5249-5250.

throughout his stay in Petrova Gora. There were between 15 and 20 JATD members in Petrova Gora, providing security for the facilities where communications equipment for electronic reconnaissance was stored. The witness saw Simatović in Petrova Gora two or three times, probably in May 1995.[4125] On the first occasion, Simatović arrived with Karapandža, who told the witness that Simatović was an operative and that he was sent to unify the communication system at Petrova Gora.[4126] At Petrova Gora, the witness met some future JATD members such as Mića Petraković, Zoran Gulić, and Dušan Momćilović, who, according to the witness, were members of the RSK Glina police at the time.[4127] The witness provided fuel to them on one occasion. He later met them in 1996 at the Kula centre.[4128]

1986. The witness testified that two tactical groups were subordinated to the Pauk Command and neither consisted of JATD members.[4129] The Tactical Group 2, under the commanded of Milorad Ulemek, a.k.a Legija, was located in a school building in Velika Kladuša. The school was used as a training centre for the troops of Fikret Abdić, a.k.a. Babo, which were known as Babo's Youth, Cherokees, or Surovi. Legija was responsible for the centre.[4130] Tactical Group 3 was commanded by Rajo Božović.[4131] The command was located in the town of Velika Kladuša.[4132] The witness met both Legija and Božović while he was at Petrova Gora, but he did not collaborate with them.[4133] Karapandža told the witness that Legija and Božović were under the direct command of the Pauk Command.[4134]

1987. According to a 6 February 1995 Serbian DB JATD report, from 10 December 1994 to 1 February 1995, the JATD 1st Combat Group was engaged in the following activities: providing security for the Magarčevac facility and the officer corps, escorting convoys, laying an ambush, reconnaissance in Plješevica (Dragan Filipović is mentioned here, among others), and sniping operations in Velika Kladuša. The Report further mentioned issuing equipment and weapons to Radojica Božović, Zoran Raić, and Vasilije Mijović.[4135]

[4124] Dejan Plahuta, T. 19303, 19305, 19307.
[4125] Dejan Plahuta, T. 19350-19353, 19413.
[4126] Dejan Plahuta, T. 19353, 19413.
[4127] Dejan Plahuta, T. 19362-19364.
[4128] Dejan Plahuta, T. 19364.
[4129] Dejan Plahuta, T. 19354-19355, 19357, 19436.
[4130] Dejan Plahuta, T. 19354-19355; D863 (Report regarding the visit in the Surovi Recruit Training Centre, signed by Muhamed Čović, 11 March 1995), p. 1.
[4131] Dejan Plahuta, T. 19354, 19357.
[4132] Dejan Plahuta, T. 19354-19355, 19357.
[4133] Dejan Plahuta, T. 19354, 19515, 19436.
[4134] Dejan Plahuta, T. 19515-19516.
[4135] P3024 (Report to the Serbian DB JATD, 6 February 1995, signed by Janko Kereš), pp. 1-5.

1988. The Trial Chamber will now move to consider further evidence concerning the involvement of the Accused in Operation Pauk. **Slobodan Lazarević** testified that he was on the ground and could observe that any police structure on the ground in the RSK, including the Pauk commanders, were ultimately responsible to Jovica Stanišić.[4136] Simatović and Rajko Božović were Stanišić's direct subordinates and "right hands".[4137]

1989. **Witness JF-027** further testified that in early May 1995, he observed a man who the other officers referred to as "Frenki", at the headquarters of Abdić's army in Velika Kladuša.[4138] The man met Božović and Legija, who addressed him as "Boss". The witness later recognized this man as Franko Simatović when he saw him in the media at or just after the end of the war, around late 1995 or early 1996.[4139] On one occasion, the witness saw a Red Beret officer in Velika Kladuša, who other members told him was called Vaso Mijović who held a high position, superior to Božović's.[4140] Sometime between early May and August 1995, Legija went to Petrova Gora, where he told the witness he met "the Boss", which the witness understood to mean Franko Simatović.[4141] The witness learnt that Božović had also been present at that meeting.[4142] The witness believed Simatović was the commander of the Red Berets.[4143] Members of the SDG told the witness that on several occasions, Legija and Božović went to Belgrade by helicopter and met with Simatović and Jovica Stanišić.[4144] Legija also met Abdić in Velika Kladuša.[4145] The witness further testified, based on what Legija told him, that Legija attended some meetings with Novaković.[4146]

1990. The Trial Chamber has also received documentary evidence referring to the Accused and their participation in Operation Pauk. The Pauk Command Operations Logbook entries of 16 and 18-19 November 1994 state that Stanišić informed the commander that Muslims were bringing weapons; that Pauk must go and see Jovica, and that Pauk talked to Jovica about rifles.[4147] An entry of 18 November 1994 records: "Frenki requests that Alatuša and Plazikur be the first targets. Do the job with 82-mm mortars. Do the job with our coordination. What I

[4136] Slobodan Lazarević, T. 3292.
[4137] Slobodan Lazarević, T. 3307, 3310, 3326.
[4138] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 22, 27-28; Witness JF-027, T. 8941-8943.
[4139] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 22; P1597 (Witness JF-027, witness statement, 8 November 2010), p. 2; Witness JF-027, T. 8941-8943.
[4140] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 23.
[4141] P1596 (Witness JF-027, witness statement, 27 February 2004), paras 27-28; Witness JF-027, T. 8879, 8944.
[4142] Witness JF-027, T. 8879.
[4143] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 51.
[4144] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 29.
[4145] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 28.
[4146] Witness JF-027, T. 8981.

am sending, I will send to Ramići. When you get to Alatuša, open fire on Plazikur. Frenki is talking to Božović. […].[4148] Another entry later that day records: "Frenki is looking for Božović to insert our forces (MUP)".[4149]

1991. On 6 April 1995, Mladić made notes of a meeting that he attended with General Perišić, Stanišić, and Gvero.[4150] Milovanović testified that, in his opinion, and based on their subject matter, the notes record statements made by Stanišić to Mladić.[4151] According to Mladić's notes, Stanišić stated that they transported "stuff" and cisterns of fuel for Pretis (the VRS ammunitions factory in Sarajevo), and that they transferred "everything for Martić".[4152] Stanišić also stated: "I sent 150 men from Slavonija through "Pauk"" and "we are looking for volunteers", and that the border crossing had to be done "quietly".[4153] Milovanović testified that, in his opinion, the reference to "Pauk" did not refer to Operation Pauk because of the time frame.[4154] The Trial Chamber notes, however, the witness's testimony above, that although halted, Operation Pauk restarted in mid-February 1995. At a 13 June 1995 meeting with Slobodan Milošević and Fikret Abdić, in which the fighting in the Bihać area and logistical issues were discussed, Mladić made notes of an individual identified as "JS" who stated that he could find 120 men from the eastern sector who could arrive in seven days.[4155] "JS" also stated that he gave 80 men from Erdut and 80 from Đeletovci.[4156] Furthermore, "JS" proposed that Mladić arrange with the 1st and 2nd Krajina Corps to find men to replace the 400 from Pećanac and give them to General Mrkšić, and that a volunteer battalion be formed and engaged in 10 days, equipped by General Perišić.[4157] An individual recorded as "SM" stated that a decision was made to subordinate the Pauk Command to Mrkšić, and that "Jovica should resolve logistics problems" and the VRS would address the holding up of convoys.[4158]

1992. In his 17 January 1995 instructions to the commands of the units involved in Operation Pauk, Čedomir Bulat, Chief of Staff of the Pauk Command requested, *inter alia*, that

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[4147] P235 (Pauk Command Operations Logbook, 16 November 1994-25 May 1995), pp. 1, 5, 10, 13, 16-17.
[4148] P235 (Pauk Command Operations Logbook, 16 November 1994-25 May 1995), p. 11.
[4149] P235 (Pauk Command Operations Logbook, 16 November 1994-25 May 1995), p. 13.
[4150] Manojlo Milovanović, T. 4441; P394 (Excerpt from Mladić notebook titled "Meeting with General Perišić and J. Stanišić", 6 April 1995), p. 72.
[4151] Manojlo Milovanović, T. 4443-4444, 4447.
[4152] Manojlo Milovanović, T. 4440; P394 (Excerpt from Mladić notebook titled "Meeting with General Perišić and J. Stanišić", 6 April 1995), p. 73.
[4153] P394 (Excerpt from Mladić notebook titled "Meeting with General Perišić and J. Stanišić", 6 April 1995), p. 73.
[4154] Manojlo Milovanović, T. 4443.
[4155] P394 (Excerpt from Mladić notebook titled "Meeting with President Milosević", 30 June 1995), pp. 207-208.
[4156] Manojlo Milovanović, T. 4454; P394 (Excerpt from Mladić notebook titled "Meeting with President Milosević", 30 June 1995), p. 208.
[4157] P394 (Excerpt from Mladić notebook titled "Meeting with President Milosević", 30 June 1995), p. 209.

information about the MUP units and the Bosnian-Serb Republic units involved in the Pauk operations be provided to the Command.[4159] On 1 July 1995, the SVK Pauk Command addressed a combat report to the Serbian MUP, for the attention of "J. Stanišić".[4160] On 31 July 1995, the RSK MUP Special Units Administration informed the Serbian MUP Police administration of the wounding of five persons on 30 July 1995.[4161]

1993. According to an intercept of a telephone conversation where, *inter alia*, fighting in Velika Kladuša was discussed, an unknown "Speaker C" stated that Legija and Božović were now trained and could be "inserted", so that they experience combat a bit. "Speaker C" further said: "in Kladuša, which we have liberated, we did not take a single of their corpses". In this conversation, unknown "Speaker A" refers to "Speaker C" as "Jovica".[4162]

1994. The Trial Chamber will now move to the evidence received in relation to the role of the Accused in setting up radio surveillance and collecting intelligence during Operation Pauk. **Aco Drača** testified that Simatović came to Petrova Gora after the arrival of the convoy with equipment and instructors, and left for Plješevica the next day.[4163] The purpose of his visit was to upgrade the radio reconnaissance system at Magarčevac-Petrova Gora and Čelavac-Plješevica.[4164] In the period between October and December 1994, Drača occasionally met Simatović at Petrova Gora and they exchanged relevant intelligence information.[4165]

1995. **Mladen Karan** testified that Simatović was in charge of an electronic surveillance group stationed at Petrova Gora, where the witness saw him on approximately three occasions, and that his function was evidenced by his headphones and specially equipped vehicle.[4166] The witness did not know whether materiel and technical equipment - "MTS"- was sent to Velika Kladuša, but electronic surveillance equipment from Serbia was installed at the site.[4167] In his capacity as chief of security of the 21st Corps the witness went to Topusko several times during the Pauk Operation and prior to Operation Storm, but never

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[4158] P394 (Excerpt from Mladić notebook titled "Meeting with President Milosević", 30 June 1995), pp. 206-207.
[4159] P236 (Instructions on how to provide information on the state of weapons and ammunition sent to the Pauk Command units, signed by Čedomir Bulat, 17 January 1995).
[4160] P1302 (Combat report to the Serbian MUP, signed by Mile Novaković, 1 July 1995).
[4161] P1303 (Information to the Serbian MUP Police Administration by Boško Dražić, 31 July 1995).
[4162] P2949 (Intercept of a telephone conversation), pp. 18, 20-21.
[4163] Aco Drača, T. 16812, 16818.
[4164] Aco Drača, T. 16818-16819.
[4165] Aco Drača, T. 16819.
[4166] Mladen Karan, T. 17715-17716.
[4167] Mladen Karan, T. 17704-17707; D1485 (Extract from Mladić notebooks), pp. 47-48.

heard anything about offices of Simatović in Topusko.[4168] Karan testified that Simatović did not have an office at either the security section headquarters in Vojnić, or the Muljava hotel where the witness's office was.[4169] According to the witness, it would have been impossible for Simatović to be involved in electronic surveillance and command combat activities at the same time, and that if he indeed took part in the planning and commanding of Operation Pauk, the witness would have expected him to appear more than 15 times in the Pauk Command Operations Logbook.[4170]

1996. **Rade Vujović**, engineer and former chief of a department in 7th Administration of the Serbian SDB,[4171] testified that the SDB equipment for radio monitoring was stationed at Petrova Gora, at the border between Croatia and Bosnia-Herzegovina.[4172] In 1995, the witness collaborated with Stanišić in organizing intelligence posts at, *inter alia*, Pajzoš, Petrova Gora, and Plješevica.[4173]

1997. **Radivoje Mičić**, a former employee of the Serbian SDB,[4174] testified that the 2nd Administration of the DB received a great deal of radio reconnaissance from the area of Petrova Gora, and that Simatović took occasional week long trips to Petrova Gora at the end of 1994, and shorter and less frequent trips there in 1995.[4175]

1998. On the basis of the evidence received, the Trial Chamber finds that General Mile Novaković was Commander of Operation Pauk, launched against the ABiH forces in November 1994, and aimed at seizing control of a part of north-western Bosnia-Herzegovina declared by Fikret Abdić and his forces as the APZB. Tactical Group 2, headed by Milorad Ulemek, a.k.a. Legija, and Tactical Group 3, led by Radojica Božović were subordinated to Novaković's Pauk Command. The Pauk Command with General Mile Novaković, Čedo Bulat, and, *inter alia*, Jovica Stanišić and members of the MUP, was set up around November 1994, in or near Petrova Gora in Kordun, Croatia in parallel to the SVK Command located in

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[4168] Mladen Karan, T. 17757-17758.
[4169] Mladen Karan, T. 17758.
[4170] Mladen Karan, T. 17823-17832, 17890-17891; P3091 (Extract from the Pauk Command Operations Logbook, 18 November-27 December 1994).
[4171] Rade Vujović, T. 19562-19565.
[4172] Rade Vujović, T. 19602, 19667, 19680, 19758; P3160 (Map of a part of the Former Yugoslavia marked by Rade Vujović in court, 23 May 2012).
[4173] Rade Vujović, T. 19756.
[4174] Radivoje Mičić, T. 19773-19774, 19812, 19824; P3166 (Four Serbian MUP documents concerning Radivoje Micič, one unsigned, three signed by Jovica Stanišić, Milojka Vukičević, and Radivoje Micič, respectively, dated 10 June 1994, 19 November 1990, 1995, and 19 February 1997, respectively).
[4175] Radivoje Mičić, T. 19837-19838.

Slunj, in the Korenica region.[4176] In this respect, the Trial Chamber considers the Stanišić Defence allegations that in view of the 31 December 1994 entry in the Pauk Command Operations Logbook, as well as the evidence of Lazarević about the locations of two headquarters in Operation Pauk, one can conclude that the Pauk Command was not located in Petrova Gora.[4177] It is unclear which Supreme Command the Pauk Logbook is referring to, and, in light of all the other evidence indicating that the Pauk Command was in fact located at Petrova Gora, the Trial Chamber does not consider the Defence's interpretation of the above evidence to be reasonable. In view of Lazarević's testimony and SVK Communication P382, the Trial Chamber acknowledges that the Command of the SVK and the headquarters of other forces involved in the operation may have been located in the vicinity of Petrova Gora, and that, as Lazarević suggested, before Operation Pauk had started, in 1993, Petrova Gora headquarters was used for the purpose of another operation which was the precursor of Pauk. The Trial Chamber further finds that the parallel Command in Petrova Gora effectively took over the duties in the region, with the SVK command receiving unimportant or confusing reports on the situation in the area.

1999. The Trial Chamber will now consider the evidence on the involvement of the Skorpions in Operation Pauk. It will first examine the command of the Skorpions unit. On the basis of the evidence received,[4178] the Trial Chamber finds that Slobodan Medić, a.k.a. Boca, was the commander of the Skorpions from the unit's formation in late 1991 or early 1992 until at least late November 1995.

2000. In view of the evidence received,[4179] the Trial Chamber finds that from November 1994 to at least April 1995, the Skorpions, led by Slobodan Medić, a.k.a. Boca, took part in combat operations within Operation Pauk. The Trial Chamber is not convinced that from Savić's hearsay evidence about Boca telling him in early 1992 that Stanišić was his boss it can conclude that Stanišić played any role in directing the Skorpions in Pauk. In so far as Witness JF-024 placed the Accused on top of the Skorpions' command structure, the Trial Chamber considers that his knowledge in this respect appears to be based mostly on information provided by the media. The Trial Chamber is not convinced that the Accused specifically directed the Skorpions in Operation Pauk from the general evidence of Witness

[4176] The evidence of Manojlo Milovanović, Slobodan Lazarević, Aco Drača, Dejan Slišković, and Mladen Karan, and the SVK Communication P382.
[4177] Stanišić Defence Final Trial Brief, 17 December 2012, para. 1018.
[4178] On the basis of the evidence of Witness C-015, Witness JF-027, Borivoje Savić, Witness JF-024, Goran Stoparić, Witness JF-048, Witness JF-029, Dejan Slišković, and Petar Djukić, as well as Intelligence Reports P1061 and P1075.

JF-024 that Boca was boasting about meeting and receiving orders from the Accused. As to Goran Stoparić's evidence on the Serbian DB's influence over the Skorpions, the Trial Chamber considers it too general to indicate that the Accused specifically directed the Skorpions in Pauk. It will however further address this evidence below, when considering the role of the Accused in organizing the involvement of the Skorpions in the operation. Considering that both Goran Stoparić and Witness JF-024 testified that Legija was superior to Boca, the Trial Chamber finds that the Skorpions formed part of Legija's Tactical Group 2. In view of its finding above on the position of Tactical Group 2 and the evidence of Witness JF-029, the Trial Chamber finds that during Operation Pauk, the Skorpions were directed by General Mile Novaković.

2001. The Trial Chamber will now turn to the SDG. Based on the evidence received,[4180] the Trial Chamber finds that from November 1994 until about July 1995, some 50-60 SDG members were present in the area of Petrova Gora. The SDG took part in combat operations within Operation Pauk and trained the forces of Fikret Abdić. SDG members were led by Milorad Ulemek, a.k.a. Legija, and Rade Rakonjac, Legija's deputy. The SDG formed part of Tactical Group 2 led by Legija. In view of its finding above on the position of Tactical Group 2, the Trial Chamber finds that during Operation Pauk, the SDG members were directed by General Mile Novaković.

2002. The Trial Chamber will now consider whether the Accused specifically directed the JATD a.k.a. the Red Berets in Operation Pauk. The Trial Chamber recalls its finding in chapter 6.3.2 that the JATD was a unit of the Serbian MUP DB subordinate to the Accused at the relevant time. In view of this finding, which also lists members of the Unit from the moment of its formalization into the JATD, and based on the evidence reviewed above,[4181] the Trial Chamber finds that as of late September 1994, JATD members, including Radivoje Božović, Davor Subotić a.k.a. Riki, Živojin Ivanović a.k.a. Crnogorac, Zoran Rajić, Dragan Filipović, Vaso Mijović, Dragoslav Krsmanović, and Milan Radonjić, began arriving in the area of Petrova Gora, where they stayed until about July 1995. Members of the JATD provided security for the communication facilities at Magarčevac, trained the forces of Fikret Abdić, and took part in reconnaissance, ambush, and sniping activities. The Stanišić Defence argues that Slišković's suggestion that the JATD was involved in combat is unconvincing,

[4179] The evidence of Witness JF-029, Witness JF-024, Petar Djukić, and Witness JF-027.
[4180] The evidence of Borislav Pelević, Witness JF-057, Witness JF-035, and Witness JF-027.

that he was exaggerating, and that no other witness has corroborated his account in this respect.[4182] The Trial Chamber considers that Slišković's testimony in this respect is corroborated by, in particular, the evidence of Witness JF-057, Witness JF-035, Witness JF-027, and the MUP JATD Report P3024. In view of the above, the Trial Chamber does not consider Dejan Plahuta's testimony that his colleagues from JATD did not form part of the Pauk Tactical Groups to be reliable. Based on this evidence and its finding above on the leadership of Tactical Group 3, the Trial Chamber finds that at least some JATD members present in the area of Petrova Gora took part in combat activities, which began in November 1994, and that they were under the direct command of Božović of Tactical Group 3. In view of its finding on the position of Tactical Group 3, the Trial Chamber finds that during Operation Pauk, the JATD a.k.a. the Red Berets were directed by General Mile Novaković.

2003. As to the presence of the Accused in the region of Petrova Gora at the relevant time, the Trial Chamber finds, on the basis of the evidence before it,[4183] that both the Accused were present in the area on numerous occasions: Jovica Stanišić, between late September 1994 and at least February 1995, and Franko Simatović, between late September 1994 and at least May 1995. The Trial Chamber is satisfied that as of late September 1994, the Accused controlled the communication centre located at Petrova Gora where the intelligence information from the region was collected.[4184] In their Final Trial Briefs, the Stanišić and the Simatović Defence argue that it was for the purpose of collecting such intelligence information that the Accused were present in the area of Petrova Gora during Operation Pauk.[4185] Having regard to the position of the Accused within the Serbian MUP DB at the relevant time, as discussed in chapters 6.2.1 and 6.2.2, and in view of all the evidence received, the Trial Chamber does not consider it a reasonable interpretation of the evidence that the role of the Accused at Petrova Gora was limited to collecting intelligence information. It furthermore does not consider Mladen Karan's evidence that Simatović could not have collected intelligence and at the same time participate in commanding the units, to be persuasive. The Trial Chamber will now assess the role that the Accused played in the operation.

[4181] The evidence of Aco Drača, Dejan Plahuta, Dejan Slišković, Witness JF-057, Witness JF-050, and Witness JF-027, as well as exhibits P236 (Information on the Serbian MUP units in Pauk) and P3024 (Report to the Serbian DB on the activities of the JATD).
[4182] Stanišić Defence Final Trial Brief, 17 December 2012, paras 1052-1055.
[4183] Based on the evidence of Manojlo Milovanović, Slobodan Lazarević, Dejan Slišković, Aco Drača, Dejan Plahuta, Mladen Karan, Radivoje Mičić, Witness JF-027, Witness JF-035, as well as Intelligence Report P382 and Pauk Command Operations Logbook P235.
[4184] See the evidence of Mladen Karan, Rade Vujović, Radivoje Mičić, Aco Drača, Dejan Slišković, and Dejan Plahuta.

2004. In relation to Stanišić, the Trial Chamber finds, on the basis of the evidence received,[4186] that Stanišić took part in preparatory meetings with high-ranking officials, including President Milošević and Generals Mladić, Perišić, and Čeleketić, to discuss his and Simatović's involvement in Operation Pauk. Furthermore, Stanišić "represented" Serbia in the Pauk Command, which took over from the SVK and, at least according to an SVK Colonel Rašeta, Stanišić, and Novaković were, amongst other people, considered the "leaders" of Operation Pauk.[4187] Furthermore, Novaković, acting as Commander of Operation Pauk, addressed a combat report to Stanišić's attention in July 1995.[4188] In this respect, the Trial Chamber has also reviewed Intelligence Report P380, according to which the purpose of Stanišić's visit to Pauk was to direct "armed combat", as well as Slobodan Lazarević's evidence on his impressions that Stanišić was ultimately responsible for the police forces and the commanders. At the same time, the Trial Chamber notes that although Stanišić, referring to the decision of the FRY and the VRS Supreme Command, informed Milovanović that he was to take over the command of Operation Pauk from Novaković, Milovanović refused this "order". In this respect, the Trial Chamber is not convinced by Aco Drača's testimony that he would have indeed been present at, or at least informed about, each and every meeting concerning the Pauk command.

2005. In relation to Simatović, based on the evidence of Witness JF-027 and Dejan Slišković, the Trial Chamber finds that during the operation, Simatović met on at least a few occasions with Božović and Legija, who addressed Frenki as "boss" and who were both commanding Operational Groups under the Pauk Command. In light of the evidence of Witness JF-057, the Trial Chamber finds that in the course of the operation, Arkan remained in regular telephone contact with Simatović. The Trial Chamber has further considered the evidence of Witness JF-057 that certain members of the SDG believed that Pauk was run under the supervision of the DB. Finally, it has also considered, in this respect, the evidence of Slišković that the Accused were present when Legija sought permission to attack Kladuša and that Simatović addressed Legija's query in this regard. In this respect, the Trial Chamber notes the Stanišić Defence's allegation that Slišković was lying, as he retreated from his account about Stanišić being present during this meeting, when he recounted the story for the second time, in

[4185] Stanišić Defence Final Trial Brief, 17 December 2012, paras 1045-1055; Simatović Defence Final Trial Brief, 14 December 2012, paras 781-803.
[4186] In particular exhibits P2536, P1285, and P380.
[4187] Exhibit P382.
[4188] Exhibit P1302.

Court.[4189] The Trial Chamber notes, however, that in his cross-examination on this issue, the witness was particularly asked about the presence of Simatović at the meeting. In this respect, the Trial Chamber does not consider the witness's omission to mention Stanišić during his cross-examination to have any influence on the reliability of his initial statement.

2006. Recalling its understanding of the Indictment's term "to direct the involvement", and in the absence of sufficient evidence on the existence of some sort of a superior-subordinate relationship between the Accused and General Mile Novaković, the Commander of Pauk, the Trial Chamber is unable to conclude that the Accused directed the involvement of the SDG, the Skorpions, and the JATD a.k.a. the Red Berets in Operation Pauk. However, in view of the above findings and considerations on the Accused's role in the operations, the Trial Chamber finds that the Accused supported the involvement of the SDG and the JATD in Operation Pauk. In relation to the Skorpions, the Trial Chamber has not received sufficient evidence to conclude that the Accused supported this unit in Operation Pauk.

2007. The Trial Chamber will now consider the role of the Accused in organizing the involvement of the Skorpions, the SDG, and the Red Berets in Operation Pauk. The Trial Chamber first considers that Aco Drača contradicted his own statements, not only about the Skorpions, but also in relation to the SDG unit led by Ulemek. Drača testified that the Skorpions were based in Đeletovci, but that they were not subordinated to the 11th Corps, but later claimed that no other units save for the 11th Corps Command battalions could have been present in the Đeletovci/Markovci region at the time, and that the 11th Corps deployed Skorpions to Pauk. Similarly, his testimony about the 11th Corps sending Ulemek's units to Pauk contradicts his evidence that Ulemek and his men were sent by the FRY. In view of the above, the Trial Chamber will not rely on his evidence in this respect.

2008. The Trial Chamber has further reviewed the excerpts from Mladić's Notebook, which refer to an individual identified as "JS" stating that he sent 150 men through Pauk, and provided 80 men from Erdut and 80 men from Đeletovci, and Stanišić proposing to form a battalion of 700-800 men, as well as Intelligence Report P380, according to which Stanišić confirmed having provided enough forces to ensure the liberation of Velika Kladuša. The Trial Chamber does not consider that this evidence alone is sufficiently clear to allow for any conclusions. It will, however, further consider it when reviewing specific evidence concerning the organization of the Skorpions', the SDG's, and the JATD's involvement in Operation Pauk.

[4189] Stanišić Defence Final Trial Brief, 17 December 2012, para. 1069.

2009. In relation to the Skorpions, as to the witnesses who denied any links between the Serbian DB and the Skorpions, the Trial Chamber will not rely on Witness JF-048's speculations, or the evidence of Gvozden Gagić, who repeated the Medić brothers' statements in this respect, and presented conclusions of his "studies" of the unit, the sources of which he did not share with the Trial Chamber. In view of the evidence of Witness JF-029 and Petar Djukić, the Trial Chamber finds that the RSK leadership and the SVK deployed the Skorpions to Operation Pauk. The Trial Chamber has further considered the evidence of Goran Stoparić on the Skorpions' official affiliation to the SVK and the Serbian DB's influence over the unit, as well as Report P1075, according to which the Skorpions were in direct contact with or engaged under the guise of the Serbian MUP or the RDB during the war, as well as Intelligence Report P1652 on the relationship between Stanišić and Mrgud, who was at the time Assistant Minister of Defence in the RSK. This evidence does not show, however, that the Accused were involved in the deployment decision. The Trial Chamber has therefore not received sufficient evidence to conclude that the Accused organized the involvement of the Skorpions in Operation Pauk.

2010. In relation to the SDG, the Trial Chamber first notes that it will not rely on the evidence of Mladen Karan about Legija being sent by Martić, as the witness did not provide a basis for his conclusion in this respect. On the basis of the evidence of Witness JF-057, the Trial Chamber finds that following a phone call from Simatović, Arkan gathered and deployed the SDG members to Operation Pauk, and that they left Belgrade in cars that belonged to the Serbian MUP. The Trial Chamber further recalls its finding above that Arkan frequently communicated with Simatović, and that Simatović met with Legija, who addressed him as "boss", on a several occasions in the course of Operation Pauk. The Trial Chamber further finds, on the basis of Witness JF-057's evidence, that Simatović's office informed the SDG members when they were expected to be back in the field from their holiday.In light of the above, the Trial Chamber finds that the Accused Simatović organized the involvement of the SDG in Operation Pauk. Furthermore, the Trial Chamber has considered the intercepted conversation P2949, where unknown "Speaker C" talked about "inserting" Legija and Božović in the combat operations. Even assuming that "Speaker C" is Jovica Stanišić, having considered a subsequent statement by "Speaker C" that Kladuša had already been liberated, the Trial Chamber is not convinced that the "inserting" of Legija and Božović refers to Operation Pauk, and not to a different combat operation. Consequntly, the Trial Chamber has

not received sufficient evidence to conclude that the Accused Stanišić organized the involvement of the SDG in Operation Pauk.

2011. As to the JATD a.k.a. the Red Berets, the Trial Chamber has not received any specific evidence in relation to the organization of the unit's involvement in Operation Pauk. Nevertheless, having recalled its findings in chapter 6.3.2 that the JATD was a unit of the Serbian MUP DB subordinate to the Accused at the relevant time, and in view of further corroborative evidence in this respect,[4190] the Trial Chamber finds that the Accused organized the involvement of the JATD a.k.a. the Red Berets in Operation Pauk.

(b) Trnovo/Treskavica June-July 1995

2012. In its Final Trial Brief, the Prosecution submits that in June and July 1995, while contingents of the JATD and the SDG were still involved in Operation Pauk, the Accused deployed the Skorpions and the SDG, under Mijović's command**,** in joint operations with the Bosnian-Serb Republic MUP and the VRS to the area around Trnovo and the Treskavica mountains, where the Skorpions committed crimes.[4191] It further alleges that Vasilije Mijović, a senior member of the JATD, commanded the Skorpions, the SDG, and Plavi in the Treskavica operation.[4192]

2013. The Trial Chamber has received evidence from numerous witnesses as well as through documentary evidence in relation to the Skorpions and the SDG involvement in the Treskavica/Trnovo operation.[4193] In this respect, the Trial Chamber first recalls its finding in chapter 3.7.1, that in July 1995, approximately four or five kilometres from the Skorpions' base in the Trnovo area, members of the Skorpions unit shot and killed six Muslim men, and that Slobodan "Boca" Medić had ordered the Skorpions' members to do so.

2014. The Trial Chamber will first consider the evidence concerning the involvement of the SDG in the Trnovo operation. In this respect, the Trial Chamber has received evidence from two witnesses, Borislav Pelević and Witness JF-057. **Borislav Pelević**, a member of the SDG since 10 January 1992,[4194] testified that Arkan told him that he had met with Milan Milanović and Radovan Stojičić, a.k.a. Badža, the Assistant Serbian MUP Minister in charge of public

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[4190] In particular in view of Simatović's meetings with Božović on several occasions during the operation; the evidence of Witnesss JF-027 according to which "Frenki" had ordered, at some point, that Red Berets members would not directly participate in further battles, and the Intelligence Report according to which Stanišić stated that he had provided enough forces to ensure the liberation of Velika Kladuša (exhibit P380).
[4191] Prosecution Final Trial Brief, 14 December 2012, paras 355, 365.
[4192] Prosecution Final Trial Brief, 14 December 2012, para. 360.
[4193] For the Trial Chamber's examination of the Defence submissions in relation to the credibility and reliability of Witness JF-057, see chapter 6.4.5.

security.[4195] Arkan stated that Radovan Karadžić had asked Badža for help in Trnovo, but that Badža had responded that Serbia could not do much about it because of the Dayton peace negotiations. Thereafter, in the witness's presence, Milanović asked Arkan to help. The same afternoon, Karadžić had called while the witness was in the office, and asked Arkan to send some of the SDG to Trnovo and place them under the command of Dragomir Milošević, the commander of the Sarajevo-Romanija Corps.[4196] The witness was not aware that Frenki Simatovic might have played a role in sending out the SDG to Trnovo.[4197] The witness visited the SDG detachment in Trnovo and testified that the staff of the army under the command of General Dragomir Milošević, and the Bosnian-Serb Republic MUP staff of Minister Tomislav Kovač, were both situated in Pale.[4198] The witness testified that in the summer of 1995, a small detachment of SDG members participated in combat on Mount Treskavica near Trnovo, in Bosnia-Herzegovina, under the command of SDG Lieutenant Dragan Petrović, a.k.a. Kajman.[4199]

2015. **Witness JF-057** testified that around June or July 1995, Arkan sent a group of up to 100 Tigers from Erdut to the Treskavica Mountains (near Sarajevo).[4200] Arkan told the witness that Frenki called him in Erdut and arranged for the Tigers to participate in the Treskavica operation.[4201] The SDG leaders for this operation were Captain Svetozar Pejović, a.k.a. Peja, Mladen Šarac, and Dragan Petrović, a.k.a. Kajman, a retired SDG member.[4202] The SDG were accompanied in the Treskavica operation by a group of Serbian DB men led by Vasa Mijović, who during the operation also visited the Belgrade SDG headquarters three times to see how the Tigers were doing.[4203] The witness knew that Mijović was from the DB, because the witness saw him and spoke to him on many occasions at the SDG Belgrade

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[4194] Borislav Pelević, T. 16319, 16321-16322, 16515.
[4195] Borislav Pelević, T. 16338, 16423.
[4196] Borislav Pelević, T. 16423-16424.
[4197] Borislav Pelević, T. 16425.
[4198] Borislav Pelević, T. 16426.
[4199] Borislav Pelević, T. 16422-16425; D661 (Photograph of SDG unit sent to Trnovo, including Dragan Petrović, being inspected by Arkan and Milan Milanović in Erdut).
[4200] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8; P1618 (Witness JF-057, *Prior testimony*), p. 19477; P1619 (Witness JF-057, Memorandum of amendments made to prior statements and testimony, 22 November 2010), p. 1.
[4201] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8; Witness JF-057, T. 9366.
[4202] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), pp. 4, 8; Witness JF-057, T. 9367.
[4203] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8; P1618 (Witness JF-057, Prior testimony), pp. 19477-19478; Witness JF-057, T. 9372, 9491; P1620 (Charts of exhibits commented on by Witness JF-057, 22 November 2010), p. 3.

headquarters.[4204] In cross-examination, the witness testified that the conclusion that Mijović was from the Serbian DB was solely based on what the witness heard from SDG members.[4205]

2016. The Trial Chamber further recalls the witness's evidence in chapter 6.5.3, on the telephone contact between Arkan and Simatović during the Trnovo and Pauk operations. Witness JF-057 did not know of any kind of involvement Simatović had in the Treskavica operation.[4206] Witness JF-057 testified that one of Arkan's Tigers, Jugoslav Simić, had set up a telephone line in Treskavica for the operation and that sometimes Vaso Mijović and the SDG leaders would answer this number, from which the witness concluded that the SDG and Mijović shared the command post.[4207] The Trial Chamber will examine further evidence concerning Mijović below.

2017. The Trial Chamber has further reviewed Arkan's 1994 letter to Karadžić in chapter 6.4.4 where Arkan expressed his readiness to join the forces of the Bosnian-Serb Republic.[4208]

2018. The Trial Chamber will now consider the evidence it has received in relation to the Skorpions. **Witness JF-029** testified that sometime in 1995, Radovan Stojičić, a.k.a. Badža, told Mrgud that the Bosnian-Serb Republic was in a difficult situation and asked that Mrgud help them "if he can".[4209] In May 1995, there was a meeting with Radovan Stojičić in Stojičić's office in the Serbian MUP.[4210] Ilija Kojić, Željko Ražnatović a.k.a. Arkan, Slobodan Medić, Stojičić and Ljubo Milojević (who represented the Vukovar SUP, also known as the Plavi or the Blues), Milovanović, Milan Milanović a.k.a. Mrgud, and Milo Jovoković were present at the meeting.[4211] At the meeting, Stojičić said that the Bosnian-Serb Republic was in trouble, that it was being attacked by Muslims from all sides, that the Bosnian-Serb Republic leadership had asked him for help, and that if possible, Arkan's unit, the Skorpions, and the Blues should go to help the VRS in Trnovo for a month.[4212] Stojičić, Kojić, and Mrgud decided to deploy the Skorpions and informed General Lončar, who needed to approve the

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[4204] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8.
[4205] Witness JF-057, T. 9372, 9491.
[4206] Witness JF-057, T. 9482.
[4207] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8; Witness JF-035, T. 9600-9605; P1620 (Charts of exhibits commented on by Witness JF-057, 22 November 2010), p. 3.
[4208] D29 (Party for Serbian Unity letter to Radovan Karadžić, Željko Ražnatović, 16 April 1994).
[4209] Witness JF-029, T. 10184- 10185; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 23-24.
[4210] Witness JF-029, T. 10051-10052, 10130, 10185-10187, 10194; P1666 (Tables of people witness refers to in evidence and significant meetings attended), p. 6.
[4211] Witness JF-029, T. 10051-10052, 10130-10131, 10186, 10194, 10219.

deployment, and Slavko Dokmanović.[4213] Kojić then selected between 100 and 150 men from the Vukovar SUP and led three reinforced companies to Trnovo.[4214] These three companies comprised the Skorpions, the SDG, which the witness considered to be an "element" of the Dalj Brigade of the army, and the Vukovar Special Police Units.[4215] The Skorpions were deployed to Trnovo alongside the Plavi and Arkan's unit in June 1995, on the understanding that they would act only in defensive positions.[4216]

2019. **Goran Stoparić** recalled that Srdjan Manojlović, deputy commander of the Skorpions, brought an order by General Lončar for the Skorpions to be deployed to Trnovo.[4217] The witness left the Skorpions unit in 1995, sometime after the Trnovo operation.[4218]

2020. **Witness JF-024** testified that after the Velika Kladuša operation, the Skorpions returned to Đeletovci and Milan Milanović, a.k.a. Mrgud, told them to prepare to go to Trnovo in Bosnia-Herzegovina for an operation.[4219] They received new badges from the Serbian MUP and travelled to Trnovo.[4220] Members of the Skorpions removed the Skorpion insignia and replaced it with the insignia of the police of the RSK and the Serbian MUP.[4221] During the operation, the Skorpions communicated via radio with a unit of Arkan's men, since they "knew them well from before", and Medić communicated with the VRS.[4222] The witness testified that Boca had somebody superior to him and that in Trnovo, he had meetings every night with somebody.[4223] The witness testified that Medić and one of Arkan's men known as Asteriks received orders from Milan Milanović, a.k.a. Mrgud, who received his

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[4212] Witness JF-029, T. 10052, 10130, 10185-10187; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), p. 24.
[4213] Witness JF-029, T. 10194-10195; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 55-56.
[4214] Witness JF-029, T. 10131, 10139, 10187, 10197-10198, 10206.
[4215] Witness JF-029, T. 10197-10198; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 25, 83-84.
[4216] Witness JF-029, T. 10052-10053, 10137, 10140; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 25, 27, 63.
[4217] Goran Stoparić, T. 10508-10509.
[4218] Goran Stoparić, T. 10327.
[4219] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 65, 87; P2151 (Photos taken by Witness JF-024 with descriptions), pp. 1-3; P2152 (Photos taken by Witness JF-024), pp. 1, 29-30, 35-37.
[4220] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 46, 65-72, 87, 88; P2148 (Witness JF-024, witness statement, 31 May 2005), p. 4; Witness JF-024, T. 11042, 11124, 11140-11141, 11185-11186, 11188, 11190; P2151 (Photos taken by Witness JF-024 with descriptions), p. 11; P2152 (Photos taken by Witness JF-024), p. 40-41; P2153 (Witness JF-024 comments on Pauk Video and Scorpion Video), pp. 3, 6-7, 9; P2161 (Video of Trnovo Skorpion operation), 1'38''46-1'57''44; D226 (Video stills from Skorpion Video).
[4221] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 65, 87; Witness JF-024, T. 11196-11198.
[4222] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 73.
[4223] Witness JF-024, T. 11139-11140.

orders from the Serbian SDB. Medić and Milanović communicated via telephone.[4224] During the operation Serbian forces began an attack on Srebrenica.[4225]

2021. The Trial Chamber has also received documentary evidence concerning the Skorpions' participation in the Trnovo operation. On 22 July 1995, Savo Cvjetinović reported that the Skorpions (MUP of Serbia) were holding part of the defence line near Trnovo above the village of Turovi and that the Panthers from Bijeljina had withdrawn, while the Serbian MUP forces were leaving on 22 and 23 July 1995.[4226] On 23 July 1995, Dragomir Milošević reported that the "Serbia MUP unit Scorpions" participated in repelling an enemy attack on the Trnovo front.[4227] On 24 July 1995, Savo Cvjetinović reported that a company of the Banja Luka special police unit relieved the Serbian MUP unit "Scorpions".[4228]

2022. **Witness JF-029** testified that towards the end of the Skorpions deployment to Trnovo, Slobodan Medić, the commander of the Skorpions, called the witness and stated that the VRS could not find a replacement and that they had to stay.[4229] The witness went to the command in Pale and told Slobodan Medić that within 48 hours a replacement had to be found and that his unit had to leave and return to its Đeletovci headquarters, because he feared a Croatian attack on the SAO SBWS area.[4230] According to the witness, while deployed in the Bosnian-Serb Republic, the Skorpions were further subordinated to the VRS Corps in their area of responsibility, which was headed by Dragomir Milošević.[4231] Within ten hours of the witness's visit, the Skorpions and the SDG unit were withdrawn from Trnovo and returned to Slavonia.[4232] The witness testified that the order to withdraw came from Milošević.[4233] Medić told the witness that Vaso Mijović was the commander of the three reinforced companies of the SDG, the Skorpions, and the Plavi.[4234] According to the witness, Vaso Mijović worked in

[4224] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 73.
[4225] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 74.
[4226] P1469 (Report on combat activities on the Trnovo front, Savo Cvijetinović, 22 July 1995).
[4227] P1470 (Report on the Trnovo front, Dragomir Milošević, 23 July 1995); P1471 (Report on combat activities on the Trnovo front, Savo Cvijetinović, 23 July 1995).
[4228] P1473 (Report on combat activities on the Trnovo front, Savo Cvijetinović, 24 July 1995).
[4229] Witness JF-029, T. 10053, 10140.
[4230] Witness JF-029, T. 10053, 10061, 10191, 10203-10204; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 27-29.
[4231] Witness JF-029, T. 10192-10193, 10195-10197; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 30, 34, 60, 138.
[4232] Witness JF-029, T. 10061, 10203-10204; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 27, 88.
[4233] D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 29-30.
[4234] Witness JF-029, T. 10053, 10182-10183, 10207-10209.

the Serbian MUP DB.[4235] The witness did not see or hear of Vaso Mijović when he was in Pale.[4236]

2023. The Trial Chamber has received further evidence in relation to Vasilije Mijović, which it will now review. In his testimony before a Belgrade court in a criminal case against, *inter alia*, Slobodan Medić, regarding the killing of several Muslims at Gordinjska Bara near Trnovo, Tomislav Kovač, the former deputy Minister of the Interior of the Bosnian-Serb Republic and commander of all Bosnian-Serb Republic police forces in 1995, stated that Vaso Mijović, a member of the RSK police and the Serbian MUP, who he referred to as Mrgud Milanović's man, was the commander of the three companies which made up the Skorpions unit.[4237] When Kovač gave orders to Milenko Kariška, commander of the police forces staff, and to Ljubiša Borovčanin, deputy commander of the special unit, they would pass these orders on to Vaso Mijović.[4238]

2024. On 3 July 2006, in a domestic criminal case, Slobodan Medić, as one of the accused, claimed that he did not know whether Vaso Mijović was his commander, that he never received an order from him, and that he met him only once in Trnovo. Medić claimed that he went to Trnovo with a task and after the completion thereof, he reported to Milan Milanović.[4239]

2025. **Goran Stoparić** testified that the name Mijović sounded familiar, but he did not know who that person was, and was not sure whether Mijović was in Trnovo.[4240] **Witness JF-024** did not know who Vaso Mijović was and did not know whether he had been in Trnovo during the operation.[4241]

2026. According to an unsigned and undated intelligence report,[4242] which military expert witness **Reynaud Theunens**[4243] concluded, based on its content and origins, had been drafted by a VJ Security Organs after May 1996, the unit commanded by Vasilije Mijović (Vaso) had been active in the SAO SBWS from the beginning of the war in 1991, and was officially a

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[4235] Witness JF-029, T. 10053, 10060, 10182-10183.
[4236] Witness JF-029, T. 10203-10205.
[4237] P2966 (Transcript of testimony of Tomislav Kovač before a Belgrade court), pp. 1, 3-7, 9-10.
[4238] P2966 (Transcript of testimony of Tomislav Kovač before a Belgrade court), p. 7.
[4239] D213 (Transcript of a hearing of 3 July 2006 with questions being put by the chamber to accused Slobodan Medić), pp. 1-2.
[4240] Goran Stoparić, T. 10515-10516.
[4241] Witness JF-024, T. 11140.
[4242] P1061 (Report on paramilitary units, unsigned, undated).
[4243] Reynaud Theunens, T. 8049-8057; P1574 (Curriculum Vitae of Reynaud Theunens).

MUP special unit directly connected to the Serbian MUP RDB.[4244] Its membership varied, ranging up to 300 soldiers. At the time of the report, part of the unit was at a farm near Sombor, while most of the unit had been transferred from Baranja to the Serbian MUP Centre in the Lipovačka Šuma forest.[4245]

2027. On 19 July 1995, Vasilije Mijović, serving as the JATD Commander, informed the Bosnian-Serb Republic MUP that the Serbian MUP JATD had been ordered to pull back from combat operations in the Trnova Sector.[4246]

2028. The Trial Chamber further recalls its finding in chapter 6.3.2 that Vasilije Mijović was a member of, and held a commanding position within the JATD, a unit subordinate to the Accused at the time.

2029. The Trial Chamber has received further documentary evidence in relation to the units participating in the operation. On 24 June 1995, Miodrag Josipović, of the SJB Bratunac, reported that ten persons wearing MUP Serbia Special Tasks Units (Frenki) uniforms, under command of Miko Pilot, had on 23 June 1995, entered the Bosnian-Serb Republic and that Miko Pilot had stated their task was to raise combat readiness at the Bratunac air base.[4247] Between 30 June and 3 July 1995, the Police Forces Staff of the MUP of the Bosnian-Serb Republic in Pale, and Ljubiša Borovčanin of the Special Police Brigade Command in Trnovo, both reported that two platoons of the Kajman, Plavi, and Škorpija police detachments of the Serbian MUP had participated in attacks on the Trnovo front on 29 and 30 June 1995.[4248] According to **Witness JF-057**, "Kajman detachment" referred to Dragan Petrović's SDG unit.[4249] According to information on combat activities at the Trnovo front, on 27 June, and between 6 and 10 July 1995, 350 members of the MUP forces of Bosnian-Serb Republic,

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[4244] Reynaud Theunens, T. 8201-8217; P1575 (Reynaud Theunens expert report, 30 June 2007), pp. 109, 130; P1061 (Report on paramilitary units, unsigned, undated), p. 2.
[4245] P1061 (Report on paramilitary units, unsigned, undated), p. 2.
[4246] P1084 (Communication by Colonel Vasilije Mijović to the MUP regarding JATD's pullout from Trnova, unsigned, 19 July 1995).
[4247] P1463 (Report to Zvornik Public Security Centre, Miodrag Josipović, 24 June 1995).
[4248] P1453 (Summary information from the Trnovo front, 30 June 1995); P1451 (Dispatch on combat activities on the Trnovo front on 29 June 1995, Ljubiša Borovčanin, 30 June 1995); P1452 (Dispatch on combat activities on the Trnovo front on 30 June 1995, Ljubiša Borovčanin, 1 July 1995); P1455 (Dispatch on combat activities on the Trnovo front on 2 July 1995, Ljubiša Borovčanin, 3 July 1995); P1626 (Dispatch on combat activities on the Trnovo front , Ljubiša Borovčanin, 1 July1995); P1642 (Dispatch on combat activities on the Trnovo front, Ljubiša Borovčanin, 29 June 1995); P1643 (Dispatch on combat activities on the Trnovo front, Ljubiša Borovčanin, 1 July 1995).
[4249] Witness JF-057, T. 9367-9368; P1626 (Bosnian-Serb Republic MUP Combat Report of 1 July1995 by Deputy Commander Ljubiša Borovčanin); P1642 (Bosnian-Serb Republic MUP combat report of 29 June 1995 by Deputy Commander Ljubiša Borovčanin).

Serbia, and RSK, together with the VRS, were engaged at the Trnovo front.[4250] On 10 July 1995, following the VRS Supreme Command order, Kovač ordered the company of joined MUP forces of RSK, Serbia, and Bosnian-Serb Republic to pull out from the Trnovo Front and be redeployed as part of an independent unit under command of Ljubiša Borovčanin to the Srebrenica sector.[4251]

2030. The Trial Chamber has also received evidence in relation to persons wounded at the front. On 1 July 1995, Ratko Mladić, referring to a JATD MUP Serbia telegram of 30 June 1995, instructed the Sarajevo-Romanija and Herzegovina Corps to use helicopters for the evacuation of seriously wounded persons from the Trnovo sector.[4252] Numerous dispatches of 6, 8, 10, 22, and 28 July 1995, informed about members of the Serbian MUP being wounded at the Trnovo/Treskavica front.[4253] On 21 July 1995, Rade Radović of the Srbinje SJB reported to the MUP of Bosnian-Serb Republic that the following Serbian and Bosnian-Serb Republic MUP members had been wounded or killed on the Trnovo-Kalinovik front on 20 July 1995: Ratko Mitrović, Simo Gajić, Srdan Marinković, Milovan Nešković, Saša Banoviš, Mane Rađan, Radovan Pjevčević, Ranko Tungus, and Nogo Janković.[4254] According to a letter received by the Stanišić Defence from the Republic of Serbia on 14 July 2006, none of the wounded persons listed in the aforementioned dispatches as employees of the Serbian MUP, were ever employed by the Serbian MUP DB, or were engaged in the reserve forces of the RDB.[4255] The Trial Chamber notes, however, that Srdjan Marinković and Njego Janković, who are listed amongst the Serbian and the Bosnian-Serb Republic MUP members wounded at the Trnovo front, have been recognized by Witness JF-057. In this respect, **Witness JF-057** testified that during the Treskavica operation, some SDG members, including Srdjan Marinković and Njego Janković, had been injured, and four SDG members, including Zoran

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[4250] P1450 (Summary of information from the Trnovo front, 26 June 1995); P1459 (Information on numerical strength of the police engaged on the Trnovo front, Tomislav Kovač, 7 July 1995); P1458 (Dispatch on combat activities on the Treskavica plateau, Tomislav Kovač, 6 July 1995); P1461 (Dispatch on combat activities on the Trnovo front, Tomislav Kovač, 10 July 1995); P1456 (Dispatch on combat activities on the Trnovo front on 5 and 6 July 1995, Ljubiša Borovčanin, 7 July 1995).
[4251] P1462 (Order on redeployment of forces from the Sarajevo front to the Srebrenica sector, Tomislav Kovač, 10 July 1995).
[4252] P1454 (Instruction on the use of helicopters for seriously wounded in the Trnovo sector, Ratko Mladić, 1 July 1995).
[4253] P1457 (Dispatch on members of the Serbian MUP wounded on the Treskavica front, Rade Radović, 6 July 1995); P1460 (Dispatch on members of the Serbian MUP wounded on the Treskavica front, Rade Radović, 8 July 1995); P1472 (Report on the Trnovo front, Dragomir Milošević, 22 July 1995); P1474 (Dispatch on members of the MUP Bosnian-Serb Republic and Serbia wounded on the Trnovo front, Rade Radović, 28 July 1995).
[4254] P1466 (Dispatch on MUP members killed and wounded on the Trnovo-Kalinovik front, Rade Radović, 21 July 1995).

Marić, had been killed.[4256] The Trial Chamber has also reviewed evidence about other SDG members being wounded in Trnovo. **Borislav Pelević** testified that SDG members Milovan Ristić and Miroslav Radušić were wounded as a result of shelling in Trnovo.[4257] On 20 July 1995, Sladoje Čedomir of the Sarajevo-Romanija Corps Command in Trnovo reported that four members of the MUP Serbia (Tigers) were seriously injured.[4258]

2031. In terms of the reliability of Borislav Pelević's evidence, the Trial Chamber recalls its finding in chapter 6.5.4 that parts of his evidence were negatively affected by his association with, and loyalty to, Arkan. The Trial Chamber notes that the evidence provided by the witness in the context of the Trnovo operation is very specific and limited to the organization of the SDG's involvement therein and the unit's commanders in this operation. In relation to the latter, his testimony is further corroborated by the evidence of Witness JF-057 and Witness JF-029. The Trial Chamber therefore considers that it can rely on Pelević's evidence in this respect. Consequently, based on the evidence received, the Trial Chamber finds that in June and July 1995, the Skorpions and the SDG, alongside the Plavi and other forces, participated in combat operations at the Trnovo front, in the Treskavica Mountains region. In view of the evidence of Borislav Pelević and Witness JF-057, it further finds that the SDG was commanded by Captain Svetozar Pejović, a.k.a. Peja, Mladen Šarac, and Dragan Petrović, a.k.a. Kajman. In light of its findings above in relation to Operation Pauk and the evidence of Witness JF-024, it finds that Slobodan Medić, a.k.a. Boca, was the Skorpions Commander during the operation. Considering further the evidence of Pelević and Witness JF-029, the Trial Chamber finds that both units operated under the command of General Dragomir Milošević of the VRS.

2032. The Trial Chamber will now consider the role of the Accused. As to the presence of the Accused in the relevant area, the Simatović Defence submits, in its Final Trial Brief, that Simatović got married on 9 July 1995 and left on his honeymoon to Greece, where he

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[4255] D207 (Response from the Republic of Serbia pursuant to a request by the Stanišić Defence, 14 July 2006, singed by Minister Dragan Jočić), pp. 2-3.
[4256] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8; Witness JF-057, T. 9368, 9370-9371.
[4257] Borislav Pelević, T. 16425, 16427-16428, 16432-16433; D662 (Two documents related to Miroslav Radušić) (Request for a statement confirming participation of Miroslav Radušić in the defence of the Republika Srpska, President of the Republic of Serbia Association of Veterans from the Wars Since 1990, 25 January 2011), pp. 1-2, (Statement by Borislav Pelević confirming that Miroslav Radušić was fatally wounded as a volunteer in Trnovo in 1995, 10 February 2011), p. 3.
[4258] P1465 (Report on the Trnovo front, Sladoje Čedomir, 20 July 1995).

remained from 14 July to 2 August 1995.[4259] The Trial Chamber has not received any evidence that the Accused were present in the Treskavica/Trnovo region at the relevant time.

2033. In relation to directing the units' involvement in the operation, the Prosecution submits that the Accused sent Vasilije Mijović to Trnovo to command the SDG and the Skorpions, and that through him they coordinated the units during the operation.[4260] As to the role of Mijović with regard to the Skorpions' involvement in the operation, Witness JF-029 testified that Slobodan Medić had told him that Vasilije Mijović was the commander of the Skorpions, the SDG, and the Plavi during the Trnovo operation. Tomislav Kovać, the Bosnian-Serb Republic Deputy Minister of Interior, indicated in the course of domestic criminal proceedings against Medić, that he considered Mijović to be the Skorpions' commander. However, in the same proceedings, Medić denied having any information about Mijović being superior to him. The Trial Chamber further notes that Goran Stoparić and Witness JF-024 did not see Mijović at the Trnovo front and did not know who he was. The Trial Chamber has not received any information about the relations between Mijović and Dragomir Milošević, under whose command the Skorpions operated. In light of the above, and in the absence of further evidence in this respect, the Trial Chamber considers the evidence on the role of Vasilije Mijović in commanding the Skorpions in the Treskavica/Trnovo operation to be inconclusive. The Trial Chamber will consider the position of Mijović vis-à-vis the SDG below.

2034. The Trial Chamber will now examine further evidence on the alleged directing and supporting of the Skorpions by the Accused in the Trnovo operation. In this regard, the Trial Chamber does not consider that Goran Stoparić's evidence on the Serbian DB's influence over the Skorpions, reviewed above in relation to Operation Pauk, constitutes, on its own, a sufficient basis for a finding on directing the Skorpions in Trnovo. As to Witness JF-024's evidence, he did not provide any basis for his conclusion that Milan Milanović, a.k.a. Mrgud, received instructions from the Serbian DB and, as already explained in relation to Operation Pauk, the Trial Chamber considers his knowledge in this respect to be based mostly on the information provided by the media. Having further considered numerous dispatches and communications from the Trnovo front which, although not specifically mentioning the Serbian DB or the Accused, refer to the Skorpions as a Serbian MUP unit, the Trial Chamber is not convinced that from this evidence, it can draw any conclusions on the role of the Accused in relation to the Skorpions during this operation. Consequently, the Trial Chamber

[4259] Simatović Defence Final Trial Brief, 14 December 2012, paras 897-899. See also D871 (Divorce Judgement of 11 September 1996) and D1358 (Extract from Franko Simatović's Passport).

is unable to conclude that the Accused directed the Skorpions in the Treskavica/Trnovo operation, or supported the Skorpions' involvement therein.

2035. With regard to the SDG, the Trial Chamber notes that numerous dispatches and communications from the Trnovo front, although not specifically mentioning the Serbian DB or the Accused, refer to the Kajmans and Tigers as a Serbian MUP unit. The Trial Chamber will now examine the relations between Mijović and the SDG. In this respect, the Trial Chamber finds, on the basis of the evidence of Witness JF-057, that Arkan remained in regular telephone contact with Simatović during the operation, that Mijović accompanied the SDG to Trnovo, and that he picked up the phone on numerous occasions at the SDG Trnovo post in alternation with other SDG leaders. Also, Mijović went to the Belgrade headquarters of the SDG on several occasions during the operation, to enquire about the unit's performance in the field.

2036. The Trial Chamber further considers the communication by Vasilije Mijović about the Serbian MUP JATD being ordered to pull back from combat operations.[4261] Regarding this communication, the Stanišić and the Simatović Defence submit that it does not establish that Mijović was in command of the Skorpions and that the document lacks indicia of reliability.[4262] The Simatović Defence further submits, referring to the testimony of Dragoslav Krsmanović, that Mijović was never a JATD commander, and that at the time, ranks did not exist in the DB.[4263] At the outset, the Trial Chamber recalls its decision on the admission of the document at issue, finding the document to be relevant and of probative value.[4264] The Trial Chamber further considers that in terms of substance, the document appears to be consistent with other evidence, according to which joint MUP and RSK forces were ordered to pull out from the Trnovo front on 10 July 1995.[4265] In relation to Dragoslav Krsmanović's evidence about Mijović, the Trial Chamber refers to its finding about Mijović's position within the JATD, as recalled above and the underlying evidence thereof reviewed in chapter 6.3.2. Furthermore, in view of the overall assessment of Krsmanović's reliability, as explained

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[4260] Prosecution Final Trial Brief, 14 December 2012, paras 189, 754.
[4261] P1084 (Communication by Colonel Vasilije Mijović to the MUP regarding JATD's pullout from Trnova, unsigned, 19 July 1995).
[4262] Stanišić Defence Final Trial Brief, 17 December 2012, paras 1187-1190; Simatović Defence Final Trial Brief, 14 December 2012, paras 1270-1271, 1273-1275.
[4263] Simatović Defence Final Trial Brief, 14 December 2012, para. 1272.
[4264] Decision on the Admission of the Proposed Expert Report by Reynaud Theunens and the Admission of Theunens related Documents, 1 April 2011, para. 28. Furthermore, the Trial Chamber notes that by that time, the Stanišić Defence had withdrawn its objections in relation to P1084.
[4265] P1462 (Order on redeployment of forces from the Sarajevo front to the Srebrenica sector, Tomislav Kovač, 10 July 1995).

in chapter 2, the Trial Chamber will not rely on the witness's evidence in this respect. Consequently, the Trial Chamber considers this document to be reliable.

2037. The Trial Chamber further recalls its finding in chapter 6.3.2 that at the relevant time, the JATD was a unit subordinate to the Accused. The Trial Chamber further considers Report P1061 which suggests that during the war, Mijović was in charge of a unit connected to the Serbian DB. In view of all the above, and Mijović's membership of the JATD, although it is not convinced that the Accused, through Vasilije Mijović, directed the SDG in the Treskavica/Trnovo operation, the Trial Chamber finds that through him, the Accused supported the involvement of the SDG in the Treskavica/Trnovo operation in June-July 1995.

2038. The Trial Chamber will now consider the SDG's and the Skorpions' deployment to the Trnovo front. In this respect, it will first consider the context in which the decision to deploy the units was made. In view of the evidence of Borislav Pelević and Witness JF-029, the Trial Chamber considers that the request to assist in the Trnovo operation came from Radovan Karadžić, and was put before Arkan, Boca, Mrgud, Ilija Kojić, and others by Radovan Stojičić, a.k.a. Badža, who said that Serbia could not do much about it. In this respect, the Trial Chamber has not received any evidence about the Accused's involvement in this process.

2039. As to organizing the involvement of the SDG in the operation, the Trial Chamber notes that the evidence of Borislav Pelević and Arkan's letter to Karadžić about his readiness to join the forces of the Bosnian-Serb Republic[4266] do not contradict the testimony of Witness JF-057 about Arkan receiving a phone call from Frenki. The Trial Chamber considers Witness JF-057's testimony about having no knowledge of Frenki's involvement in the Trnovo operation to refer to his role in the actual operation, that is after the SDG was deployed to the front. The Trial Chamber recalls its above considerations about the reliability of Borislav Pelević's evidence. In light of the other evidence regarding the meeting of Mrgud, Arkan, and others that preceded the SDG's deployment to Trnovo, which complements Borislav Pelević's evidence in this respect, the Trial Chamber finds that in this specific context, it can rely on Pelević's evidence. Consequently, it finds that Mrgud and Karadžić requested Arkan to assist in the Trnovo operation. Furthermore, in view of Witness JF-057's evidence, the Trial Chamber finds that Simatović called Arkan and arranged for the SDG to participate in the Trnovo operation. In view of all the above, the Trial Chamber finds that the Accused Simatović, among others, organized the involvement of the SDG in the Treskavica/Trnovo

operation. In the absence of any further evidence about the role of the Accused Stanišić in this respect, the Trial Chamber considers that it has not received sufficient evidence to conclude that the Accused Stanišić organized the involvement of the SDG in the Treskavica/Trnovo operation.

2040. In relation to the Skorpions, based on the evidence of Witness JF-029, Witness JF-024, and Goran Stoparić, the Trial Chamber finds that the decision to deploy the Skorpions to Trnovo was taken by Radovan Stojičić, a.k.a. Badža, Ilija Kojić, and Milan Milanović, a.k.a. Mrgud, and formally approved by General Dušan Lončar of the SVK 11th Corps. Ilija Kojić led the Skorpions, the SDG, and the Plavi to the Trnovo front.

2041. The Trial Chamber has further considered the evidence on the relationship of Mrgud and Kojić with the Accused,[4267] but it does not consider this evidence to show that the Accused played any role in deploying the Skorpions to the operation. In view of the above, the Trial Chamber is unable to conclude that the Accused organized the involvement of the Skorpions in the Treskavica/Trnovo operation.

(c) SBWS 1995 operations

2042. In its Final Trial Brief, the Prosecution submits that after the fall of the RSK, the Accused directed the SDG, the JATD a.k.a. the Red Berets, and the Skorpions, in joint operations with other Serb forces in the SAO SBWS in 1995, to protect the Serbian gains.[4268] By late August 1995, members of the Serbian DB took over command of the SVK Security Organs, and the Skorpions escorted the SVK officials out of the 11th Corps area.[4269] By early September 1995, joint formations of Serbian DB special units and SVK units, engaged in combat operations to defend the SAO SBWS territory.[4270]

2043. In relation to the 1995 SAO SBWS operations, the Trial Chamber has received evidence from several witnesses, as well as through documentary evidence.

2044. The Trial Chamber will begin by reviewing the evidence it has received in relation to the units involved in 1995 SAO SBWS operations. **Witness JF-024** testified that sometime in 1995, after Operation Storm, maybe five to seven months after the events in Trnovo, the

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[4266] D29 (Party for Serbian Unity letter to Radovan Karadžić, Željko Ražnjatović, 16 April 1994).
[4267] Including Intelligence Report P1652 reviewed in chapter 6.5.3, the evidence of Witness JF-029, exhibit P1698 concerning Ilija Kojić's employment as SDB operative under Stanišić from 1991 to 2001, and his personnel file (P325), according to which Kojić was employed at the Serbian MUP as of 1 November 1991, reviewed in chapter 6.7.2.
[4268] Prosecution Final Trial Brief, 14 December 2012, paras 366, 372.
[4269] Prosecution Final Trial Brief, 14 December 2012, para. 371.

Serbian DB took control over the remaining Serb areas in Croatia. The Red Berets were in Čakovci (commanded by Zvezdan Jovanović) and Nijemci and Lipovac (commanded by a person named Prego), Boca was in Đeletovci, and Milorad Ulemek was around the village of Ostrovo.[4271] The TO was at the frontline between Đeletovci, Laze, and Mirkovci.[4272] It was a joint operation with the SVK to cut off the village of Nuštar from Croatia. The DB took responsibility for mobilization and digging of trenches, and had full control in the area. The Skorpions, although being around, did not enter Nuštar.[4273] Around that time, the witness saw Franko Simatović entering the Skorpions headquarters in Đeletovci with Dušan Lončar.[4274] Some time after, a ceasefire was called, the Red Berets withdrew from the area, and the Erdut agreement was signed.[4275] According to **Petar Djukić**, the Skorpions left the Srem-Baranja area in September 1996, under pressure from UNTAES administrator Jacques Klein.[4276]

2045. **Witness JF-027** testified that he was at the new camp in Erdut when the Krajina fell.[4277] Some time afterwards, maybe in September 1995, he went to Klisa village with two companies of the SDG and commanding officer Major Nenad Bujošević. Legija was the overall commander and regularly visited Klisa. The SDGs and Red Berets worked closely with the SVK.[4278] One of the officers present at the time was General Dušan Lončar, commander of the Slavonija-Baranja Corps.[4279] After a month, the witness went back to Erdut, where Arkan told him to get his equipment and bring the rest of the battalion as reinforcement to Bosnia-Herzegovina.[4280]

2046. **Witness JF-032**, a former police officer from the SAO SBWS,[4281] testified about Frenki's unit being present near Đeletovci at the relevant time. According to the witness, when Western Slavonia had fallen, Frenki Simatović's unit was sent from the Serbian MUP to provide assistance in case of a possible attack from the Croatian side.[4282] It comprised of some

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[4270] Prosecution Final Trial Brief, 14 December 2012, para. 372.
[4271] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 82; Witness JF-024, T. 11050-11051.
[4272] Witness JF-024, T. 11054-11055; P2156 (Map annotated by Witness JF-024).
[4273] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 82.
[4274] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 43; Witness JF-024, T. 11049-11050.
[4275] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 43, 82.
[4276] Petar Djukić, T. 17995-17997, 18154.
[4277] P1596 (Witness JF-027, witness statement, 27 February 2004), paras 27, 31.
[4278] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 31; Witness JF-027, T. 8890.
[4279] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 31; P1597 (Witness JF-027, witness statement, 8 November 2010), p. 3.
[4280] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 32.
[4281] P401 (Witness JF-032, witness statement, 17 May 1999), pp. 1-2; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15119, 15217, 15291; Witness JF-032, T. 4672-4673, 4743, 4795.
[4282] Witness JF-032, T. 4677, 4679-4680, 4782-4783, 4785-4786.

300 men, and was stationed in a forest near Đeletovci, from May to October 1995.[4283] For three months, 35 to 40 police officers (about 50 per cent of the Tovarnik police officers) were sent there in monthly shifts to assist, as ordered by the SUP in Vukovar.[4284]

2047. **Witness JF-036**, a Serb and DB official in the SAO SBWS,[4285] testified about the presence of Vasilije Mijović's unit in the area. The witness testified that in the aftermath of Operation Storm, Colonel Vasilije Mijović and his JATD unit was sent to Baranja to put it under the full control of the Serbian DB.[4286] The witness testified that Mijović controlled the police in the region of Baranja and the access to Baranja over the Batina Bridge.[4287]

2048. The Trial Chamber will now move to the evidence it has received in relation to the command of these units. According to an interview conducted on 24 October 1995 by the Intelligence Service with Lieutenant Colonel Milosav Gradinac, Chief of the VJ Novi Sad Corps Command, the Novi Sad Corps had the following groups in its combat formations: Arkan's Guards, members of the Serbian MUP, Šešelj's volunteers, and some unidentified formations calling themselves "Kobre/Cobras" or "Skorpioni/Scorpions" and similar. According to Gradinac, these groups started arriving in Eastern Slavonia and Baranja from August 1995, were located in the rear and controlled the bridge over the Danube near Ilok, refused to be placed under the VJ unified command, did not accept the command's decisions, and caused arguments with VJ members. Gradinac stated that Frenki - Franko Simatović from the Serbian RDB Intelligence Service - had slapped a VJ Military Police Sergeant, because the latter had asked Frenki to show his pass for the hotel in Vukovar where the Corps command was located. Gradinac also mentioned Legija as belligerent and intolerant of VJ members. According to Gradinac, VJ members from the RSK had been forcefully drafted by the Serbian MUP, taken to Arkan's group in Baranja, where they were "reformed" for ten days, and then sent to the Novi Sad Corps.[4288]

2049. The Trial Chamber has further reviewed Report P1080, a 7 September 1995 meeting with collaborator "Trgovac", which **Reynaud Theunens**, a military expert,[4289] considered,

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[4283] Witness JF-032, T. 4678-4679, 4683.
[4284] Witness JF-032, T. 4678, 4680, 4785-4786.
[4285] P342 (Witness JF-036, witness statement, 2 May 2001), pp. 1-2.
[4286] P342 (Witness JF-036, witness statement, 2 May 2001), p. 15; Witness JF-036, T. 4194-4197.
[4287] P342 (Witness JF-036, witness statement, 2 May 2001), p. 15.
[4288] P1193 (Explanation on the situation in Eastern Slavonia and Baranja, interview with Lieutenant Colonel Milosav Gradinac, 24 October 1995), pp. 1-3.
[4289] Reynaud Theunens, T. 8049-8057; P1574 (Curriculum Vitae of Reynaud Theunens).

based on its origins to be a VJ intelligence report.[4290] The collaborator, a Serb SFRY citizen, who served as a driver of SVK colonel Jovanović, discussed the situation in the SAO SBWS, stating that units of the 11th Corps under the command of General Lončar were present in the area. He further noted that in Baranja, Commanders Mladenović and Miodrag Jovanović of Operational Group 1 got rid of the MUP and SDB and prevented them from moving freely around the territory. Further, in Eastern Slavonija, Operational Group 2 was commanded by Milorad Ulemek, a.k.a. Legija, a member of Arkan's 250-men unit and also, as Arkan knew, a member of the MUP of Serbia. In Western Srem, Operation Group 3 was commanded by Slobodan Antolić and his deputy Zvezdan Jovanović and had units calling themselves Vukovi, the Wolves. Further, a 400-man unit in Đeletovici (Operational Group 3) known as Boca's Army with uniforms similar to those of the NATO forces, was under the direct command of Milan (Mrgud) Milanović and Colonel Antolić had little influence on these events. According to the collaborator, the Serbian MUP had around 1,500 men deployed in the SAO SBWS wearing blue uniforms, who were commanded by Obrad Stevanović, who was directly connected to Badža. The Serbian SDB had around 100 men in SAO SBWS accommodated at Pajzoš near Ilok, led by "Fića", Frenki's deputy, with Rajo Božović present in the field. The head of the DB in Baranja was Slavko Mijović, in Eastern Slavonija it was Gavra, and in Western Srem, Zvezdan Jovanović. The collaborator further reported that Stanišić called Colonel Zoran Jovanović to form a special SDB Brigade for him, but Jovanović refused to do so. According to the source, in the past week, upon his return from a meeting with Perišić and General Boro Ivanović, Božović had called Frenki, addressing him as boss, and said that Perišić should be dismissed immediately. The DB had set up a surveillance centre in Čvorkovac, near Dalj, and were listening to all the conversations in the RSK. According to "Trgovac", General Boro Ivanović and Mrgud criticized the VJ the most. In the seven days before the interview, Ivanović met Jovica Stanišić on three occasions.[4291]

2050. In a 23 October 1995 communication to the Serbian RDB JATD concerning a certain Nikola Pilipović, one of the JATD commanders, Zvezdan Jovanović mentioned, *inter alia*, that the JATD had joined the combat deployment of the 11th Corps.[4292] On 25 October 1995, Vasilije Mijović, Commander of the JATD in Bilje, reported to Radonjić about the defence

[4290] P1575 (Reynaud Theunens expert report, 30 June 2007), pp. 131, 222-223, 369; Reynaud Theunens, T. 8606-8607; P1080 (Report of the collaborator "Trgovac" on the situation in the territory and within the SVK, 9 September 1995).
[4291] P1080 (Report of the collaborator "Trgovac" on the situation in the territory and within the SVK, 9 September 1995), pp. 1-6. In the BCS version of the exhibit, the words "slušnis centar" are clearly visible.

activities of the unit in Baranja, stating that, *inter alia*, young soldiers who had been trained by JATD instructors were placed under the command of the Baranja Division.[4293]

2051. **Mladen Karan**, a retired counter-intelligence officer of the SSNO,[4294] testified that after the fall of the RSK in August 1995, he was reassigned to the 11th Corps in Vukovar.[4295] On 28 August 1995, General Lončar handed the witness an order signed by Mrgud, for the immediate removal of 25 security officers, including General Gligorević, from the 11th Corps area. The next day, Lieutenant Colonel Kraguljac conveyed an "order" from Radojica Božović, according to which Božović and Gavra, an RDB official, were chief security officers for the 11th Corps; this "order" was conveyed to the witness's subordinates without his knowledge. At a subsequent meeting, Lončar told Karan that he resented "this dualism of command", but was completely helpless.[4296] On 30 August 1995, Lončar asked the witness to come to his office and in the presence of Obrad Stevanović and Branko Ćurčić, from the Serbian MUP, and Gavro, ordered the witness, together with about 21 security service members, to leave the 11th Corps area.[4297] The witness did not know what reasons the Serbian DB or the MUP officials had to insist on his and other officers' removal from the region.[4298] On their way, the witness and other officers were accompanied by men from the "Boco Squad" who, as he later learnt, belonged to the Skorpions.[4299]

2052. In an interview conducted on 30 September 1995, Predrag Milisavljević from the Security Organ of the SVK, stated that he had been fired from work and that he had been in pain over that. He further said that the Serbian DB, Frenki and Jovica, were "in charge now", and that Lončar was "nothing but a pawn". Frenki, Stanišić, Božović, and Filipović were the leaders there. Boro Ivanović and Colonel Petrović from the VJ were also there and acted as coordinators between Perišić and Lončar. Milisavljević stated that he was probably registered on their payroll but that they would not take him back to work at Kneza Miloša street. The DB

[4292] P3195 (Series of Documents concerning Nikola Pilipović), Dispatch to the Serbian MUP RDB JATD, signed by Zvezdan Jovanović, 23 October 1995, p. 12.
[4293] D1623 (Series of documents concerning Djurica Banjac), pp. 12-13.
[4294] Mladen Karan, T. 17669-17671, 17679-17681; P3092 (Mladen Karan personnel file, signed Dragoljub Djukić, 8 April 1996), p. 3; P3093 (Note on Mladen Karan's work performance, signed Veljko Bosanac, undated), p. 1; P3094 (Report on Mladen Karan, author Rade Rašeta, SVK Security Department, 3 February 1995), p. 1; P3096 (Statement on inhibition of work of 11th Corps security organs by members of RDB MUP Serbia, Mladen Karan, undated), pp. 3, 6-8.
[4295] Mladen Karan, T. 17873-17874.
[4296] P3096 (Statement on inhibition of work of 11th Corps security organs by members of RDB MUP Serbia, signed by Mladen Karan, undated), pp. 3, 5-6.
[4297] Mladen Karan, T. 17873-17874, 17879-17884; P3096 (Statement on inhibition of work of 11th Corps security organs by members of RDB MUP Serbia, signed by Mladen Karan, undated), pp. 4-9.
[4298] Mladen Karan, T. 17882, 17884.

leadership, including Stanišić, Simatović, Krsmanović, and Filipović, was located in Pajzoš, and commanded the army in the Krajina from there. Rajo Božović, who completed four grades of elementary school, was appointed coordinator between the MUP and the army and Obrad Stevanović took a "Special Unit of MUP" there. Boca provided security for Đeletovci and built military barracks there.[4300]

2053. The Trial Chamber will first address the testimony of Witness JF-024, who placed the events at issue in 1995, sometime after the Operation Storm and five to seven months after the Trnovo events. Considering that further in his testimony, the witness referred to the Erdut Agreement as the end-point of the operations in the SAO SBWS, and that, as specified in its finding above in relation to Trnovo, the Treskavica/Trnovo events took place in June-July 1995, the Trial Chamber is satisfied that the events he testified about took place between late August and late October 1995.

2054. In view of the documentary evidence[4301] and the evidence of Witness JF-032, Witness JF-024, and Witness JF-027, and having reviewed the evidence of Petar Djukić, the Trial Chamber finds that between late August and late October 1995, the SDG, led by Nenad Bujošević, and the Skorpions, led by Milan Milanović, a.k.a. Mrgud, together with the SVK forces, took part in operations in the SAO SBWS, including in the area of Ostrovo and Klisa, under the overall command of General Lončar of the SVK 11th Corps. The Trial Chamber further finds that the SDG formed part of Operational Group 2 under the command of Milorad Ulemek, a.k.a. Legija, and that the Skorpions formed part of Operational Group 3 under Colonel Antolić and Zvezdan Jovanović. According to exhibit P1193, which is based on an interview with a VJ Colonel, the SDG and the Skorpions were in the combat formation of the VJ. Nevertheless, considering that later in his interview, the VJ Colonel stated that these formations refused to be placed under the VJ unified command or to follow its decisions, the Trial Chamber does not consider this evidence to contradict the above finding on the two units' subordination to the SVK.

2055. On the basis of the Intelligence Report,[4302] the evidence of Witness JF-024, Witness JF-032, and Witness JF-027, as well as the 23 October 1995 Dispatch to the Serbian JATD (exhibit P3195), and having further recalled its findings in chapter 6.3.2**,** the Trial Chamber

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[4299] Mladen Karan, T. 17883; P3096 (Statement on inhibition of work of 11th Corps security organs by members of RDB MUP Serbia, signed by Mladen Karan, undated), p. 8.
[4300] P2360 (Intelligence Report on an Interview with Predrag Milisavljević, undated, unsigned), pp. 1-2, 5-6.
[4301] Exhibit P1080.
[4302] Exhibit P1080.

finds that between late August and late October 1995, the JATD a.k.a. the Red Berets under the command of Zvezdan Jovanović took part in operations in the SAO SBWS, including in the area of Čakovci, Nijemci and Lipovac, as part of Colonel Antolić's Operational Group 3 under the overall command of General Lončar's 11th Corps of the SVK. The Trial Chamber further finds that apart from Jovanović, other members of the JATD involved in the operations included: Vasilije Mijović, Dragan Filipović a.k.a. Fića, and Radojica Božović.

2056. The Trial Chamber will now examine the role of the Accused in the above events. In this respect it first notes that according to its findings in chapter 6.3.2 that the JATD was a unit of the Serbian MUP DB subordinate to the Accused at the relevant time. The Trial Chamber will consider whether in the particular operations at issue, the Accused specifically directed the JATD a.k.a. the Red Berets, as well as the SDG and the Skorpions. In view of the documentary evidence received[4303] and the testimony of Witness JF-024, the Trial Chamber finds that at least on a few occasions, the Accused were present in the area during the relevant time, that they met with SVK members Lončar and Ivanović, and that they monitored telephone conversations in the area through the Serbian DB surveillance centre near Dalj. The Trial Chamber does not consider that this evidence alone is sufficient to establish that the Accused directed the involvement of the three units in the SAO SBWS operations in 1995. In this respect, the Trial Chamber has further considered the Intelligence Report on the relationship between Mrgud and Stanišić reviewed in chapter 6.5.3 above,[4304] the evidence of Witness JF-024 about the DB taking control over the Serb areas in Croatia, the evidence of Mladen Karan on the influence the Serbian MUP and DB had on removing SVK officers from the Vukovar area, and another Intelligence Report which stated that the Accused "were in charge", "commanded the army in Krajina", and that Lončar was "nothing but a pawn".[4305] The Trial Chamber considers that this report contains very broad and bitter statements made by Predrag Milisavljević, who had been fired from work and had apparent problems with accepting his new situation, and should therefore be treated with great caution. Furthermore, with regard to the influence of the Accused on the SVK, the Trial Chamber notes that according to the Intelligence Report based on the interview with collaborator "Trgovac",[4306] members of the MUP and the DB were removed from Tactical Group 1 of the SVK by the SVK commanders. Overall, the Trial Chamber does not consider that the evidence discussed

[4303] Exhibits P1193 and P1080.
[4304] Exhibit P1652.
[4305] Exhibit P2360.
[4306] Exhibit P1080.

above is conclusive with regard to the role, if any, played by the Accused in directing the units in the SAO SBWS operations.

2057. Consequently, the Trial Chamber considers that it has received insufficient evidence to conclude that the Accused directed the SDG, the JATD a.k.a. the Red Berets, and the Skorpions in the SAO SBWS operations between late August and late October 1995.

2058. The Trial Chamber will now consider whether the Accused organized the involvement of the SDG, the JATD a.k.a. the Red Berets, and the Skorpions in the SAO SBWS operations. In the absence of any evidence in relation to deploying the SDG and the Skorpions to the SAO SBWS operations, the Trial Chamber is unable to conclude that the Accused organized the involvement of these two units in the 1995 operations.

2059. As to the JATD a.k.a. the Red Berets, the Trial Chamber has not received any specific evidence in relation to the organization of the unit's involvement in these operations. Nevertheless, having recalled its findings in chapter 6.3.2 that the JATD was a unit of the Serbian MUP DB subordinate to the Accused at the relevant time, and in view of further corroborative evidence in this respect, in particular on the presence of the Accused in the area, and Simatović's telephone contact with Božović, the Trial Chamber finds that the Accused organized the involvement of the JATD a.k.a. the Red Berets in the 1995 SAO SBWS operations.

Supplies and other support

2060. The Trial Chamber first recalls its findings in relation to Operation Pauk and Trnovo above, that the Accused supported the involvement of the SDG and the JATD in Operation Pauk and that they supported the involvement of the SDG in the Treskavica/Trnovo operation. The Trial Chamber will now consider further evidence it has received with regard to supporting the involvement of, and supplying the SDG, the JATD a.k.a. the Red Berets, and the Skorpions in the operations addressed above. In its Final Trial Brief, the Prosecution submits that members of the Serbian DB, including Zoran Raić,[4307] escorted the Skorpions into Bosnia-Herzegovina during Operation Pauk and the Trnovo operation.[4308] It also submits that on at least one occasion at the relevant time, the Skorpions and the SDG received ammunition and supplies from Pajzoš.[4309] In relation to these allegations, the Trial Chamber

[4307] For the Prosecution's submission on the correct spelling of Raić's name see Prosecution Final Trial Brief, 14 December 2012, pp. 3-4.
[4308] Prosecution Final Trial Brief, 14 December 2012, paras 349, 358.
[4309] Prosecution Final Trial Brief, 14 December 2012, paras 305, 375.

has received evidence from Witness JF-024, Witness JF-048, and Dejan Plahuta, as well as documentary evidence.

2061. In a 6 February 1995 Serbian DB JATD report, Janko Kereš, member of the JATD 1st Combat Group, stated that from 10 December 1994 to 1 February 1995, special equipment, including two sniper rifles, a Heckler and Koch pistol, some ammunition, night visision goggles, and torches, was issued to, *inter alia*, Radojica Božović, Zoran Raić, and Vasilije Mijović.[4310] In view of its findings in chapter 6.5.3, the Trial Chamber notes that these persons took part in Operation Pauk as members of the JATD.

2062. **Witness JF-048**, a former member of the Red Berets,[4311] who was trained at the Pajzoš camp from late May or early June until the end of September or early October 1995, testified that in 1995, Arkan's unit and Boca's unit had access to the storage facilities in Pajzoš for whatever supplies they needed, with the requisite permission.[4312] The guard would notify the commander on duty at the time, usually Krsmanović or Zvjezdan, that someone had arrived. They were then allowed into the camp but first had to speak to the commander, after which they helped themselves with the ammunition, food, and other supplies.[4313]

2063. On one occasion in July 1995, the witness saw two or three members of Boca's unit loading green military crates onto a truck with a Boca's unit sign.[4314] On another occasion in July or August 1995, the witness saw Arkan's men, accompanied by a person named Garić, who was responsible for the storage facilities in Pajzoš, take three or four crates of ammunition and some uniforms and hats from the storage near the kitchen.[4315] The witness recognized Garić's last name on the JATD payment list for 1 to 15 August 1995.[4316] The witness also saw Legija, accompanied by two other men from Arkan's unit wearing camouflage caps, collecting supplies and loading them onto a jeep.[4317] On one occasion Arkan

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[4310] P3024 (Serbian DB JATD Report, 6 February 1995, signed by Janko Kereš), pp. 4-5.
[4311] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 1-2, 5; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), p. 14576.
[4312] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 4, 10; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14586-14587; Witness JF-048, T. 5806-5807.
[4313] P523 (Witness JF-048, witness statement, 6 May 2000), p. 10.
[4314] Witness JF-048, T. 5723-5724, 5805-5807; P538 (Stills from Skorpions video (P2161) with Witness JF-048 comments), (Still of a black truck with related comments, time code 11'52"), (Still of a white truck with related comments, time code 18'17"), (Still of green crates with related comments, time code 51'53").
[4315] P523 (Witness JF-048, witness statement, 6 May 2000), p. 10; Witness JF-048, T. 5807.
[4316] P536 (Payment list authentication chart with comments by Witness JF-048), (Comments on P542), p. 2; P542 (JATD List of employees to be paid daily allowance for 1 to 15 August 1995), p. 3.
[4317] P523 (Witness JF-048, witness statement, 6 May 2000), pp. 9-10; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14585-14587; P539 (Series of stills of Kula Camp Video (P61) with Witness JF-048 comments), (Still of Legija with related comments, time code 24'38"), p. 4.

himself came to Pajzoš, but refused to identify himself. The guard insisted on following standard procedures and pointed a gun at Arkan's vehicle, after which Arkan left.[4318]

2064. In the same respect, **Dejan Plahuta**, who was sent from Lipovica to Pajzoš in early August 1995, testified that as far as he knew, during his stay at Pajzoš, neither Arkan's men nor Boca or any of his men ever came to Pajzoš for supplies, and there was in any event not enough ammunition or equipment to share it with anybody else.[4319] In early August 1995, Arkan arrived at the Pajzoš complex in Croatia, accompanied by seven or eight armed men wearing camouflage military uniforms.[4320] Although he didn't provide a reason for his visit, the witness assumed that it had something to do with the wine at the wine cellars at the site because Arkan mentioned the wine on that occasion and said he wanted to buy some.[4321] Arkan was denied entry at the main gate by the witness's brother, who was patrolling at that moment, because he was not authorised.[4322] The witness, who had been called as reinforcement along with others, saw that Arkan was very irritated.[4323]

2065. In relation to other support provided to the Skorpions, the Trial Chamber has received evidence from **Witness JF-024**, a Serb from Croatia, who testified that on three missions, when the Skorpions crossed into Bosnia-Herzegovina at Sremska Rača, persons, whom he heard from others were members of the Serbian DB, escorted the Skorpions through the woods.[4324] The witness recognized one of the persons assisting them in crossing the border between the Serbian Krajina and Abdić's territory in a still from a video shown to him in Court (exhibit P2159).[4325]

2066. In its Final Trial Brief, the Prosecution submits, citing exhibit P2978 and the testimony of Goran Opačić, that the person identified by Witness JF-024 as the Skorpions' escort was Zoran Raić.[4326] Exhibit P2978 contains two pictures of Zoran Raić, which originate from his ID cards dated 23 June 1994 and 30 July 2009, and which were submitted by the Government

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[4318] P523 (Witness JF-048, witness statement, 6 May 2000), p. 10; P524 (Witness JF-048, *Slobodan Milošević* transcript, 9 January 2003), pp. 14576, 14586-14587.
[4319] Dejan Plahuta, T. 19364, 19382-19383.
[4320] Dejan Plahuta, T. 19367-19368, 19521-19522.
[4321] Dejan Plahuta, T. 19368-19369, 19522.
[4322] Dejan Plahuta, T. 19368, 19384-19385.
[4323] Dejan Plahuta, T. 19368.
[4324] P2146 (Witness JF-024, witness statement, 17 February 2005), para. 66; P2148 (Witness JF-024, witness statement, 31 May 2005), pp. 2-4; Witness JF-024, T. 11036-11041, 11061, 11124-11133, 11147-11149; P2155 (Map marked in court of Skorpion voyage to Bosnia-Herzegovina); P2159 (Photo of Skorpion escort); D221 (Map marked in court of Skorpion voyage to Bosnia-Herzegovina).
[4325] Witness JF-024, T. 11060-11061; P2159 (Photo of Skorpion escort); D221 (Map marked in court of Skorpion voyage to Bosnia-Herzegovina).
[4326] Prosecution Final Trial Brief, 14 December 2012, Figure 12, p. 280.

of Serbia in response to a request from the Office of the Prosecutor.[4327] Furthermore, Goran Opačić recognized Zoran Raić in another picture shown to him in court.[4328]

2067. Based on the Serbian DB JATD Report[4329] and in view of its finding recalled earlier in this chapter, that the JATD was a unit subordinate to the Accused at the time, the Trial Chamber finds that on at least one occasion, sometime between 10 December 1994 and 1 February 1995, the Accused supplied two sniper rifles, a Heckler and Koch pistol, some ammunition, night visision goggles, and torches to members of the JATD a.k.a. the Red Berets engaged in Operation Pauk, including to Radojica Božović, Vasilije Mijović, and Zoran Raić.

2068. In relation to supplies from Pajzoš, the Simatović Defence, its Final Trial Brief, refers to the evidence of Dragoslav Krsmanović.[4330] Krsmanović testified that at Pajzoš, where he had been present at certain intervals in the second half of 1995, the JATD did not have any warehouses with weapons and equipment, except for its own needs, and no supplying of other formations from that area ever took place.[4331] The Trial Chamber considers that such a general statement does not negate the more specific and detailed evidence of Witness JF-048 in this respect. Also, having regard to the overall assessment of Krsmanović's reliability outlined as low in chapter 2, and considering that Krsmanović was not present at Pajzoš on a constant basis, the Trial Chamber will not rely on his evidence in this context. With regard to Dejan Plahuta's claims, the Trial Chamber notes that he arrived in Pajzoš in August 1995 only and could therefore not testify about Boca or any member of his unit coming to the camp in July 1995. In any event, his evidence to the effect that he did not see Boca, Arkan or their respective units in Pajzoš between August and December 1995, does not, as such, contradict Witness JF-048's evidence that he saw Boca's men there in July 1995 and Arkan's men in July or August and later the same year. Consequently, based on the evidence of Witness JF-048, the Trial Chamber finds that on at least one occasion in July 1995, the Skorpions received ammunition from Pajzoš, and that the SDG received supplies from Pajzoš, including ammunition and uniforms, on at least two occasions between July and late September or early October 1995. Before receiving the supplies, members of the SDG and the Skorpions claimed

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[4327] P2978 (Request for Assistance from the Office of the Prosecution and the Government of Serbia Response, 16 March and 5 April 2011, respectively), pp. 5-6.
[4328] Goran Opačić, T. 18234-18235; P3098 (Picture of Captain Dragan and Zoran Raić).
[4329] Exhibit P3024.
[4330] Simatović Defence Final Trial Brief, 14 December 2012, para. 939 and the evidence of Dragoslav Krsmanović cited therein.
[4331] D409 (Dragoslav Krsmanović, witness statement, 27 August 2011), para. 55; Dragoslav Krsmanović, T. 14508-14509.

permission from the JATD Pajzoš commander on duty at the time. Having further recalled its findings on the Pajzoš camp in chapter 6.3.3 in relation the Pajzoš camp in 1992 and 1995-1996, the Trial Chamber finds that on at least one occasion in the course of the Skorpions' involvement in the Treskavica/Trnovo operation, the Accused supplied it with ammunition, and that on at least two occasions during the SDG's involvement in the 1995 SAO SBWS operations, the Accused supplied SDG members with, *inter alia*, ammunition and uniforms.

2069. In relation to the Skorpions' escort, the Trial Chamber has compared the still from a video shown in Court to Witness JF-024, with the picture in which Goran Opačić recognized Zoran Rajić, as well as with Rajić's ID pictures submitted by Serbia. The Trial Chamber is unable to conclude with sufficient certainty that the person identified by Witness JF-024 as one of those who helped the Skorpions through the border, is indeed Zoran Rajić. Furthermore, in view of Witness JF-024's hearsay evidence in relation to the Skorpions' escort, the Trial Chamber is unable to conclude with sufficient certainty that the Accused supported the Skorpions' involvement in Operation Pauk, and operations in Trnovo and the SAO SBWS, by helping them cross the borders.

6.5.4 The Accused financed the involvement of the Skorpions, the SDG, and the JATD in particular operations in Croatia and Bosnia-Herzegovina – Operation Pauk November 1994-July 1995, Treskavica/Trnovo June-July 1995, and 1995 SBWS operations

2070. According to the Indictment, the Accused financed the involvement of the SDG, the JATD a.k.a. the Red Berets, and the Skorpions in particular operations in Croatia and Bosnia-Herzegovina.[4332] In its Final Trial Brief, the Prosecution submits that members of the SDG and the JATD appear on several *per diem* payment lists in 1994 and 1995.[4333]

2071. In relation to these allegations, the Trial Chamber has received evidence from Witness JF-035, Witness JF-027, Witness JF-057,[4334] Dejan Slišković, and Witness JF-050, as well as documentary evidence.

2072. Before considering the evidence, the Trial Chamber recalls its findings in chapter 6.5.3 that the SDG, the Skorpions, and the JATD a.k.a. the Red Berets took part in Operation Pauk (November 1994 - July 1995) and in the 1995 SAO SBWS operations (late August – late

[4332] Indictment, para. 7.
[4333] Prosecution Final Trial Brief, 14 December 2012, paras 280-281.
[4334] For the Trial Chamber's examination of the Defence submissions in relation to the credibility and reliability of Witness JF-057, see chapter 6.4.5.

October 1995), and that the SDG and the Skorpions participated in the Treskavica/Trnovo operation in June-July 1995. It further recalls its finding in chapter 6.3.2 that at the relevant times, the JATD was a unit of the Serbian DB subordinate to the Accused.

2073. The Trial Chamber has not received any specific evidence on payments or other support rendered to the Skorpions in Operation Pauk, the Trnovo/Treskavica or the SAO SBWS 1995 operations. The Trial Chamber understands the evidence of Goran Stoparić concerning additional salaries paid to the Skorpions in 1994 and 1995, and the evidence of Witness JF-024 regarding weapons received by the Skorpions before operations, to refer to the Prosecution's general allegations about the support rendered to the Skorpions by the Accused outside the scope of specific operations, and will consider this evidence in chapter 6.5.5.

(a) Operation Pauk November 1994-July 1995

2074. A 7 October 1994 entry in Mladić's notebook describes a meeting with President Milošević, General Perišić, General Čeleketić, and Jovica Stanišić, where assisting Fikret Abdić was discussed. An individual referred to as "JS" proposed that he would collect men "from all over" and will ask "FA" to pay them.[4335] Another entry in the notebook, dated, 13 June 1995, refers to a meeting with Slobodan Milošević and Fikret Abdić in which the fighting in the Bihać area and logistical issues were discussed. Mladić noted that Mrkšić suggested paying the corps and that "four million came", but he did not know where it was, to which "JS" replied that the MUP was holding it.[4336]

2075. **Witness JF-057**, a Serb from Serbia,[4337] testified that soldiers who participated in the Velika Kladuša operation said they had received about 1,500 DEM per month.[4338] The witness testified that the SDG soldiers were paid by Fikret Abdić in the field and the soldiers who got wounded during the operation, received their money via the DB at the SDG headquarters in Belgrade.[4339] Some of the wounded soldiers who returned from Velika Kladuša told the witness that they saw a man coming out of Fikret Abdić's headquarters, giving money to

[4335] P2536 (Excerpt from Mladić's Notebook, 7 October 1994), pp. 1, 16.
[4336] P394 (Excerpt from Mladić notebook titled "Meeting with President Milošević", 30 June 1995), p. 209.
[4337] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 2.
[4338] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 3; P1618 (Witness JF-057, prior testimony), pp. 19466-19467.
[4339] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6; P1618 (Witness JF-057, prior testimony), pp. 19467, 19562, 19576; Witness JF-057, T. 9471-9472.

Milorad Ulemek, a.k.a. Legija, and that Legija paid the soldiers with this money.[4340] Regarding the wounded SDG members who returned from the Velika Kladuša operation to the SDG headquarters in Belgrade, the witness testified that Simatović's secretary, Slađana, contacted the SDG headquarters when the money for these soldiers arrived, that an SDG driver picked the money up, and that the money was then used to pay the wounded SDG members.[4341] The wounded SDG members had to sign receipts for receiving payment. After Operation Pauk ended only the seriously wounded SDG members continued to receive payments, but these payments were separate from the payments related to Operation Pauk.[4342]

2076. **Witness JF-027**, a Croatian ethnic Serb and a former member of the SDG,[4343] testified that between November 1994 and December 1995, members of his unit talked about being paid by the Serbian DB.[4344] During Operation Pauk, Rade Rakonjac, Legija's deputy, confirmed to the witness that the Serbian MUP paid the salaries of the SDG.[4345] According to the witness, members of the SDG who were wounded during Operation Pauk would receive a pension from the MUP, and their documents would state that they were wounded when fighting as JNA soldiers in the Bihać area.[4346] According to the witness, Božović's men and the SDG were both paid their salary from the same source, which they received monthly in Serbian dinars, amounting to around 200-300 DEM.[4347] A courier or officer would arrive and hand the witness and others their salaries.[4348] On a DB JATD payment list for 16 to 31 December 1994, the witness recognized as members of the SDG: Milorad Ulemek, Nebojša Djordjević, Rade Rakonjac, Boban Gojković, Dragoljub Kuveljvić, Saša Milaković, Milenko Korda, Boris Batez, Jugoslav Glušćević, Vladan Panić, Stevica Andjelković, Vlado Vukotić, Božidar Cakić, Mile Ulemek, Dušan Gajić, and Djordje Opsenica.[4349]

[4340] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6; P1618 (Witness JF-057, prior testimony), pp. 19467, 19576.
[4341] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 6; P1618 (Witness JF-057, prior testimony), pp. 19467, 19569; Witness JF-057, T. 9471-9472, 9593-9594.
[4342] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 7.
[4343] P1596 (Witness JF-027, witness statement, 27 February 2004), p. 1, para. 7; Witness JF-027, T. 8887, 8890, 8971.
[4344] Witness JF-027, T. 8893.
[4345] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 26; Witness JF-027, T. 8892-8893.
[4346] P1596 (Witness JF-027, witness statement, 27 February 2004), para. 26.
[4347] Witness JF-027, T. 8885-8886, 8934, 8948. The Trial Chamber recalls, in this respect, that in chapter 6.5.3 in relation to Operation Pauk it found the JATD to be led by Božović under Tactical Group 3.
[4348] Witness JF-027, T. 8967-8968.
[4349] Witness JF-027, T. 8888-8890, 8899-8900; P454 (List of the JATD Members to be Paid Daily Allowance for 16 to 31 December 1994), p. 19.

2077. **Witness JF-035**, a Serb from Bosnia-Herzegovina,[4350] testified that Arkan's men received their salaries from Arkan's headquarters in Belgrade, and when they were engaged in field operations they received *per diems* of 1,500-2,000 DEM per month, which they collected from the Red Berets at Petrova Gora during Operation Pauk.[4351] There were rumours that part of their salaries came from the Serbian MUP.[4352]

2078. **Dejan Slišković**, a Serb who was a member of the JATD from June 1994 to May 1995,[4353] testified that while providing security for Stanišić and Simatović at Magarčevac from mid to late September 1994 until the beginning of February 1995, he and other JATD members were paid 4,000 DEM extra per month, which they received when they returned to Belgrade.[4354] At the end of the operations in Western Bosnia, each member of the witness's unit went to Simatović's office in the Serbian DB building in Belgrade and Slađana gave them each between 4,000 and 8,000 DEM. The members signed a list upon receipt of the money.[4355] On between two and four occasions, Slišković saw Abdić, who always wore a suit, bringing suitcases into the office and leaving without them. The witness believed the suitcases were filled with money, because after Abdić's visits the secretary would exchange the JATD members' dinars for DEM based on the exchange rate.[4356]

2079. In relation to the financing of the SDG and the JATD a.k.a. the Red Berets during Operation Pauk, the Trial Chamber has further reviewed multiple payment lists of the Serbian DB for the period of November 1994 to July 1995. For members of the JATD, it has also reviewed payment lists covering the period from late September to the end of October 1994, since, as the Trial Chamber found in chapter 6.5.3 in relation to Operation Pauk, many JATD members began arriving to Pauk before the military operation actually began. The following persons appear as beneficiaries on these lists: Milorad Ulemek, Dragan Petrović a.k.a. Kajman, Nenad Bujošević a.k.a. Veliki Rambo, Slobodan Stojančević a.k.a. Laki, Nebojša Đorđević, Rade Rakonjac, Mladen Šarac, Jugoslav Simić, Zvezdan Jovanović, Radojica

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[4350] P494 (Witness JF-035, witness statement, 18 October 2000), p. 2; P495 (Witness JF-035, supplemental witness statement, 6 May 2001), p. 1; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12231.
[4351] P494 (Witness JF-035, witness statement, 18 October 2000), p. 18; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), pp. 12208-12209, 12294; Witness JF-035, T. 5427-5430; P506 (Chart listing *per diem* payments P349, P540-543 and P452-468 made by the RDB JATD in 1994-1995, commented by witness JF-035).
[4352] P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12294.
[4353] P440 (Dejan Slišković, witness statement, 14 September 2003), p. 1, paras 3-4, 20; P441 (Dejan Slišković, witness statement, 8 April 2010), p. 1, paras 13-14, 63.
[4354] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 8; Dejan Slišković, T. 5107-5108.
[4355] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 64.

Božović, Živojin Ivanović a.k.a. Crnogorac, Dragan Filipović, and Davor Subotić a.k.a. Riki, Zoran Raić, Vaso Mijović, Milan Radonjić, and Dragoslav Krsmanović.[4357] **Witness JF-050**, a Croat from Jajce in Bosnia-Herzegovina,[4358] recognized the name of SDG member Mile (Mihajlo) Ulemek on DB JATD payment lists for December 1994 and January 1995, and the name of SDG member Saša Asčerić a.k.a. Asteriks on payment lists for December 1994 to May 1995.[4359] **Dejan Plahuta** a.k.a. Svabo, a former member of the JATD and member of the JSO,[4360] recognized the name of his supervisor in Operation Pauk, Milan Karapandža, on the JATD *per diem* payment list for 1 to 15 July 1995.[4361] **Dejan Slišković** recognized the names of the JATD members who were with him in Petrova Gora on the lists of JATD members to receive a daily allowance for November 1994.[4362] In Petrova Gora, the witness saw the payment list cover sheets, which were signed and stamped to certify the payments.[4363] On page 15 of the same list, the witness recognized the names of those who guarded the facility where Jovica Stanišić was staying, including his own name.[4364] On page 21 of the list, the witness recognized the names of the JATD members of his own unit who were in the field

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[4356] P440 (Dejan Slišković, witness statement, 14 September 2003), para. 8; P441 (Dejan Slišković, witness statement, 8 April 2010), para. 50; Dejan Slišković, T. 5126.

[4357] P449 (List of the JATD Members to be Paid Daily Allowance for 16 to 30 September 1994), pp. 3, 5, 8; P450 (List of the JATD Members to be Paid Daily Allowance for 1 to 15 October 1994), pp. 4, 8; P451 (List of JATD Members to be Paid Daily Allowance for 16 to 31 October 1994), pp. 2, 17; P452 (List of JATD Members to be Paid Daily Allowance for 16 to 30 November), pp. 2, 19; P453 (List of the JATD Members to be Paid Daily Allowance for 1 to 15 November 1994), pp. 13-14; P454 (List of the JATD Members to be Paid Daily Allowance for 16 to 31 December 1994), pp. 4, 16, 19-20, 24; P455 (List of JATD Members for the Payment of Daily Allowance for 1 to 15 December 1994) , pp. 11, 16, 21-22, 25; P456 (List of the JATD Members Who Are Receiving Daily Allowance for 16 to 31 January 1995), pp. 2-3, 10, 16, 22; P457 (List of JATD Members Who Are Receiving Daily Allowances for 1 to 15 January 1995), pp. 2, 4, 6-7, 23; P458 (List of JATD Members to be Paid Daily Allowance for 1 to 15 February 1995), pp. 3, 5-6, 10, 21; P459 (List of JATD Members to be Paid Daily Allowance for 16 to 31 March 1995), pp. 3-4, 8, 10, 17; P460 (List of JATD Members to be Paid Daily Allowance for 16 to 28 February 1995), pp. 2-4, 7, 11; P461 (List of JATD Members to be Paid Daily Allowances for 1 to 15 March 1995), pp. 7-8, 12-13, 16; P462 (List of JATD Members to be Paid Daily Spending Allowance for 16 to 30 April 1995), pp. 8, 12, 14-15, 18; P463 (List of JATD Members to be Paid Daily Allowance for 1 to 15 April 1995), pp. 8, 11, 13-14, 17; P464 (JADT List of Employees to be Paid Daily Spending Allowance for 1 to 15 May 1995), pp. 5, 9,12, 17, 19, 22; P465 (JATD List of Employees to be Paid Daily Spending Allowance for 16 to 31 May 1995), pp. 2, 5, 12-14, 25; P466 (JATD List of Persons to be Paid Daily Allowance for 1 to 15 June 1995), pp. 4, 6, 12, 16, 24; P467 (JATD List of Persons Who Are Receiving Daily Allowances from 16 to 30 June 1995), pp. 3, 15, 22, 26-27; P468 JATD List of Employees to be Paid Daily Spending Allowance for 1 to 15 July 1995, pp. 4, 6, 8, 12, 19, 21; P540 (JADT List of Employees to be paid Daily Allowance for 1 to 15 July 1995), pp. 3, 7, 16, 23-24, 28.

[4358] P570 (Witness JF-050, witness statement, 15 December 1998), p. 2; P572 (Witness JF-050, prior testimony), p. 18369.

[4359] P588 (DB payments records comments chart signed by Witness JF-050, 28 June 2010), pp. 2-4.

[4360] Dejan Plahuta, T. 19303, 19305, 19307.

[4361] Dejan Plahuta, T. 19361-19362.

[4362] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 83-85; P452 (List of JATD Members to be Paid Daily Allowance for 16 to 30 November), p. 4.

[4363] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 24.

[4364] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 88; P454 (List of the JATD Members to be Paid Daily Allowance for 16 to 31 December 1994), p. 15.

with Rajo Božović.[4365] On pages 18 through 20, the witness recognized the names of JATD members together with the members of the SDG, and the names of SDG commander Milorad Ulemek, SDG Lieutenant Jugoslav Gluščević, and high-ranking SDG officer Nenad Bujošević.[4366] Nenad Bujošević was also listed on the JATD daily allowance list of 1 to 15 January 1995.[4367] On the JATD payment list for 16 to 31 January 1995, the witness recognized the signature of JATD instructor Draško Suvara which appeared next to several names including his own, and testified that he had received money from Draško Suvara in January 1995.[4368] The witness testified that the stamp on this list was the official stamp used at the Belgrade headquarters, which he had also seen on the official decision he received signed by Jovica Stanišić.[4369] In view of its findings in chapter 6.5.3 in relation to Operation Pauk and the evidence of Witness JF-057, Dejan Slišković, Dejan Plahuta, and Witness JF-035 in the same sub-chapter, the Trial Chamber notes that all these persons took part in Operation Pauk, as members of SDG or JATD.

2080. In relation to the JATD a.k.a. the Red Berets, considering the Serbian DB payment lists referred to above and the testimony of Dejan Slišković that JATD members collected their salaries at the Belgrade DB building, the Trial Chamber finds that the Serbian DB paid JATD members during the operation. In view of the Trial Chamber's finding, recalled earlier in this chapter, that at the relevant time the JATD a.k.a. the Red Berets was a unit of the Serbian DB subordinate to the Accused, the Trial Chamber finds that the Accused financed the involvement of the JATD a.k.a. the Red Berets in Operation Pauk between November 1994 and July 1995.

2081. As to the SDG, in view of the evidence of Witness JF-057 and having considered the evidence of Dejan Slišković and excerpts from Ratko Mladić's Notebook,[4370] the Trial Chamber observes that during Operation Pauk, members of the SDG were paid by Fikret Abdić in the field, and those who were wounded at the front line received their money through the Serbian DB at the SDG Belgrade headquarters.

[4365] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 91; P454 (List of the JATD Members to be Paid Daily Allowance for 16 to 31 December 1994), p. 21.
[4366] P441 (Dejan Slišković, witness statement, 8 April 2010), paras 46, 89-90; Dejan Slišković, T. 5133; P454 (List of the JATD Members to be Paid Daily Allowance for 16 to 31 December 1994), pp. 18-20.
[4367] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 97; P457 (List of JATD Members Who Are Receiving Daily Allowances for 1 to 15 January 1995), p. 2.
[4368] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 96; Dejan Slišković, T. 5102; P456 (List of the JATD Members Who Are Receiving Daily Allowance for 16 to 31 January 1995), p. 18.
[4369] P441 (Dejan Slišković, witness statement, 8 April 2010), para. 96; P456 (List of the JATD Members Who Are Receiving Daily Allowance for 16 to 31 January 1995), p. 22.
[4370] Exhibit P2536.

2082. The Trial Chamber has also considered the Serbian DB payment lists referred to above and the evidence of Witness JF-050 and Dejan Slišković who recognized SDG members listed thereon. Having further regard to the evidence of Witness JF-027 suggesting that the Serbian MUP DB paid the SDG during Operation Pauk and the evidence of Witness JF-035 that the SDG collected their salaries from the Red Berets at Petrova Gora, the Trial Chamber finds that during the operation, in addition to payments received from Fikret Abdić, members of the SDG were paid by the Serbian DB.

2083. Having reviewed the above payment lists, the Trial Chamber finds that the names of the SDG and the JATD members appear on the same JATD payment lists, at the bottom of most of which, "JATD Deputy Commander Milan Radonjić" is typed. In this respect the Trial Chamber recalls its finding in chapter 6.3.2 that Milan Radonjić held a command position within the JATD. It further considers that most of these lists are signed by Radonjić. Some of them are signed by other persons for Radonjić. The Prosecution submits that in the BCS versions of four of these payment lists,[4371] Franko Simatović's signature or initials on behalf of Radonjić are visible.[4372] The Prosecution refers to the evidence of Dragoslav Krsmanović, who authenticated the signature of Frenki on a chart of exhibits.[4373] In this regard, the Trial Chamber recalls its considerations about the reliability of Dragoslav Krsmanović's evidence, outlined in chapter 2. At the same time, the Trial Chamber notes that the Simatović and the Stanišič Defence do not, as such, dispute the authenticity of Simatović's signature/initials on these lists. The Simatović Defence argues that the percentage of the lists allegedly signed by Simatović is negligible, and that the word "for" next to the signature would indicate that Simatović was not a deputy commander of the JATD.[4374] It further submits that it is a "notorious fact" that a commander would not sign a document instead of his deputy.[4375] In view of the evidence received, the Trial Chamber considers it to be possible that a document would be signed for somebody by this person's superior.[4376] As to the Defence's argument about the negligible number of lists allegedly signed by Simatović, and leaving aside whether Simatović's signature in fact appears on these lists, the Trial Chamber considers that even if

[4371] P454 (List of the JATD Members to be Paid Daily Allowance for 16 to 31 December 1994); P456 (List of the JATD Members Who Are Receiving Daily Allowance for 16 to 31 January 1995); P457 (List of JATD Members Who Are Receiving Daily Allowances for 1 to 15 January 1995); P465 (JATD List of Employees to be Paid Daily Spending Allowance for 16 to 31 May 1995).
[4372] Prosecution Final Trial Brief, 14 December 2012, para. 909.
[4373] Prosecution Final Trial Brief, 14 December 2012, para. 909. See also Dragoslav Krsmanović, T. 14708-14710; P3039 (Chart of signatures shown to Dragoslav Krsmanović).
[4374] Simatović Defence Final Trial Brief, 14 December 2012, paras 997-999.
[4375] Closing Argument, T. 20370-20371.

he only saw four of the *per diem* lists, Simatović must have become aware of the pattern of the DB paying not only the JATD, but also the SDG members. The Stanišić Defence submits that both former members of, and potential candidates to the JATD, as well as people who were tasked with specific duties but who were not members of the Serbian DB, also appeared on *per diem* lists.[4377] The Trial Chamber notes, however, that in this chapter only the names of those individuals who the Trial Chamber found to have taken active part in the particular operations at issue[4378] were checked against the payment lists.

2084. The Trial Chamber finds that the SDG members involved in Operation Pauk appear on the same JATD *per diem* lists where the names of JATD members are visible, and that most of these lists are signed by or for JATD deputy commander Milan Radonjić. Considering further that the JATD was a unit of the Serbian DB subordinate to the Accused at the relevant time, as recalled earlier, the Trial Chamber finds that the Accused financed the involvement of the SDG in Operation Pauk.

(b) Treskavica/Trnovo June-July 1995

2085. **Witness JF-057** testified that in June and July 1995 the SDG members who participated in the Treskavica operation received their pay in Treskavica directly from the DB.[4379] The witness testified that SDG members Srdjan Marinković and Njego/Noga Janković, whose names the witness recognized on the Serbian MUP JATD payment list for 1 to 15 June 1995, participated in the Treskavica operation.[4380]

2086. In relation to the financing of the SDG during the Treskavica/Trnovo operation, the Trial Chamber has further reviewed multiple payment lists of the Serbian DB. The names of Dragan Petrović, a.k.a. Kajman, and Mladen Šarac appear as beneficiaries on these lists in June and July 1995.[4381] Furthermore, **Witness JF-050** recognized the name of SDG member Saša Asčerić, a.k.a. Asteriks, on DB JATD payment lists for June and 1-15 July 1995.[4382] Furthermore, **Witness JF-057** recognized Vasilije Mijović on the Serbian MUP JATD

[4376] See, for example Radivoje Mičić, T. 19868, where the witness testified that he had always put the word "for" ("*za*"), whether it was his superior or subordinate he was signing for.
[4377] Stanišić Defence Final Trial Brief, 17 December 2012, paras 184-188.
[4378] As listed in the relevant sub-sections of chapter 6.5.3.
[4379] P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8.
[4380] Witness JF-057, T. 9370-9372; P466 (JATD List of Persons to be Paid Daily Allowance for 1 to 15 June 1995), p. 2.
[4381] P466 (JATD List of Persons to be Paid Daily Allowance for 1 to 15 June 1995), p. 4; P467 (JATD List of Persons Who Are Receiving Daily Allowances from 16 to 30 June 1995), p. 26; P468 (JATD List of Employees to be Paid Daily Spending Allowance for 1 to 15 July 1995), p. 12; P540 (JADT List of Employees to be paid Daily Allowance for 1 to 15 July 1995), p. 24.
[4382] P588 (DB payments records comments chart signed by Witness JF-050, 28 June 2010), pp. 4-5.

payment list for the period of 1 to 15 June 1995.[4383] Mijović's name also appears on the payment list for the remaining weeks in June as well as on the July payment lists.[4384] In view of its findings in chapter 6.5.3 in relation to the Treskavica/Trnovo operation and the evidence of **Witness JF-024** that a certain SDG member nicknamed Asteriks participated in the Trnovo operation, which was reviewed in the same sub-chapter, the Trial Chamber notes that all these persons participated in the Trnovo operation as members of the SDG and that it was through JATD member Mijović that the Accused supported the SDG's involvement in the operation.

2087. Based on the evidence of Witness JF-057 and Witness JF-050, as well as DB payment lists referred to above, the Trial Chamber finds that in the Treskavica/Trnovo operation, members of the SDG were paid by the Serbian DB. The Trial Chamber further recalls its discussion on the Defence submissions in relation to payment lists, set out in chapter 6.5.4 in relation to Operation Pauk. Having reviewed the Treskavica/Trnovo payment lists summarized above, the Trial Chamber finds that the names of the SDG members appear on the same payment lists as the name of the JATD member Vasilije Mijović, and that these lists are signed by or for JATD deputy commander Milan Radonjić. The Trial Chamber also notes that other JATD members, such as Radojica Božović and Davor Subotić,[4385] are also listed on these payment lists. Considering further that the JATD was a unit of the Serbian DB subordinate to the Accused at the relevant time, as recalled earlier, the Trial Chamber finds that the Accused financed the involvement of the SDG in the Treskavica/Trnovo operation.

(c) SBWS operations - late August-late October 1995

2088. With regard to payments received by SDG members during the SAO SBWS 1995 operations, the Trial Chamber has reviewed relevant evidence of **Witness JF-057** in chapter 6.4.4. in relation to Banja Luka.

2089. In relation to the financing of the SDG and the JATD a.k.a. the Red Berets during the 1995 SAO SBWS operations, the Trial Chamber has further reviewed multiple payment lists of the Serbian DB. The names of the following persons appear as beneficiaries on the payment lists for the autumn of 1995: Milorad Ulemek, Nenad Bujošević, Zvezdan Jovanović,

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[4383] P1615 (Witness JF-057, witness statement, 9 July 2002), p. 5; P1616 (Witness JF-057, witness statement, 10 November 2002), p. 8; Witness JF-057, T. 9372, 9491; P466 (JATD List of Persons to be Paid Daily Allowance for 1 to 15 June 1995), p. 6.

[4384] P467 (JATD List of Persons Who Are Receiving Daily Allowances from 16 to 30 June 1995), p. 15; P468 (JATD List of Employees to be Paid Daily Spending Allowance for 1 to 15 July 1995), p. 6; P540 (JADT List of Employees to be paid Daily Allowance for 1 to 15 July 1995), p. 7.

Vasilije Mijović, Dragan Filipović, a.k.a. Fića, and Radojica Božović.[4386] In view of its findings in chapter 6.5.3 in relation to the SBWS operations, the Trial Chamber notes that all these persons participated in the 1995 SAO SBWS operations as members of the SDG or the JATD a.k.a. the Red berets.

2090. As to the JATD a.k.a. the Red Berets, considering the Serbian DB payment lists above, the Trial Chamber finds that the Serbian DB paid JATD members during the 1995 SWBS operations. In view of the Trial Chamber's finding, recalled earlier in this chapter, that at the relevant time the JATD a.k.a. Red Berets was a unit of the Serbian DB subordinate to the Accused, the Trial Chamber finds that the Accused financed the involvement of the JATD a.k.a. the Red Berets in the 1995 SAO SBWS operations.

2091. On the basis of the evidence of Witness JF-057 and the Serbian DB JATD payment lists referred to above, the Trial Chamber finds that during their involvement in the 1995 SAO SBWS operations, members of the SDG received payments from the Serbian DB.

2092. The Trial Chamber recalls its discussion on the Defence submissions in relation to payment lists, set out in chapter 6.5.4 in relation to Operation Pauk. Having reviewed the payment lists summarized above, the Trial Chamber finds that the SDG members involved in the 1995 SAO SBWS operations appear on the same JATD *per diem* lists where the names of JATD members are visible and that these lists are signed by or for JATD deputy commander Milan Radonjić. Considering further that the JATD was a unit of the Serbian DB subordinate to the Accused at the relevant time, as recalled earlier, the Trial Chamber finds that the Accused financed the involvement of the SDG in the 1995 SAO SBWS operations. The Trial Chamber observes, based on Witness JF-057's evidence, that occasionally the SVK may have also financed the involvement of the SDG in these operations.

6.5.5 The Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Skorpions

[4385] For the Trial Chamber findings on the membership of these individuals in the JATD see chapter 6.3.2.
[4386] P347 (List of Employees Paid Daily Spending Allowance, signed by JATD Commander Milan Radonjić, 29 September, 1995), pp. 14, 24, 46; P348 (JATD List of Employees to be paid Daily Allowance for 1 to 15 October 1995), p. 19, 81; P349 (JADT List of Employees to be paid Daily Allowance for 16-31 October 1995), pp. 2, 45, 56, 68; P541 (JATD List of Employees to be paid Daily Allowance for 16 to 31 August 1995), pp. 3, 14, 17, 30; P543 (JADT List of Employees to be paid Daily Allowance for 1 August to 15 September 1995), pp. 5, 8, 30, 32, 36.

2093. According to the Indictment, the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support for the Skorpions.[4387] Having already considered, in chapter 6.5.3, the Prosecution's allegations with regard to the assistance rendered by the Accused to the Skorpions in Operation Pauk, and in the 1995 Trnovo/Treskavica and SAO SBWS operations, in the present section the Trial Chamber will consider whether the Accused directed and organized the financing, logistical support, and other substantial assistance or support for the Skorpions outside the time-period of these operations, and whether they directed and organized the Skorpions' training.

2094. In this respect, the Trial Chamber has received evidence from Witness JF-024, Goran Stoparić, Witness JF-029, Petar Djukić, and Gvozden Gagić. The Trial Chamber will now deal with the evidence concerning the financing and logistical support for the Skorpions.

2095. **Witness JF-024**, a Serb from Croatia,[4388] testified that in 1994, Skorpion members had unlimited access to fuel and were paid 750 DEM a month, and he believed that the payments were made by the oil industry of Krajina.[4389] Before an operation, the Skorpions received weapons from Milanović who would inform Medić where to pick up trucks with ammunition, weapons, and other equipment required for the operation. The witness believed that most of the weapons came from the Vukovar barracks. The witness testified that the Skorpions received vehicles with civilian RSK and SVK license plates, from Srdjan Manojlović, and that Medić's vehicle had a blue license plate, identical to that of the Serbian police and other government agencies, with the letter M which, according to the witness, indicated Milicija.[4390]

2096. **Goran Stoparić**, a former member of the Skorpions,[4391] testified that at Đeletovci, the Skorpions were regularly visited by persons, who some soldiers referred to as Serbian DB, who brought them "whatever equipment they needed", and salaries in envelopes.[4392] The

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[4387] Indictment, paras 3, 5, 15(c). In its Final Trial Brief, the Prosecution further alleges that the Accused trained, financed, and provided logistical support to the Skorpions, which the Trial Chamber understand to be reflecting the aforementioned wording of the Indictment. See Prosecution Final Trial Brief, 14 December 2012, paras 187, 192, 194, 610, 641,755.

[4388] P2146 (Witness JF-024, witness statement, 17 February 2005), p. 1, paras 4-6; P2147 (Witness JF-024, witness statement, 25 May 2005), pp. 1-2; P2148 (Witness JF-024, witness statement, 31 May 2005), p. 1; P2149 (Witness JF-024, witness statement, 7 October 2010), p. 1.

[4389] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 41, 44; Witness JF-024, T. 11108-11110.

[4390] P2146 (Witness JF-024, witness statement, 17 February 2005), paras 45, 88; Witness JF-024, T. 11014-11015, 11099, 11112-11113, 11168, 11181-11184; P2153 (Witness JF-024 comments on Pauk Video and Scorpion Video), p. 5; P2154 (Witness JF-024 comments on stills from Scorpion Video); P2161 (Video of Trnovo Skorpion Operation); D225 (Video still from Skorpion Video).

[4391] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 68, 77; Goran Stoparić, T. 10327.

[4392] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 73-74; Goran Stoparić, T. 10432-10437.

witness testified that the Skorpions received salaries (paid in DEM) from the Krajina oil company; they also received another salary (paid in Serbian Dinars), which the witness believed came from the Serbian DB, as the man who distributed it to the Skorpions in 1994 and 1995 told them that the money had arrived from the Serbian MUP, and a delegation of four to five Skorpions members, including Srdjan Manojlović, would usually travel to Belgrade to collect the salaries.[4393] The Skorpions were told that some of the weapons and equipment that were distributed amongst them had come from the MUP, which the witness believed to be the Serbian MUP, as in his view the Krajina MUP could not have been in possession of such new pistols; and some weapons had been supplied by the SVK.[4394]

2097. **Witness JF-029**, who was a high-ranking official in the RSK MoD from 1991 to April 1996,[4395] testified that based on a 1992 decision, the RSK government supplied weapons to the Skorpions, but the oil company in Mirkovci continued to pay their salaries (following the government's authorization), and in addition, it also provided most of its equipment.[4396] The Vukovar Corps armed the Skorpions with handguns, automatic rifles, mortars, rifle grenades, handheld rocket launchers, and mines from the main depot in Vukovar.[4397]

2098. **Petar Djukić**, RSK chief police inspector from 15 March 1993 to 1 July 1996,[4398] testified that he participated in an investigation into the operation of the "NIK" oil company from which it appeared that the Skorpions received significant amounts of money in cash and fuel for their vehicles from NIK, in addition to a salary from the SVK.[4399]

2099. **Gvozden Gagić**, an employee of the MUP of Serbia in the early 1990s,[4400] testified that in the course of domestic criminal proceedings against the Skorpions, he and his team

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[4393] P1702 (Goran Stoparić, witness statement, 24 November 2003), paras 73-74, 78; Goran Stoparić, T. 10340-10341, 10375-10376.
[4394] P1702 (Goran Stoparić, witness statement, 24 November 2003), para. 73; Goran Stoparić, T. 10424-10431.
[4395] Witness JF-029, T. 10004-10007, 10083, 10089, 10156; P1665 (Pseudonym sheet, Witness JF-029); P1668 (Table of documents reviewed by Witness JF-029 with comments, 7 December 2010), pp. 5, 8-9, 11; P1678 (Order appointing Witness JF-029 to a position within the MoD, signed by Goran Hadžić on behalf of Ilija Kojić, 19 December 1991); P1685 (RSK MoD Decision assigning Witness JF-029 a position, signed by Minister Colonel Stojan Španović, 1 February 1993); P1689 (RSK Government Decision assigning Witness JF-029 a position, signed by Prime Minister Borislav Mikelić, 6 July 1994); P1692 (VJ Decision assigning Witness JF-029 a position in the RSK MoD, signed by officer Stevo Medaković, 30 October 1995); D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 4, 15-16, 43.
[4396] Witness JF-029, T. 10049, 10123-10124, 10215; D212 (Transcript of testimony of Witness JF-029 before a Belgrade court on 24 October 2006), pp. 38-40, 49.
[4397] D212 (Transcript of testimony of Witness JF-029 before a Belgrade court on 24 October 2006), pp. 75-76.
[4398] Petar Djukić, T. 17910, 17913, 17918-17920, 17971, 18003-18004, 18059, 18062, 18065; D759 (Letter of appreciation from Gen. Walter Fallmann, UNTAES Civpol Commissioner, 22 August 1996); D760 (UNTAES Certificate of Appreciation in relation to 13 and 14 April 1997 elections in SBWS); D761 (Letter of Appointment from Jacques Paul Klein, Acting UNTAES Director, 2 June 1996).
[4399] Petar Djukić, T. 17993-17995.
[4400] Gvozden Gagić, T. 17101-17102.

interviewed the Medić brothers, who said that the unit's members were paid by the Krajina oil company and by the RSK government, and also received equipment from the latter.[4401] Gagić's colleagues, who interviewed other members of the Skorpions, received similar answers to their questions.[4402]

2100. In relation to the Skorpions' training, the Trial Chamber has received evidence from **Goran Stoparić**, who testified that when he joined the Skorpions in late 1992 or early 1993, he was told that about 30 per cent of its 200 members had trained with the Red Berets at Erdut and Mount Tara.[4403]

2101. On the basis of the evidence received, the Trial Chamber finds that the Krajina oil industry was the main source of financing of the Skorpions, and that it paid salaries to the Skorpions following the approval of the RSK government. The Trial Chamber further notes that Goran Stoparić testified that the Serbian DB supplemented the Skorpions' salaries. Having regard to the vague and speculative nature of Stoparić's evidence in this context, and noting that he failed to provide any basis for his conclusion that a reference to the Serbian MUP automatically implied the Serbian DB, the Trial Chamber is unable to make a finding in this respect.

2102. Considering the evidence of Djukić and Witness JF-024, the Trial Chamber finds that, in addition to providing the Skorpions' salaries, the Krajina oil industry supplied at least some of the unit's equipment and provided its fuel. Based on the evidence of Witness JF-029, Witness JF-024, Gvozden Gagić, and Goran Stoparić, the Trial Chamber finds that the RSK government supplied equipment to the Skorpions and provided it with weapons through the SVK Vukovar Corps barracks. The Trial Chamber considers that the unsourced hearsay evidence of Goran Stoparić on the MUP origin of some of the Skorpions' weapons is not sufficiently clear, and that his conclusion that the MUP in question was in fact the Serbian MUP is of a speculative nature, and will therefore not consider his evidence in this respect any further.

2103. In relation to training activities, the Trial Chamber considers the evidence of Goran Stoparić that members of the Skoprions had been trained at the Erdut and Tara camps. In view of its findings in chapter 6.4.3 in relation to the Erdut camp and in chapter 6.3.3 in relation to

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[4401] Gvozden Gagić, T. 17218-17225.
[4402] Gvozden Gagić, T. 17225.
[4403] P1702 (Goran Stoparić, witness statement, 24 November 2003), para. 75; P1704 (Goran Stoparić, corrections to witness statements, 13 December 2010), p. 1; Goran Stoparić, T. 10327, 10494-10495.

the Tara camp, and the general nature of Stoparić's evidence in this respect, the Trial Chamber is unable to conclude that the Skorpions received training at these locations.

2104. The Trial Chamber has not received evidence that the Accused played any role in financing, training, or supplying the Skorpions with equipment and weapons. Consequently, the Trial Chamber is unable to conclude that the Accused directed and organized financing, training, logistical support, and other substantial assistance or support for the Skorpions outside the time-period of Operation Pauk (in which the Skorpions took part between November 1994 and April 1995), and the June-July 1995 Trnovo/Treskavica and August-October 1995 SAO SBWS operations.

6.5.6 The Accused failed to instruct the Skorpions to refrain from committing unlawful acts

2105. According to the Indictment, the Accused failed to instruct the Skorpions to refrain from committing unlawful acts.[4404] The Prosecution did not address these charges in its Final Trial Brief.

2106. The Trial Chamber has not received any direct evidence in this respect. As specified in the present chapter, the Trial Chamber did not find that the Accused directed the involvement of the Skorpions in any of the particular operations, something which may have created an obligation to instruct them to refrain from committing unlawful acts.

[4404] Indictment, paras 5, 15(c).

6.6 SAO Krajina Police and SAO Krajina TO

6.6.1 Introduction

2107. In this chapter, the Trial Chamber will review the evidence concerning the SAO Krajina Police also referred to as Martić's police or Martić's men, and the SAO Krajina TO. The Trial Chamber will address the Prosecution allegations as they are presented in the Indictment. In this respect, it will first review the evidence on the formation of the SAO Krajina Police and TO. Then, it will examine whether the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support to the SAO Krajina Police and TO during the Indictment period. Finally, it will consider the Accused's alleged failure to instruct the SAO Krajina Police and TO units to refrain from committing unlawful acts.

6.6.2 The Accused directed and organized the formation of the SAO Krajina Police and TO units

2108. According to the Indictment, the Accused directed and organized the formation of SAO Krajina Police and TO.[4405] The Trial Chamber notes that on 19 December 1991, the SAO Krajina Assembly proclaimed the RSK.[4406] The Trial Chamber understands that any reference in the evidence to the SAO Krajina after 19 December 1991 in fact implies the RSK. Remaining mindful of the above, for the reasons of consistency, the Trial Chamber will use the names "SAO Krajina Police" and "SAO Krajina TO" throughout this chapter. In its Final Trial Brief, the Prosecution submits that the Accused established police stations in the SAO Krajina.[4407] The Prosecution further specifies that it does not allege that the Accused contributed in all the different forms charged in the Indictment (forming, training, financing, etc.) for each of the unit specified in the Indictment.[4408] Taking note of the withdrawal of these allegations, the Trial Chamber notes that the Prosecution has not made any specific submissions about the formation of the SAO Krajina TO and it will consequently not make any findings in this respect.

2109. In relation to the formation of the SAO Krajina Police, the Trial Chamber has taken judicial notice of Adjudicated Facts and has received evidence from numerous witnesses as

[4405] Indictment, para. 15(b).
[4406] See Adjudicated Facts III, fact 149.
[4407] Prosecution Final Trial Brief, 14 December 2012, paras 23-30.

well as through documentary material. The Trial Chamber will first review the evidence it has received in relation to the events that occurred in the SAO Krajina as of August 1990, including the alleged creation of the so-called "parallel structure", as described by Milan Babić and referred to in the Indictment.

2110. **Witness JF-039**, a Serb from Croatia,[4409] testified that around 17 August 1990, he saw hundreds of people going to the Youth Centre in Golubić.[4410] Across the street from the Youth Centre, by a three-room house, the witness saw Milan Martić, who he did not know at the time; Milenko Zelenbaba, a police inspector from Knin; Jovo Dmitrović, who the witness later learnt was the commander of the reserve police force in Knin; and Jovica "Jovo" Marić.[4411] The witness also saw Mirko Čenić, who was noting the names of reserve police officers that were issued weapons.[4412]Also present were Dušan Orlović, Jovo Opačić, Dušan Zelenbaba, Nebojsa Mandinić, Bogoljub Popović, and Milan Babić.[4413] Martić himself was handing out weapons belonging to the reserve police force and stored in the Knin police station depot.[4414] The witness believed that the police alone was incapable of organizing the distribution and financing of weapons, and concluded that the SDS, which was in power at the time, stood behind this.[4415] Martić later told him, however, that by this point, he had already contacted Jovica Stanišić to ensure that he would receive the required amount of weapons, as he did not trust the SDS.[4416] The log barricades went up the day the weapons were issued in Knin.[4417] Martić was strongly in favour of the erection of barricades, and in fact wanted more of them, to stave off the Croats.[4418] Initially, the local reserve policemen manned the barricades, but were later joined by people from Serbia.[4419] Witness JF-039 testified that the

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[4408] Prosecution Final Trial Brief, 14 December 2012, para. 187, footnote 528.
[4409] P978 (Witness JF-039, witness statement, 12 September 2003), p. 1, paras 1, 5, 23; P977 (Witness JF-039, prior testimony), pp. 1958-1959.
[4410] P978 (Witness JF-039, witness statement, 12 September 2003), para. 9; P977 (Witness JF-039, prior testimony), pp. 1961, 2067.
[4411] P978 (Witness JF-039, witness statement, 12 September 2003), para. 10; P977 (Witness JF-039, prior testimony), pp. 1961-1962, 2067, 2071-2072.
[4412] P978 (Witness JF-039, witness statement, 12 September 2003), paras 10, 12; P977 (Witness JF-039, prior testimony), pp. 1962-1963, 2072-2073.
[4413] P978 (Witness JF-039, witness statement, 12 September 2003), paras 12-13; P977 (Witness JF-039, prior testimony), pp. 1963, 1966, 2073.
[4414] P978 (Witness JF-039, witness statement, 12 September 2003), para. 10; P977 (Witness JF-039, prior testimony), pp. 1962, 1971, 2071-2072; Witness JF-039, T. 7372.
[4415] P978 (Witness JF-039, witness statement, 12 September 2003), para. 13; P977 (Witness JF-039, prior testimony), pp. 2073-2074; Witness JF-039, T. 7372-7373, 7376-7377, 7380.
[4416] P978 (Witness JF-039, witness statement, 12 September 2003), para. 20.
[4417] P978 (Witness JF-039, witness statement, 12 September 2003), para. 19; P977 (Witness JF-039, prior testimony), pp. 1965, 2067, 2075-2076.
[4418] P978 (Witness JF-039, witness statement, 12 September 2003), para. 30.
[4419] P978 (Witness JF-039, witness statement, 12 September 2003), para. 20; P977 (Witness JF-039, prior testimony), p. 1971.

house in Golubić, outside which the weapons were distributed, became the headquarters of the roadblocks movement. Branko Marjanović (SDS secretary), Bogoljub Popović (a retired JNA colonel), and Stojko Bjelanović (another retired JNA colonel) met at the headquarters with JNA officers, Martić, Babić, and Orlović.[4420] According to the witness, Martić stayed at the headquarters around the clock during the first two weeks.[4421] He became the "commander of the barricades of resistance".[4422]After about two weeks, at the end of August or 1 September 1990, the headquarters were moved to a house in Oton Polje.[4423] In the latter part of December 1990 or early 1991, the barricades were taken down or moved.[4424]

2111. The Trial Chamber has further reviewed the evidence of **Milan Babić,** who was the Prime Minister of the SAO Krajina,[4425] in relation to the raising of the barricades, the Golubić headquarters and Milan Martić being the leader of the movement (as set out in part in chapter 6.3.2 in relation to the Golubić camp), which it considers consistent with the above evidence of Witness JF-039.

2112. **Mile Bosnić**, an SDS regional board member and president of the SDS board in Kordun,[4426] testified that in order to guard the civilian inhabitants of the villages from attacks by Croatian police units or the ZNG, local people established night guards.[4427] The barricades were erected spontaneously as a response to threats and attempts by the Croatian police forces to come into the area.[4428] Only after the barricades in Knin had been established was the matter discussed at a meeting of the SDS Main Board, but no course of action was decided upon at that point in time.[4429] The witness testified that he passed through some of the barricades erected around Knin on about 16 and 17 August 1990 and that these barricades were manned by local people who wore civilian clothes and reserve police uniforms. Some of these people held hunting rifles or pistols and some had automatic rifles which the witness presumed came from the reserve police.[4430] There was no other source from which weapons

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[4420] P978 (Witness JF-039, witness statement, 12 September 2003), paras 14, 18; P977 (Witness JF-039, prior testimony), p. 1966-1967.
[4421] P977 (Witness JF-039, prior testimony), pp. 1972, 2079-2080.
[4422] P977 (Witness JF-039, prior testimony), p. 1974.
[4423] P978 (Witness JF-039, witness statement, 12 September 2003), para. 18; P977 (Witness JF-039, prior testimony), pp. 1972, 2079, 2081-2082; Witness JF-039, T. 7303.
[4424] P978 (Witness JF-039, witness statement, 12 September 2003), paras 25, 30; P977 (Witness JF-039, prior testimony), pp. 2087-2089; Witness JF-039, T. 7307.
[4425] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12965; P1880 (Death Certificate of Milan Babić).
[4426] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 2.
[4427] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 4; Mile Bosnić, T. 12644-12645.
[4428] Mile Bosnić, T. 12666.
[4429] Mile Bosnić, T. 12646.
[4430] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 9.

could be brought, although at a later stage weapons were bought from smugglers.[4431] The witness never heard of Martić distributing weapons.[4432]

2113. **Witness JF-038**, an active member of the Yugoslav federal SDB until October 1992,[4433] testified that when he went to see Martić in Knin on 20 May 1991, Martić told him that Serbs had organized night guards and checkpoints themselves, with the help of the police.[4434]

2114. The Trial Chamber will now move to the evidence on the beginnings of the SAO Krajina Police. **Mile Bosnić** testified that the process of creating the Serbian police of the Krajina began around 17 or 18 August 1990, when the Croatian forces left Knin, and continued through 1990 and 1991.[4435] The witness neither saw any police from Serbia, nor was any information about the presence of such police communicated to the SDS Main Board, of which the witness was a member. Nor had he ever heard that Jovica Stanišić had any involvement in the establishment of the Serbian police of the Krajina.[4436]

2115. **Witness JF-039** testified that Martić had taken control of the police in Krajina in mid-November 1990 and since then he tried to meet with the chiefs of police weekly for briefings.[4437] According to the witness, Martić's relationships with the police chiefs and commanders were excellent.[4438] Martić was the most popular person within the police and had "100 per cent" control over the forces.[4439] Martić was in command of the police throughout 1991.[4440] The witness further testified that chiefs of police came to Martić in Knin to collect salaries for their men.[4441]

2116. **Witness C-1211**, a Croat from Hrvatska Dubica in Kostajnica municipality,[4442] stated that when the SAO Krajina was formed in 1990, many young Serbs and Serb policemen from throughout Croatia went to Bosanska Dubica and joined the "*Milicija SAO Krajine*", which

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[4431] Mile Bosnić, T. 12645, 12666.
[4432] Mile Bosnić, T. 12649-12650.
[4433] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3021, 3023-3025, 3027, 3116.
[4434] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), p. 3075.
[4435] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 11; Mile Bosnić, T. 12777-12778.
[4436] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 12.
[4437] P978 (Witness JF-039, witness statement, 12 September 2003), para. 58; P977 (Witness JF-039, prior testimony), pp. 1980, 2021.
[4438] P977 (Witness JF-039, prior testimony), p. 1979.
[4439] P977 (Witness JF-039, prior testimony), p. 1980.
[4440] P977 (Witness JF-039, prior testimony), pp. 2007-2008; Witness JF-039, T. 7342-7343.
[4441] P978 (Witness JF-039, witness statement, 12 September 2003), paras 58-59; P977 (Witness JF-039, prior testimony), pp. 1984, 2134.
[4442] P1710 (Witness C-1211, witness statement, 9 November 2000), pp. 1, 3; P1713 (Witness C-1211, *Martić* transcript, 12 June 2006), p. 5401.

was commanded by Milan Martić and came to be known as Martić's Police.[4443] **Witness DST-043**, a Serb from Knin,[4444] also testified that the special police units of the SAO Krajina police were under the command of Milan Martić.[4445] **Witness JF-006**, a Serb from the town of Plaški,[4446] testified that most members of Martić's Police in Plaški were good and honest men.[4447] The witness testified that the regular police force in Plaški remained under the command of Dušan Latas.[4448] While the two police forces were to some extent separate, both performed regular policing activities.[4449] **Josip Josipović**, a Croat from the mixed village of Predore close to Hrvatska Dubica in Kostajnica municipality,[4450] stated that after the elections, the new Croatian police and the Home Guards Corps were established.[4451] Around the same time, the Serbs formed TO units and their own police.[4452] According to the witness, it was hard to distinguish to which units Serbs belonged (the TO, the police, or the JNA), as they wore a variety of cockades and insignia, including the five-pointed star and emblems with the inscription "SAO Krajina".[4453]

2117. The Trial Chamber will now move to the Adjudicated Facts and the evidence on Martić's position in the SAO Krajina government and the creation of the Krajina DB. The Adjudicated Facts establish that on 4 January 1991, Milan Martić was appointed the Secretary for Internal Affairs of the SAO Krajina. On 5 January 1991, the Executive Council informed the MUP of Croatia that the establishment of the SUP revoked the authority of the MUP of Croatia in the SAO Krajina territory.[4454] The Trial Chamber has reviewed documentary evidence consistent with these Adjudicated Facts.[4455]

[4443] P1710 (Witness C-1211, witness statement, 9 November 2000), pp. 3-4; P1713 (Witness C-1211, *Martić* transcript, 12 June 2006), p. 5412.
[4444] D322 (Witness DST-043, witness statement, 29 June 2011), paras 1-2; Witness DST-043, T. 12914-12919, 13027-13030, 13032.
[4445] Witness DST-043, T. 13108.
[4446] P103 (Witness JF-006, witness statement, 20 January 2001), pp. 1-2.
[4447] P103 (Witness JF-006, witness statement, 20 January 2001), p. 5; P105 (Witness JF-006, *Martić* transcript, 28 March 2006), pp. 2804, 2808; Witness JF-006, T. 2518-2519.
[4448] Witness JF-006, T. 2453-2454, 2487.
[4449] P103 (Witness JF-006, witness statement, 20 January 2001), p. 5; Witness JF-006, T. 2487-2488.
[4450] P68 (Josip Josipović, *Martić* transcript, 6-7 April 2006), pp. 3293-3294, 3327; P73 (Official Note by Josip Josipović, 1 April 1992), p. 1.
[4451] P68 (Josip Josipović, *Martić* transcript, 6-7 April 2006), pp. 3295-3297, 3331-3332, 3338.
[4452] P68 (Josip Josipović, *Martić* transcript, 6-7 April 2006), pp. 3297-3298, 3332.
[4453] P68 (Josip Josipović, *Martić* transcript, 6-7 April 2006), pp. 3299, 3303, 3335, 3353, 3383.
[4454] Adjudicated facts III, fact 7.
[4455] P1907 (Executive Council of the SAO Krajina Decision on the establishment of the Krajina SUP, signed by Milan Babić, 4 January 1991); P1908 (Minutes of the Executive Council of the SAO Krajina, 4 January 1991); P1909 (Executive Council of the SAO Krajina Resolution on internal organization of the SUP, 19 January 1991); P1119 (Decision of the Executive Council appointing Milan Martić Minister of Interior of the SAO Krajina, signed by Milan Babić, 4 January 1991).

2118. **Mile Bosnić** testified that he was present at the meeting of the SDS Main Board when Martić was appointed the Secretary for Internal Affairs of the SAO Krajina. Babić recommended Martić stating, *inter alia*, that Martić was from Knin and was a well-known Serb patriot.[4456] To the best of the witness's knowledge Jovica Stanišić was not involved in the decision-making process, nor did Babić mention him with respect to it or in relation to the establishment of the SUP.[4457] The witness testified that in view of Article 7 of the Decision on establishing the SAO Krajina SUP, Babić was in charge of the internal organization of the Secretariat, and while Martić participated in the preparatory work of the SUP, he did not make decisions regarding its organization or operation.[4458] The witness testified that up until August 1991, the SDS and the police in Kordun and Banija did not recognize Martić's authority and as a result, he had no influence in that area and the police in Kordun and Banija were paid by the Croatian authorities.[4459]

2119. **Witness DST-043** testified that shortly after the appointment of Milan Martić as the Secretary for Internal Affairs, an intelligence service of SAO Krajina was set up in Knin for the first time, and it was staffed with people previously working in the intelligence service.[4460] Dušan Orlović was appointed chief of the Krajina DB in January 1991; he was subsequently succeeded by Slobodan Pezikozić.[4461] **Mile Bosnić** testified that he learnt informally from Babić at a SDS Main Board meeting, that there was an SDB of the Krajina which was headed by Orlović.[4462] The Trial Chamber recalls its findings in chapter 6.3.2 in relation to the Golubić camp that Dušan Orlović was a member of the Serbian DB unit a.k.a. the Red Berets, which was formed in mid-1991 and was later proposed for awards at the 1996 Kula ceremony, as well as the evidence of Witness JF-031 that Orlović was the connection between Martić and the Serbian DB, and the evidence of Witness JF-039 indicating that Orlović reported to the Serbian DB, which it has reviewed in the same chapter. In this respect **Milan Babić** stated that aiming at suppressing the Serbian DB control over Krajina, on 1 August 1991, the Krajina government passed a decision disbanding the Krajina DB.[4463]

[4456] Mile Bosnić, T. 12669.
[4457] Mile Bosnić, T. 12670, 12672.
[4458] Mile Bosnić, T. 12671-12673; D315 (Comments by Mile Bosnić on exhibits and potential exhibits), p. 2.
[4459] D313 (Mile Bosnić, witness statement, 5 July 2011), paras 18, 30; D314 (Mile Bosnić, proofing note, 8 July 2011), p. 2.
[4460] D322 (Witness DST-043, witness statement, 29 June 2011), para. 64; Witness DST-043, T. 13066.
[4461] D322 (Witness DST-043, witness statement, 29 June 2011), paras 64-65; Witness DST-043, T. 13076.
[4462] Mile Bosnić, T. 12785-12787.
[4463] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1417-1418; P1903 (Decision of the SAO Krajina government disbanding the DB in the SAO Krajina, 1 August 1991).

2120. The Trial Chamber will now move to the evidence it has received in relation to the so-called "parallel structure of power". **Milan Babić** stated that a parallel structure of power and authority began to be formed by the Serbian DB in the SAO Krajina in August 1990 and started its activities in April 1991.[4464] The structure operated in conjunction with the SUP and the SAO Krajina MUP. It consisted of members of the Serbian MUP, Serbian DB and SJB, police officers from Serb municipalities in Croatia, and members of the SDS, and was run by Milošević and the Serbian DB.[4465] According to Babić, the structure was established illegally, and was not subordinated to the Krajina government.[4466] It operated in a parallel manner to the Krajina authorities, and imposed decisions on the authorities through force.[4467] Jovica Stanišić was the central figure of the structure, followed by Franko Simatović, Captain Dragan "Rasko" Vasiljković, Milan Martić, Dušan Orlović, Nebojsa Mandinić, Jovo Vitas, Radmilo Bogdanović, and Cvele Cvetković, a journalist.[4468] Babić stated that subsequently, under the influence of Milošević and Stanišić, the presidents and vice-presidents of the municipalities began joining in, and the structure managed to assert formal and legal authority in the RSK.[4469] According to Babić, its goal was to provoke a conflict with the Croatian authorities and pull the JNA into it.[4470] Babić was concerned with the activities of Orlović, Stanišić, Simatović, and the parallel structure, as they introduced discriminatory practices against the Croats and provoked conflicts, trying to establish control over the Krajina and to manage its police and volunteer units.[4471]

2121. In this respect, **Mile Bosnić** testified that he knew of no parallel structure that removed power from Babić in 1991 and that Babić's testimony that Jovica Stanišić was the central

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[4464] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1390-1391, 1418; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12918, 13490-13491; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), pp. 3341-3342.
[4465] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1390-1391; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12918; P1879 (Milan Babić, *Krajišnik* transcript, 2-4 and 7 June 2004), p. 3341.
[4466] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13492-13493, 13499.
[4467] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13492-13493.
[4468] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1391; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12918-12919, 13491-13492; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3341.
[4469] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13492-13493.
[4470] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13065, 13501.
[4471] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1418-1419.

figure of a parallel structure in the Krajina could not have happened without the knowledge of the SDS and therefore it could not be the truth. [4472]

2122. The Trial Chamber will now review the evidence it has received in relation to the support provided to Martić before the SAO Krajina Police was formally established. **Witness JF-039** testified that beginning in September 1990, weapons arrived in trucks at Bosanko Grahovo, from where Milan Martić and Dušan Orlović would transport them in a small car to Knin and to other parts of the Krajina.[4473] The witness recounted that sometime in December 1990, Martić asked him to go to the Knin police station and inform the police about the arrival of weapons that he was expecting from Stanišić, so the police would not mistake those delivering the weapons to be Croatian police.[4474] As the witness approached the police station, the local police were running away, and blue police "PUH" vehicles with Serbian MUP license plates were driving down the street.[4475] He later learnt that Simatović and Boro Kostić were in one of the vehicles.[4476] The witness testified that this was the first time he saw Simatović in person.[4477] The witness unloaded automatic and semi-automatic rifles from the two vehicles at the police garage; each of the vehicles contained some 200 barrels of weapons.[4478] Kostić replaced the MUP plates with civilian ones.[4479] Simatović then met with Martić in Martić's office, and Martić later told the witness that he had received money from Belgrade for the payment of salaries.[4480]

2123. The Trial Chamber has further received evidence in relation to further support provided to Martić following his election as the Secretary of the Krajina SUP. In this respect, the Trial Chamber recalls the evidence of Witness JF-039 in chapter 6.3.2 in relation to the Golubić camp on Martić's trip to Belgrade in January 1991 and his meeting with Stanišić and Simatović. **Witness JF-039** further testified that in January 1991, after he had returned from Belgrade, Martić was given a green light from Stanišić and police stations were set up all over Krajina, with the first one in Civljane and then also in Otočac.[4481] According to the witness,

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[4472] Mile Bosnić, T. 12676, 12679.
[4473] P977 (Witness JF-039, prior testimony), pp. 1988-1989; Witness JF-039, T. 7311-7312.
[4474] P978 (Witness JF-039, witness statement, 12 September 2003), para. 20; P977 (Witness JF-039, prior testimony), p. 1985; Witness JF-039, T. 7198-7199, 7292-7295, 7298-7299, 7304.
[4475] P978 (Witness JF-039, witness statement, 12 September 2003), para. 20; P977 (Witness JF-039, prior testimony), pp. 1985-1986, 2084-2085; Witness JF-039, T. 7293-7294, 7298-7302.
[4476] P978 (Witness JF-039, witness statement, 12 September 2003), para. 20; P977 (Witness JF-039, prior testimony), pp. 1985-1987; Witness JF-039, T. 7294, 7297.
[4477] P977 (Witness JF-039, prior testimony), p. 1985; Witness JF-039, T. 7346.
[4478] P977 (Witness JF-039, prior testimony), p. 1987; Witness JF-039, T. 7347-7350, 7355, 7390-7391.
[4479] Witness JF-039, T. 7352-7354.
[4480] P977 (Witness JF-039, prior testimony), p. 1987; Witness JF-039, T. 7346-7347.
[4481] P978 (Witness JF-039, witness statement, 12 September 2003), para. 26; Witness JF-039, T. 7309.

Martić pushed for more police stations to be set up and Stanišić ordered the setting up of police stations to ensure that the territory remains in Serb hands.[4482] When the witness asked how Martić was going to pay for the additional stations, Martić would respond: "Jovica promised it."[4483] The witness further testified that on 9 March 1991, when there were large demonstrations in Belgrade, Stanišić called Martić and told him to send 150 police officers in Krajina uniforms to Belgrade.[4484] As a result, about 60 police officers were flown in from Udbina airport to Belgrade.[4485]

2124. According to a 5 January 1991 SAO Krajina Executive Committee Announcement, the newly-established Krajina SUP included the police stations in Obrovac, Benkovac, Gračac, Titova Korenica, Donji Lapac, Dvor na Uni, Glina, Kostajnica, Vojnić, and Knin.[4486] **Mile Bosnić** testified that Jovica Stanišić did not order the establishment of the police stations in January 1991 as there were already police stations between Knin and Kostajnica and there was no need for any new ones.[4487]

2125. **Witness JF-039** testified that at the end of January 1991, the weapons started coming to Krajina from Serbia, in Serbian MUP trucks.[4488] In January 1991, one of two trucks veered off the road in Bosansko Grahovo and fell on its side, with many of the weapons it carried spilling onto the ground.[4489] When the witness arrived at the scene, he saw trucks with blue Serbian MUP license plates and Simatović, escorted by men in special Serbian police uniforms.[4490] Simatović delivered weapons from Serbia up until May or June 1991. Subsequently, the JNA and SFRY TO warehouses were opened, and weapons could be provided from there.[4491]

2126. The witness testified that the funding for the Krajina police initially came in cash, in military transport bags delivered by Simatović.[4492] The witness testified that after December 1990, there were numerous subsequent visits by Simatović up to May or June 1991, during

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[4482] P978 (Witness JF-039, witness statement, 12 September 2003), paras 26, 30; P977 (Witness JF-039, prior testimony), p. 2089.
[4483] P978 (Witness JF-039, witness statement, 12 September 2003), para. 26; Witness JF-039, T. 7309.
[4484] P978 (Witness JF-039, witness statement, 12 September 2003), para. 27; P977 (Witness JF-039, prior testimony), pp. 2091-2092; Witness JF-039, T. 7199.
[4485] P978 (Witness JF-039, witness statement, 12 September 2003), para. 27; P977 (Witness JF-039, prior testimony), p. 2092; Witness JF-039, T. 7200.
[4486] P2061 (SAO Krajina Executive Committee Announcement, 5 January 1991), p. 1.
[4487] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 70; Mile Bosnić, T. 12792-12793.
[4488] P977 (Witness JF-039, prior testimony), p. 1989; Witness JF-039, T. 7312.
[4489] P977 (Witness JF-039, prior testimony), pp. 1989-1991; Witness JF-039, T. 7311-7312.
[4490] P977 (Witness JF-039, prior testimony), pp. 1990-1991.
[4491] Witness JF-039, T. 7286-7288.
[4492] P978 (Witness JF-039, witness statement, 12 September 2003), para. 66.

which he brought items in a bag; the witness was told by Martić that at least on two occasions, Simatović brought cash.[4493] The witness acknowledged that he did not actually see the money but noted that the same bags were used and it was evident after such meetings that Martić was pleased with what he received.[4494]

2127. According to **Witness DST-043**, as of November 1990, the SAO Krajina police was financed from donations, which were kept by the Secretary of SUP at the Knin SUP treasury.[4495] He believed that as of April 1991, it also received funding from the Krajina government.[4496] The witness never heard about the Serbian government funding the Krajina police.[4497]

2128. According to a 7 July 1991 Tanjug article, Milan Martić stated that most significant aid to the Krajina police, in nearly all forms, came from the government of Serbia. He further stated that the army and the police were assisting each other.[4498]

2129. At a meeting with Slobodan Milošević on 20 March 1991, where Stanišić and Radmilo Bogdanović were present, Milošević informed Babić that he had purchased 20,000 weapons for Krajina in Hungary.[4499] Bogdanović said that they had already sent 500 weapons to Banija.[4500] Later, Milenko Zelenbaba and Mihalj Kertes a.k.a. Braco showed Babić these long-barrelled weapons, rifles, and mortars, and told him that they in fact came from the TO warehouses in Serbia, and they were transported to Krajina under the auspices of Kertes and the Krajina MUP.[4501] **Witness JF-031**, a Serb from Knin municipality,[4502] testified that when he was mobilized into the police in April 1991, he was issued a weapon from the police depot in Knin.[4503]

[4493] P977 (Witness JF-039, prior testimony), p. 1987; Witness JF-039, T. 7364-7365.
[4494] P977 (Witness JF-039, prior testimony), p. 1988.
[4495] D322 (Witness DST-043, witness statement, 29 June 2011), paras 55-56; Witness DST-043, T. 12978-12979
[4496] D322 (Witness DST-043, witness statement, 29 June 2011), paras 55-56.
[4497] D322 (Witness DST-043, witness statement, 29 June 2011), para. 56.
[4498] P2593 (Article from Tanjug entitled "Krajina Interior Minister: Police 'Well Armed'", 7 July 1991).
[4499] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1525-1526; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13103; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), pp. 3350-3351.
[4500] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1527; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13104; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3351.
[4501] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1527-1528; P1878 (Milan Babić, *Slobodan Milošević transcript*, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13104, 13106; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3351.
[4502] P998 (Witness JF-031, witness statement, 1 June 2001), pp. 1-2.
[4503] Witness JF-031, T. 7437-7438.

2130. **Ante Marinović**, a Croat from Bruška in Benkovac municipality,[4504] testified that Sveto Drača informed him that the JNA was arming local Serbs in the spring of 1991.[4505]

2131. In a 15 October 1994 letter to Mladić, Colonel Dušan Smiljanić of the SVK explained that he was chief of security in the 10th Corps in Zagreb in 1991. After the events in Plitvice on 31 March 1991, he and a group of officers were transferred to the area of Plitvice, where he remained until July 1992. After having established contact with the local SDS leadership, he illegally armed the Serbian people in the area with arms taken from JNA depots in Otočac, Perušić, Gospić, Sveti Rok, and Skradnik. RSK Colonel Milan Skondrić participated in these activities. In parallel to this, Smiljanić carried out intelligence and security tasks. Around 15,000 various infantry weapons were distributed this way between March and early July 1991. Another 20,000 weapons were transferred to the municipalities of Dvar and Čelinac in July 1991, and yet another 20,000 were pulled out from the warehouses between August and October 1991.[4506]

2132. In a 14 October 1994 interview, Martić said that in Krajina, the weapons came from the nearby JNA garrisons and from individuals abroad. He also said that he did not fully follow the agreement he had reached with General Vasiljević, that all the weapons confiscated from the police would be returned.[4507]

2133. According to the Serbian MUP DB official note, signed by Milan Tepavčević, Assistant Chief of the SDB and dated 12 April 1991, two convoys carrying weapons and ammunition were sent to Knin at the MUP orders.[4508] **Vatroslav Stanićić** testified, upon viewing this order, that whilst one could conclude from this document that the Serbian SDB sent weapons and ammunition to Knin in April 1991, he was certain that the weapons for the most part would have come from the JNA arsenal.[4509] The witness testified that if the weapons were handed over to Martić or to the MUP of the Krajina, it must have been done through the JNA, or organized by the JNA.[4510] Further, the witness testified that such a convoy could have moved through Serbia unhindered because it was probably escorted by the

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[4504] P490 (Ante Marinović, witness statement, 30 September 2000), pp. 1-2; P491 (Ante Marinović, *Martić* transcript, 23 March 2006), p. 2470.
[4505] P490 (Ante Marinović, witness statement, 30 September 2000), p. 2; P491 (Ante Marinović, *Martić* transcript, 23 March 2006), pp. 2474-2475, 2478, 2493; Ante Marinović, T. 5346.
[4506] D118 (Letter to Mladić by Colonel Smiljanić, 5 October 1994), pp. 1-3, 6.
[4507] D296 (Interview with Milan Martić, 14 October 1994), pp. 7-9.
[4508] P2990 (Official Note by Milan Tepavčević, 12 April 1991, signed by Milan Tepavčević).
[4509] Vatroslav Stanićić, T. 12498-12499, 12501, 12601, 12603; P2990 (Official Note by Milan Tepavčević, 12 April 1991, signed by Milan Tepavčević).
[4510] Vatroslav Stanićić, T. 12499.

JNA which had unlimited freedom of movement across Yugoslav territory, apart from Croatia and Slovenia.[4511]

2134. On 7 May 1992, Milenko Sučević stated that in April 1991, when he was Chief of Communications in the special units of the Krajina SUP, they received four Land Rover vehicles for communication purposes equipped with RACAL radio devices from the Serbian MUP in Belgrade. In June 1991, pursuant to an order by "Frenk" (chief representative of the Serbian MUP), Sučević dismantled the equipment from two of the vehicles with radio devices and moved the equipment to two Lada-Niva vehicles.[4512]

2135. In this respect, **Radoslav Maksić** testified that that the Serbian MUP provided technical assistance to the Krajina MUP and Krajina police.[4513] On several occasions, the witness observed that the Krajina police had excellent long range radio communications equipment.[4514] The Serbian police had the same communications equipment as the Krajina police. Serbian city SUP Chief of Operations and Training Stojić told the witness that the Serbian MUP had provided the Krajina MUP with this communications equipment.[4515]

2136. The Trial Chamber will now move to the evidence regarding the situation in the Krajina after 31 March 1991. **Mile Bosnić** testified that after the events in Plitvice on 31 March 1991, the Kordun SDS Main Board staff agreed that they should arm themselves. Initially, arms were stolen from the World War II Museum in Petrova Gora.[4516] The decision was also made to create a new police force.[4517] The witness testified that the MUP Serbia was not involved with the Kordun and Banija police and that because he was there everyday he would have known if it had been. At meetings with the civil authorities no one mentioned the involvement of the Serbian MUP.[4518]

2137. According to the Adjudicated Facts, on 1 April 1991, Milan Babić as President of the Executive Council of the SAO Krajina ordered mobilization of the TO and volunteer units of the SAO Krajina. In the same order, Milan Babić requested the MUP of Serbia to provide technical and personnel support to the SUP of the SAO Krajina.[4519] On 29 May 1991, the

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[4511] Vatroslav Stanićić, T. 12500.
[4512] P2615 (Statement of Milenko Sučević, signed by Milenko Sučević, 7 May 1992), p. 1.
[4513] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), p. 1142-1143; P955 (Organizational Chart of the SAO Krajina TO by Radoslav Maksić, 26 January 2005).
[4514] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), p. 1178; Radoslav Maksić, T. 6915.
[4515] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), p. 1179; Radoslav Maksić, T. 6915-6916.
[4516] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 28.
[4517] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 39.
[4518] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 78.
[4519] Adjudicated facts III, fact 9.

SAO Krajina government was established with Milan Babić as President. Milan Martić was appointed as Minister of Defence.[4520] On the same day, the Assembly of the SAO Krajina established "special purpose police units" named "Milicija Krajine", in addition to the previously established Public Security Service police and State Security Service police. The Public Security Service police was responsible for maintaining law and order. The SDB handled political crime, terrorism, extremism, and intelligence work. The "Milicija Krajine" units defended the territorial integrity of the SAO Krajina, secured vital facilities, infiltrated sabotage groups, and could also be used in military operations. The "Milicija Krajine" was established within the MUP, but was put under the authority of the MoD. The "Milicija Krajine" units wore patches on the sleeves of their uniforms reading in Cyrillic "Milicija Krajine".[4521] On 27 June 1991, Milan Martić was appointed Minister of Interior.[4522]

2138. **Milan Babić** stated that between January and August 1991, the Krajina armed units consisted of the Krajina police and voluntary units under the control of the parallel structure.[4523] The SAO Krajina government did not have any control over Martić and the Krajina police.[4524] It was with a view to regaining control over the police that on 29 May 1991, the Krajina Assembly elected Martić as Minister of Defence, and Dušan Vještica as the Minister of Interior, but Stanišić and Simatović advised Martić to remain with the MUP in order to retain control over the Krajina police; on 27 June 1991, Martić was again appointed the Minister of Interior.[4525] The Krajina Assembly granted him both posts, thus informally accepting the authority of Serbian DB.[4526]

2139. In relation to the formal establishment of the SAO Krajina Police and the duties thereof, as well as the position of Milan Martić within the Krajina structures, the Trial Chamber has reviewed further evidence from Milan Babić and Witness JF-041 a Serb from

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[4520] Adjudicated facts III, fact 14.
[4521] Adjudicated facts III, fact 15.
[4522] Adjudicated facts III, fact 14.
[4523] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1394.
[4524] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13156, 13505-13507.
[4525] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1408; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13156-13158, 13499-13500; P1902 (Decision on the election of Dušan Vještica as the Minister of Interior of the SAO Krajina, 29 May 1991).
[4526] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13501, 13507; P1118 (Decision on the election of Milan Martić to the post of the Minister of Interior of the SAO Krajina, Velibor Matijašević, 27 June 1991).

Knin municipality,[4527] and from documentary sources, which is consistent with the above Adjudicated Facts.[4528] In addition, **Stanko Erstić**, a Croat from Medvida[4529], and **Vlado Vuković** provided evidence about the insignia of Martić's Serb police in Krajina consistent with the Adjudicated Facts.[4530]

2140. **Vatroslav Stanićić**, Chief of the counter-intelligence sector of the federal MUP SDB in 1991,[4531] and **Witness JF-038** provided further evidence about the position of Martić and the situation of his forces in the Krajina in May 1991. **Vatroslav Stanićić** testified that in mid May 1991, he saw Martić at the police station in Knin where he came together with the working group from the federal MUP to perform routine controls in the area, and informed Martić that their report would be forwarded to the federal Secretary of Interior and the army.[4532] Although Martić did not seem happy about this, he lacked the man power to stop them.[4533] The witness testified that Martić only controlled the Knin police station, where there were about 12 policemen, and the territory he claimed to have control over, was in fact in the hands of the military.[4534] The witness testified that indeed, at the time, the police did not have the ability, in terms of training or equipment, to deal with crime.[4535] Martić's speeches about the police being well equipped and prepared for war were mere propaganda.[4536]

2141. **Witness JF-038** testified that when he arrived in Šibenik on 19 May 1991, a Croatian Assistant Minister informed him that Milan Martić had declared himself secretary of the SUP in Knin, had separated the police force from the Croatian state, and placed it under his

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[4527] P1545 (Witness JF-041, Pseudonym sheet); P1546 (Witness JF-041, witness statement, 18 February 2005), p. 1, paras 3, 7, 12-15; P1548 (Witness JF-041, *Martić* transcript, 23-25 May 2006), pp. 4374-4377, 4391, 4393, 4399, 4500.
[4528] P1546 (Witness JF-041, witness statement, 18 February 2005), paras 20, 41; P1548 (Witness JF-041, *Martić* transcript, 23-25 May 2006), pp. 4426, 4427, 4435, 4498; P1562 (List of special purpose unit members, signed by Ilija Prijić, 12 September 1991), pp. 1-2; Witness JF-041, T. 8004-8005; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13156-13157, 13505; P1116 (Decision on the election of Milan Martić to the post of Minister of Defence of the SAO Krajina, Velibor Matijašević, 29 May 1991); P1117 (Decision on the formation of special purpose units of the SAO Krajina, Velibor Matijašević, 29 May 1991);.
[4529] P1777 (Stanko Erstić, witness statement, 31 October 2000), pp.1-2.
[4530] P1770 (Vlado Vuković, witness statement, 20 January 2001), p. 3; P1775 (Vlado Vuković, *Martić* transcript, 27-28 March 2006), p. 2703; P1777 (Stanko Erstić, witness statement, 31 October 2000), p. 2; P1781 (Stanko Erstić, *Slobodan Milošević* transcript, 24-25 July 2003), p. 24996; P1782 (Stanko Erstić, *Martić* transcript, 26 April 2006), pp. 3872-3873.
[4531] Vatroslav Stanićić, T. 12394, 12481.
[4532] Vatroslav Stanićić, T. 12400, 12409-12410, 12412-12413.
[4533] Vatroslav Stanićić, T. 12412-12413.
[4534] Vatroslav Stanićić, T. 12413.
[4535] Vatroslav Stanićić, T. 12422.
[4536] Vatroslav Stanićić, T. 12501-125-3; 12598-12600; P2991 (Interview with Martić in Politika by Milan Četnik, 7 July 1991, p. 3; D312 (Interview with Martić in Pobjeda, 7 July 1991), p. 1.

control.[4537] The assistant Minister alleged that Martić was acting pursuant to influence from Belgrade and that Martić wanted to create an autonomous province or republic for the Serbs living in Croatia.[4538] The next day the witness went to Knin where Martić told him that he had organized the united police force of the SAO Krajina and that any officers who would respect the laws of Yugoslavia could stay on the force.[4539]

2142. In relation to the Accused's presence in the Krajina at the relevant time, the Trial Chamber recalls Babić's evidence reviewed in chapter 6.3.2 in relation to the Golubić camp, that Martić introduced him to Stanišić in 1990, in a café near Knin. Babić further stated that he met Simatović for the first time in April 1991, when he came together with Stanišić to Babić's new apartment in Knin, to check whether it was not tapped by the army.[4540] He understood Stanišić to be Simatović's superior.[4541] Simatović was present in the SAO Krajina from April to 8 August 1991.[4542]

2143. The Stanišić Defence and the Simatović Defence dispute the credibility of Witness JF-039 and the reliability of his evidence, in particular in relation to the role of Simatović in the SAO Krajina. In this respect, the Simatović Defence points to inconsistencies in his evidence and indications that he may have been involved in smuggling and argues that his own involvement may have motivated him to fabricate his account of the events in order to conceal his very role therein.[4543] It argues that Witness JF-039's evidence about MUP vehicles transporting weapons to Martić in Knin is implausible.[4544] It further submits that Witness DSF-014, who was well informed about the events in Knin, testified that he had never heard of police officers abandoning the Knin police station at the time, as recounted by Witness JF-039.[4545] However, in view of the overall assessment of Witness DFS-014's reliability outlined as low in chapter 2, the Trial Chamber does not consider his evidence to be a challenge to Witness JF-039's evidence.

[4537] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3048, 3071; Witness JF-038, T.4913.
[4538] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3049, 3057, 3129.
[4539] P420 (Witness JF-038, *Martić* transcript, 31 March-4 April 2006), pp. 3062, 3068-3069, 3072-3073.
[4540] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1523; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13118.
[4541] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1392; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13118; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), pp. 3341-3342.
[4542] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13128.
[4543] Simatović Defence Final Trial Brief, 14 December 2012, paras 209, 212-219.
[4544] Simatović Defence Final Trial Brief, 14 December 2012, paras 204-208, 212.
[4545] Simatović Defence Final Trial Brief, 14 December 2012, paras 210-211.

2144. The Stanišić Defence submits that Witness JF-039 is at times moving into "the realm of fantasy", and that his evidence is internally inconsistent and confusing, as well as inconsistent with Milan Babić's evidence.[4546] No other evidence supports the chain of supply from Simatović to Martić alleged by Witness JF-039.[4547] It further submits that contrary to Babić's theory of the continuous support of the Accused to the Krajina, Witness JF-039 testified that Simatović only delivered assistance up until the first half of 1991.[4548]

2145. The Stanišić Defence submits that Babić contradicted himself in his evidence in relation to the "parallel structure theory" which, in his view, came into existence in August 1990, but only began its activities in April 1991.[4549] Against his theory on all-encompassing DB logistical support for Serbs in Krajina after mid-1991, he himself stated that in 1992, the police in Krajina was financed by the Serbian MoD.[4550]

2146. In relation to the reliability of Milan Babić's evidence, the Trial Chamber recalls its considerations in chapter 3.1.7. With regard to the Defence allegations, the Trial Chamber considers Babić's evidence about the existence of the parallel structure of power to be internally consistent. Furthermore, it does not consider that when stating that the Serbian MoD financed the Krajina police in 1992 and thereafter, Babić contradicted his general statements about the parallel structure's support for the SAO Krajina police before and after 1992. The Trial Chamber considers the evidence of Milan Babić to be generally reliable. As to any possible minor inconsistencies therein, the Trial Chamber will take them into consideration when making its findings.

2147. In relation to the reliability of Witness JF-039's evidence, the Trial Chamber has already partly addressed the submissions of the Defence in chapter 6.3.2. Furthermore, the Trial Chamber considers that despite some minor inconsistencies, the evidence of the witness is logical and coherent. As to the evidence of Witness JF-039 that Simatović brought assistance to Martić only up to mid-1991, in the context of the witness's overall evidence, the Trial Chamber understands this to refer to personal visits of Simatović in the Krajina. It does not interpret it as referring to a complete discontinuation of the support for the SAO Krajina Police, in particular in terms of financial assistance. Consequently, the Trial Chamber does not consider that this evidence contradicts that of Babić, on the allegedly continuous

[4546] Stanišić Defence Final Trial Brief, 17 December 2012, paras 339-344, 376; T. 20274-20275, 20278.
[4547] Stanišić Defence Final Trial Brief, 17 December 2012, paras 374-381.
[4548] Stanišić Defence Final Trial Brief, 17 December 2012, paras 342-343.
[4549] Stanišić Defence Final Trial Brief, 17 December 2012, paras 339-340.
[4550] Stanišić Defence Final Trial Brief, 17 December 2012, paras 339-340.

assistance of the Serbian DB to the SAO Krajina Police. The Trial Chamber further considers that the accounts of Milan Babić and Witness JF-039 corroborate each other on important points, including on that concerning the involvement of the Serbian DB in supporting Martić.

2148. In so far as the Stanišić Defence and the Simatović Defence allege that Simatović went to the SAO Krajina to collect intelligence and monitor the activities of Captain Dragan,[4551] the Trial Chamber has concluded in chapter 6.3.2 that it did not consider it a reasonable interpretation of the evidence before it that Simatović's role in Knin was limited to conducting surveillance and monitoring activities.

2149. On the whole, the Trial Chamber considers that the evidence received is reliable, mutually reinforcing and consistent with the Adjudicated Facts.

2150. In relation to the parallel structure of power in the Krajina, the Trial Chamber considers that Bosnić's lack of knowledge about the existence of the structure does not, as such, refute the evidence to the contrary. Having regard to the central position of Babić in the government, which gave him a better overview of the situation in the Krajina than Bosnić could have had at the time, the Trial Chamber considers Babić's evidence in this regard to be reliable and corroborated by Witness JF-038's hearsay evidence about Martić being influenced by Belgrade. On this point, the Trial Chamber further notes that the head of the SAO Krajina DB, Dušan Orlović, later became a member of the Serbian DB Unit a.k.a. the Red Berets. The Trial Chamber will now move to its findings on the specific evidence received in relation to the SAO Krajina Police.

2151. Based on the evidence before it,[4552] the Trial Chamber finds that around August 1990, local Serb civilians and reserve police officers began erecting barricades and roadblocks in and around Knin. At the same time, Milan Martić distributed weapons to police officers in Golubić, and he later became the leader of the barricade movement with its headquarters in Golubić. The Trial Chamber considers that Mile Bosnić's lack of knowledge in relation to Martić's role at the barricades does not negate the evidence of others, who personally witnessed these events.

2152. The Trial Chamber has reviewed the evidence before it, in particular that of Witness JF-039 that Martić took control over the police in the Krajina by mid-November 1991, and the evidence of Josip Josipović and Witness C-1211 that Serbs started joining Martić's forces

[4551] Simatović Defence Final Trial Brief, 14 December 2012 (Confidential), paras 185-192, 227-229, 336; Stanišić Defence Final Trial Brief, 17 December 2012 (Confidential), paras 298, 301, 314.
[4552] In particular the evidence of Witness JF-039, Milan Babić, Witness JF-038, and Mile Bosnić.

following the 1990 elections. In view of this evidence, the Trial Chamber does not consider that Vatroslav Stanićić, when stating that by mid-May 1991, Martić had control over some mere 12 persons at the Knin police station, had complete knowledge of the situation in the area, which, as it appears, he only visited on that occasion. The Trial Chamber notes the evidence of Mile Bosnić about Martić's failure to establish his authority over the Kordun and Banija police up to August 1991, but considers that this evidence does not negate the aforementioned evidence that Martić's authority and men force stretched beyond the Knin police station. Consequently, the Trial Chamber finds that by late 1990 or early 1991, Milan Martić had already established the foundations of the SAO Krajina Police, which covered most of the Krajina territory. This conclusion is further supported by Milan Babić's and Witness DST-043's evidence that the SAO Krajina Police, commanded by Martić, was part of the armed forces as of January 1991.

2153. Based on the unrebutted Adjudicated Facts, the Trial Chamber finds that on 4 January 1991, Milan Martić was appointed the Secretary of the SAO Krajina SUP. On 29 May 1991, Martić became the Minister of Defence in the newly formed SAO Krajina government. As to the funding provided to Martić at the time, the Trial Chamber considers the testimony of Witness JF-039 and notes that although the witness did not see what was inside the bags that Simatović used to bring to Martić, he testified that the same bags were always used in this process and that on at least one occasion following a visit by Simatović, Martić told the witness that he had received money from Belgrade. Consequently, the Trial Chamber finds that on at least two occasions between December 1990 and May or June 1991, Simatović personally brought bags of cash to Martić in Knin. In view of Witness DST-043's evidence, the Trial Chamber observes that at the time, the Krajina Police also received private donations. The Trial Chamber has reviewed the witness's belief that at some point, the funding for the police also came from the Krajina government, but it is unable to come to the same conclusion based on this evidence, which lacks sufficient foundation.

2154. The Trial Chamber further finds, based on Witness JF-039's account and having reviewed the Serbian DB official note on the transport of ammunition to Knin as well as Martić's press statement of July 1991,[4553] that Stanišić arranged weapons for Martić. It further

[4553] P2990 (Official Note by Milan Tepavčević, 12 April 1991, signed by Milan Tepavčević) and P2593 (Article from Tanjug entitled "Krajina Interior Minister: Police 'Well Armed'", 7 July 1991), respectively. In relation to P2990, the Simatović Defence submits that it has no information about its authenticity and credibility, but appears not to challenge the document, as such. See, Simatović Defence Final Trial Brief, 14 December 2012, para. 31.

finds that Simatović personally oversaw the delivery of arms and ammunition to Martić between December 1990 and May or June 1991. The Trial Chamber has considered Vatroslav Stanićić's comments that convoys of weapons arranged by the Accused were escorted to Knin by the JNA, as only the JNA could move freely through Serbia. The Trial Chamber allows for the reasonable possibility that the JNA escorted these trucks to Knin, but notes that it is not the only reasonable explanation that it had received in this respect. To that effect, it recalls the evidence of Witness B-179 reviewed in chapter 6.6.3 that the Association of Serbs and Emigrants of Serbia's convoys with weapons passed freely through the country having Milan Prodanić from the Serbian DB arranged checkpoint access for the trucks. The Trial Chamber considers that this also addresses doubts expressed by the Defence as to whether, at the time, trucks filled with weapons could pass through Serbia to Krajina without being checked.[4554] In view of the evidence of Ante Marinović, Milan Babić, Witness JF-031, Mile Bosnić, Colonel Smiljanić's account on the arming of the Serbs in early 1991,[4555] and Martić's statement to the press (although unclear what period of time Martić is referring to in D296), the Trial Chamber notes the possibility that in the process of forming the SAO Krajina Police, Martić and his forces also received weapons from the depots of the reserve police force, the JNA and the TO, in Serbia and in Krajina, as well as through smugglers. The Trial Chamber does not consider Mile Bosnić's account that the police got their weapons from the World War II Museum to be reliable. Even so, in view that the witness was based in Kordun, as well as his testimony that Kordun and Banija did not accept Martić's authority at the time, the Trial Chamber considers that the witness may have been better acquainted with the situation of police forces in Kordun and Banija, rather than with the situation in the remainder of the Krajina territory.

2155. The Trial Chamber further finds, based on Witness JF-039's testimony, that beginning in January 1991, with the financial support of Stanišić, Milan Martić set up at least two new Serb police stations in the Krajina. In this context, the Trial Chamber considers the evidence of Mile Bosnić and the SAO Krajina Executive Committee Announcement from January 1991[4556] on the existence of numerous police stations in the Krajina at the time. It notes however, that the two villages, where according to Witness JF-039 new stations had been set up, are not listed in this document. The Trial Chamber further considers that in reaction to the support from Stanišić and Simatović, Martić provided some 60 members of his police forces

[4554] See Simatović Defence Final Trial Brief, 14 December 2012, para. 212; Stanišič Defence Final Trial Brief, 17 December 2012, para. 376.
[4555] D118 (Letter to Mladić by Colonel Smiljanić, 5 October 1994).
[4556] See exhibit P2061 (SAO Krajina Executive Committee Announcement, 5 January 1991) above.

to assist during Belgrade's demonstrations in March 1991. The Trial Chamber further considers that Mile Bosnić's general statement that he did not see or hear of the involvement of the Serbian MUP, police, or Stanišić in the events that began as of late August 1990, does not, as such contradict the evidence about the support provided by the latter to Martić. This is in particular in view of the fact that Banija and Kordun, where the witness was based, had problems accepting Martić's authority and the SDS in this area, including the witness, could therefore not have been aware of all Martić's activities.

2156. On the basis of the evidence of Radoslav Maksić and Milenko Sučević's statement P2615, the Trial Chamber finds that the Serbian MUP provided the SAO Krajina Police with communications equipment. In view of Sučević's reference to "Frenk" from the Serbian MUP, giving orders in relation to the communication equipment, the Trial Chamber finds that Simatović supplied the communication equipment to the SAO Krajina Police at least on one occasion in April 1991.

2157. As to the presence of the Accused, in view of its finding in chapter 6.3.2 and the evidence of Milan Babić and Witness JF-039 reviewed above, the Trial Chamber finds that Jovica Stanišić was present in the area of Knin on at least two occasions between August 1990 and April 1991, and Franko Simatović was present in the Krajina on a few occasions between December 1990 and April 1991, and on a more permanent basis between April and August 1991. Furthermore, in view of the Adjudicated Facts and the evidence of Witness DST-043, Mile Bosnić, and Milan Babić, as well as the Trial Chamber's findings in chapter 6.3.2 and the evidence of Witness JF-031 and JF-039 in the same chapter, recalled above, the Trial Chamber finds that Dušan Orlović, who was the first chief of the Krajina DB, reported to the Serbian DB.

2158. Based on the Adjudicated Facts and the evidence of Milan Babić, the Trial Chamber finds that the existence of the SAO Krajina Police was formally confirmed by the 29 May 1991 decision of the SAO Krajina Assembly. The police was to function within the Krajina MUP but was placed under the authority of the Krajina Minister of Defence, the position then occupied by Martić. In view of the above, the Trial Chamber finds that the formation of the SAO Krajina Police was a process which lasted from late August 1990, when the barricades were raised around Knin, until 29 May 1991, when the formal decision on the establishment of the SAO Krajina Police was made.

2159. In view of the above, the Trial Chamber finds that the Accused, among others, directed and organized the formation of the SAO Krajina Police in cooperation with Milan Martić. The Trial Chamber will further consider the above factual findings on the support provided to the SAO Krajina Police in the section below.

6.6.3 The Accused directed and organized the financing, training, logistical support, and other substantial assistance or support to the SAO Krajina Police and TO units

2160. According to the Indictment, the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support to the SAO Krajina Police and the SAO Krajina TO.[4557] In its Final Trial Brief, the Prosecution submits that the Accused equipped and financed police structures and police stations in the SAO Krajina and supplied arms and equipment to the Serb forces in the Krajina, including the TO.[4558]

2161. In relation to the above allegations, the Trial Chamber has taken judicial notice of Adjudicated Facts and has received evidence from numerous witnesses as well as through documentary materials.

2162. The Trial Chamber will begin by reviewing Adjudicated Facts and evidence on the SAO Krajina Police's position in the Krajina armed forces as of 1 August 1991. According to the Adjudicated Facts, on 1 August 1991, the SAO Krajina government decided to apply the Law on Defence of Serbia in the SAO Krajina.[4559] Accordingly, the "Milicija Krajine" units together with the TO made up the armed forces of the SAO Krajina.[4560] The SSNO made unit and personnel changes within the SAO Krajina armed forces.[4561] Milan Babić, as President, was the Commander of the TO of the SAO Krajina. On 8 August 1991, Milan Martić was appointed Deputy Commander of the TO of the SAO Krajina, in which position he remained until 30 September 1991. He continued to hold the position of Minister of the Interior while he was Deputy Commander of the TO.[4562] Any resubordination of MUP units to the JNA for temporary assignment required prior approval of the Minister of Interior of the SAO Krajina.[4563]

[4557] Indictment, paras 3, 5, 6(b) and (f), 15(c).
[4558] Prosecution Final Trial Brief, 14 December 2012, paras 23-30, 611-623.
[4559] Adjudicated facts III, fact 16.
[4560] Adjudicated facts III, fact 16.
[4561] Adjudicated facts III, fact 27.
[4562] Adjudicated facts III, fact 17.
[4563] Adjudicated facts III, fact 28.

2163. **Radoslav Maksić**, a Serb member of the Krajina TO Staff from September to December 1991,[4564] testified that from September to December 1991, the armed forces of the SAO Krajina were composed of the JNA 9th Corps, the MUP police, and municipal TO units.[4565] According to **Witness JF-041**, a Serb from Knin municipality,[4566] the TO was in charge of territory and people defending the territory, while the national defence was in charge of carrying out mobilization and selecting personnel.[4567] The military was responsible for war operations, while the police were responsible for mopping up the terrain after operations.[4568] Though separate institutions, in 1991, the TO, the police, and the secretariat for national defence worked together with the JNA on security matters and their respective commands and secretaries were in daily contact.[4569]

2164. On 9 October 1991, SAO Krajina President Milan Babić ordered that all militia units in the Krajina region be resubordinated to the competent TO official in preparing and executing combat tasks.[4570] **Maksić** testified that he was not aware of the existence of such order and that, in any event, such resubordination would not have been possible according to the law in force at the time.[4571] The Trial Chamber has not received any evidence that this order was enforced. To the contrary, the evidence below, including that of Babić, and Martić's letter to the Serbian Minister of Interior from February 1992,[4572] suggests that the police and the TO remained separate entities. Maksić further testified that Martić had advocated that the TO be subordinated to the MUP alongside the police, but the TO units were in fact separate from the police and the SAO Krajina MUP, and, although they shared similar tasks, the organizations never had a joint command.[4573]

[4564] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), pp. 1134-1136, 1139-1140, 1155-1156, 1220, 1230, 1239, 1260; Radoslav Maksić, T. 6866, 6869; P952 (Order to dispatch 16 persons to the SAO Krajina TO garrisons, signed by Gojko Krstić, 20 September 1991), pp. 1-2; P956 (Order on the organization of the SAO Krajina TO staff, signed by Đuro Pekić, 3 October 1991), p. 1..
[4565] Radoslav Maksić, T. 6879.
[4566] P1545 (Witness JF-041, Pseudonym sheet); P1546 (Witness JF-041, witness statement, 18 February 2005), p. 1, paras 3, 7, 12-15; P1548 (Witness JF-041, *Martić* transcript, 23-25 May 2006), pp. 4374-4377, 4391, 4393, 4399, 4500.
[4567] P1548 (Witness JF-041, *Martić* transcript, 23-25 May 2006), p. 4442.
[4568] P1546 (Witness JF-041, witness statement, 18 February 2005), para. 44.
[4569] P1548 (Witness JF-041, *Martić* transcript, 23-25 May 2006), pp. 4441-4442.
[4570] Radoslav Maksić, T. 6981; P1124 (Order signed by Milan Babić, 9 October 1991).
[4571] Radoslav Maksić, T. 6981-6982.
[4572] P970 (Letter to the MUP Minister Sokolović regarding provision of resources, signed by Milan Martić, 10 February 1992).
[4573] P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), pp. 1150-1151; Radoslav Maksić, T. 6873; P955 (Organizational chart of the SAO Krajina TO on 1 September 1991, prepared by Radoslav Maksić, 26 January 2005).

2165. In relation to the presence of the Accused in the Krajina after the formal establishment of the SAO Krajina Police on 29 May 1991, the Trial Chamber recalls its finding in chapter 6.6.2 above that Simatović was present in the area until early August 1991. **Milan Babić** further stated that in early August 1991, he was threatened by Captain Dragan's men.[4574] He then asked Milošević to remove Simatović from Knin.[4575] On 26 August 1991, Milošević told Babić that Simatović was a "good guy", and that he would return to Krajina.[4576] Babić stated that Simatović was further present in the SAO Krajina from September until the end of 1991.[4577] **Witness JF-039**, a Serb from Croatia,[4578] testified that in June or July 1993, Stanišić came to Martić's home in Knin.[4579]

2166. The Trial Chamber will now move to the specific evidence it has received in relation to the training of the SAO Krajina Police and TO units, as well as the evidence on financing, arming, and other support and assistance provided to the SAO Krajina Police and TO. The Trial Chamber has reviewed evidence and made findings on several of these allegations in chapter 6.6.2 and chapter 6.3.2 in relation to the Golubić camp.

2167. In relation to training, the Trial Chamber further recalls the evidence of Mile Bosnić reviewed in chapter 6.3.2 in relation to the Golubić camp, that Golubić closed after the second round of training was completed, around June or July 1991 because of a conflict between Babić and Captain Dragan. **Witness JF-039** testified that in February or March 1992, at Martić's orders, the Golubić training centre was converted into a police school.[4580] After 1992, the centre was under the patronage of MUP Serbia and got the name the "School Centre" or the "Training Centre in Golubić for the Police of Srpska Krajina".[4581] **Witness**

[4574] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1426-1431; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13161-13163.
[4575] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1431; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13163-13164.
[4576] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1431-1432, 1556; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13164.
[4577] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13128.
[4578] P978 (Witness JF-039, witness statement, 12 September 2003), p. 1, paras 1, 5, 23; P977 (Witness JF-039, prior testimony), pp. 1958-1959.
[4579] P978 (Witness JF-039, witness statement, 12 September 2003), para. 26.
[4580] P978 (Witness JF-039, witness statement, 12 September 2003), para. 73.
[4581] P977 (Witness JF-039, prior testimony), pp. 2150-2151.

DST-043, a Serb from Knin,[4582] testified that between 1992 and 1995, Golubić was used to train Special Police Units of the RSK MUP.[4583]

2168. Furthermore, the Trial Chamber has reviewed two letters to the Serbian MUP from August 1992 and March 1995. On 3 August 1992, Martić wrote to R. Stojčić, head of department of the Serbian MUP, requesting two teachers, one on Law, one on Criminology, for the next course for police officer trainees.[4584] On 22 March 1995, RSK MUP Minister Nebojša Pavković wrote to Serbian MUP Deputy Minister Radomir Stojičić.[4585] Pavković noted that the Sabotage Squad of the RSK MUP Special Brigade was finishing a one-month course with Stojičić's anti-terrorist units and requested that Stojičić continue the training of two members.[4586]

2169. The Trial Chamber will now consider the arming of the SAO Krajina Police and TO members. **Vatroslav Stanićić**, Chief of the counter-intelligence sector of the federal MUP SDB in 1991,[4587] testified that when he left Knin on 30 June or 1 July 1991, Martić's units were poorly trained and equipped, with only side arms and long-barrelled weapons, including automatic rifles and some trophy pieces, and incomplete uniforms.[4588]

2170. **Stanko Erstić**, a Croat from Medvida[4589], stated that Martić's Militia were armed with automatic rifles made in Serbia by the Zastava factory.[4590] **Witness JF-006** testified that Martić's police recruits, who had been trained at Golubić, were armed with automatic rifles, which they brought back from Golubić after training.[4591] Martić's Police had mortars of around 60 millimetres, but no tanks or howitzers.[4592]

2171. **Witness C-1211**, a Croat from Hrvatska Dubica in Kostajnica municipality,[4593] stated that on 23 July 1991 he saw a military helicopter land in the forest. He then saw Branko

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[4582] D322 (Witness DST-043, witness statement, 29 June 2011), p. 1, paras 1-2; Witness DST-043, T. 12914-12919, 13027-13030, 13032.
[4583] Witness DST-043, T. 13029.
[4584] P2664 (Request to Serbian MUP, signed by Milan Martić, 3 August 1992).
[4585] P1551 (Witness JF-041 chart of comments on exhibits, 13 October 2010), p. 1; P1553 (Letter to Serbian MUP Deputy Minister, signed by Nebojša Pavković, 22 March 1995).
[4586] P1553 (Letter to Serbian MUP Deputy Minister, signed by Nebojša Pavković, 22 March 1995).
[4587] Vatroslav Stanićić, T. 12394, 12481.
[4588] Vatroslav Stanićić, T. 12597, 12599-12600, 12603.
[4589] P1777 (Stanko Erstić, witness statement, 31 October 2000), pp.1-2.
[4590] P1777 (Stanko Erstić, witness statement, 31 October 2000), p. 2; P1782 (Stanko Erstić, *Martić* transcript, 26 April 2006), p. 3872.
[4591] P104 (Witness JF-006, *Slobodan Milošević* transcript, 15 October 2002), pp. 11569-11570; Witness JF-006, T. 2455, 2460-2461.
[4592] P105 (Witness JF-006, *Martić* transcript, 28 March 2006), p. 2827.
[4593] P1710 (Witness C-1211, witness statement, 9 November 2000), pp. 1, 3; P1713 (Witness C-1211, *Martić* transcript, 12 June 2006), p. 5401.

Ovuka, a Serb in charge of a distribution company, driving a company refrigerated truck away from where the helicopter had landed and he thought that Ovuka had picked up weapons from the helicopter.[4594] **Josip Josipović**, a Croat from the mixed village of Predore close to Hrvatska Dubica in Kostajnica municipality,[4595] also stated that on one occasion, he saw a JNA helicopter landing on a road near Predore and Serbs unloading weapons from the helicopter, which were then put on trucks and civilian vehicles.[4596] He heard from his mother and locals that the helicopter had previously come on several occasions.[4597] The trucks then drove into the direction of Živaja, which was a Serb-populated area. The witness concluded that the JNA armed the Serb TO and police.[4598]

2172. Mile Grbić told Milan Babić that in August 1991, he and Zika Rakić, two Serbs from Bosanski Novi, supplied weapons by motorway to Banija and Kordun that they had obtained in Serbia through Stanišić.[4599] Babić did not know for whom these weapons were intended, but stated that at the time the 7th Banija Division and other paramilitary groups had already been in existence. At the end of July and in the beginning of August 1991, weapons were also ordered through Colonel Dušan Smiljanić, Chief of security of the 10th Zagreb Corps; he organized weapon deliveries to Krajina with the help of General Nikola Uzelac.[4600] In this respect, the Trial Chamber recalls the 15 October 1994 letter by the SVK Colonel Dušan Smiljanić to Mladić, about the arming of the Serbs in Krajina from the local depots between March and October 1991, which it has reviewed in chapter 6.6.2.

2173. **Mile Bosnić**, an SDS regional board member and president of the SDS board in Kordun,[4601] testified that from attending meetings of the SDS Main Board he was aware that the Knin leadership obtained their weapons from the reserve police storage.[4602] It was sometime in September 1991, that the weapons from the TO storages were distributed.[4603] The police who remained in the police stations already had their own uniforms and weapons

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[4594] P1710 (Witness C-1211, witness statement, 9 November 2000), p. 4.
[4595] P68 (Josip Josipović, *Martić* transcript, 6-7 April 2006), pp. 3293-3294, 3327; P73 (Official Note by Josip Josipović, 1 April 1992), p. 1.
[4596] P68 (Josip Josipović, *Martić* transcript, 6-7 April 2006), pp. 3298-3299, 3302-3303, 3341-3345, 3380-3381.
[4597] P68 (Josip Josipović, *Martić* transcript, 6-7 April 2006), pp. 3303, 3341, 3343-3345.
[4598] P68 (Josip Josipović, *Martić* transcript, 6-7 April 2006), pp. 3298-3299, 3304.
[4599] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1530-1531; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13098-13099.
[4600] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1531-1532; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13274-13276; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3376.
[4601] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 2.
[4602] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 27.

issued in their names.[4604] The SDS Main Board was not informed about covert operations by the SDB or about the movement or distribution of weapons.[4605]

2174. **Witness JF-041** testified that in September or October 1991, for 15 to 20 days, the Krajina Special Purpose Unit, which was called the SAO Krajina Police, was subordinated to the JNA 75th Motorised Brigade, so that the unit could receive weapons from the brigade.[4606] Thereafter, the Special Purpose Unit in Knin was subordinated to the MUP of the RSK.[4607] **Witness JF-006** testified that in October or November 1991, approximately eighteen JNA officers from Belgrade arrived in Plaški, took command of the TO, and formed it into the Plaščanska Brigade.[4608] Martić's Police was one of the units within the Brigade.[4609] The JNA armed the Plaščanska Brigade with tanks, APCs, howitzers, mortars, and anti-aircraft weapons.[4610] Occasionally the witness saw members of Martić's Police at the warehouse picking up supplies.[4611]

2175. The Trial Chamber will now move to the specific evidence on the arming in the Krajina in 1992. At the SFRY Presidency meeting on 3 January 1992, where the Vance follow up on disarming was discussed, Milan Martić asked whether he could get officers to lead police units.[4612] Branko Kostić answered that they would look into it, as they would need to plan for it in the federal budget.[4613] He further said that if necessary, they could give them more weapons, so that "you can have one machine gun to 'bury in the hay' and another one to be stored in depots, which would be under joint control".[4614]

2176. At the meeting of representatives of the SSNO, the 2nd Military District, the Corps Commands and the representatives of the MUP and the TO Main Staff of the RSK which was held on 13 March 1992, it was established that the Corps Commands would accommodate

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[4603] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 64; D314 (Mile Bosnić, proofing note, 8 July 2011), p. 5.
[4604] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 32.
[4605] Mile Bosnić, T. 12787.
[4606] Witness JF-041, T. 8005-8007, 8010.
[4607] Witness JF-041, T. 8007-8008, 8011.
[4608] P103 (Witness JF-006, witness statement, 20 January 2001), pp. 2-3; P104 (Witness JF-006, *Slobodan Milošević* transcript, 15 October 2002), pp. 11579-11581; P105 (Witness JF-006, *Martić* transcript, 28 March 2006), pp. 2783, 2823-2825; Witness JF-006, T. 2471.
[4609] P104 (Witness JF-006, *Slobodan Milošević* transcript, 15 October 2002), p. 11588.
[4610] P103 (Witness JF-006, witness statement, 20 January 2001), p. 3; P104 (Witness JF-006, *Slobodan Milošević* transcript, 15 October 2002), p. 11586; P105 (Witness JF-006, *Martić* transcript, 28 March 2006), p. 2784.
[4611] P104 (Witness JF-006, *Slobodan Milošević* transcript, 15 October 2002), p. 11588.
[4612] D1429 (Stenographic notes of the talks between members of the FRY Presidency and RSK representatives, 3 January 1992), pp. 1, 10.
[4613] D1429 (Stenographic notes of the talks between members of the FRY Presidency and RSK representatives, 3 January 1992), p. 11.

requests for equipment by TO and police units and organs, which would be communicated through MUP.[4615] If being unable to do so themselves, the Corps Commands would turn to the 2nd Military District, which could, if necessary, forward their requests to the competent organs of the SSNO.[4616] On 23 April 1992, Deputy Commander of the 608th TSB of the SSNO, Colonel Petar Pajčin, urgently ordered the 2nd Military District Command to deliver, free of charge, 10 armoured personnel carriers M60 to the Knin police brigade, and, in total 500 firearms to the Knin police brigade, the MUP Knin station, the Benkovac station, the Korenica station, the Vojnić station, the Petrinja station, the Okučani station, the Beli Manastir station, and the Vukovar station. While the receiving units were required to organize the transport, it was for the MUP RSK to coordinate the time and place of the delivery of arms, and for the Command of the 1st Military District to ensure the security and overall completion of the task.[4617] On 25 April 1992, on the basis of a resolution of the SSNO of 20 April 1992 aimed at replenishing with ammunition MUP RSK, Colonel Gradimir Petrović of the 2nd Military District instructed the 405th and the 530th Logistic Bases to issue free of charge, for needs of the MUP stations in Knin, Benkovac, Okučani, and Petrinja from their warehouses in Golubići and Bosanski Novi, respectively, diverse ammunition, and report back to the 2nd Military District Command once the task was completed.[4618]

2177. On 7 April 1992, Marinko Mudrić stated to Croatian MUP Ogulin police officials that in August 1991, in Plaški, alongside regular soldiers, Martić's men, and Plaški TO members, he participated in taking 13-lorries worth of weapons and equipment from the Skradnik depot (Kutpolje), which had been abandoned following the withdrawal of the regular army from

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[4614] D1429 (Stenographic notes of the talks between members of the FRY Presidency and RSK representatives, 3 January 1992), p. 11.

[4615] D680 (A letter from the 2nd Military District Command to the 9th Corps Command regarding the replenishment of the TO and police units with equipment, Colonel General Milutin Kukanjac, 7 April 1992), p. 1-2.

[4616] D680 (A letter from the 2nd Military District Command to the 9th Corps Command regarding the replenishment of the TO and police units with equipment, Colonel General Milutin Kukanjac, 7 April 1992), p. 2.

[4617] D681 (An order issued by the Command of the 608th TSB of the Federal Secretariat of National Defence to the 2nd Military District Command, dated 23 April 1992).

[4618] D682 (An instruction for issuing ammunition to the Okučani MUP station, issued by the Command of the 2nd Military District Command to the 530th Logistic Base, dated 25 April 1992); D684 (An instruction for issuing ammunition to the Knin MUP station, issued by the Command of the 2nd Military District Command to the 405th Logistic Base, dated 25 April 1992); D685 (An instruction for issuing ammunition to the Petrinja MUP station, issued by the Command of the 2nd Military District Command to the 530th Logistic Base, dated 25 April 1992); D686 (An instruction for issuing ammunition to the Benkovac MUP station, issued by the Command of the 2nd Military District Command to the 405th Logistic Base, dated 25 April 1992). According to the English translation of D681, the resolution at issue aimed at "fulfilling the stations with ammunition". From the context of the document, the Trial Chamber understands this to refer to replenishing the RSK MUP with ammunition.

Plaški to Bosnia, who had left all weaponry and ammunition behind.[4619] In March 1992 additional ammunition arrived from Belgrade.[4620]

2178. On an unspecified date, Ratko Mladić noted in his notebook, under the entry on Krajina: "arm 50,000 men legally and illegally", "every village should have a police station", and "get in uniform and put badges on the Krajina police".[4621] In a 26 February 1992 combat report, Ratko Mladić stated that he had decided to continue assisting the RSK TO and MUP in carrying out organizational and establishment changes, and in equipping the TO and the MUP units.[4622] On 22 April 1992, Ratko Mladić issued an order**,** a copy of which was sent to Milan Martić, aimed at equipping the RSK police units as soon as possible. Mladić noted that manpower of the Corps's war units had been redeployed to RSK MUP police stations and ordered that the personal arms and ammunition issued to these troops be delivered alongside them.[4623] In this respect, the Trial Chamber has further reviewed an undated report on the distribution of weaponry in the SAO Krajina around 28 July 1992, bearing a signature, which stated that the uncoordinated distribution of weapons by the JNA to SAO Krajina could lead to a split in the defence of Krajina and that if such activities indeed cause disorder in the defence, they will be stopped on time.[4624]

2179. On 12 October 1992, Serbian MUP RDB Belgrade operative Branko Pavić reported on interviews of 29 September and 10 October 1992 conducted with a source referred to as "DŽ. V.", who had stated that Martić had complained about not receiving the anticipated assistance from the Republic of Serbia in terms of weapons, uniforms, and equipment and that in future he would not send the reports on situation in Krajina.[4625]

2180. In relation to the arming of the SAO Krajina TO, the Trial Chamber has also reviewed the evidence of Witness B-179. **Witness B-179** stated that the Association of Serbs and Emigrants of Serbia in Belgrade provided humanitarian and military supplies to Serbs in Croatia and Bosnia-Herzegovina.[4626] The witness stated that his evidence in this respect was

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[4619] P2628 (Record of statement, Ogulin Police Station, Croatian MUP, signed by Marinko Mudrić, 7 April 1992), p. 6.
[4620] P2628 (Record of statement, Ogulin Police Station, Croatian MUP, signed by Marinko Mudrić, 7 April 1992), p. 5.
[4621] D1458 (Excerpt from Ratko Maldić's Notebooks, undated), pp. 3, 5.
[4622] P1226 (Combat Report to the 2 nd Military District Command Operations Centre, signed by Ratko Mladić, 26 February 1992), pp. 1, 4.
[4623] P1235 (Order on arming and equipping RSK police units, Ratko Mladić, 22 April 1992).
[4624] P2577 (Report in relation to events in SAO Krajina around 28 July 1991).
[4625] P2406 (Official note on an interview, RDB of the Serbian MUP, signed by Branko Pavić, 12 October 1992), pp. 1, 3.
[4626] P408 (Witness B-179, *Slobodan Milošević* transcript, 15 September 2003), pp. 26589-26592, 26628, 26646-26649, 26686; P413 (Identification card of the Association).

relevant to the period of 1991-1993. The President of the Association, Branislav Crnčević, met frequently with Slobodan Milošević. Witness B-179 personally observed special "red telephones" at the Association's headquarters which provided Crnčević with a direct connection to Milošević and the Serbian MUP. Crnčević also met frequently with Stanišić. According to the witness, meetings were held every morning between members of the Association and members of the MoD. The meetings were held in the DB building, and were used to review information from the battlefront. Milan Prodanić, Jovica Stanišić, Mikhael Kertes, and Milan Tepavčević tended to be present. Prodanić was the head of the 6th Department of the DB, and was directly subordinate to Stanišić. The witness heard from Prodanić that Milošević occasionally attended these meetings.[4627]

2181. After the morning meetings, Prodanić would go to Bubanj Potok, Vožvodac municipality, to meet with Boro Stanišić. Boro Stanišić was in charge of the military warehouse in Bubanj Potok 2 outside Belgrade, one of the largest warehouses in the SFRY. Prodanić would convey information and orders from the morning meetings regarding the delivery of weapons, ammunition, and other supplies from Bubanj Potok 2 to battlefronts in different parts of Bosnia-Herzegovina and Croatia to Boro Stanišić. Witness B-179 stated that, in issuing orders to Boro Stanišić, Prodanić was acting on behalf of the Serbian MUP. According to the witness, Boro Stanišić and Prodanić were the only two members of the MUP who were part of the small circle of persons who knew of the distribution of military supplies by the Association from Bubanj Potok 2. This was because the proper chain of command for the distribution of weapons, which should have run through the Serbian MoD and the JNA, was routinely bypassed. Boro Stanišić would give instructions for the preparation of convoys and trucks would then go to Bubanj Potok 2 to be loaded with weapons and ammunition. From there, the trucks, most of which were from the Serbian MUP, would depart for the front lines.[4628]

2182. Initially, most military supplies distributed by the Association were destined for the RSK, where civilians had begun establishing TOs. At one stage, convoys would depart almost daily from Bubanj Potok for locations in Bosnia-Herzegovina. Witness B-179 testified that he had personal knowledge of convoys sent to Knin, Gračac, Licka Osijek, Banja Luka, Nevesinje in Herzegovina, and Trebinje. At each destination there was a contact person,

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[4627] P408 (Witness B-179, *Slobodan Milošević* transcript, 15 September 2003), pp. 26628, 26590-26591, 26594-26596, 26606-26608, 26618, 26656-26659, 26685.
[4628] P408 (Witness B-179, *Slobodan Milošević* transcript, 15 September 2003), pp. 26591, 26594, 26596-26597, 26605, 26609, 26611, 26613, 26674.

usually a civilian, designated by the Serbian MUP. Based on conversations he overheard between Boro Stanišić and Prodanić, Witness B-179 concluded that in 1992 alone the Association participated in the transportation through Bubanj Potok of over 1,200 truckloads of weapons and ammunition. Witness B-179 was personally involved in a number of convoys delivering weapons and humanitarian aid.[4629] The convoys did not require any permits to cross checkpoints controlled by the MUP, because the police were informed that the vehicles would be passing and were instructed not to check them.[4630] Arranging checkpoint access for the convoys was the responsibility of Prodanić. Citing the name of Crnčević made it easy to secure passage in most places.[4631] In a 9 December 1998 letter to the Serbian Minister of Interior, Milan Prodanić admitted that as advisor to the head of the DB, he had been actively involved in helping the Serbian people in the RSK and the Bosnian-Serb Republic since September 1990 and that he had dispatched various types of aid on a daily basis.[4632] Milan Prodanić became the advisor in the Republican SUP on 17 July 1990 and on 13 April 1992, he was appointed Chief of the 8th Administration of the Serbian RDB by Jovica Stanišić.[4633]

2183. According to a conversation Witness B-179 overheard between Boro Stanišić and Prodanić, most of the documents relating to the transport of weapons to the front line was burnt. Witness B-179 stated that many of the documents in his own possession were seized by the DB when they searched his house. On 25 March 1992, Witness B-179 received a certificate of thanks signed by Colonel Radoslav Blažić on behalf of the JNA and VP 5055 thanking the witness for his efforts in providing assistance to the TO and the Serbian people exposed to "Utasha terror and genocide".[4634]

2184. The Trial Chamber has reviewed further evidence that the (S)FRY MoD through the JNA and later the VJ supplied weapons to the SAO Krajina TO units.[4635]

[4629] P408 (Witness B-179, *Slobodan Milošević* transcript, 15 September 2003), pp. 26596-26597, 26607, 26612-26614, 26626, 26634-26635, 26652, 26686-26688.
[4630] P408 (Witness B-179, *Slobodan Milošević* transcript, 15 September 2003), p. 26611.
[4631] P408 (Witness B-179, *Slobodan Milošević* transcript, 15 September 2003), pp. 26618, 26636-26637, 26681-26683; P412 (Authorisation from the Association relating to transport of refugees).
[4632] P2669 (Letter to the Serbian Minister of Interior, 9 December 1998, signed by Milan Prodanić, Assistant Chief of the DB).
[4633] P472 (Series of document relating to Milan Prodanić), pp. 2-7.
[4634] P408 (Witness B-179, *Slobodan Milošević* transcript, 15 September 2003), pp. 26620-26622, 26625, 26666, 26684; P409 (Collection of documents relating to Witness B-179), p. 17.
[4635] See, for example, P103 (Witness JF-006, witness statement, 20 January 2001), pp. 2-3; P104 (Witness JF-006, *Slobodan Milošević* transcript, 15 October 2002), p. 11577; P105 (Witness JF-006, *Martić* transcript, 28 March 2006), pp. 2773, 2783; P951 (Radoslav Maksić, *Martić* transcript, 6-7 February 2006), pp. 1155-1156, 1241, 1243-1244; Radoslav Maksić, T. 6885, 6975; Radoslav Maksić, T. 6974; P961 (Series of three TO-related documents) (Request from SAO Krajina TO to the Serbian MoD for material, signed by Miloš Pupovac, 16 December 1991), pp. 1-2; P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1460; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9

2185. The Trial Chamber will now consider the evidence on the financing of the SAO Krajina Police and the SAO Krajina TO units. **Witness DST-043** testified that Martić's police continued to be financed from donations after April 1991 and that in July 1991, he was instructed by Martić to travel to Germany to collect money raised by the Serbian diaspora, and brought 9,970 DEM for the Knin SUP, which was sufficient for paying 50 persons for one month.[4636]

2186. **Milan Babić** stated that the Krajina police was financed mainly by the Serbian MUP and DB.[4637] It received cash and equipment, and subsequently, money was also transferred through a bank account.[4638] According to **Witness JF-039**, money came to Krajina in cash and all the arrangements between Martić and Stanišić were made in person or on the phone; nothing was ever put in writing.[4639] Martić would often say, "there is no money so I have to go to Belgrade and get some".[4640] Assistance also came in the form of fuel or goods which would be sold and the cash would then be used for salaries and other expenses of the police and the SDS.[4641] Some of the assistance came from Belgrade and other from other parts of Serbia, as well as the United States, Canada, and Australia. Martić and Babić would both send people to collect funds for the police and the SDS.[4642] According to the witness, without Serbia's assistance, the Krajina police force would not receive any salaries.[4643]

2187. The witness testified that in September 1991, Martić told him to travel to Belgrade to pick up money from Jovica Stanišić.[4644] At Stanišić's office and in his presence, the witness received a small military transport bag from the driver of Stanišić. He did not sign anything and he did not know how much money was in the bag. On his way back from Belgrade, the

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December 2002), pp. 12956, 13276-13277; P1886 (Record of a meeting of the SAO Krajina representatives with Slobodan Milošević, signed by the Minister of Defence, Stojan Spanović), p. 2; D313 (Mile Bosnić, witness statement, 5 July 2011), paras 34, 68.

[4636] D322 (Witness DST-043, witness statement, 29 June 2011), paras 55-56; Witness DST-043, T. 12970-12974, 12982; D325 (Receipt dated 29 July 1991 and issued by the Secretariat of Interior of SAO Krajina for receiving 9.970 DEM from the witness brought from Munich to assist the Krajina Police), p. 1.

[4637] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1458-1459; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12955, 12967.

[4638] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1465; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12955, 12967.

[4639] P978 (Witness JF-039, witness statement, 12 September 2003), para. 26; P977 (Witness JF-039, prior testimony), p. 1996.

[4640] P978 (Witness JF-039, witness statement, 12 September 2003), para. 66; P977 (Witness JF-039, prior testimony), p. 2134.

[4641] P978 (Witness JF-039, witness statement, 12 September 2003), paras 66-67.

[4642] P978 (Witness JF-039, witness statement, 12 September 2003), para. 67.

[4643] P977 (Witness JF-039, prior testimony), pp. 2086-2087.

witness was involved in a traffic accident and when he told the police to call Stanišić, he was taken to a hospital. He did not know what happened to the money. The witness testified that several persons, including Nikola Raštević, went to pick up money in Belgrade two or three more times, although, according to the witness, only a few were allowed to do that.[4645]

2188. **Vatroslav Stanićić** testified that from May to early July 1991, the Krajina police did not receive a proper salary, but was paid some sort of an allowance. All those who worked for the MUP in Knin were farmers and their livelihoods did not depend on the salaries.[4646] **Mile Bosnić** was not sure how Martić's police were financed between May and October 1991, but they did not receive money from Croatia, nor was there any special financing of Martić's police or any other institution in place at that time.[4647] The witness testified that funding was not discussed at SDS meetings.[4648] He testified that in July 1991, the SDS Kordun entered into a unified Krajina police system and, from around January 1992 the police of each municipality received salaries from the SAO Krajina.[4649]

2189. On 10 February 1992, RSK MUP Minister Milan Martić wrote to Serbian MUP Minister Sokolović requesting him to influence Serbian Finance Minister Zebić to stop the provision of resources through the SDK to the Krajina TO, since the resources were not financing the MUP.[4650] Martić noted that per the UN Peace Agreement, the TO was to be suspended and the Krajina police was solely responsible for peace and order in the RSK. Martić added that 380,000,000 Dinars had been deposited in the SDK Glina for the TO, but had not been spent as the TO was financed from the army budget, and requested that Sokolović use his influence to ensure that these resources be transferred to the MUP account.[4651] **Radoslav Maksić** testified that the SDK was the overarching financial institution through which all bank transactions were made. The SAO Krajina TO Staff received money from the Serbian MoD through the SDK and then distributed it to the TO zone staffs of Banja Luka, Kordun, and Northern Dalmatia. The Krajina TO Staff's financial officer spoke to his

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[4644] P978 (Witness JF-039, witness statement, 12 September 2003), para. 68; Witness JF-039, T. 7311, 7316-7317, 7320.
[4645] P978 (Witness JF-039, witness statement, 12 September 2003), paras 68-69; Witness JF-039, T. 7203, 7318-7321.
[4646] Vatroslav Stanićić, T. 12421.
[4647] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 31; D314 (Mile Bosnić, proofing note, 8 July 2011), p. 2.
[4648] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 31.
[4649] D313 (Mile Bosnić, witness statement, 5 July 2011), para. 30; D314 (Mile Bosnić, proofing note, 8 July 2011), p. 2.
[4650] Radoslav Maksić, T. 6859-6861; P970 (Letter to the MUP Minister Sokolović regarding provision of resources, signed by Milan Martić, 10 February 1992).

colleague in the Krajina MUP and compared how much money the MUP, the TO, or the police received through the SDK.[4652] The SDK service was established by the SAO Krajina Assembly on 16 May 1991.[4653]

2190. At the meeting of 12 November 1992, Milošević agreed to the Krajina defence system being based on 23,000 police officers, of whom 5,000 were to be in the regular forces, and 18,000 in peacetime brigades that would provide borders security.[4654] It was accepted that the planning of funds for the needs of the army and the police should begin immediately, as was done in 1992 via the RSK and the Serbian MoD. Milošević further stated funds for maintaining equipment should be planned through the VJ, which should also finance the active officers and civilians in Krajina, and that he would help in the implementation thereof. All other defence finance was to be planned through the MoD.[4655] **Milan Babić** confirmed that afterwards the defence in the Krajina was organized and paid this way.[4656]

2191. On 28 April 1993, Milan Martić requested financial assistance for the RSK MUP from Serbian President Slobodan Milošević, Serbian Prime Minister Nikola Šainović, and Serbian MUP Minister Zoran Sokolović.[4657]

2192. On 16 March 1994, the Supreme Defence Council decided on the resources allocated to the RSK. The RSK received 80 million Dinars to finance the police, education, health care and similar.[4658] According to the Law on Amendment of the Krajina budget dated 10 November 1994, the RSK budget covered, *inter alia*, the expenses of the army and the police.[4659] According to a letter by the RSK Minister of Finance, the RSK budget deficit was covered by funds received from the National Bank of Yugoslavia.[4660]

[4651] P970 (Letter to the MUP Minister Sokolović regarding provision of resources, signed by Milan Martić, 10 February 1992).
[4652] Radoslav Maksić, T. 6855-6856, 6860.
[4653] P2050 (SAO Krajina Assembly Decision, 16 May 1991), pp.1-2.
[4654] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12979-12981; P1886 (Record of a meeting of the SAO Krajina representatives with Slobodan Milošević, signed by the Minister of Defence, Stojan Spanović), pp. 1-2.
[4655] P1886 (Record of a meeting of the SAO Krajina representatives with Slobodan Milošević, signed by the Minister of Defence, Stojan Spanović), p. 2.
[4656] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12981.
[4657] P2634 (Letter from Milan Martić to Slobodan Milošević, Nikola Šainović, and Zoran Sokolović, signed by Milan Martić, 28 April 1993).
[4658] D679 (Stenographic Record of the 19th Session of the Supreme Defence Council, 16 March 1994), pp. 23-25.
[4659] P2012 (The Law on Budget Amendment, 10 November 1994, Official Gazette of the RSK), pp. 1, 5.
[4660] P2055 (Letter to the National Bank of Yugoslavia concerning the Krajina budget deficit, undated, signed by RSK Minister of Finance Ratko Veselinović).

2193. The Trial Chamber has reviewed further evidence in relation to funding of the SAO Krajina TO units by the (S)FRY government, through its Ministry of Finance, the MoD, the JNA and the VJ.[4661]

2194. The Trial Chamber will now review the evidence concerning other support and assistance to the SAO Krajina Police and TO members. On 19 May 1992, Martić reported to the National Defence Minister, that the JNA Command had failed to pay the MUP reserve troops and that the planned fire arms and uniforms were not delivered to the RSK Special Police, although 12 combat-armoured vehicles were received from the SSNO Security Administration and 100 motor vehicles were received and repainted.[4662] The Trial Chamber has also reviewed several requests from Milan Martić to the VJ, dated 9 March, 19 August, 29 September and 6 October 1993, for the supply of helicopters, as well as for other logistical and technical assistance for the RSK MUP.[4663] On 6 April 1995, Milan Martić requested of SFRY President Zoran Lilić and Serbian President Slobodan Milošević that 2,000 VJ and Serbian MUP members be sent to the RSK to help stabilize the situation following recent Croatian aggression.[4664]

2195. The Trial Chamber has also reviewed an official note of the SFRY SUP SDB, according to which, on 9 March 1992, SFRY SUP DB officers had met with Martić, RSK Minister of the Interior, and proposed to establish a direct cooperation with the RSK MUP. The officers asked Martić to provide the names and positions of the RSK MUP people with whom the SFRY SDB officers could communicate directly. Martić reported that Serbian MUP specialists were trying to resolve communication links in RSK.[4665] In a 190th Session of the SFRY Presidency held on 11 March 1992, Blagoje Adžić, Federal Secretary for

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[4661] See, for example, P961 (Series of three TO-related documents) (Report to the Serbian Ministry of National Defence on problems in Krajina TO, signed by Dušan Kasum, 25 December 1991), pp. 3-4; P968 (Report on providing assistance to Serbian provinces in Croatia, signed by Tomislav Simović, 1 November 1991); P1668 (Table of documents reviewed by Witness JF-029 with comments, 7 December 2010), p. 4; P1677 (Information on the funds provided for the aid to the Serbian areas in Croatia, People's Defence Belgrade, 18 November 1991); P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1460; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12956, 13276-13277; P1886 (Record of a meeting of the SAO Krajina representatives with Slobodan Milošević, signed by the Minister of Defence, Stojan Spanović), p. 2; Radoslav Maksić, T. 6855-6856.
[4662] P1233 (Report on the transformation of the SAO Krajina MUP units, Milan Martić, 19 May 1992), pp. 2-3.
[4663] P2579 (Request from the SAO Krajina MUP to the VJ Operations Centre, signed by Milan Martić, 9 March 1993); P2580 (Authorization from the RSK MUP to the VJ Airforce command, signed by Milan Martić, 9 March 1993); P2579 (Request from the SAO Krajina MUP to the VJ Operations Centre, signed by Milan Martić, 9 March 1993); P2580 (Authorization from the RSK MUP to the VJ Airforce command, signed by Milan Martić, 9 March 1993).
[4664] P2582 (Letter from Milan Martić to Zoran Lilić, signed by Milan Martić, 6 April 1995); P2640 (Letter from Milan Martić to Slobodan Milošević, signed by Milan Martić, 6 April 1995).
[4665] P2445 (Official note, SFRY Federal SUP SDB, signed by Dragan Đurović, 10 March 1992), pp. 1-2.

Defence, concluded that problems in the Krajinas must be resolved within the framework of the Federal SUP, and whether the Serbian MUP would be involved, was to be seen.[4666]

2196. Furthermore, the Trial Chamber has reviewed several documents concerning requests and orders for unhindered passage for the RSK and the Serbian MUP officials.[4667]

2197. In relation to the training of the SAO Krajina Police, the Trial Chamber first recalls its finding in 6.3.2 in relation to the Golubić camp, that from late April or early May to July 1991, the Accused directed and organized the training of the SAO Krajina Police and the SAO Krajina TO members at the Golubić camp. The training, which on average lasted approximately 20 days, was of a military character and included weapons and ambush training, as well as the treatment of POWs and the treatment of civilians in armed conflict.

2198. Having considered the evidence reviewed in this chapter, the Trial Chamber observes that between 1992 and 1995, members of the SAO Krajina Police received further training, including at the Golubić camp which was converted into a police school in early 1992. However, the Trial Chamber has not received any evidence indicating that the Serbian DB or the Accused played a role in directing and organizing training of the SAO Krajina Police or TO during these years. Evidence on the school operating under the patronage of the Serbian MUP does not, in and of itself, implicate the Serbian DB. Consequently, the Trial Chamber is unable to conclude that the Accused directed and organized training for the SAO Krajina Police or TO members after July 1991.

2199. As to the financing of the SAO Krajina Police, the Trial Chamber first recalls that in chapter 6.6.2 it observed that the SAO Krajina Police received money through private donations. The Trial Chamber further recalls its findings in the same section that on at least two occasions between December 1990 and May or June 1991, Simatović personally brought bags of cash to Milan Martić in Knin and that with the financial support of Stanišić, Martić set up at least two new Serb police stations in the Krajina after January 1991.

2200. The Trial Chamber will now move to the specific findings on financing of the SAO Krajina Police following its formal establishment on 29 May 1991. On the basis of the evidence of Witness DST-043 and Witness JF-039, the Trial Chamber observes that after its

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[4666] P2351 (Records of the 190th Session of the SFRY Presidency, 11 March 1992), pp. 1-2, 39-41.
[4667] P1551 (Observations related to prior evidence documents shown to of Witness JF-041, 13 October 2010), pp. 1-2; P1554 (Safe conduct order for Uroš Pokrajac, signed by Milan Martić, 16 February 1993); P1560 (Letter to Serbian MUP on a border crossing, from Željko Škovrlj, 20 July 1994); P2581 (Order from Milan Martić of the RSK MUP in Knin to the RSK SUP, signed for receipt by Stevo Kresović, 30 March 1993); P2666 (Letter from

formal establishment on 29 May 1991, the SAO Krajina Police continued receiving donations from individuals in Serbia and other countries. Having reviewed the other evidence before it,[4668] the Trial Chamber further observes that after its formal establishment, throughout 1991 and 1992, the SAO Krajina Police received funds from the (S)FRY government, through the Ministry of Finance, the MoD, and the VJ. Furthermore, the Trial Chamber considers[4669] that as of at least 1994, the RSK budget contained provisions for the financing of the police, and that the RSK budget deficits were covered through funds provided by the FRY.

2201. Furthermore, based on the testimony of Witness JF-039 and having reviewed the evidence of Milan Babić, the Trial Chamber finds that in September 1991, Milan Martić sent Witness JF-039 to Belgrade, where he received a bag of cash from Jovica Stanišić. Other individuals were also sent to Belgrade on two or three occasions to pick up money from Stanišić.

2202. In light of all the above, the Trial Chamber finds that the Accused directed and organized the financing of the SAO Krajina Police - Franko Simatović on at least two occasions in the period between December 1990 and May or June 1991, and Jovica Stanišić - in January 1991 and around September 1991.

2203. In relation to the financing of the SAO Krajina TO, considering the evidence before it, the Trial Chamber acknowledges that the FRY government, through the Ministry of Finance, the MoD, and the VJ also financed the SAO Krajina TO units. The Trial Chamber has not received evidence that the Accused played any role therein. Consequently, the Trial Chamber is unable to conclude that the Accused directed and organized the financing of the SAO Krajina TO.

2204. In relation to the financing of the SAO Krajina TO, considering the evidence before it, the Trial Chamber observes that the (S)FRY government, through the Ministry of Finance, the MoD, and the VJ also financed the SAO Krajina TO units. The Trial Chamber has not received evidence that the Accused played any role therein. Consequently, the Trial Chamber

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RSK MUP Public Security Administration in Knin to Serbian MUP Administration for Border Affairs and Foreigners, 7 June 1994).

[4668] In particular, P1886 (Record of a meeting of the SAO Krajina representatives with Slobodan Milošević, signed by the Minister of Defence, Stojan Spanović), P970 (Letter to the MUP Minister Sokolović regarding provision of resources, signed by Milan Martić, 10 February 1992), and the evidence of Milan Babić.

[4669] In view of P2012 (The Law on Budget Amendment, 10 November 1994, Official Gazette of the RSK) and P2055 (Letter to the National Bank of Yugoslavia concerning the Krajina budget deficit, undated, signed by RSK Minister of Finance Ratko Veselinović).

is unable to conclude that the Accused directed and organized the financing of the SAO Krajina TO.

2205. In relation to the arming of the SAO Krajina Police, the Trial Chamber first recalls that in chapter 6.6.2, it observed the possibility that in the process of the SAO Krajina Police formation, Martić and his forces received weapons from the depots of the reserve police force, the JNA and the TO, in Serbia and in Krajina, as well as through smugglers. It further recalls its finding in the same chapter that Stanišić arranged weapons for Martić and that Simatović oversaw the delivery of arms and ammunition to Martić between December 1990 and May or June 1991.

2206. As to the arming of the SAO Krajina Police after its formal establishment on 29 May 1991, based on the evidence of Witness JF-006, the Trial Chamber finds that certain members of the SAO Krajina Police were armed with weapons they received during their training at the Golubić camp. In this respect, the Trial Chamber recalls its finding in chapter 6.3.2 in relation to the Golubić camp, that from late April or early May to July 1991, Simatović brought, *inter alia*, supplies and equipment to the camp. In the same chapter, the Trial Chamber further allowed for the reasonable possibility that the SAO Krajina Police provided equipment, weaponry, and funding for the Golubić camp. In view of the foregoing and taking into consideration its findings made above, the Trial Chamber considers that the the weapons distributed to trainees at the Golubić camp could have been supplied by the Accused, could have have originated from the JNA and TO depots in Serbia and in Krajina, or could have come from both sources. The Trial Chamber has further considered Milan Babić's statement that in August 1991, Stanišič arranged weapons for Banija and Kordun, but in the absence of any further evidence in this respect, it is unable to conclude that these weapons were received by the SAO Krajina Police or TO members.

2207. The Trial Chamber has further reviewed the evidence of Vatroslav Stanićić that in early July 1991, the SAO Krajina Police was poorly equipped, armed, and trained, but in view of its findings on the arming and training of the police made in chapters 6.6.2 and 6.3.2, as well as further evidence reviewed above, it does not consider that this evidence gives a full picture of the situation on the ground, where, at least some members of the SAO Krajina Police were trained and equipped. Considering the other evidence before it,[4670] the Trial

[4670] In particular D118 (Letter to Mladić by Colonel Smiljanić, 5 October 1994), D680 (A letter from the 2nd Military District Command to the 9th Corps Command regarding the replenishment of the TO and police units with equipment, Colonel General Milutin Kukanjac, 7 April 1992), D681 (An order issued by the Command of the 608th TSB of the Federal Secretariat of National Defence to the 2nd Military District Command, dated 23

Chamber observes that after its formal establishment, the SAO Krajina Police received arms from the TO and JNA depots in the Krajina, and that as of September 1991 until sometime in 1992, the JNA/VJ supplied weapons to the SAO Krajina Police. In its Final Trial Brief, the Prosecution submits, citing the report on the distribution of weaponry to the Krajina reviewed above,[4671] that the Serbian DB was in a position to influence the arming activities of the JNA.[4672] The Trial Chamber recalls its discussion in chapter 3.1.7 in relation to Glina and Struga on the authenticity of this document, but considers that it has not received any evidence that Simatović or the Serbian DB stopped or in any other way influenced the distribution of weapons by JNA/VJ in the Krajina.

2208. Consequently, in view of its finding recalled above on the Accused's role in the arming of the SAO Krajina Police, the Trial Chamber finds that the Accused directed and organized logistical support in the form of weapons for the SAO Krajina Police between December 1990 and May or June 1991.

2209. In relation to the SAO Krajina TO, considering the evidence before it, the Trial Chamber observes that the SAO Krajina TO received weapons from the JNA and the Serbian TO warehouses and that it was also armed by the (S)FRY MoD through the JNA and later the VJ.

2210. Furthermore, based on the evidence of Witness B-179 and the documentary sources reviewed above, the Trial Chamber finds that the Association of Serbs and Emigrants of Serbia transported weapons from the JNA warehouses in Bubanj Potok to the SAO Krajina TO. The Association often used Serbian MUP trucks. Jovica Stanišić, Milan Prodanić, Mikhael Kertes, and Tepavčević met daily with members of the Association to review information from the frontline. Following such meetings, Prodanić, advisor to the head of the DB and later head of the 8th Administration of the DB, went to a military warehouse in Bubanj Potok, where he informed Boro Stanišić about the orders regarding the delivery of weapons, after which trucks loaded with weapons and ammunitions were dispatched to Croatia. Witness B-179 testified about the events which occurred in the period of 1991 to 1993. In the context of the Adjudicated Facts and the evidence reviewed, and having further considered the evidence of Witness JF-029 that in accordance with a UN Security Council

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April 1992), D682 (An instruction for issuing ammunition to the Okučani MUP station, issued by the Command of the 2nd Military District Command to the 530th Logistic Base, dated 25 April 1992), D1429 (Stenographic notes of the talks between members of the FRY Presidency and RSK representatives, 3 January 1992), and the evidence of Witness DST-043 and Mile Bosnić.

[4671] P2577 (Report in relation to events in SAO Krajina around 28 July 1991).

resolution, the TO was officially dissolved and turned into a civilian organization in April 1992, the Trial Chamber finds that the weapons were delivered to the SAO Krajina TO from late 1991 to April 1992. [4673] In light of the above, the Trial Chamber finds that Stanišić, among others, directed and organized logistical support in the form of weapons for the SAO Krajina TO from late 1991 to April 1992.

2211. With regard to other assistance and support provided to the SAO Krajina Police, the Trial Chamber recalls its finding in chapter 6.6.2 that Simatović provided communication equipment to the SAO Krajina Police on at least one occasion in April 1991.

2212. As to further assistance to the SAO Krajina Police after April 1991, the Trial Chamber observes that sometime before May 1992, the SSNO delivered 12 combat-armoured vehicles and 100 motor vehicles to the SAO Krajina Police.[4674] The Trial Chamber has further reviewed several requests for assistance addressed to the VJ, the (S)FRY Presidency, and the Serbian MUP, but it is unable to conclude whether any of these requests were met or whether the Accused played any role in providing such assistance. The Trial Chamber further observes that the Serbian MUP assisted Martić in solving problems with communication links, and that the RSK and the Serbian MUP cooperated in facilitating cross-border movement of the employees of both organizations, but it has not received any evidence about the Accused's role therein.

2213. In light of its finding recalled above, the Trial Chamber finds that Simatović directed and organized assistance to the SAO Krajina Police in April 1991 by providing it with communication equipment.

2214. As for the SAO Krajina TO, in the absence of evidence in this respect, the Trial Chamber is unable to conclude that the Accused directed and organized any other support or assistance to the SAO Krajina TO, besides the logistical support addressed above.

2215. The Trial Chamber made its findings above without relying on the evidence on the presence of the Accused in the region at the relevant time. The evidence it has received in this respect is insufficient to conclude that the Accused's presence served the financing of or other assistance to the SAO Krajina Police or the SAO Krajina TO.

[4672] Prosecution Final Trial Brief, 14 December 2012, para. 623.
[4673] Witness JF-029, T. 10034-10035, 10111-10112; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 9-11.
[4674] Based on P1233 (Report on the transformation of the SAO Krajina MUP units, Milan Martić, 19 May 1992), pp. 2-3.

6.6.4 The Accused failed to instruct the SAO Krajina Police and TO to refrain from committing unlawful acts

2216. According to the Indictment, the Accused failed to instruct the SAO Krajina Police and the SAO Krajina TO units to refrain from committing unlawful acts.[4675] The Prosecution did not address these charges in its Final Trial Brief.

2217. The Trial Chamber has not received any direct evidence on these allegations. In this respect, the Trial Chamber refers to chapter 6.3.2 in relation to the Golubić camp, where it made findings in relation to the role of the Accused in the training of the SAO Krajina Police and TO members.

[4675] Indictment, paras 5, 15(c).

6.7 Other Serb forces

6.7.1 Introduction

2218. According to the Indictment, the Accused directed and organised the formation of, and the financing, training, logistical support and other substantial assistance or support to numerous Serb Forces, including members of volunteer formations such as Chetniks or Šešelj's men.[4676] The Indictment also alleges that the Accused failed to instruct these Serb Forces to refrain from committing unlawful acts.[4677] The Prosecution specified that it no longer alleges that the Accused contributed in all the different forms charged in the Indictment (forming, training, financing, etc.) for each of these units.[4678] The Trial Chamber hereby takes note of the withdrawal of these allegations.

2219. In its Final Trial Brief, the Prosecution only makes specific submissions about the police and the TO of the SBWS, and the Zvornik TO, which will be addressed below. Having nevertheless reviewed the evidence on the Accused's contribution to other units, as alleged in the Indictment, the Trial Chamber is unable to conclude that the Accused played any role vis-à-vis these units. Consequently, it will not make any specific findings in this respect.

6.7.2 The Accused directed and organized the formation of the SBWS police and TO units

2220. In its Final Trial Brief, the Prosecution submits that Stanišić embedded Serbian DB operatives, including Kostić and Kojić, in key positions in the SAO SBWS and that the Serbian DB facilitated the establishment of the SBWS police forces.[4679] In relation to the above charges, the Trial Chamber has received evidence from several witnesses as well as through documentary materials.

2221. **Borislav Bogunović**, the SBWS Minister of Interior between May and December 1991,[4680] testified that on 7 January 1991, the Serb National Council of the SAO SBWS was set up.[4681] Hadžić was elected president, Borislav Bogunović was elected vice-president, and

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[4676] Indictment, paras 3, 5-6, 15(b) and (c). In respect of some of these units, the Trial Chamber has addressed the Accused's alleged contribution through the different forms charged in the Indictment. See for example the Trial Chamber's discussion in chapter 6.4.4 in relation to Banja Luka 1995 for the alleged role of the Accused vis-à-vis the PJP.
[4677] Indictment, paras 5-6, 15 (c).
[4678] Prosecution Final Trial Brief, 14 December 2012, para. 187, footnote 528.
[4679] Prosecution Final Trial Brief, 14 December 2012, paras 49-58.
[4680] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 6, 8, 73; Borislav Bogunović, T. 6005.
[4681] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 7.

Ilija Končarević was appointed as secretary.[4682] **Nebojša Bogunović**, a policeman by training, who served as chief of staff to SAO SBWS TO Commander Radovan Stojicić a.k.a. Badža from around August 1991 until sometime in 1992,[4683] testified that on 14 July 1991, the Serb National Council for the SBWS established the SUP SBWS and appointed a SUP chief and TO commander.[4684]

2222. **Borislav Bogunović** further testified that the Government of the SAO SBWS was formed in Dalj in August 1991.[4685] The witness was nominated by the SDS as Minister of Interior, and Hadžić in his capacity as party president consented to his appointment.[4686] Hadžić personally nominated Ilija Kojić as Minister of Defence.[4687] Bogunović testified that the registration plates on Kojić's car, unlike those of other Government ministers, were those of the Serbian MUP, and that he believed there to be some connection between Kojić and Stanišić.[4688] According to the witness, Hadžić's visits to Belgrade influenced some of his decisions in relation to Government appointments, as government circles in Belgrade were concerned to ensure that ministers would report to them regularly and accurately.[4689] In this respect, the Trial Chamber recalls the evidence of Borislav Bogunović reviewed in chapter 6.8 about Hadžić's meetings in Belgrade. Bogunović further testified that during his term as Minister of the Interior, he was also in contact with Radovan Stojičić, a.k.a. Badža, who was introduced to Bogunović by Hadžić as the Deputy Minister of the Interior in Serbia.[4690] In Bogunović's opinion, Hadžić was unable to act without Badža's consent.[4691] **Milan Babić**, who was the Prime Minister of the SAO Krajina,[4692] stated that Hadžić was under total control of Stanišić.[4693]

2223. **Borislav Bogunović** further testified that as Minister of the Interior, his first duty was to form police stations in the villages of Borovo Selo and Dalj. This included recruiting staff

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[4682] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 7.
[4683] D334 (Nebojša Bogunović, witness statement, 15 August 2011), paras 3-4, 9, 51; D335 (Nebojša Bogunović, proofing note, 15 August 2011); Nebojša Bogunović, T. 13164, 13199-13200, 13239-13240, 13271.
[4684] D336 (Nebojša Bogunović's comment chart on exhibits), p. 7; D355 (Serbian SDB – 1st Administration document on the current situation in SBWS, 15 July 1991), p. 1.
[4685] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 6.
[4686] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 8.
[4687] Borislav Bogunović, T. 5982.
[4688] Borislav Bogunović, T. 5985-5986.
[4689] Borislav Bogunović, T. 5983-5984.
[4690] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 13, 73.
[4691] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 73.
[4692] P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 12965; P1880 (Death Certificate of Milan Babić).
[4693] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1644; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13230.

and providing them with uniforms, equipment and vehicles.[4694] All staff were recruited locally.[4695] Most had previously worked for the police, and were primarily Serbs, though there were also Ruthenians, Hungarians, Croats "who declared themselves as Yugoslavs", two Muslims, and one Kosovo Albanian.[4696]

2224. **Witness JF-032**, a former police officer from the SAO SBWS,[4697] testified that in June or mid-July 1991, the policemen who had left Vukovar because of the tensions between Croats and Serbs in late 1990, as well as the witness, were invited to a meeting at the local commune in Borovo Selo, with the purpose of establishing a civilian police force in Borovo Selo, a sort of a Vukovar police in exile.[4698] According to the witness, the initiative came from the local population, which wanted that law and order be restored, but he stated that it must have also been supported by Serbia, in view of all the subsequent support from the Serbian MUP they received.[4699] The meeting was chaired by Ilija Kojić and Goran Hadžić, and Ante, a former police officer, who cooperated with the Serbian DB was also present.[4700] The witness only learned in 1995 that Ante's full name was Radovan (Rade) Kostić.[4701] Judging by his conduct, the witness concluded that Kostić was superior to everybody; he could have even been superior to the Minister of Interior Bogunović.[4702] Kojić, who was Minister of Defence, was in charge of all the police operations and was responsible for organising the TO.[4703]

2225. With regard to the SBWS TO, **Borislav Bogunović** testified that TO staff existed in all territories that had been taken over by Serb forces and were responsible to Ilija Kojić as Minister of Defence. Kojić co-ordinated matters relating to the TO with the JNA, and reported directly to the Government, though the witness himself only spoke with Kojić occasionally on the telephone or at Government meetings.[4704] Although it was not the witness's responsibility to recruit TO members, Hadžić gave him specific instructions regarding new recruits. In

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[4694] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 12.
[4695] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 6.
[4696] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 12.
[4697] P401 (Witness JF-032, witness statement, 17 May 1999), pp. 1-2; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15119, 15217, 15291; Witness JF-032, T. 4672-4673, 4743, 4795.
[4698] P401 (Witness JF-032, witness statement, 17 May 1999), pp. 2, 4; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15133-15134, 15261-15263; Witness JF-032, T. 4769-4770.
[4699] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15138, 15261-15263, 15312, 15344.
[4700] P401 (Witness JF-032, witness statement, 17 May 1999), p. 4; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), p. 15136; Witness JF-032, T. 4646-4647, 4700-4702, 4752, 4763-4764, 4770-4771; P406 (Series of Documents Concerning Radoslav Kostić).
[4701] P401 (Witness JF-032, witness statement, 17 May 1999), p. 4.
[4702] P401 (Witness JF-032, witness statement, 17 May 1999), p. 4; Witness JF-032, T. 4731-4735.
[4703] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15126, 15133, 15201, 15279-15280; Witness JF-032, T. 4703, 4705-4707, 4726-4727.
[4704] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 56-57.

accordance with these instructions, Bogunović's staff would take the names of young people at a school in Novi Sad or Belgrade who wanted to return to the SAO SBWS and join the TO and then provide this information to the army.[4705] The army would then take over, as the young people could not go to the SAO SBWS without an army escort. The volunteers would then be escorted to the various villages and incorporated into the TO.[4706] The witness testified that Kojić could do nothing without the JNA's approval, and had no independent authority to give instructions to TO staff and personnel on the ground.[4707]

2226. The Trial Chamber will now review further evidence it has received in relation to Ilija Kojić and Radoslav Kostić. **Witness JF-015** testified that Kojić was deputy Minister of Interior of SAO SBWS.[4708] **Witness JF-029**, who was a high-ranking official in the SBWS and RSK Ministry of Defence from 1991 to April 1996,[4709] testified that Ilija Kojić was appointed as the first commander of the SBWS TO in 1991.[4710] Around October 1991, after Kojić was wounded, Stojičić informed the witness that Kojić was an employee of the Serbian MUP, which Kojić confirmed to the witness in 1995.[4711] In a statement taken by RS MUP police crime administration on 15 February 2008, Ilija Kojić stated that he had worked as an SDB operative from the end of military operations in 1991 to 2001, in which position he had been subordinate to SDB head Jovica Stanišić.[4712] According to his personnel file, Kojić was employed at the Serbian MUP Public Security Organ as of 1 November 1991 and on 19 March 1993, Jovica Stanišić signed a decision deploying him to the Serbian DB.[4713]

[4705] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 19, 21.
[4706] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 19.
[4707] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 56.
[4708] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, para. 27.
[4709] Witness JF-029, T. 10004-10007, 10083, 10089, 10156; P1665 (Pseudonym Sheet, Witness JF-029); P1668 (Table of documents reviewed by Witness JF-029 with comments, 7 December 2010), pp. 5, 8-9, 11; P1678 (Order appointing Witness to a position within the Ministry of Defence, signed by Goran Hadžić on behalf of Ilija Kojić, 19 December 1991); P1685 (RSK Ministry of Defence Decision assigning Witness JF-029 a position, signed by Minister Colonel Stojan Španović, 1 February 1993); P1689 (RSK Government Decision assigning Witness JF-029 a position, signed by Prime Minister Borislav Mikelić, 6 July 1994,); P1692 (VJ Decision assigning Witness JF-029 a position in the RSK Ministry of Defence, signed by officer Stevo Medaković, 30 October 1995); D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 4, 15-16, 43.
[4710] Witness JF-029, T. 10027, 10094; P1666 (Tables of people Witness JF-029 refers to and significant meetings attended, 7 December 2010), pp. 3-5; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), p. 17.
[4711] Witness JF-029, T. 10027-10028, 10033, 10036, 10094-10096, 10222; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 17-18.
[4712] P1698 (Signed statement by Ilija Kojić to RS MUP Police, 15 February 2008), p. 3.
[4713] P325 (Series of Documents concerning Ilija Kojić), pp. 3, 5, 7-8.

2227. On 18 February 1993, **Milenko Lemić**, an operative with the RDB centre in Novi Sad, Vojvodina,[4714] reported that on 16 February 1993, members of the SVK reserve force invaded the RSK MUP building in Vukovar.[4715] According to the report by the witness, the SVK held a meeting in the MUP building, with *inter alia* Arkan, Milan Milanović (a.k.a. Mrgud), and Stevo Bogić (vice-premier of the RSK in charge of the work of the MUP), which resulted in a demand that Ilija Kojić (assistant minister of the RSK MUP), the entire leadership of the Vukovar Secretariat, two operatives dealing with vehicle theft, and the desk officer for vehicle registration, be removed, because of alleged cooperation with the RDB of the Serbian MUP.[4716]

2228. The Trial Chamber also recalls Intelligence Report P1652 from early June 1995, reviewed in chapter 6.5.3 according to which Kojić, Mrgud and Arkan, supported by the Serbian MUP, "prevented the flow of money to Knin", and Kojić and Mrgud made all the decisions "under the patronage of the Serbian MUP (Jovica Stanišić)".

2229. The Trial Chamber will now move to the evidence concerning Radoslav/Ante Kostić. Radoslav Kostić began working as advisor at the Republican SUP DB as of 1 December 1990.[4717] On 21 June 1991, he was deployed to work on other tasks and duties.[4718] On 5 June 1992, Jovica Stanišić appointed him senior advisor at the Serbian MUP DB.[4719]

2230. The Trial Chamber recalls the evidence of **Witness JF-026**, a Bosnian Serb from Zvornik,[4720] reviewed in chapter 6.4.4. in relation to Bosnia-Herzegovina in 1992 that at least up to April 1992, Kostić worked in Slavonija and Baranja, initially as the commander of the police station in Darda, and later as a high-ranking official of the MUP RSK. The witness was not aware of when Kostić became a Serbian DB official. **Borislav Bogunović** testified that he met Kostić for the first time in 1993 at the MUP building in Srem-Baranja, but he did not really know who he was.[4721] On 4 October 1994, Milan Martić complained to Slobodan Milošević about an incident in which he was threatened by a gang of fifteen men and

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[4714] Milenko Lemić, T. 13557-13558.
[4715] D388 (Chart of exhibits for Milenko Lemić), p. 7; D398 (Report from the RDB centre in Novi Sad to the Republic of Serbia, MUP, State Security Department, signed by Milenko Lemić and Zdenko Pinćir, 18 February 1993, signed and forwarded by Popivoda to Stanišić, 19 February 1993), pp. 2-3.
[4716] D398 (Report from the RDB centre in Novi Sad to the Republic of Serbia, MUP, State Security Department, signed by Milenko Lemić and Zdenko Pinćir, 18 February 1993, signed and forwarded by Popivoda to Stanišić, 19 February 1993), pp. 2-3.
[4717] P406 (Series of Documents Concerning Radoslav Kostić), pp. 1-4.
[4718] P406 (Series of Documents Concerning Radoslav Kostić), p. 5.
[4719] P406 (Series of Documents Concerning Radoslav Kostić), pp. 6-7.
[4720] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 1; P1654 (Pseudonym sheet for Witness JF-026); P2507 (Background information on Witness JF-026).
[4721] Borislav Bogunović, T. 6030-6031.

requested Milošević to order Stanišić to remove from the area these men, including who he believed were Stanišić's men.[4722] When Milošević suggested that Martić should meet Stanišić in Belgrade, Martić responded that he had "no reason to meet with him" and that Stanišić was "tripping (him) at every step and causes trouble".[4723] Milošević replied that he will see what Jovica knows about it, but that, as Martić knew well, this was "not his (Jovica's) doing", and that he, Milošević, did not think that Kostić and the others were Stanišić's men.[4724]

2231. The Trial Chamber further recalls the evidence of **Witness JF-036**, a Serb and DB official in the SAO SBWS,[4725] reviewed in chapter 6.3.3 in relation to the Tikveš camp, that the Belgrade DB had appointed Radoslav Kostić to the region of SAO SBWS, that he reported directly to Belgrade, and that he occupied a classical DB intelligence gathering role. The Trial Chamber further considered in the same chapter, that the Unit appeared to have cooperated (to some extent) with *inter alia* Serbian DB operative Radoslav Kostić in mid-1992.

2232. Based on the evidence received, the Trial Chamber finds that the SBWS leadership, including Goran Hadžić, formed the SBWS police and TO sometime between mid-July and August 1991. The SBWS police comprised members of Vukovar police forces who had fled the area in late 1990, as well as new staff recruited by Borislav Bogunović, SBWS Minister of Interior. Bogunović was further involved in recruiting new TO members, with the assistance of the JNA, and Ilija Kojić was in charge of organising the TO. The Trial Chamber notes that it has received contrasting evidence in respect of Kojić's function within the SBWS government,[4726] but all the witnesses were consistent in testifying about his position vis-à-vis the SBWS TO. In view of the above, the Trial Chamber finds that Ilija Kojić became the first commander of the SBWS TO.

2233. The Trial Chamber will now examine the alleged links between Kostić and Kojić on the one hand, and the Accused on the other. In relation to Kojić, the Trial Chamber has partly addressed the Prosecution's allegations in this respect in chapters 6.4.3 and 6.4.4 in relation to the SBWS in 1991, considering that any evidence on the links between Kojić and the Accused was insufficient to conclude that the Accused controlled the SBWS TO. Having further reviewed the evidence summarised in this chapter, the Trial Chamber observes that Ilija Kojić

[4722] P1605 (Intercepted conversation between Milan Martić and Slobodan Milošević, 4 October 1994), pp. 2-5.
[4723] P1605 (Intercepted conversation between Milan Martić and Slobodan Milošević, 4 October 1991), p. 2.
[4724] P1605 (Intercepted conversation between Milan Martić and Slobodan Milošević, 4 October 1994), pp. 3-5.
[4725] P342 (Witness JF-036, witness statement, 2 May 2001), pp. 1-2.

worked for the Serbian MUP, first for the Public Security Organ and later for the SDB. The Trial Chamber considers that the mere fact that a person was employed by the Serbian DB at the relevant time, does not mean that his or her acts can be attributed to the Accused. In this respect, the Trial Chamber further recalls its findings with regard to the position and powers of the Accused in chapters 6.2.1 and 6.2.2, in particular that Jovica Stanišić held the position of deputy chief of the Serbian DB and that he only became the chief of the Serbian DB on 31 December 1991. The Trial Chamber also notes that Kojić's employment at the Serbian MUP began in November 1991, that is after the SBWS police and TO forces were formed, and at the time when he was no longer at the command of the SBWS TO.[4727] The Trial Chamber further recalls the evidence of Witness JF-032 reviewed in chapter 6.9, that Stanišić arrived to Dalj in late September 1991 to discuss the situation of Vukovar with *inter alia* Hadžić, and that he was accompanied by Kojić and Kostić. As concluded in that chapter, the Trial Chamber has received no evidence about what was discussed at this meeting. Having further reviewed the general statements of Borislav Bogunović, Milenko Lemić and Intelligence Report P1652, the majority, Judge Picard dissenting, considers that it has not received conclusive evidence that in his capacity as TO commander, Kojić was influenced by, or acted at the orders or instructions of the Accused. The picture is further complicated by the testimony of Borislav Bogunović who, on the one hand, believed that there were some links between Kojić and Stanišić, but, on the other hand, testified that Kojić could not do anything without JNA's approval.

2234. In relation to Radoslav/Ante Kostić, the Trial Chamber considers that the evidence of Witness JF-032 about Kostić's superior position in the SBWS at the time lacks sufficient foundation and is difficult to reconcile with the testimony of Borislav Bogunović. Furthermore, remaining cautious of the credibility of what Slobodan Milošević told Martić, the Trial Chamber notes that Milošević expressed unawareness of any alleged link between Stanišić and Kostić. Based on the evidence before it, the Trial Chamber observes that at the relevant time Kostić worked for the SBWS police and was also an employee of the Serbian DB.[4728] As explained above, the Trial Chamber considers that the mere fact that Kostić was employed by the Serbian DB at the relevant time, does not mean that his acts can be attributed

[4726] For example, Borislav Bogunović testified that he was Minister of Defence and Witness JF-015 testified that he was deputy Minister of Interior.
[4727] For the Trial Chamber's discussion on Badža taking over the command of the SBWS TO and police see chapter 6.7.3.
[4728] This is consistent with the Stanišić Defence submissions that Kostić had certain information-gathering obligations towards the DB as an operative. See chapter 6.4.4 in relation to Boznia-Herzegovina in 1992.

to the Accused. In the view of the majority, Judge Picard dissenting, there has been no further evidence on the links between Kostić and the Accused, and in any event, there is no conclusive evidence that Kostić played a role in the formation of the SBWS police and TO.

2235. As to any potential links between Goran Hadžić and Jovica Stanišić, the Trial Chamber has considered the evidence of Borislav Bogunović about Hadžić's trips to Belgrade set out in chapter 6.8 and the evidence of Milan Babić about Stanišić's control over the SBWS president. However, as also concluded in chapter 6.8, based on this evidence, which lacks sufficient foundation, the majority, Judge Picard dissenting**,** is unable to come to the conclusion that Stanišić controlled or influenced the SBWS president's decisions in relation to the setting up of the SBWS TO and police.

2236. In view of the above, the majority, Judge Picard dissenting, is unable to conclude that the Accused directed and organized the formation of the SBWS police and TO units.

2237. In its Final Trial Brief, the Prosecution submits that the Serbian MUP deployed two groups of policemen to the SBWS SUPs and police stations, to help establish the police force.[4729] The Trial Chamber will review the evidence it has received in this respect in the section below, as it refers to the period after the formation of the SBWS TO and police.

6.7.3 The Accused directed and organized the financing, training, logistical support, and other substantial assistance or support to the SBWS police and TO units

2238. In its Final Trial Brief, the Prosecution submits that Stanišić, with the Serbian MUP, was directly involved in financing and equipping police and military structures in SAO SBWS, through Kojić, Kostić, Šarac, and the MoD.[4730] It further submits that Arkan also distributed weapons he had received from the Serbian MUP to the local TO units.[4731] In relation to these charges, the Trial Chamber has received evidence from a number of witnesses as well as through documentary sources.

2239. The Trial Chamber will first review the evidence concerning the arrival of police and volunteers to the SBWS, the training provided by them to SBWS police and TO, and the setting up of additional police stations in the area. **Nebojša Bogunović** testified that he signed up as a volunteer and left for Eastern Slavonia after Dalj was "liberated" on 1 August

[4729] Prosecution Final Trial Brief, 14 December 2012, para. 62.
[4730] Prosecution Final Trial Brief, 14 December 2012, paras 57, 59, 624-626.
[4731] Prosecution Final Trial Brief, 14 December 2012, para. 625.

1991.[4732] Hadžić and Kojić had informed the witness that they were looking for volunteers, and encouraged him to go to SBWS as one.[4733] In Eastern Slavonia, the witness and four other SJB officers, Badža, Trajković, Zavišić, and Simović a.k.a. Tutinac, joined Goran Hadžić and 16 policemen from "the special police unit in Belgrade".[4734] Goran Hadžić decided that the witness and the volunteers he went with to Eastern Slavonia, would be based in Erdut.[4735] Badža announced that he would be the TO commander, and that the volunteers would train TO members and establish police stations.[4736] Zavišić, a PJM member, was in charge of setting up police stations.[4737] Trajković became the deputy commander and was in charge of training the local TO, and the witness became the chief of staff.[4738] The witness was tasked with mapping out the exact locations and size of all forces throughout SBWS territory and with training TO members including the locals in Borovo Selo, Laslovo, Tenja, Bogota, Erdut, and Dalj.[4739] The training was conducted in Borovo Selo, Sevovi, Srepoja, Erdut, and one other area, and consisted of basic infantry training and some specialist training, such as clearing mines, and lasted 10-15 days.[4740]

2240. **Dušan Knežević**, the Serb police commander in Ilok between November 1991 and June 1992,[4741] testified that he volunteered to go to Croatia in September 1991 as part of the regular police forces of the MUP Serbia participating in a special mission.[4742] A meeting was held in the SUP Belgrade to brief the policemen on the situation in the Croatian part of the Srem region and to specify the work that had to be done by the police forces.[4743] The policemen were told that they were needed to protect the population and to prevent crimes in the area.[4744] The witness was offered the special task of training policemen in this region.[4745] The meeting was attended by several people including Chief Anđić, the head of the Police

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[4732] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 48.
[4733] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 47.
[4734] D334 (Nebojša Bogunović, witness statement, 15 August 2011), paras 48, 50; Nebojša Bogunović, T. 13237.
[4735] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 50; Nebojša Bogunović, T. 13196.
[4736] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 50.
[4737] D334 (Nebojša Bogunović, witness statement, 15 August 2011), paras 51, 58; Nebojša Bogunović, T. 13276.
[4738] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 51.
[4739] D334 (Nebojša Bogunović, witness statement, 15 August 2011), paras 52-53.
[4740] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 53; Nebojša Bogunović, T. 13199-13202.
[4741] D371 (Dušan Knežević, witness statement, 17 August 2011), p.1, paras 1, 28, 32; Dušan Knežević, T. 13378, 13504; D377 (Report by Dušan Knežević about the situation in Pakrac valley and the request for ammunition for the local population addressed to the assistant chief of the SJB Bucalo, 23 April 1991), p. 1.
[4742] D371 (Dušan Knežević, witness statement, 17 August 2011), paras 4, 7; Dušan Knežević, T. 13375-13377, 13464.
[4743] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 5; Dušan Knežević, T. 13374-13375, 13463-13464.
[4744] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 5.
[4745] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 6; Dušan Knežević, T. 13376.

Administration in Belgrade, and Jovica Stanišić, though the latter did not participate in the debate.[4746] The witness left for Dalj, in Erdut municipality, on 24 September 1991, accompanied by an SJB platoon of around 30-40 Serbian MUP personnel.[4747] Veljko Bogunović was the commander of the group, the witness was his deputy, and Ninko Tarbuk was the assistant.[4748]

2241. In respect of the MUP personnel that arrived to the area of Dalj, the Trial Chamber has received evidence from several witnesses. **Gvozden Gagić**, an employee of the MUP of Serbia in the early 1990s,[4749] testified that in late 1990, policemen who had been dismissed from service in Croatia and other Republics were employed by the Minister of Interior without going through all the normal employment procedures.[4750] In late September 1991, some of these policemen joined one of the two volunteer units of the SJB in the MUP of Serbia and were sent either to Knin or Dalj.[4751] The unit for Dalj left on 29 September 1991.[4752] Those who joined the unit, including the witness, were informed that they were going to be a military police company of the Novi Sad Corps. The Dalj unit members were commanded by Veljko Bogunović, who was under the command of the TO staff, meaning Radovan Stojičić, a.k.a. Badža.[4753] Badža, in turn, was subordinated to the Novi Sad Corps.[4754] In this respect, **Witness JF-029** testified that Veljko Bogunović, a member of the Serbian MUP, came to the SBWS area with about 100 former Serb policemen who had left Croatia and were taken in by the Serbian MUP for deployment to the newly established SUPs and police stations in the SBWS area.[4755] He further testified that Miodrag Zavišić, a member of the Serbian MUP SJB, was in charge of establishing the SAO SBWS police forces in late 1991 and that he assisted Ilija Kojić and others in the Vukovar and Beli Manastir SUP.[4756] **Nebojša Bogunović** testified that after his group had arrived in Erdut some time after August 1991, a group of 40 police officer volunteers were sent by the Krajina MUP to set up and provide equipment to police stations. This group was under Veljko Bogunović, Momčilo

[4746] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 5; Dušan Knežević, T. 13374-13375, 13464-13465.
[4747] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 7; Dušan Knežević, T. 13464.
[4748] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 8; Dušan Knežević, T. 13378-13379, 13466.
[4749] Gvozden Gagić, T. 17101-17102.
[4750] Gvozden Gagić, T. 17107-17108, 17127.
[4751] Gvozden Gagić, T. 17121-17122.
[4752] Gvozden Gagić, T. 17125.
[4753] Gvozden Gagić, T. 17124, 17129-17130.
[4754] Gvozden Gagić, T. 17134.
[4755] Witness JF-029, T. 10032, 10094-10095, 10100.
[4756] Witness JF-029, T. 10032, 10097.

Radović, and former Croatian MUP official Tarbuk.[4757] **Witness JF-032** testified that Zavišić arrived to Dalj around 20 August 1991, followed by a Serb police unit from the Belgrade SUP, which used to work in Croatia, and which was commanded by Veljko Bogunović.[4758] **Witness JF-015** further testified that Veljko Bogunović was Commander of the 70-men unit of the Special Police, stationed in Dalj, and Ninko Tarbuk was the Deputy Commander.[4759] Bogunović and Tarbuk told the witness that the unit consisted of police officers formerly serving in Croatia, and that they took commands directly from Belgrade.[4760] According to the witness, they were under the command of the MUP.[4761]

2242. With regard to Radovan Stojičić's command over the SBWS armed forces, **Dušan Knežević** testified that Badža was the commander of the SAO SBWS TO and the superior of the police group.[4762] **Witness C-015**, a Serb from Croatia,[4763] testified that sometime between August and December 1991, Badža called a meeting of all presidents of the Local Community Executive Councils and Assemblies in the area of Erdut.[4764] At the meeting, Badža introduced himself as a representative of the SUP in Belgrade. Badža said he had been sent to the area as an expert to take over the TO of the SAO SBWS, and that he was now its commander.[4765] He would establish "Militia offices" in villages where they had not yet been established.[4766]

2243. **Witness JF-032** testified that at the end of September 1991, a meeting was held at the winery in Erdut, with Radovan Stojičić a.k.a. Badža, Zavišić, Kostić, Hadžić, Obrad Stevanović from the Serbian MUP, JNA officers, TO commanders, and police representatives.[4767] Badža said that he was from the Belgrade MUP and announced that he would command all the forces, including the police forces which had come from Serbia, the local police, and the TO staff.[4768]

[4757] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 58.
[4758] P401 (Witness JF-032, witness statement, 17 May 1999), p. 7; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15167-15168, 15286-15288.
[4759] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, para. 29; Witness JF-015, T. 4096.
[4760] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, para. 30.
[4761] Witness JF-015, T. 4032-4033.
[4762] D371 (Dušan Knežević, witness statement, 17 August 2011), paras 8, 17, 19; Dušan Knežević, T. 13377, 13380, 13404, 13433, 13466, 13479-13480, 13485-13486, 13491-13492, 13498; D372 (Chart of exhibits and potential exhibits marked by Dušan Knežević), p. 2.
[4763] P2 (Witness C-015, witness statement, 13 May 1999), p. 2; P3 (Witness C-015, supplementary witness statement, 24 January 2001), p 1.
[4764] P2 (Witness C-015, witness statement, 13 May 1999), p. 3.
[4765] P2 (Witness C-015, witness statement, 13 May 1999), p. 4; Witness C-015, T. 1657.
[4766] P2 (Witness C-015, witness statement, 13 May 1999), p. 4; Witness C-015, T. 1609-1610.
[4767] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15181-15185, 15311; Witness JF-032, T. 4753-4754.
[4768] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15181-15182; Witness JF-032, T. 4753-4755, 4778.

2244. According to **Witness JF-015**, the meeting of the TO and police officials with Badža was held on 5 or 6 August 1991. Radovan Stojičić introduced himself as a representative of the Special Police from Serbia, and informed everybody that as of that moment on, the TO was in charge of all civil and military matters in the region, and that he was sent from Belgrade as the Commander of the TO with Miodrag Zavišić, a.k.a. Zaviša, as his deputy.[4769] According to the witness, from that moment, all the powers were transferred to the commander and deputy commander of the TO staff.[4770]

2245. The Trial Chamber will now move to the evidence on arming and equipping the SBWS forces. **Witness JF-035**, a Serb from Bosnia-Herzegovina,[4771] testified that "people who were guarding the area" told him that weapons were brought to Borovo Selo across the Danube River by persons of the special police of the Novi Sad MUP.[4772] Already in April 1991 persons from the Serbian DB brought weapons by boat across the Danube to the Okonja house in Grac, in the area of Borovo Selo, as they did not want to be seen in the village of Borovo Selo itself. People from the village of Borovo Selo subsequently distributed these weapons to Borovo Selo, Trpinja, Bijelo Brdo, Dalj and other villages.[4773]

2246. **Witness JF-030**, a former Serb MUP officer,[4774] testified that already around 28 July 1991, they received a lot of weapons and ammunition from Novi Sad. The witness saw the weapons and ammunition come from Vajska (Serbian side) through Skela to Borovo Selo. He learned from Kojić that Mihalj Kertes had sent the weapons.[4775] In August 1991, while in Borovo Selo, the witness went with Kojić, Bratso Arsić (TO member), Dragan Lazić, and Dušan Bosnac (Kojić's bodyguard) to the DB office in Novi Sad.[4776] Kojić went to see Kertes inside, after which they came out and Kertes instructed the witness and others to collect the weapons and ammunition from the Police/TO warehouse in Novi Sad, and said that he would

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[4769] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, paras 26, 62; Witness JF-015, T. 4028-4029; P319 (Photograph described by Witness JF-015 in para. 62 of witness statement of 18 January 2001).
[4770] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, para. 27, proofing note of 11 February 2008, para. 6; Witness JF-015, T. 4029.
[4771] P494 (Witness JF-035, witness statement, 18 October 2000), p. 2; P495 (Witness JF-035, supplemental witness statement, 6 May 2001), p. 1; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12231.
[4772] P494 (Witness JF-035, witness statement, 18 October 2000), p. 3; P496 (Witness JF-035, *Slobodan Milošević* transcript, 22-23 October 2002), p. 12264; Witness JF-035, T. 5396, 5444-5446.
[4773] P494 (Witness JF-035, witness statement, 18 October 2000), p. 3.
[4774] P2091 (Witness JF-030, witness statement, 21 August 2003), p. 1, paras 4, 37.
[4775] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 9; P2092 (Witness JF-030, proofing notes, 14 September 2009), p. 1.
[4776] P2091 (Witness JF-030, witness statement, 21 August 2003), paras 12, 37.

provide more weapons and ammunition soon.[4777] The witness and others brought these weapons and ammunition to Borovo Selo.[4778] A few days later, the witness received a supply of weapons and ammunition for TO members in Borovo Selo from Kertes.[4779]

2247. **Witness JF-032** testified that in late July 1991, the newly established civilian police recruited 40 men, and set up its offices in a house which belonged to Pavle Čikanović.[4780] Kostić assured them that weapons, equipment and salaries would be provided within two or three days, and the witness assumed that they would be provided by the MUP of Serbia.[4781] According to the witness, Slavko Dokmanović received instructions from President Milošević in Belgrade sometime in April or May 1991, and he also took part in the distribution of weapons brought from Serbia.[4782] A few days later, the witness and another policeman went to Belgrade to personally speak to Minister of Interior Bogdanović, about the assistance they were supposed to receive.[4783] Bogdanović appeared well acquainted with the situation in the SAO SBWS and indicated that all their needs would be met.[4784] During the meeting, Jovica Stanišić came into the room, and introduced himself as head of the DB.[4785] Kojić and Kostić, who also showed up at some point, told the witness to address them in the future, with regard to equipment and assistance.[4786] Several days later, Kostić asked the witness to come to Belgrade, where he picked up some Russian UAZ vehicles, pistols and short weapons from the depot located behind the MUP building. The police also received some office materials from a man called Savo from the Novi Sad SUP.[4787] At around midnight on 26 or 27 July 1991, a truck from Serbia brought in equipment, which was distributed the next morning amongst the police officers; there were no weapons.[4788] The witness testified that in June 1991, large quantities of weapons from Serbia were shipped across the Danube to Borovo

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[4777] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 12.
[4778] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 13.
[4779] P2091 (Witness JF-030, witness statement, 21 August 2003), para. 14; P2092 (Witness JF-030, proofing notes, 14 September 2009), p. 1.
[4780] P401 (Witness JF-032, witness statement, 17 May 1999), p. 4; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15137, 15146, 15267.
[4781] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15137-15138, 15267-15268, 15344; Witness JF-032, T. 4779-4780.
[4782] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), p. 15319.
[4783] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15138-15142, 15263-15266; Witness JF-032, T. 4647-4648, 4725, 4742-4744, 4767-4768
[4784] Witness JF-032, T. 4648-4649.
[4785] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15141, 15265; Witness JF-032, T. 4649, 4746, 4799-4800, 4803-4804.
[4786] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), p. 15142; Witness JF-032, T.4650-4651.
[4787] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15143-15144, 15350-15351, 15335-15336; Witness JF-032, T.4684-4685, 4745.

Selo, as it was the easiest way to cross the river.[4789] Ilija Kojić told the witness that the deliveries were organized by the Novi Sad DB, and Kostić and Šarac were in charge of the weapon transfers.[4790] Around 7 August 1991, an order came from Kostić and Kojić for the Vukovar SUP to follow the SAO Krajina Government to Dalj; they were given an office in the centre of the town.[4791] Kostić provided supplies for the Dalj police from the MUP in Belgrade, and all the policemen were armed and uniformed.[4792] In relation to Lazar Šarac, the Trial Chamber has reviewed a number of intelligence reports that he, as an operative, sent to the Serbian and Vojvodina DB between 1991 and 1993.[4793]

2248. **Borislav Bogunović** testified that around 20 days after the formation of the police force, the Government received approximately 200 sets of police uniforms and guns free of charge from the SUP in Novi Sad.[4794] Instructions in relation to acquiring the uniforms and equipment came through Badža.[4795] Badža organized a meeting between himself, Hadžić, and Bogunović in Novi Sad in late August 1991. The meeting took place in the Vojvodina police building.[4796] There, the witness saw Stanišić in the office of Ratko Sikimić, who was Head of the DB for Vojvodina. The witness stayed outside, but Hadžić entered and spoke with Stanišić and Sikimić. At the time, the witness was aware that Stanišić was from the Serbian DB.[4797] After the meeting the witness went to a police depot in Klisa, which belonged to the regional secretariat of the Serbian MUP in Novi Sad, to collect the uniforms and weapons.[4798] Bogunović stated that, as other villages in the SAO SBWS were taken over by Serb forces, new police stations were set up in Bobota, Bršadin, Markušica, Erdut, Mirkovci, Orolik, Negoslavci, Tovarnik, Ilok, and Vukovar. In each case, equipment was sourced from Novi

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[4788] P401 (Witness JF-032, witness statement, 17 May 1999), p. 5; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15335, 15351.
[4789] P401 (Witness JF-032, witness statement, 17 May 1999), p. 4; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15123-15124, 15146, 15253-15254; Witness JF-032, T. 4645-4646.
[4790] P401 (Witness JF-032, witness statement, 17 May 1999), p. 4; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15146, 15254-15256; Witness JF-032, T. 4645-4646,,4748-4751, 4762-4765.
[4791] P401 (Witness JF-032, witness statement, 17 May 1999), p. 6; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), p. 15163.
[4792] P401 (Witness JF-032, witness statement, 17 May 1999), p. 6.
[4793] See for example, P19 (Report addressed to the Serbian DB, signed by operative Lazar Šarac, 25 July 1992); P407 (Report addressed to Jovica Stanišić, Serbian DB, signed by operative Lazar Šarac, 23 February 1993); P2103 (Report to the Serbian DB, signed by operative Lazar Šarac, 7 June 1993); D241 (Report to the Vojvodina DB, signed by operative Lazar Šarac, 11 April 1991).
[4794] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 13; Borislav Bogunović, T. 6010.
[4795] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 13.
[4796] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 14; Borislav Bogunović, T. 5995-5996.
[4797] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 14; Borislav Bogunović, T. 6041.
[4798] Borislav Bogunović, T. 5996.

Sad.[4799] This included a number of vehicles, which were originally without registration plates, but Serbian plates were later sent from Novi Sad.[4800] The witness testified that when the JNA arrived to the region after July 1991, they began distributing automatic and semi-automatic weapons through the TO.[4801] Initially only TO members received weapons, but later the JNA "lost control" and the TO was able to supply weapons to anyone who applied for them. According to Bogunović, there was a great deal of secrecy surrounding weapons distribution and he was not aware of who was overseeing the process.[4802]

2249. **Witness JF-015** testified that after 15 September 1991, the Dalj police received equipment from the SUP Novi Sad.[4803] The TO supplied them with automatic assault rifles.[4804] After several days, they also got blue berets with a tri-coloured flag badge.[4805]

2250. The Trial Chamber has further reviewed exhibits P1078 and D31 summarised in chapter 6.4.4, which indicate that Arkan distributed weapons provided by the Serbian MUP and the MoD to the local TO staffs.

2251. As to weapons availed to the SBWS forces in 1992, **Witness JF-029** testified that in April and May 1992, when the JNA withdrew from the SBWS area to the Federal Republic of Serbia and Montenegro, they left 50 tanks, 70 anti-aircraft guns, a number of mortars, and weapons for around 30,000 soldiers in the area.[4806]

2252. The Trial Chamber will now move to the financing of the SBWS forces. **Nebojša Bogunović** testified that it appeared that the TO SBWS members did not receive any salary.[4807] He further testified that he and other SJB officers, as well as the "special police" from Belgrade that joined Hadžić in the SBWS continued to receive salaries from the Serbian MUP and received an additional *per diem* while in the SBWS.[4808] **Dušan Knežević** testified that the police group was never financed by the Serbian SDB; some members received their salaries from private businessmen.[4809] After February 1992, the policemen in Ilok started

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[4799] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 14.
[4800] Borislav Bogunović, T. 6016.
[4801] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 72; Borislav Bogunović, T. 6021-6023.
[4802] P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 72; Borislav Bogunović, T. 6024.
[4803] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, para. 31; P324 (Video of interview with Ilija Kojić and Milan Martić).
[4804] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, para. 31.
[4805] P306 (Witness JF-015, witness statements), witness statement of 18 January 2001, para. 31.
[4806] Witness JF-029, T. 10179; D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), p. 11.
[4807] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 53.
[4808] D334 (Nebojša Bogunović, witness statement, 15 August 2011), para. 49; Nebojša Bogunović, T. 13270-13271, 13315.
[4809] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 34; Dušan Knežević, T. 13388.

receiving their salaries from the RSK.[4810] The witness, who moved to Ilok on 2 November 1991, following his appointment as police commander of Ilok, produced a document addressed to Vlastimir Đorđević, the chief of the police administration in the MUP of Serbia, to inform him about food supplies for the Ilok police station and asked who the relevant invoices should be delivered to.[4811]

2253. In view of the evidence of Knežević, Witness C-015, Witness JF-015, and Witness JF-032, the Trial Chamber finds that some time between August and September 1991, Radovan Stojičić a.k.a. Badža took over the command of the SBWS TO and police. The Prosecution submits that TO commander Badža was paid by the Serbian MUP while he was in the SAO SBWS and that his later links with Stanišić show that he was subordinated to him.[4812] The Trial Chamber has addressed these submissions in chapter 6.4.4 where it concluded that the evidence in this respect lacked sufficient foundation and that even if there were some connections between the TO commander and the Serbian DB, it was not sufficient to show that the Accused controlled the TO. In making these findings, the Trial Chamber has further considered the evidence set out in this chapter. The Trial Chamber further notes the evidence of Milomir Kovačević about rumours that Badža was subordinate to the Serbian DB, but in view of its assessment of this witness's credibility addressed in chapter 2, it will not rely on his evidence in this respect.

2254. Based on the evidence received,[4813] the Trial Chamber finds that sometime between mid-August and late September 1991, volunteers from the Serbian MUP SJB arrived to the SBWS. They were followed by policemen from the Serbian MUP SJB,[4814] under the command of Veljko Bogunović, who joined the SBWS TO. Dušan Knežević, Nebojša Bogunović, and Trajković, all from the MUP SJB provided infantry and specialist training to SBWS TO and police members. Miodrag Zavišić, also from the Serbian MUP SJB and the SJB police officers were charged with establishing additional police stations in SBWS. Stanišić, although not participating in the discussion, was present at the Belgrade meeting

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[4810] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 34.
[4811] D371 (Dušan Knežević, witness statement, 17 August 2011), para. 28; Dušan Knežević, T. 13387-13389; D381 (Document addressed to the Police Administration about the logistics of the Ilok police station produced by Dušan Knežević, 20 May 1992).
[4812] Prosecution Final Trial Brief, 14 December 2012, para. 162; T. 20195, 20221.
[4813] The evidence of Nebojša Bogunović, Dušan Knežević, Gvozden Gagić, Witness JF-029, Witness JF-032, and Witness JF-015.
[4814] The Trial Chamber notes that Nebojša Bogunović testified that the policemen came from the Krajina MUP. In view of the evidence received in this respect from other witnesses, in particular that these police officers came from Croatia, the Trial Chamber considers that Bogunović erred in his assessment of who had sent these police units to SBWS.

preceding the sending of the SJB officers and policemen to the SAO SBWS. However, in the absence of any further evidence in this respect, the majority, Judge Picard dissenting, is unable to determine the role of the Serbian DB or the Accused in dispatching the Serbian MUP SJB officers and policemen to SBWS, or in the training of SBWS TO and police forces or the setting up of new police stations in the area.

2255. In respect of subsequent training activities, the Trial Chamber recalls its finding in chapter 6.3.3 in relation to the Ležimir camp that from May 1992, the Accused organized the training of members of Witness JF-047's SBWS MUP group at Ležimir.

2256. The Trial Chamber will now consider the allegations about arming and equipping of the SBWS TO and police. In this respect, it will first consider the issue of reliability of Witness JF-032's evidence. The Stanišić Defence submits that the witness failed to provide an explanation for his inconsistent account about the delivery of weapons from Novi Sad and from Belgrade.[4815] The Trial Chamber notes that when asked about the above, the witness explained that in other cases he had never been questioned about the involvement of the Serbian MUP Minister or Stanišić in the arming of the SBWS forces but he thought these details where perhaps important in the present case.[4816] The Trial Chamber considers this explanation to be reasonable. Furthermore, the Trial Chamber does not consider that the above renders his evidence inconsistent.

2257. The Trial Chamber has further considered the evidence of Witness JF-035 about the arming of people in Borovo Selo by the DB in April 1991, but notes that it refers to the events which occurred before the formation of the SBWS TO and police. In this respect, the Trial Chamber has not received evidence indicating that these weapons were subsequently availed to the TO. Either way, considering that the witness had difficulties explaining the difference between the SDB and the SJB,[4817] the Trial Chamber will not rely on his evidence in this respect. In view of the other evidence received, the Trial Chamber observes that the SBWS police and TO received weapons and uniforms from the MUP depots in Novi Sad and Klisa, and that instructions on acquiring this equipment came from Stojičić, who also arranged for a meeting in this respect with Bogunović and Hadžić. The Trial Chamber further considers that Kertes also arranged for the weapons to be distributed from the Novi Sad police/TO

[4815] T. 20401-20402. See also Stanišić Defence Final Trial Brief, 17 December 2012, para. 447, and its subsequent withdrawal from the allegation that Witness JF-032 only implicated Stanišić in the present trial at T. 20401-20402.
[4816] Witness JF-035, T. 4745-4746.
[4817] See Witness JF-035, T. 1848-1849.

warehouse. Furthermore, in view of Witness JF-032's evidence, the Trial Chamber notes that although present at the July 1991 Belgrade meeting with Bogdanović, Stanišić did not contribute to the discussion. Considering further the evidence of Witness JF-032 in relation to the arming of the SBWS police, the Trial Chamber notes that the witness implicated Kostić and the Serbian MUP in this respect. In one instance only did the witness testify that the delivery of weapons was organized by the Novi Sad DB, and his source of knowledge in this respect was Ilija Kojić. The majority, Judge Picard dissenting, considers this evidence inconclusive. The Trial Chamber further recalls its discussion above in chapter 6.7.2 about the attribution of the acts of the DB employees to the Accused, and the Accused's positions within the Serbian DB at the relevant time. In this respect, even if Kojić, Kostić, and Šarac arranged for weapons and equipment to be distributed to the SBWS police and TO, as claimed by Witness JF-032, the mere fact that Kojić, Kostić, and Šarac were employees of the Serbian DB, does not mean that their acts can be attributed to the Accused. In the absence of any further evidence in this respect, the majority, Judge Picard dissenting, is unable to determine the role of the Accused in arranging for the distribution of weapons and equipment to the SBWS TO and police. Furthermore, the evidence of Bogunović and Witness JF-032 about Stanišić's presence when supplies for SBWS were discussed or arranged for is not sufficient to enable it to conclude that Stanišić organised the arming of the SBWS forces.

2258. Considering the documentary evidence on Arkan arming SBWS forces, the Trial Chamber observes that sometime in mid-1991 Arkan distributed weapons that he had received from the Serbian MoD and MUP, and the JNA, to the SBWS TO. It further notes that, in view of the evidence of Borislav Bogunović, Witness JF-015, and Witness JF-029, after July 1991, the JNA armed the SBWS TO and that in April and May 1992, the TO took over weapons left in the area by the JNA, which it subsequently distributed to the police. The evidence is silent on the role of the Accused in the JNA and MoD arming activities. In respect of the MUP supplying weapons to Arkan, the majority, Judge Picard dissenting, considers that it has not received conclusive evidence that it was the Serbian DB or the Accused, and not the SJB of the Serbian MUP that participated in these arming activities.

2259. In view of all the above, the majority, Judge Picard dissenting, is unable to conclude that the Accused directed and organized logistical and other support to the SBWS police and TO units.

2260. In relation to the financing of SBWS forces, the Trial Chamber observes that the Serbian SJB officers and policemen continued to be paid by the Serbian MUP while in the

SBWS. There has been no conclusive evidence that it was the Serbian DB or the Accused, and not the SJB of the Serbian MUP that remunerated these SJB officers and policemen. Financing may have also been conducted through private donations. In relation to other members of the SBWS police and TO, in the absence of any further evidence in this respect, the majority, Judge Picard dissenting, is unable to conclude that the Accused directed and organised the financing of the SBWS police and TO units.

6.7.4 The Accused failed to instruct the SBWS police and TO units to refrain from committing unlawful acts

2261. According to the Indictment, the Accused failed to instruct the SBWS police and TO units to refrain from committing unlawful acts.[4818] The Prosecution did not address these charges in its Final Trial Brief.

2262. The Trial Chamber has not received any direct evidence on these allegations. As specified in the present chapter, the Trial Chamber did not find that the links between the Accused and the SBWS police and TO units were of such nature that they could give rise to an obligation to instruct the SBWS police and TO units to refrain from committing unlawful acts.

6.7.5 The Accused directed and organized the formation of the Zvornik TO units

2263. In its Final Trial Brief, the Prosecution submits that the Accused, through Kostić, sent Marko Pavlović from the Serbian DB to Zvornik, where he was put in command of the local TO and was in charge of all the armed forces and paramilitary units operating in Zvornik.[4819] It further submits that the fact that Pavlović was informed about the arrest of Legija and others, and played a "key role" in securing their release, demonstrated his authority in the Zvornik area.[4820] In relation to these allegations, the Trial Chamber has taken judicial notice of Adjudicated Facts and has reviewed the relevant evidence.

2264. According to the Adjudicated Facts, the Zvornik SDS municipal board elected a crisis staff for the municipality, consisting of leading SDS persons from Zvornik, and the municipal

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[4818] Indictment, paras 5, 15(c).
[4819] Prosecution Final Trial Brief, 14 December 2012, paras 497-498.
[4820] Prosecution Final Trial Brief, 14 December 2012, para. 497.

command staff of the JNA.[4821] On 5 April 1992, the Serb TO was mobilized pursuant to an order of the Serb crisis staff.[4822]

2265. **Witness JF-061**, a Bosnian Muslim from a predominantly Muslim village of Kozluk in the municipality of Zvornik,[4823] testified that Zoran Subotić, one of Šešelj's men, was the Zvornik TO commander from 5 to 13 April 1992.[4824] He was succeeded by Zoran Pažin, who held this position from 14 to 20 April 1992. Afterwards, Marko Pavlović became TO commander, and he remained in this position until the end of August 1992.[4825]

2266. **Witness JF-026**, a Bosnian Serb from Zvornik,[4826] testified that on 28 April 1992, Branko Grujić, the head of the interim government, appointed Marko Pavlović commander of the TO Staff for the Serbian Municipality of Zvornik.[4827] On 26 June 1992, the interim government in Zvornik appointed Pavlović as the head of the military territorial command.[4828] According to Witness JF-026, Branko Popović, a.k.a. Marko Pavlović, was brought to Mali Zvornik by Rade Kostić at the end of 1991.[4829] In the beginning of March 1992, Pavlović arrived in Zvornik.[4830] Pavlović sometimes referred to Kostić as "boss" or "chief".[4831] The witness believed that Pavlović was from the "Serbian MUP intelligence".[4832]

2267. **Witness JF-061** testified that at the first meeting of local population with the Serbs, organized by the Muslim Crisis Committee, Pavlović presented himself as a member of the Serbian SDB, sent from Belgrade to fix the situation in Zvornik.[4833] Pavlović was uniformed

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[4821] Adjudicated facts IV, fact 245.
[4822] Adjudicated facts IV, fact 312.
[4823] P2129 (Witness JF-061, witness statement, 9 February 1998), pp. 1-2; P2130 (Witness JF-061, witness statement, 30 March 2002), p. 1; P2131 (Witness JF-061, witness statement, 6 May 2003), p. 1; P2132 (Witness JF-061, *Slobodan Milošević* transcript, 9 and 19 May 2003), p. 20615; P2133 (Summary of Witness JF-061 background), p. 1.
[4824] P2130 (Witness JF-061, witness statement, 30 March 2002), p. 3.
[4825] P2130 (Witness JF-061, witness statement, 30 March 2002), p. 3; Witness JF-061, T. 10924.
[4826] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 1; P1654 (Pseudonym sheet for Witness JF-026); P2507 (Background information on Witness JF-026). For the Trial Chamber's discussion on Witness JF-026's reliability, see chapter 3.8.2.
[4827] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 65-66; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21205; P2501 (Decision on formation of the TO Command of the Serb Municipality of Zvornik, Branko Grujić, 28 April 1992).
[4828] P1393 (Decision of the Interim Government of the Serbian Municipality of Zvornik, 16 June 1992, signed by Branko Grujić).
[4829] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 41-42; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21168-21169; Witness JF-026, T. 9685.
[4830] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 28.
[4831] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 41-42; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14910; Witness JF-026, T. 9804-9805.
[4832] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 42.
[4833] P2129 (Witness JF-061, witness statement, 9 February 1998), pp. 3-4; P2130 (Witness JF-061, witness statement, 30 March 2002), pp. 2, 7; P2132 (Witness JF-061, *Slobodan Milošević* transcript, 9 and 19 May 2003), p. 20676Witness JF-061, T. 10924, 10938, 10961.

and armed, he was always escorted by several people, and although the witness never saw his ID, he assumed, judging by his conduct, that Pavlović was the commander in charge.[4834]

2268. The Trial Chamber will now review the evidence concerning Marko Pavlović's intervention during the arrest of four men in Zvornik on the eve of the take-over of Zvornik. In this respect, **Fadil Mujić**, a Muslim police officer from Zvornik,[4835] stated that at about 1 a.m. on 8 April 1992, four men in uniforms without insignia, wearing black t-shirts, and black woollen caps, had been arrested at a checkpoint in the direction coming from Karakaj.[4836] Two of them were called Dušan and Nenad.[4837] The equipment seized from the arrested men included knives, compasses, automatic rifles, and strangling wires. The witness was convinced that the arrested men were "Arkanovci", but they claimed to be members of the JNA.[4838] At 10 a.m., Captain Marko, who, as the witness later learned was named Marko Pavlović, called and demanded that the arrested men be delivered to the JNA.[4839] The witness also received calls from Colonel Bošković at the Belgrade headquarters and General Janković from Tuzla, who said that two of the arrested men were JNA policemen and requested that they be released.[4840] At 3 p.m., Captain Marko called again and said that he would kill seven Muslim prisoners he was holding, if the arrested men were harmed.[4841] The witness agreed to exchange the arrested men for the Muslim prisoners.[4842] When they reached the agreed location, Captain Marko took the witness in a civilian vehicle to Hotel Jezero and locked him up in a room.[4843] The witness was released some days later.[4844]

2269. In respect of the arrest of the four men, **Witness JF-026** provided evidence consistent with that of Fadil Mujić.[4845] He further added that the persons arrested were Milorad "Legija"

[4834] Witness JF-061, T. 10924, 10940, 10962-10963.
[4835] P1756 (Fadil Mujić, witness statement, 6 June 1996), pp. 1-2; P1757 (Fadil Mujić, witness statement, 13 May 1997), pp. 1-2.
[4836] P1756 (Fadil Mujić, witness statement, 6 June 1996), p. 6; P1757 (Fadil Mujić, witness statement, 13 May 1997), p. 2.
[4837] P1756 (Fadil Mujić, witness statement, 6 June 1996), pp. 2, 7.
[4838] P1756 (Fadil Mujić, witness statement, 6 June 1996), p. 6; P1757 (Fadil Mujić, witness statement, 13 May 1997), pp. 2-3.
[4839] P1756 (Fadil Mujić, witness statement, 6 June 1996), p. 7; P1757 (Fadil Mujić, witness statement, 13 May 1997), p. 3.
[4840] P1757 (Fadil Mujić, witness statement, 13 May 1997), p. 3.
[4841] P1756 (Fadil Mujić, witness statement, 6 June 1996), p. 7; P1757 (Fadil Mujić, witness statement, 13 May 1997), p. 3.
[4842] P1756 (Fadil Mujić, witness statement, 6 June 1996), p. 7.
[4843] P1756 (Fadil Mujić, witness statement, 6 June 1996), pp. 4, 8.
[4844] P1756 (Fadil Mujić, witness statement, 6 June 1996), pp. 8-9; P1757 (Fadil Mujić, witness statement, 13 May 1997), p. 4.
[4845] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 54; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 15020-15022; Witness JF-026, T. 9753-9754, 9782-9783; D160 (Statement of Duško Vučković to the MUP of the Republic of Serbia, 4 November 1993), p. 2.

Luković, "Žuča" and his brother "Repić", and Miroslav Bogdanović.[4846] According to a written statement purportedly taken by Serbian SDB officials in Belgrade from the commander of the Yellow Wasps or "Igor Marković" unit, Vojin Vučković, and the statements of Vojin and Dušan Vučković as accused in the Šabac District Court, on 8 April 1992, in Zvornik, Vojin, Duško, Zoran Rankić, Miroslav Bogdanović, and Ulemek were arrested by Muslims, threatened and ill-treated, and exchanged the next day.[4847]

2270. On the basis of the Adjudicated Facts and the evidence of Witness JF-061, the Trial Chamber finds that the Zvornik TO, with its commander Zoran Subotić, was formed by the Serb Crisis Staff on 5 April 1992. In view of Witness JF-026's and Witness JF-061's evidence, the Trial Chamber finds that on 28 April 1992, Branko Grujić, head of the interim government in Zvornik, appointed Marko Pavlović a.k.a. Branko Popović commander of the Zvornik TO.

2271. The Prosecution submits that Kostić brought Marko Pavlović, who was a member of the Serbian DB, to Zvornik. The Trial Chamber recalls its considerations on the relationship between Radoslav Kostić and the Accused in chapter 6.7.2 and the underlying evidence to that effect. In view of the evidence of Witness JF-026 and Witness JF-061, the majority, Judge Picard dissenting, considers that Pavlović may have indeed worked for the Serbian DB. In the view of the majority, Witness JF-026's evidence to the effect that Kostić "brought" Pavlović to Zvornik is vague and can be subjected to various interpretations. Either way, recalling its discussion in chapter 6.7.2 about the attribution of the acts of the DB employees to the Accused, the Trial Chamber considers that the mere fact that Kostić was a DB employee and that Pavlović may have worked for the Serbian DB at the relevant time,[4848] does not mean that their acts can be attributed to the Accused. In the absence of any further evidence in this respect, including insight to any communication between Kostić and Pavlović on the one hand and the Accused on the other, or to content of any instruction coming from the Accused, the majority, Judge Picard dissenting, is unable to determine the role of the Accused, if any, in placing Pavlović in command of the Zvornik TO.

[4846] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 54; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 15019; Witness JF-026, T. 9752-9754.

[4847] P1190 (Statement of Vojin Vučković, signed by Vojin Vučković, 4 November 1993), p. 1; P1403 (Statement regarding Vojin Vučković for the investigating judge of the Šabac District Court, signed by Vojin Vučković, 8 November 1993), p. 2; P1411 (Statement of Duško Vučković for investigating judge of the Šabac District Court), pp. 1-2.

[4848] Judge Picard dissents in this respect, being fully convinced about Pavlović's employment at the Serbian DB.

2272. The Trial Chamber has further reviewed the evidence about the arrest of Legija and three other men on the eve of the Zvornik take-over and Pavlović's role in securing their release, but considers that this evidence neither shows that Pavlović participated in the formation of the Zvornik TO, which already existed at the time, nor that his actions were in any way linked to the Accused. In fact, the Trial Chamber notes that JNA officials also intervened with the Muslim police in relation to the arrest of the four men.

2273. In view of the above, the majority, Judge Picard dissenting, is unable to conclude that the Accused directed and organized the formation of the Zvornik TO.

6.7.6 The Accused directed and organized the financing, training, logistical support, and other substantial assistance or support to the Zvornik TO units

2274. According to the Indictment, the Accused directed and organized the financing, training, logistical support, and other substantial assistance or support to the Zvornik TO.[4849] In its Final Trial Brief, the Prosecution submits that the Serbian DB began sending arms to Zvornik municipality in November 1991, and later it supplied weapons through Kostić and Pavlović.[4850] The Trial Chamber will now review the evidence it has received in this respect.

2275. The Trial Chamber will begin with the evidence on the arming of the Zvornik TO. **Witness JF-026** testified that the distribution of arms to the Serbian population in Zvornik started in 1991, and was carried out, besides the legalisation of weapons already in possession of Serbs, through the legal distribution of arms to 450 reserve policemen and to reserve JNA members, and through illegal channels from Croatia and Serbia.[4851] The weapons from Serbia were provided by the JNA and the Serbian security services, which the witness testified referred to the security services of the Yugoslav MoD, MUP, and the Ministry of Foreign Affairs.[4852] In particular, of the weapons distributed in Zvornik, at least two thirds of the quantity distributed in the autumn of 1991, and 90 per cent of the overall quantity was from the JNA depots and warehouses, in part distributed through the SDS, and the remaining 10 per cent from Baranja.[4853] The federal MUP, MUP of the Republic of Serbia, and the Bosnian-

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[4849] Indictment, paras 3, 5, 15(c).
[4850] Prosecution Final Trial Brief, 14 December 2012, paras 631-633.
[4851] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 31; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14884-14885; Witness JF-026, T. 9723.
[4852] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 32; Witness JF-026, T. 9667-9668, 9844-9845.
[4853] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 34; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21184; Witness JF-026, T. 9719-9721, 9789.

Serb MUP would take care of the transport of weapons provided for by JNA and TO.[4854] Most of the weapons were distributed directly to the JNA reserve members.[4855] Witness JF-026 estimated that a total of 2,000 to 3,000 weapons entered the Zvornik area before the war broke out.[4856] The first batch of approximately 30 weapons was transported around the end of October or the beginning of November 1991 by boat across the Drina river.[4857] This transfer was carried out by the Serbian SDB and arranged by Branko Grujić, the president of the SDS municipal board in Zvornik.[4858] According to the witness, Branko Grujić was in contact with Radmilo Bogdanović on several occasions. Grujić told the witness that he also met with Jovica Stanišić in Mali Zvornik, but the witness could not determine whether this occurred before the Serb take-over in Zvornik or later.[4859]

2276. Witness JF-026 further testified that in relation to arming, Radmilo Bogdanović, who was the president of the committee for Serbs outside of Serbia, referred the SDS municipal leadership to Radoslav Kostić, who secured 200-300 weapons from the JNA depot in in the Baranja region in Croatia.[4860] Kostić and Marko Pavlović were both involved in the organisation of transport of weapons which took place when the ceasefire in Croatia was signed.[4861] Pavlović explained to the witness that his task was to distribute weapons to the Serbian population in case of war.[4862] In late autumn 1991 or in the beginning of 1992, both Bogdanović and Kostić also participated in the organisation of the transport of 100-300 weapons from Belgrade to Zvornik, which Bogdanović previously mentioned he could obtain from the Serbian TO.[4863] According to the witness, Bogdanović, who had previously held

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[4854] D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14932-14933.
[4855] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 31; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14911; Witness JF-026, T. 9705-9706, 9719, 9789.
[4856] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 48; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14928-14929.
[4857] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 32; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21183-21184; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14884-14886; Witness JF-026, T. 9804.
[4858] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 19, 32; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21183; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14886; Witness JF-026, T. 9804.
[4859] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 91; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21175; Witness JF-026, T. 9837-9838.
[4860] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 36; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21182-21183; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14901; Witness JF-026, T. 9704-9705, 9730-9731.
[4861] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 36; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14901, 14911, 15028-15029; Witness JF-026, T. 9670, 9684, 9730-9731, 9873.
[4862] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 41.
[4863] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 39-40; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21181-21183; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14889-14891, 14899-14901.

high positions in the Serbian MoD and MUP, remained very powerful within both the military and the police.[4864] Furthermore, between 6 and 20 April 1992, Pavlović organized the delivery of weapons, ammunition and uniforms for the Zvornik TO through his contacts in the JNA.[4865] The municipal leadership knew that Pavlović had excellent relations with Kostić and people from the DB, and even better relations with the JNA. For instance, Pavlović was close to General Savo Janković, the commander of the Tuzla Corps, Lieutenant Colonel or Colonel Dubajić, and General Panić, head of JNA.[4866] He also had frequent contacts with Goran Žugić, Chief of Tuzla DB, and with Dragan Šuka, the Serbian DB chief in Loznica; the witness heard that Šuka and Pavlović organised weapons' distribution together.[4867] **Witness B-161** saw Pavlović sitting at the office of Milan Tepavčević, Stanišić's assistant and he believed that Tepavčević had "very close, quite close" relationship with Pavlović.[4868] **Witness JF-061** heard that Pavlović had played the biggest role in the arming of the Serb paramilitaries and other units, and he would receive trucks loaded with weapons overnight.[4869]

2277. The Trial Chamber has further reviewed documentary evidence on the JNA arming activities in the area. On 20 March 1992, JNA General Milutin Kukanjac assessed that in the JNA 2nd military zone of Bosnia-Herzegovina, there were approximately 69,198 enlisted volunteers (none of whom belonged to the JNA or TO), to whom the JNA had distributed 51,900 weapons, and the SDS had distributed approximately 17,298 weapons.[4870] On 9 April 1992, Commander Savo Janković of the 17th Corps Command reported to the 2nd Military District Command that in the Zvornik area, supply should be done from the Kragujevac rear logistic base.[4871]

2278. As to the financing of the Zvornik TO, **Witness JF-026** testified that the interim government, which replaced the Crisis Staff in Zvornik sometime between 16 and 20 April 1992, financed military activities through taxation, as well as mandatory and voluntary

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[4864] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 39; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), pp. 14899-14900; Witness JF-026, T. 9790, 9800-9801.
[4865] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 47; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21172-21173; Witness JF-026, T. 9738.
[4866] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 46; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21169, 21849, 21906; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14913; Witness JF-026, T. 9684, 9737-9738.
[4867] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 46; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 14927.
[4868] P589 (Witness B-161, *Slobodan Milošević* transcript, 22-23 May and 2 July 2003), pp. 23620, 23626.
[4869] P2130 (Witness JF-061, witness statement, 30 March 2002), p. 2.
[4870] D49 (Conclusions Drawn from the Assessment of the Situation in the territory of Bosnia-Herzegovina in the 2nd zone of Military Responsibility, 20 March 1992), p. 4.
[4871] P1388 (Daily Operations Report to the 2nd Military District Command by Savo Janković, 9 April 1992).

contributions of state-owned companies.[4872] According to the witness, members of the municipal organs or TO were not paid by any state organ of the Republic of Serbia.[4873] After the initial take-over of Zvornik, the paramilitaries started grouping themselves and later joined the TO.[4874] They, like all the other members of the TO and the police, received regular payments from the interim government.[4875] The Trial Chamber has reviewed documentary evidence confirming such payments.[4876]

2279. With regard to the training of the Zvornik TO, **Witness JF-026** testified that Captain Dragan, who the witness believed had been sent by the Bosnian-Serb Republic MUP, along with two or three instructors, trained local TO members in May or June 1992 in Zvornik.[4877]

2280. **Manojlo Milovanović**, the Chief of the Main Staff of the VRS between May 1992 and 1996,[4878] testified that Captain Dragan established a training camp for members of a sabotage unit in Divič, Zvornik municipality, at the end of June 1992.[4879] According to the witness, JNA Colonel Denčić, then the acting commander of the Eastern Bosnia Corps, gave Captain Dragan permission to set up the training centre, which existed for approximately a month.[4880] **Witness B-161**, a Serb from Zvornik,[4881] stated that during the summer of 1992, after the fighting in Zvornik had stopped, he saw Captain Dragan's posters calling on the able-bodied men to join his training courses.[4882]

2281. According to an excerpt from Ratko Mladić's notebook, at a 30 June 1992 meeting with the representatives of Zvornik municipality, Captain Dragan stated that their intention was to help, that the centre in Divič could train 2,000 men and that it was suitable, as the army could be loosely deployed from there.[4883]

[4872] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 63, 86; P1701 (Witness JF-026, *Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21880-21881, 21909.
[4873] P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), p. 21880.
[4874] P1700 (Witness JF-026, witness statement, 16 December 2008), para. 71; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21201-21202, 21208; D215 (Witness JF-026, *Šešelj* transcript, 12-13 January 2010), p. 15004; Witness JF-026, pp. 9685-9686.
[4875] P1700 (Witness JF-026, witness statement, 16 December 2008), paras 72, 86; P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21203, 21879, 21882; Witness JF-026, T. 9725, 9727, 9850.
[4876] P2497 (Invoice and approval of payment of the transport services, April 1992); D154 (Payment records including members of Žuča's unit, May and June 1992), p. 1.
[4877] P1701 (Witness JF-026, *Slobodan Milošević* transcript, 23 and 26 May 2003, 5 June 2003), pp. 21842, 21891; Witness JF-026, T. 9834.
[4878] P375 (Curriculum vitae of witness Manojlo Milovanović), p. 2.
[4879] Manojlo Milovanović, T. 4378-4381, 15373.
[4880] Manojlo Milovanović, T. 15374, 15377, 15380.
[4881] P589 (Witness B-161, *Slobodan Milošević* transcript, 22-23 May and 2 July 2003), p. 21052; P601 (Death certificate of Witness B-161, 27 April 2006).
[4882] P589 (Witness B-161, *Slobodan Milošević* transcript, 22-23 May and 2 July 2003), pp. 21033, 21080.
[4883] P2528 (Excerpt from Ratko Mladić's Notebook, 30 June 1992), pp. 1, 21, 23-24.

2282. A 17 June 1992 report to the Sarajevo MUP stated that Captain Dragan was running a training camp at Divići in spite of the municipality's banning of such a camp.[4884] On 14 June 1992, Captain Ljubomir Kitanović, commander of the VRS training centre at Divič, in Zvornik municipality, reported to Lieutenant Colonel Blagojević, commander of the Zvornik Brigade.[4885] On 5 July 1992, Blagojević reported that on 4 July 1992, the Zvornik Brigade closed down the Divič training centre.[4886]

2283. The Trial Chamber has further reviewed the evidence of **Miroslav Deronjić**, a Serb municipal leader from Bratunac,[4887] in chapter 6.3.3 in relation to the Skelani camp, about Simatović's meeting with TO delegations from Skelani and Zvornik in June or July 1992, where Pavlović was also present, and where the formation of training camps in Skelani, Zvornik, and Višegrad was discussed.

2284. Based on the evidence of Witness JF-026, the Trial Chamber finds that the Serbian DB supplied weapons to the Zvornik area in late 1991, and that Branko Grujić, then the president of the SDS, arranged for these supplies. The Trial Chamber cannot conclude however, that these weapons were destined for the Zvornik TO, as the TO was only formed at a later stage. The Trial Chamber has considered the evidence of Witness JF-026 about Stanišić's meeting with Grujić before or after the take-over of Zvornik, but in the absence of further information, the Trial Chamber is unable to determine whether the meeting of Grujić and Stanišić was related to the arming of the Zvornik TO. Furthermore, the Trial Chamber considers that Witness JF-026's hearsay evidence about Pavlović organizing weapons together with the head of the Loznica DB lacks sufficient foundation.

2285. In view of Witness JF-026's testimony and the relevant documentary evidence set out above, the Trial Chamber observes that the Zvornik TO received weapons from the JNA depots. The Trial Chamber accepts the possibility that Radoslav/Ante Kostić and Marko Pavlović participated in organising deliveries of weapons to the Zvornik TO. It further accepts that Pavlović had some contact with Milan Tepavčević, although Witness B-161 did not provide sufficient foundations for his conclusion that the relations between the two men were

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[4884] P1406 (Report of the BiH MUP on the inspection and security situation at SJB locations in Zvornik, Brčko, and Bijeljina, signed by Dragomir Andan and Danilo Vuković, 17 June 1992), pp. 1, 5, 7.
[4885] P1407 (Report of the Zvornik Brigade Command to the East Bosnia Command, signed by Captain Ljubomir Kitanović, 14 June 1992).
[4886] P1408 (Report of the Zvornik Brigade Command to the East Bosnia Command, by Vidoje Blagojević, 5 July 1992).
[4887] P2511 (Miroslav Deronjić, witness statement, 25 November 2003), paras 1-3, 46, 215, 231, p. 1; P2509 (Miroslav Deronjić, *Milošević* transcript, 26-27 November 2003), p. 29617, 29935, 29939, 29966; P2510

very close. Either way, recalling its discussion in chapter 6.7.2 about the attribution of the acts of the DB employees to the Accused, the Trial Chamber considers that the mere fact that Kostić and Pavlović were DB employees at the relevant time (assuming it was the case for the latter), does not mean that their acts can be attributed to the Accused. In the absence of any further evidence in this respect, the majority, Judge Picard dissenting, cannot determine the role of the Accused in these arming activities. Consequently, the majority, Judge Picard dissenting, is unable to conclude that the Accused directed and organised logistical support for the Zvornik TO.

2286. In relation to the financing of the Zvornik TO, in view of the evidence received, the Trial Chamber observes that the interim government of Zvornik financed the activities of the Zvornik TO and paid salaries to its members. In the absence of any further evidence in this respect, the Trial Chamber is unable to conclude that the Accused directed and organised the financing of the Zvornik TO.

2287. As for the training, considering the evidence before it,[4888] the Trial Chamber observes that between May and early July 1992, Captain Dragan trained *inter alia* Zvornik TO members at the Divič training centre near Zvornik town. In this respect, the Trial Chamber recalls that Captain Dragan was initially a member of the Unit, but that he ceased to be a member after August 1991.[4889] The Trial Chamber has further considered the evidence of Miroslav Deronjić about Simatović's meeting with the Zvornik leadership, but it is not convinced that this meeting referred to the Divič camp, which had apparently already existed at the time, and was in fact closed sometime before 5 July 1992. In any event, the Trial Chamber does not consider that this evidence alone is conclusive as to the role of Simatović in the establishment of the Divič centre. Either way, further documentary evidence, as well as the evidence of Milovanović suggest that the training centre at Divič belonged to the VRS. Consequently, the majority, Judge Picard dissenting, is unable to conclude that the Accused directed and organised training for the Zvornik TO.

(Miroslav Deronjić, *Krajišnik* transcript, 12-13, 16, 18-19 February 2004), pp. 856, 858-859, 862-865, 867-868, 873, 909, 923, 1126, 1223.

[4888] The evidence of Witness JF-026, Witness B-161, Manojlo Milovanović, and documentary evidence, including Reports P1406, P1407, and P1408.

[4889] See chapters 6.3.2 and 6.3.3 in relation to the Brčko camp.

6.7.7 The Accused failed to instruct the Zvornik TO units to refrain from committing unlawful acts

2288. According to the Indictment, the Accused failed to instruct the Zvornik TO units to refrain from committing unlawful acts.[4890] The Prosecution did not address these charges in its Final Trial Brief.

2289. The Trial Chamber has not received any specific evidence in this respect. As specified in the present chapter, the Trial Chamber did not find that the links between the Accused and the Zvornik TO were of such nature that they could give rise to an obligation to instruct the Zvornik TO to refrain from committing unlawful acts.

[4890] Indictment, paras 5, 15(c).

6.8 Channels of communication

2290. According to the Indictment, the Accused participated in the joint criminal enterprise by providing "channels of communication" between and among its core members in Belgrade, in the specific regions, and locally throughout the Indictment period.[4891] In its Final Trial Brief, the Prosecution argue specifically that Stanišić served as a channel of communication between Milošević, on the one hand, and Martić and Babić, on the other; between Milošević, on the one hand, and Hadžić and the RSK government, on the other; and between Milošević and Karadžić.[4892] With regard to Simatović, the Prosecution argue that he served as a channel of communication through intelligence-gathering.[4893] In that capacity, both of the Accused co-ordinated a large, geographically dispersed and multi-faceted joint criminal enterprise composed of powerful personalities who were aligned along the common criminal purpose.[4894] The Trial Chamber understands the allegation in this respect to mean that the Accused enabled, or at least greatly facilitated contact between the alleged members of the joint criminal enterprise.

2291. Besides the evidence reviewed below, the Trial Chamber has also considered the evidence on contacts between the Accused and other alleged members of the joint criminal enterprise reviewed in other sections of the Judgement, including the evidence on the contacts between Martić and the Accused reviewed in chapters 6.3.2 in relation to the Golubić camp and chapter 6.6.2.

2292. With regard to serving as a channel of communication between Milošević, on the one hand, and Martić and Babić, on the other, the Trial Chamber has considered relevant evidence of, *inter alia*, Witness JF-039, Milan Babić, and documentary material.

2293. **Witness JF-039**, a Serb from Croatia,[4895] testified that in late November or early December 1990, a group of expert technicians from the Serbian DB came to Knin and at this time, Martić was provided with a direct telephone line to Stanišić.[4896] Simatović was also present at this visit in Krajina.[4897] According to the witness, around this time "it was

[4891] Indictment, para. 15 (a).
[4892] Prosecution Final Trial Brief, 14 December 2012, paras 187, 669-681.
[4893] Prosecution Final Trial Brief, 14 December 2012, paras 192, 682-684.
[4894] Prosecution Final Trial Brief, 14 December 2012, paras 187-189, 192, 668-682, 729, 734.
[4895] P978 (Witness JF-039, witness statement, 12 September 2003), p. 1, paras 1, 5, 23; P977 (Witness JF-039, prior testimony), pp. 1958-1959.
[4896] P978 (Witness JF-039, witness statement, 12 September 2003), paras 22, 26; P977 (Witness JF-039, prior testimony), pp. 1992, 1996, 2085-2086; Witness JF-039, T. 7345.
[4897] P977 (Witness JF-039, prior testimony), pp. 1991-1992; Witness JF-039, T. 7345.

becoming clear" that all contacts from the Krajina to Belgrade had to go through Stanišić.[4898] Witness JF-039 testified that after Martić's meeting in Belgrade of January 1991 reviewed in chapter 6.3.2 in relation to the Golubić camp, Martić would go to Belgrade often to meet with Stanišić.[4899] Stanišić also came to Martić's home in June or July 1993.[4900] Martić referred to Stanišić as his "brother" and that he trusted him 100 per cent.[4901] Martić would often brag that Stanišić trusted him more than Babić.[4902] Often after the meetings in Belgrade, Martić would comment that Stanišić had said that "Slobo" (Slobodan Milošević) had agreed with this or that, or that "Slobo" had approved that this or that should be done.[4903] Martić would refer to Milošević as "the boss".[4904] The witness testified that on at least two or three occasions Martić was brought to Stanišić's office and was picked up later from Milošević's office at the Presidency.[4905] The witness believed that the first time this happened was just before the elections in 1993.[4906] When Martić was elected President of the RSK he was given a home, with his own staff, in the diplomatic area of Belgrade.[4907]

2294. The Trial Chamber has received evidence with regard to direct contacts, without any enabling or facilitating role of Stanišić, between Milošević, on the one hand, and Martić and Babić, on the other. For example, **Babić** stated that in early August 1990, several persons from the SDS, including Milan Martić, suggested that he should seek Milošević's help to protect the Serbs in Croatia.[4908] He was advised to contact Milošević through members of the Presidency and he did so.[4909] Babić also stated that Milošević met with him on 20 March 1991, when Stanišić and Radmilo Bogdanović were present, to discuss the issue of providing weapons for Krajina.[4910] Between October 1990 and the end of 1991, Babić met directly with

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[4898] P978 (Witness JF-039, witness statement, 12 September 2003), para. 22.
[4899] P977 (Witness JF-039, prior testimony), p. 1995.
[4900] P978 (Witness JF-039, witness statement, 12 September 2003), para. 26; P977 (Witness JF-039, prior testimony), p. 1995.
[4901] P978 (Witness JF-039, witness statement, 12 September 2003), para. 21; P977 (Witness JF-039, prior testimony), p. 2144.
[4902] P978 (Witness JF-039, witness statement, 12 September 2003), para. 26.
[4903] P978 (Witness JF-039, witness statement, 12 September 2003), para. 39.
[4904] P977 (Witness JF-039, prior testimony), pp. 1998-1999.
[4905] P978 (Witness JF-039, witness statement, 12 September 2003), para. 70; P977 (Witness JF-039, prior testimony), pp. 1996-1997.
[4906] P978 (Witness JF-039, witness statement, 12 September 2003), para. 70.
[4907] P978 (Witness JF-039, witness statement, 12 September 2003), para. 70; P977 (Witness JF-039, prior testimony), pp. 2167-2168.
[4908] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1365; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 12912-12913, 12915; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3344.
[4909] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1365-1368.
[4910] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1525-1526; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13103; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), pp. 3350-3351.

Milošević around 20 times.[4911] With regard to Martić, on 12 November 1991 Milošević and representatives of the Serbian government met with representatives of the SAO Krajina government at the office of the President. Hadžić and Martić, among others, attended this meeting.[4912] The participants discussed financial assistance to the Krajina, including for the RSK MoD.[4913] The Trial Chamber has also considered an intercepted communication between Martić and Milošević taking place on 4 October 1994, as reviewed in chapter 6.7.2. The Trial Chamber has further considered three intercepts of telephone conversations between Babić and Karadžić in July and September 1991.[4914]

2295. With regard to acting as a channel of communication between Milošević and Karadžić the Trial Chamber has considered a number of intercepts of telephone conversations. The Prosecution argue that Stanišić functioned as the "gatekeeper" between Milošević and Karadžić, which the Trial Chamber understands to mean that Stanišić decided when and how Karadžić could communicate with Milošević.[4915] In this respect, the Prosecution refers to intercepts of five telephone conversations between Karadžić and Stanišić, in August and November 1991 and January 1992.[4916] The Trial Chamber notes that at least some of the intercepts contain references to Karadžić trying to speak to, or arrange a meeting, with Milošević.[4917]

2296. The Trial Chamber has also received evidence about direct contacts between Milošević and Karadžić, which did not involve the Accused. In a telephone conversation of 20 June 1991, Karadžić informs a person called Vukić that he had contact with Milošević every single

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[4911] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1368; P1879 (Milan Babić, *Krajišnik* transcript, 2-4, and 7 June 2004), p. 3344.
[4912] P1886 (Record of a meeting of the SAO Krajina representatives with Slobodan Milošević, signed by the Minister of Defence, Stojan Spanović), p. 1.
[4913] P1886 (Record of a meeting of the SAO Krajina representatives with Slobodan Milošević, signed by the Minister of Defence, Stojan Spanović), pp.2-3.
[4914] P629 (Intercepted telephone conversation between Radovan Karadžić and Milan Babić, 17 July 1991); P637 (Intercepted telephone conversation between Radovan Karadžić and Milan Babić, 8 September 1991); P638 (Intercepted telephone conversation between Radovan Karadžić and Milan Babić, 8 September 1991). See also P618 (Intercepts Authentication Spreadsheet, 19 July 2010), pp. 2-3.
[4915] Prosecution Final Trial Brief, paras 676-677.
[4916] Prosecution Final Trial Brief, paras 676-677. See P631 (Intercepted telephone conversation between Jovica Stanišić and Radovan Karadžić, 8 August 1991); P670 (Intercepted telephone conversation between Jovica Stanišić and Radovan Karadžić, 28 November 1991); P671 (Intercepted telephone conversation between Jovica Stanišić and Radovan Karadžić, 29 November 1991); P683 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 5 January 1992); P684 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 5 January 1992). See also P618 (Intercepts Authentication Spreadsheet, 19 July 2010), pp. 2-3, 7-8.
[4917] See P670 (Intercepted telephone conversation between Jovica Stanišić and Radovan Karadžić, 28 November 1991); P671 (Intercepted telephone conversation between Jovica Stanišić and Radovan Karadžić, 29 November 1991). See also P666 (Intercepted telephone conversation between Jovica Stanišić and Ljilja Karadžić, 12

day and that he was also in contact with Jović.[4918] The Trial Chamber has reviewed intercepts of numerous telephone conversations between Karadžić and Milošević from July through December 1991, in which the two discussed various political and military matters.[4919]

2297. With regard to acting as a channel of communication between Milošević, on the one hand, and Hadžić and the RSK government, on the other, the Prosecution relies primarily on the evidence of Borislav Bogunović and Witness JF-032.[4920]

2298. **Borislav Bogunović**, the SBWS Minister of Interior between May and December 1991,[4921] testified that as early as 2 May 1991, discussions were held in Novi Sad and Belgrade about the formation of a government for the SAO SBWS. Milošević attended the discussions along with Hadžić, among others.[4922] Stanišić was also present at some of the meetings. The witness testified that Hadžić visited Belgrade for meetings five or six times between January and August 1991.[4923] According to the witness, after his appointment as President, Hadžić went to Belgrade a number of times to meet with Milošević and Stanišić.[4924] Hadžić would return from these meetings and issue instructions to the Government.[4925] On some occasions the instructions would be in the nature of recommendations; on others, Hadžić would state clearly that the Government was required by

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November 1991); P715 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 6 January 1992).

[4918] P621 (Intercepted telephone conversation between Radovan Karadžić and Vukić, 20 June 1991), p. 2. See also P618 (Intercepts Authentication Spreadsheet, 19 July 2010), p. 1.

[4919] See, for example, P625 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 28 June 1991); P626 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 8 July 1991); P641 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, undated); P645 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 20 December 1991); P646 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 10 September 1991); P651 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 8 October 1991); P660 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991); P661 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 29 October 1991); P662 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 29 October 1991); P667 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 15 November 1991); P669 (Intercepted telephone conversation between Slobodan Milošević and Radovan Karadžić, 23 November 1991); P675 (Intercepted telephone conversation between Radovan Karadžić and Slobodan Milošević, 17 December 1991); P677 (Intercepted telephone conversation between Slobodan Milošević and Radovan Karadžić, 20 December 1991). See also P618 (Intercepts Authentication Spreadsheet, 19 July 2010), pp. 1-2, 4-8.

[4920] Prosecution Final Trial Brief, paras 672-673.

[4921] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 6, 8, 73; Borislav Bogunović, T. 6005.

[4922] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 6, 62-63; P555 (Photo spread no. SWK-01 and List no. 2, November 1991).

[4923] Borislav Bogunović, T. 5972-5973.

[4924] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 17, 83; P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 15; Borislav Bogunović, T. 6042-6043.

[4925] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 15; Borislav Bogunović, T. 6042-6043.

Belgrade to take a particular course of action.[4926] According to Bogunović, Hadžić would mention Milošević's name, rather than Stanišić's, in connection with the instructions received from Belgrade.[4927] Bogunović testified that Hadžić must have had the approval of key players in Belgrade, including Milošević, in order to maintain his position.[4928] Further, the witness's impression was that Milošević controlled Hadžić through Arkan and Badža and that Stanišić was the link between Milošević and Arkan and Badža (see chapter 6.4.3).[4929] Bogunović testified that even more frequently than Belgrade, Hadžić would go to Novi Sad to attend meetings of the regional government or regional council, where he would seek advice on matters such as the sale of agricultural produce to Serbia and the Government's lack of finances.[4930]

2299. **Witness JF-032**, a former police officer from the SAO SBWS,[4931] provided evidence about a specific visit by Stanišić to the SAO SBWS. He testified that around 19 or 20 September 1991, Stanišić arrived to the SAO SBWS government building, and began yelling at people and berating them because Vukovar had not surrendered yet.[4932] Stanišić told those present that they had all the necessary equipment for operations and should use it to their advantage.[4933] He asked to speak to Hadžić.[4934] There were several men with him, including Kostić and Kojić.[4935] Stanišić called a meeting that evening in the government office in Dalj with Hadžić, Milan Milanović a.k.a. Mrgud, Kojić, Jovica Vučenović, Slavko Dokmanović (the president of the Vukovar municipality), Zavišić, representatives of the JNA, and all the TO Commanders.[4936] The witness heard that the purpose of the meeting was to discuss the situation of Vukovar.[4937] After the meeting, Stanišić returned to Belgrade.[4938]

[4926] Borislav Bogunović, T. 6046-6047.
[4927] Borislav Bogunović, T. 6043.
[4928] P553 (Borislav Bogunović, witness statement, 6 June 2003), paras 82-83.
[4929] P554 (Borislav Bogunović, witness statement, 8 February 2007), para. 18.
[4930] Borislav Bogunović, T. 5974-5975.
[4931] P401 (Witness JF-032, witness statement, 17 May 1999), pp. 1-2; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15119, 15217, 15291; Witness JF-032, T. 4672-4673 4743, 4795.
[4932] P401 (Witness JF-032, witness statement, 17 May 1999), p. 8; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15178-15179, 15315-15316; Witness JF-032, T. 4658-4660, 4662, 4755-4758.
[4933] P401 (Witness JF-032, witness statement, 17 May 1999), p. 8.
[4934] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15178-15179, 15315-15316; Witness JF-032, T. 4658-4660, 4757-4758.
[4935] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), p. 15179.
[4936] P401 (Witness JF-032, witness statement, 17 May 1999), p. 8; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15179-15180, 15317, 15319; Witness JF-032, T. 4659-4662, 4759-4760.
[4937] P401 (Witness JF-032, witness statement, 17 May 1999), p. 8; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15180-15181; Witness JF-032, T. 4662.
[4938] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15180-15181; Witness JF-032, T. 4662.

2300. **Witness JF-029**, who was a high-ranking official in the RSK MoD from 1991 to April 1996,[4939] testified that between 1991 and 1995, he met Stanišić between five and ten times and they exchanged information about the political and security situation in SBWS.[4940] The witness had a telephone line installed to allow for direct communication with members of the Serbian Ministry of Foreign Affairs, the MUP, and other parts of the Serbian government.[4941] Using these lines, he was in direct contact with Stojičić, Milan Milutinović, and the office of President Milošević.[4942] The witness also had direct contact with the VJ.[4943] The witness points to one example, when he received a message from Milošević, through Stanišić, when Milošević and Stanišić were in Dayton in 1995.[4944]

2301. With regard to Simatović's intelligence gathering, the Prosecution rely on Krajina TO reports addressed to "Frenki" and the evidence of Aco Drača as to Simatović's activities in the SAO Krajina in 1991.[4945] Between 21 July and 8 August 1991, SAO Krajina TO staff regularly sent daily reports on the situation in their zone of responsibility addressed to, *inter alia*, the President of the Council for National Defence or the Supreme Commander of the SAO Krajina TO and "Frenki".[4946] As explained in chapter 6.3.2, the Trial Chamber does not find Drača's evidence in relation to Simatović's activities in the SAO Krajina in 1991 reliable. The Prosecution further rely on an Official Note of 27 June 1994 by the Deputy Chief of the Second Administration, Dragan Filipović, about incorporating an intelligence group of the

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[4939] Witness JF-029, T. 10004-10007, 10083, 10089, 10156; P1665 (Pseudonym sheet, Witness JF-029); P1668 (Table of documents reviewed by Witness JF-029 with comments, 7 December 2010), pp. 5, 8-9, 11; P1678 (Order appointing Witness to a position within the MoD, signed by Goran Hadžić on behalf of Ilija Kojić, 19 December 1991); P1685 (RSK MoD Decision assigning Witness JF-029 a position, signed by Minister Colonel Stojan Španović, 1 February 1993); P1689 (RSK Government Decision assigning Witness JF-029 a position, signed by Prime Minister Borislav Mikelić, 6 July 1994,); P1692 (VJ Decision assigning Witness JF-029 a position in the RSK MoD, signed by officer Stevo Medaković, 30 October 1995); D212 (Transcript of testimony of Witness JF-029 before a local court on 24 October 2006), pp. 4, 15-16, 43.
[4940] Witness JF-029, T. 10065-10069, 10082.
[4941] Witness JF-029, T. 10023, 10072-10075.
[4942] Witness JF-029, T. 10023, 10074-10075.
[4943] Witness JF-029, T. 10075.
[4944] Witness JF-029, T. 10046-10049.
[4945] Prosecution Final Trial Brief, para. 682.
[4946] P2670 (Daily report of the SAO Krajina TO, submitted by Captain Petar Maglov, 27 July 1991); P2671 (Daily report of the SAO Krajina TO, signed by Captain Dušan Miljević, 28 July 1991); P2672 (Daily report of the SAO Krajina TO, submitted by Dušan Miljević, 26 July 1991); P2674 (Daily report of the SAO Krajina TO, signed by Captain Petar Maglov, 21 July 1991); P2675 (Daily report of the SAO Krajina TO, signed by Captain Petar Maglov, 29 July 1991); P2676 (Daily report of the SAO Krajina TO, signed by Captain Petar Maglov, 8 August 1991); P2677 (Daily report of the SAO Krajina TO, submitted by Lieutenant Slavenko Milivojević, 7 August 1991); P2678 (Daily report of the SAO Krajina TO, signed by Captain Petar Maglov, 4 August 1991); P2679 (Daily report of the SAO Krajina TO, signed by Captain Dušan Miljević, 3 August 1991); P2680 (Daily report of the SAO Krajina TO, signed by Captain Petar Maglov, 2 August 1991); P2681 (Daily report of the SAO Krajina TO, signed by Captain Rajko Stojavković, 1 August 1991); P2682 (Daily report of the SAO Krajina TO, submitted by Captain Petar Maglov, 31 July 1991).

Bosnian-Serb Republic into the intelligence system of the Serbian DB.[4947] The preliminary discussions on this were held by Filipović and Simatović.[4948]

2302. Based on the evidence reviewed above, and evidence reviewed elsewhere in the Judgement concerning contacts between the Accused and other alleged members of the joint criminal enterprise, the Trial Chamber finds that the Accused were in direct and frequent contact with many of these members. The Trial Chamber further finds that, on occasion, Stanišic acted in a liaison capacity at least in the contacts between Milošević and Martić, as well as Milošević and Karadžić, when he passed on messages and information. However, the evidence also indicates that Milošević was also in direct contact with both Martić and Karadžić, without any involvement by Stanišić. The evidence further indicates that there was regular direct contact between Milošević, on the one hand, and Babić, on the other. Therefore, the majority, Judge Picard dissenting, cannot conclude that Stanišić enabled, or even greatly facilitated, contact between the aforementioned alleged members of the joint criminal enterprise.

2303. With regard to the contacts between Milošević, on the one hand, and Hadžić and the RSK government, on the other, the Trial Chamber has considered Bogunović's conclusion about Milošević controlling Hadžić through Arkan and Badža, and Stanišić being the link between Milošević, on the one hand, and Arkan and Badža, on the other. As stated in chapter 6.4.3, the Trial Chamber is unable to come to this same conclusion based on this evidence, which lacks sufficient foundation. Based on the evidence received, the Trial Chamber does not consider that Stanišić had any enabling or facilitating role in the contacts between Milošević, on the one hand, and Hadžić and the RSK government, on the other.

2304. With regard to Simatović, the evidence indicates that he received intelligence from various sources but the Trial Chamber is unable to conclude that he acted as a channel of communication between and among core members of the joint criminal enterprise.

[4947] Prosecution Final Trial Brief, 14 December 2012, para. 683.
[4948] P2420 (Official Note of DB Second Administration concerning Tajfun group, 27 June 1994), p. 1.

6.9 Mens rea of Jovica Stanišić

2305. According to the Indictment, from no later than April 1991 until at least 31 December 1995, Jovica Stanišić shared the intent to further the common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina, through the commission of murder, deportation, forcible transfer, and persecution. Alternatively, the common criminal purpose was to forcibly and permanently remove non-Serbs from these areas through deportation and forcible transfer, and the crimes of persecution and murder were reasonably foreseeable to Stanišić.[4949]

2306. The Prosecution argues that the Accused's contributions to the criminal plan reflected their intent, "particularly their massive and complex arming and training schemes, which stretched across the entire Indictment area during the Indictment period, and their repeated pattern of deploying [the Unit, the SDG, and the Skorpions]".[4950] In addition, in its Final Trial Brief, the Prosecution refers to discrete examples of actions taken, or words uttered, which allegedly demonstrate that Stanišić shared the common criminal purpose.[4951] The Trial Chamber will first review the evidence on these specific examples, and proceed to analyse what can be inferred with regard to Stanišić's intent from his actions (which are dealt with in detail in chapters 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8).

2307. With regard to "words uttered", the Prosecution refers specifically to a telephone conversation between Stanišić and Radovan Karadžić on 22 January 1992.[4952] In this conversation, Karadžić informed Stanišić that they had had talks with the Croats who, according to him, were also worried about the plebiscite and a sovereign Bosnia-Herzegovina. Karadžić had informed the Croats that "we do not want any division of [Bosnia-Herzegovina], because it is both unpopular and unnecessary".[4953] Karadžić stated that he had told a man close to Tuđman that the Serbs and Croats might resolve their contentious issues within a month or two. He continued: "With elasticity and goodwill they could settle their disagreement. Otherwise, they are in for thirty years of torture. With the Blue Helmets, with disagreements, with all sorts of things …". Stanišić then said: "With killings." and continued: "No. We'll then have to push them to go to Belgrade, you know! […] There is nothing else

[4949] Indictment, paras 11, 14.
[4950] Prosecution Final Trial Brief, 14 December 2012, para. 685.
[4951] Prosecution Final Trial Brief, 14 December 2012, paras 687-695
[4952] Prosecution Final Trial Brief, 14 December 2012, paras 687-689. See P690 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 22 January 1992).
[4953] P690 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 22 January 1992), p. 5.

left for us to do. […] Or we'll exterminate them completely so let's see where we'll end up." Karadžić agreed. Stanišić added: "No, if they want it, they'll have it. Then they'll have an all-out war. […] Better do it like decent people".[4954]

2308. The Prosecution argues that this conversation shows that Stanišić viewed killing and extermination as appropriate ways to achieve the common goals in Croatia and that the remark about extermination cannot be dismissed as "a figure of speech".[4955] The Stanišić Defence argues that the conversation should be viewed in light of other conversations between Stanišić and Karadžić around the same time, dealing with the two persons' frustration with Babić and the RSK leadership for not coming to an agreement with Croatia.[4956] According to the Stanišić Defence, "[t]he proposition that a single remark can stand as any evidence of Stanišić's criminal intent is a distortion of the remark and the context of the conversation".[4957]

2309. The Trial Chamber considers that the exchange between Karadžić and Stanišić appears to have been about the conflict in Croatia, and the difficulties and risks should there be no agreement between the conflicting parties. In this respect, Karadžić expressed that Serbs and Croats could, "with elasticity and goodwill", come to an agreement and the two men spoke about what could happen if Serbs and Croats failed to do so, which according to Stanišić included killings. The majority, Judge Picard dissenting, considers Stanišić's reference to killings and his remark that "we'll exterminate them completely" to be too vague to be construed as support for the allegation that Stanišić shared the intent to further the alleged common criminal purpose. In this respect, the majority considers that Stanišić later spoke of having an "all-out war" and ended the exchange with "[b]etter do it like decent people".

2310. The Prosecution further argues that Stanišić shared the intent to advance the common criminal purpose by his words and actions during a meeting in Belgrade on 13-14 December 1993.[4958] According to the relevant excerpts from Mladić's diary, Stanišić attended this meeting together with, among others, Milošević, Perišić, Sokolović, Tepavčević, and Mrkšić from Serbia and Karadžić, Krajišnik, Mladić, Milovanović, and Kovač from the Bosnian-Serb

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[4954] P690 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 22 January 1992), pp. 6-7.
[4955] Prosecution Final Trial Brief, 14 December 2012, paras 687, 689; T. 20193.
[4956] T. 20284-20287. See also P683 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 5 January 1992); P686 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 7 January 1992); P687 (Intercepted telephone conversation between Radovan Karadžić and Jovica Stanišić, 12 January 1992).
[4957] T. 20287.
[4958] Prosecution Final Trial Brief, 14 December 2012, paras 139, 695.

Republic. At the outset, Stanišić noted that the meeting was scheduled on the Bosnian-Serb Republic delegation's initiative and set out the purpose of the meeting: "it is because of your initiative that we are meeting in order to improve /your/ operational and tactical position and see about help from Serbia". Karadžić observed that the conditions at the time were most favourable for them as they were holding 75 per cent of the territory and they were willing to end the war. He acknowledged that part of that territory would have to be returned because of the demands of the international community. He set out their strategic goals, and indicated that the one about having a part of Sarajevo was a priority.[4959] The strategic goals also included "border separation of the state from the other two national communities" and to establish territorial control over a number of areas.[4960] On the second day of the meeting, Stanišić stated: "we can spare 100 to 120 men and Karišik". He added that their combat group was ready to set out the following day. Kovač added that he was prepared to engage approximately 200 men who could engage in combat in two days. [4961]

2311. **Manojlo Milovanović**, the Chief of the Main Staff of the VRS between May 1992 and 1996,[4962] testified that the meeting was chaired by Slobodan Milošević, but called by Karadžić.[4963] He testified that Stanišić opened the meeting as the host because it was held at the DB building.[4964] In relation to the entry recorded by Mladić under Stanišić's name, "we can spare 100-120 men and Karišik", Milovanović testified that this did not mean that Stanišić was offering Karišik to the VRS as Karišik was already part of the VRS, but rather that Stanišić was offering to place 100-120 men under Karišik for activities around Sarajevo.[4965] The witness testified that Stanišić never sent any men to be placed under Karišik but that instead 100-120 men arrived from the 72nd Brigade of the VJ Special Forces Corps.[4966]

2312. Having reviewed P2532, the Trial Chamber concludes that the meeting of 13-14 December 1993 was about the practical and logistical possibilities for Serbia to provide military assistance to the Bosnian-Serb Republic. On the basis of the notes themselves and the testimony of Milovanović, it is clear that, while the meeting was held at the DB building, Stanišić neither initiated nor chaired it. According to the notes, Stanišić made only limited

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[4959] P2532 (Excerpts of Mladić's diary, 13 December 1993), pp. 1-2.
[4960] P942 (Decision regarding strategic goals of the Serbian people in Bosnia-Herzegovina, 12 May 1992); P2532 (Excerpts of Mladić's diary, 13 December 1993), p. 1.
[4961] P2532 (Excerpts of Mladić's diary, 13 December 1993), p. 8.
[4962] P375 (Curriculum vitae of witness Manojlo Milovanović), p. 2.
[4963] Manojlo Milovanović, T. 15445.
[4964] Manojlo Milovanović, T. 15446; P2532 (Excerpts of Mladić's diary, 13 December 1993), p. 1.
[4965] Manojlo Milovanović, T. 15446-15447; P2532 (Excerpts of Mladić's diary, 13 December 1993), p. 8.
[4966] Manojlo Milovanović, T. 15448.

contributions to the discussion at the meeting. The majority, Judge Picard dissenting, does not consider that Stanišić's seemingly limited participation shows that he shared the intent to further the alleged common criminal purpose. In this respect, the majority considers that the link between Stanišić's offer to send 100 to 120 men for activities around Sarajevo and the forcible and permanent removal, through deportation and forcible transfer, of non-Serbs from areas of Croatia and Bosnia-Herzegovina cannot be inferred from the context of the meeting or the content of the discussion.

2313. The Prosecution submits that Stanišić demonstrated his intent to further the common criminal purpose by personally involving himself in the Vukovar operation in 1991. The Prosecution specifically points to Stanišić's visit to Dalj in September 1991 where he demonstrated anger that Vukovar had not yet fallen.[4967] The Stanišić Defence submits that the evidence on this matter is not corroborated, with only Witness JF-032 testifying about it. Neither Borislav Bogunović nor Witness JF-029, who could have been expected to know about this incident, provided any evidence in relation thereto.[4968]

2314. **Witness JF-032**, a former police officer from the SAO SBWS,[4969] testified that around 19 or 20 September 1991, Jovica Stanišić, accompanied by four or five Belgrade licensed jeeps, arrived at the SAO SBWS government building in Dalj, and began yelling at people and berating them because Vukovar had not surrendered yet.[4970] Stanišić told those present that they had all the necessary equipment for operations and should use it to their advantage.[4971] He asked to speak to Hadžić.[4972] There were several men with him, including Kostić, Zavišić, and Kojić.[4973] Stanišić called a meeting that evening in the government office in Dalj with Hadžić, Milan Milanović a.k.a. Mrgud, Kojić, Jovica Vučenović, Slavko Dokmanović – the president of the Vukovar municipality, Zavišić, representatives of the JNA,

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[4967] Prosecution Final Trial Brief, 14 December 2012, paras 690-693.
[4968] T. 20290-20291, 20403.
[4969] P401 (Witness JF-032, witness statement, 17 May 1999), pp. 1-2; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15119, 15217, 15291; Witness JF-032, T. 4672-4673, 4743, 4795.
[4970] P401 (Witness JF-032, witness statement, 17 May 1999), p. 8; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15178-15179, 15315-15316; Witness JF-032, T. 4658-4660, 4662, 4755-4758.
[4971] P401 (Witness JF-032, witness statement, 17 May 1999), p. 8.
[4972] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15178-15179, 15315-15316; Witness JF-032, T. 4658-4660, 4757-4758.
[4973] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), p. 15179. .

and all the TO Commanders.[4974] The witness heard that the purpose of the meeting was to discuss the situation of Vukovar.[4975] After the meeting, Stanišić returned to Belgrade.[4976]

2315. The Trial Chamber has not received evidence about what was discussed at the meeting called by Stanišić. Absent such information, the majority, Judge Picard dissenting, is unable to infer that Stanišić's presence at the meeting is evidence that he shared the common criminal purpose. In relation to his frustrations that Vukovar had not surrendered yet, the majority, Judge Picard dissenting, is similarly unable to infer that this can be interpreted as evidence that he shared the common criminal purpose. The majority, Judge Picard dissenting, considers that Stanišić's actions in relation to Vukovar can also reasonably be interpreted as that his intent was limited to support for the Serb forces' successful military take-over of Vukovar.

2316. The Trial Chamber has reviewed the evidence regarding Stanišić's telephone conversation with Karadžić in January 1992 and regarding the meetings in Belgrade in December 1993 and in Dalj in September 1991. For the reasons set out above, the majority, Judge Picard dissenting, does not consider this evidence sufficient to establish Stanišić's intent to further the alleged common criminal purpose through the commission of crimes.

2317. Absent direct evidence indicating that Stanišić shared the intent to further the alleged common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina, the Trial Chamber will now examine whether such intent can be inferred from his actions during the Indictment period. The Prosecution does not argue, and the Trial Chamber does not find that Stanišić carried out any acts from which it is possible to directly infer intent. Such acts would be those that are directly related to the alleged common criminal purpose, including criminal acts. Rather, the Prosecution argues that the intent can be inferred from Stanišić's acts in relation to the Serb Forces, including arming, training, and deploying them.[4977] For example, the Prosecution argues that the Accused's intent can, in part, be inferred from the evidence that the Accused knew that people over whom they had authority were committing crimes and continued to allow them to do so.[4978] According to the Prosecution, the Accused's intent can also be inferred from the evidence that they knew that other JCE members were contributing to the

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[4974] P401 (Witness JF-032, witness statement, 17 May 1999), p. 8; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15179-15180, 15317, 15319; Witness JF-032, T. 4659-4662, 4759-4760.
[4975] P401 (Witness JF-032, witness statement, 17 May 1999), p. 8; P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15180-15181; Witness JF-032, T. 4662.
[4976] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15180-15181; Witness JF-032, T. 4662.
[4977] Prosecution Final Trial Brief, 14 December 2012, para. 685.

commission of crimes, and that they continued to cooperate closely with them.[4979] Therefore, the Trial Chamber will consider Stanišić's acts with regard to the Serb Forces as well as whether the Serb Forces committed crimes which are part of the objective of the alleged joint criminal enterprise. The inference must be the only reasonable inference available on the evidence.[4980] The Trial Chamber will consider in turn, Stanišić's actions in relation to: the Unit, the SAO Krajina Police, the SDG, and the Skorpions.

2318. In relation to the Unit, the Trial Chamber recalls that the Accused directed and organized its formation; organized its involvement in a number of operations in Croatia and Bosnia-Herzegovina; and directed and organized its financing, logistical support, and other substantial assistance or support, throughout the Indictment period.[4981] From at least September 1991, the Accused were in command of the Unit and controlled its deployment and training activities through leading Unit members, such as Ivanović, who acted on behalf of the Accused and were immediately subordinate to them.[4982]

2319. The Trial Chamber will first consider Stanišić's actions in relation to the Unit's involvement in particular operations, before addressing the Unit's training activities.

2320. The Trial Chamber recalls its findings that Unit members committed the crimes of murder, deportation, forcible transfer, and persecution during two of the Unit's operations. Specifically, members of the Unit committed murder, deportation, forcible transfer, and persecution in Bosanski Šamac municipality and deportation, forcible transfer, and persecution in Doboj municipality in early 1992.[4983]

2321. The Trial Chamber further recalls that the Accused organized the involvement of the Unit in the Bosanski Šamac and Doboj operations in 1992.[4984] Specifically, with regard to Bosanski Šamac, the Trial Chamber recalls that in late March or early April 1992, Simatović held a meeting at the Pajzoš training camp and announced that the Unit would be deployed to Bosanski Šamac. He stated that the Unit's objective was to secure Bosanski Šamac and the surrounding Serb villages. The evidence does not provide further details as to the manner in

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[4978] Prosecution Final Trial Brief, 14 December 2012, paras 699, 719.
[4979] Prosecution Final Trial Brief, 14 December 2012, paras 699.
[4980] *Vasiljević* Appeal Judgement, paras 120, 128.
[4981] The Trial Chamber recalls its findings in relation to the Unit, including in 6.3.2 and 6.3.3 in relation to the Ležimir, Pajzoš, and Mount Ozren and Vila camps.
[4982] The Trial Chamber refers to its findings in 6.3.3 in relation to the Ležimir camp.
[4983] The Trial Chamber refers to its findings in chapters 3.4.1, 3.4.2, and 3.5.2.
[4984] The Trial Chamber refers to its findings in chapter 6.3.3 in relation to the Pajzoš camp and the Mount Ozren and Vila camps.

which the Accused deployed the Unit to Doboj, for instance with regard to the selection of Unit members for the operations or the briefings or instructions provided in relation thereto.

2322. As set out in chapter 6.3.3, the Trial Chamber did not find that the Accused personally directed the Unit during the Bosanski Šamac and Doboj operations. There is no evidence that either of the Accused instructed the Unit to commit crimes in Bosanski Šamac or Doboj. In fact, there is no evidence that Stanišić provided any orders, instructions, or information to the Unit in connection with either operation. Nor does the evidence establish that the Accused otherwise influenced the manner in which the operations were to be conducted. During the Bosanski Šamac operation, the Unit was subordinated to the JNA.

2323. Nonetheless, given their role vis-à-vis the Unit set out above and the scope of the crimes, the Trial Chamber is satisfied that the Accused must have known that Unit members committed crimes in Bosanski Šamac. Subsequently, in the awareness that Unit members had committed crimes in Bosanski Šamac, the Accused organized the Unit's involvement in the Doboj operations. Although the Unit's composition differed between the Bosanski Šamac and Doboj operations,[4985] the Trial Chamber considers that, after the Bosanski Šamac crimes, it may have been reasonably foreseeable to the Accused that Unit members would commit crimes in Doboj. The Trial Chamber will further address this matter below.

2324. In determining what can be inferred from the Unit's operations, the Trial Chamber has further considered evidence indicating that Stanišić organized the involvement of the Unit in various operations in which it cooperated with or was subordinate to others who may have had the intent to further the alleged common criminal purpose. In this respect, the Trial Chamber recalls its findings in relation to the Skelani operations in early 1993, that the Unit cooperated with Sešelj's Chetnik volunteers, the VRS, VJ, and Serbian PJM units, and the evidence it reviewed suggesting that the Unit operated as part of Tactical Group 1 under the command of General Mrkšić.[4986] Prior to these operations, in November 1992, Mladić had

[4985] The Trial Chamber refers to its findings that during the Bosanski Šamac operations around April 1992, the Unit was commanded by Dragan Đorđević (a.k.a. Crni) and the unit was composed partly of new members who had been recruited and trained at the Pajzoš camp in early 1992. These members included former SRS volunteers such as Slobodan Miljković (a.k.a. Lugar), Srećko Radovanović (a.k.a. Debeli), and Goran Simović (a.k.a. Tralja). Evidence reviewed in relation to the Pajzoš camp in chapter 6.3.3 indicates that part of the Unit which had operated in Bosanski Šamac was practically disbanded following the operations. Evidence reviewed in the same chapter further indicates that Dragan Đorđević and Srećko Radovanović received positions in the VRS Posavina Brigade following the Bosanski Šamac operations. The Trial Chamber further refers to its findings that during the Doboj operations, in May and June 1992, the Unit was commanded by Radojica Božović and was composed partly of new members who had been recruited and trained at the Doboj camp from April 1992. On the basis of the evidence received, the Trial Chamber established that Aleksander Vuković (a.k.a. Vuk) participated in both the Bosanski Šamac and Doboj operations.

[4986] The Trial Chamber refers to chapter 6.3.3 in relation to the Skelani camp.

issued a directive to VRS forces, in which he instructed the Drina Corps in the wider Podrinje region to force the enemy to leave the Birač, Žepa, and Goražde areas together with the Muslim population.[4987] The evidence further indicates that immediately prior to the 1993 operations, Mrkšić gave a speech to VJ troops saying that Bosnian Muslims had taken the town of Skelani and that the area had to be cleansed of Muslims, because Serbia was in danger.[4988] The evidence does not establish that Mrkšić or Mladić discussed their intent with Stanišić or that Stanišić was otherwise informed of the directives and speeches Mrkšić and Mladić gave to the members of their armed forces. Nonetheless, in light of the totality of the evidence before it, the Trial Chamber considers it likely that Stanišić would have been aware of their intent, but still deployed the Unit in operations in which it cooperated with members of the VRS and the VJ and was subordinate to Mrkšić. The Trial Chamber will further address this matter below.

2325. The Trial Chamber understands the above crimes in Bosanski Šamac and Doboj to have been committed in the context of the Unit's operations in those areas in early 1992. These operations involved taking over territory that was not yet under the exclusive control of the Bosnian Serb municipal leadership and the Bosnian Serb armed forces.[4989] In this respect, these operations resemble the Unit's other operations. For example, the evidence indicates that the Unit's early operations in the SAO Krajina and the SAO SBWS in mid-to-late 1991 included reconnaissance activities of and attacks on territory not yet under the exclusive control of the SAO Krajina and SAO SBWS authorities and armed forces.[4990] Further, the evidence indicates that the Unit's later operations, including the Bratunac and Skelani operations in 1993 and the SBWS operations in 1995 were undertaken in response to military attacks by opposing forces, namely Naser Orić's forces' attacks in the Drina valley region in January 1993 and the Croatian forces' Operation Storm in the RSK in August 1995.[4991] With the exception of the Bosanski Šamac and Doboj operations in 1992, the Trial Chamber has not found that Unit members committed crimes during the operations in which they were involved.

[4987] The Trial Chamber refers to the VRS directive in evidence as P385 reviewed in chapter 6.10.
[4988] See the evidence of Witness JF-033 reviewed in chapter 6.3.3 in relation to the Skelani camp.
[4989] The Trial Chamber refers to its findings in 3.4.2 and 3.5.2 on the attacks and take-overs of territory, including the take-overs of Doboj town and Bosanski Šamac town.
[4990] The Trial Chamber refers to its findings in chapters 3.1.7, 6.3.2, and 6.3.3 on the attacks and take-overs of territory, including attacks on Glina and Struga and reconnaissance operations in the SBWS.
[4991] The Trial Chamber refers to the evidence reviewed in chapter 6.3.3 in relation to the Tara, Skelani, and Bratunac camps and chapter 6.5.3 in relation to the SBWS operations in 1995.

2326. As set out above, the Trial Chamber concludes that it may have been reasonably foreseeable to Stanišić that Unit members would commit crimes in Doboj municipality in 1992 and considers it likely that Stanišić knowingly deployed them in operations, including in Skelani in 1993, in which they cooperated with other forces and were subordinate to other persons who may have had the intent to further the alleged common criminal purpose. However, the majority, Judge Picard dissenting, does not consider that the only reasonable inference from Stanišić's actions with regard to the Unit's operations is that he shared the intent to further the alleged common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina. The majority, Judge Picard dissenting, allows for the reasonable possibility that Stanišić's intent in relation to the Unit's operations was limited to establishing and maintaining Serb control over large areas of Croatia and Bosnia-Herzegovina. The majority understands the evidence so as that it may have been reasonably foreseeable that crimes would be committed during the establishing and maintaining of Serb control but to be insufficient for the first form of JCE liability. Under these circumstances, the majority, Judge Picard dissenting, does not consider the evidence of Stanišić's actions in relation to the Unit's operations, in itself or in light of the totality of the evidence regarding the Accused, sufficient to establish beyond a reasonable doubt that Stanišić shared the intent to further the alleged common criminal purpose through the commission of crimes.

2327. The Trial Chamber now turns to what can be inferred from the Accused's actions with regard to the training of Serb forces between 1991 and 1995. The Trial Chamber recalls that in 1991, Simatović cooperated with Martić and Captain Dragan in the establishment and operation of a training camp at Golubić, which the Accused financed.[4992] Simatović also brought fuel, vehicles, supplies, and equipment to the camp. The Accused organized the training in 1991 of Unit members, 350-700 SAO Krajina Police and SAO Krajina TO members, and of forces known as the Kninžas at the Golubić camp and the Knin fortress.[4993] In September and October 1991, the Accused visited the Ležimir camp and told Unit members they would act as instructors or trainers.[4994] In June 1992, Simatović met with local municipal leaders in Bajina Bašta to discuss the establishment of training camps with instructors from Serbia.[4995]

[4992] In this respect, the Trial Chamber recalls its findings in chapter 6.3.2 in relation to the Golubić camp.
[4993] In this respect, the Trial Chamber recalls its findings in chapter 6.3.2 in relation to the Unit's formalization.
[4994] In this respect, the Trial Chamber recalls its findings in chapter 6.3.3 in relation to the Ležimir camp.
[4995] In this respect, the Trial Chamber recalls its findings in chapter 6.3.3 in relation the Skelani camp.

2328. In addition to the training of SAO Krajina Police, between 1991 and 1995, the Accused organized the training of members of other Serb forces. These forces included members of the Unit/the JATD, the SBWS MUP, police units, the VRS, the Skelani TO, the SVK, the JNA, and paramilitary units known as "Karaga's men" and the "Miće group". The training took place at training camps in Ležimir, Brčko, Pajzoš, Doboj, Tara, Skelani, Bratunac, Sova, Bilje, Zirište, the Surčin airport, the Banjica security centre, and Lipovica.[4996]

2329. The training provided at these camps was of a military nature. For example, training at Golubić included weapons and ambush training and training at Skelani included tactical exercises, physical conditioning and firing practice.[4997] Training at Golubić also included the treatment of POWs and the treatment of civilians in armed conflict.[4998] However, at Doboj, apart from general combat training, the Unit also trained its members in the use of human shields.[4999]

2330. The evidence received does not establish to what extent the Accused determined the specific content of the training at Doboj or other camps. In view of its findings, the Trial Chamber is satisfied the Accused organized the combat training of the aforementioned Serb forces. In some instances, members of the aforementioned Serb forces committed serious crimes against persons of non-Serb ethnicity in Croatia and in Bosnia-Herzegovina. For example, SAO Krajina Police who had previously been trained at Golubić participated in the attack on Saborsko.[5000] However, in view of the overall nature of the training provided, the majority, Judge Picard dissenting, does not consider that the only reasonable inference from Stanišić's actions with regard to the Unit's training of Serb forces is that he shared the intent to further the alleged common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina. In this respect, the majority, Judge Picard dissenting, does not consider its finding that on one occasion in Doboj, the Unit trained its members in an unlawful means of warfare (the use of human shields), in itself, indicative of the intent to forcibly and permanently remove non-Serbs from certain areas. The majority, Judge Picard dissenting, allows for the reasonable possibility that Stanišić's intent in relation to the Unit's training of Serb forces was limited to assisting these forces in establishing and maintaining Serb control over large areas of Croatia and Bosnia-

[4996] In this respect, the Trial Chamber recalls its findings in chapter 6.3.3 in relation to the Ležimir, Brčko, Pajzoš, Mount Ozren and Vila, Tara, Skelani, Bratunac, and Bilje camps.
[4997] In this respect, the Trial Chamber recalls its findings in chapters 6.3.2 in relation to the Golubić camp and 6.3.3 in relation to the Skelani camp.
[4998] In this respect, the Trial Chamber recalls its findings in chapter 6.3.2 in relation to the Golubić camp.
[4999] The Trial Chamber refers to its findings in chapter 6.3.3 in relation to the Mount Ozren and Vila camps.

Herzegovina. Under these circumstances, the majority, Judge Picard dissenting, does not consider the evidence regarding Stanišić's actions in relation to the training of Serb forces, in itself or in light of the totality of the evidence regarding the Accused, sufficient to establish beyond a reasonable doubt that Stanišić shared the intent to further the alleged common criminal purpose through the commission of crimes.

2331. With regard to the SAO Krajina Police, the Trial Chamber recalls its findings that members of the SAO Krajina Police committed murders and persecution in the SAO Krajina in 1991 and participated in the commission of the deportation of between 80,000 and 100,000 Croat and other non-Serb civilians from the SAO Krajina between April 1991 and April 1992.[5001] The Trial Chamber has also found, in chapter 6.6, that, from late August 1990 to late May 1991, the Accused, among others, directed and organized the formation of the SAO Krajina Police in cooperation with Milan Martić. Between December 1990 and May or June 1991, the Accused directed and organized logistical support for the SAO Krajina Police through Stanišić arranging weapons for Martić and Simatović overseeing the delivery of arms and ammunition to Martić. Between December 1990 and September 1991, the Accused directed and organized the financing of the SAO Krajina Police through Stanišić's financial support for setting up at least two police stations in the Krajina, providing cash, and through Simatović personally delivering bags of cash to Martić on at least two occasions.

2332. During these actions and in relation to the Golubić training camp, the Accused cooperated closely with Milan Martić, who, as SAO Krajina Minister of Defence from May 1991[5002] and Minister of the Interior from June 1991,[5003] had authority over the SAO Krajina Police. Given the scale of the deportation committed by the SAO Krajina Police in 1991, the Trial Chamber is satisfied that the Accused must have known about the crimes committed by the SAO Krajina Police between April 1991 and April 1992. The Trial Chamber further recalls that Milan Martić personally participated in the deportation of non-Serbs from the SAO Krajina.[5004] The evidence does not establish to what extent Martić discussed his intent to deport non-Serbs with the Accused. Nonetheless, given their close cooperation and in view of the crimes committed by the SAO Krajina Police, the Trial Chamber is satisfied that the Accused must have known of his intent. In continuing to support the SAO Krajina Police and

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[5000] In this respect, the Trial Chamber recalls its findings in chapters 3.1.7 and 4.4.2.
[5001] In this respect, the Trial Chamber recalls its findings in chapters 3.1.7 and 4.4.2.
[5002] The Trial Chamber refers to its findings in chapter 6.6.2.
[5003] The Trial Chamber in this respect relies on Adjudicated Facts III-14 and 17 and the evidence consistent with these Adjudicated Facts as reviewed in chapter 6.6.2.
[5004] Insert reference to chapters 3.1.7 and 4.4.2.

cooperate with Milan Martić from April 1991, Stanišić took the risk that the SAO Krajina Police would commit crimes when establishing and maintaining Serb control over large areas of Croatia. However, as above, the Trial Chamber understands such knowledge and acceptance of the risk that crimes would be committed to be insufficient for the first form of JCE liability. The majority, Judge Picard dissenting, does not consider that the only reasonable inference from Stanišić's actions with regard to the SAO Krajina Police is that he shared the intent to further the alleged common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina. The majority, Judge Picard dissenting, allows for the reasonable possibility that Stanišić's intent in relation to the SAO Krajina Police was limited to assisting local SAO Krajina authorities in establishing and maintaining Serb control over large areas of Croatia. Under these circumstances, the majority, Judge Picard dissenting, does not consider the evidence regarding Stanišić's actions in relation to the SAO Krajina Police, in itself or in light of the totality of the evidence regarding the Accused, to establish beyond a reasonable doubt that Stanišić shared the intent to further the alleged common criminal purpose through the commission of crimes.

2333. With regard to the SDG, the Trial Chamber recalls its findings (chapters 3.6.1 and 3.6.2) that in September 1995, the SDG committed the crimes of persecution and murder of 65 non-Serb civilians in Sasina and of eleven non-Serb men in Trnova, both in the context of the Banja Luka 1995 operation. The Trial Chamber also recalls its findings in chapter 6.4.4 that during this operation, the Accused financed the involvement of the SDG by paying *per diems* to a number of SDG members. The evidence does not establish that the Accused undertook any other actions, such as issuing instructions or providing information or other support, in relation to the commission of these murders by the SDG members. In light of the crimes committed by the SDG in 1991 and 1992 in the SAO SBWS, Bijeljina and Zvornik,[5005] the Trial Chamber is satisfied that it was reasonably foreseeable to the Accused that the SDG would commit murders in Sanski Most municipality, during the period that the Accused financed them. However, although the evidence establishes that the Accused financed the SDG at the time of the murders, it does not establish that the Accused financed the SDG with a view to the commission of the murders. In this respect, the Trial Chamber considers that the Accused financed the SDG on a number of separate occasions between 1994 and 1995 which do not appear to have been linked to crimes on which the Trial Chamber has made

[5005] The Trial Chamber refers to its findings in chapters 3.2, 3.3.1, and 3.8.2.

findings.[5006] In organizing the financing of the SDG over a period of time, Stanišić took the risk that the SDG would commit murders during that period. However, the majority, Judge Picard dissenting, does not consider the evidence regarding the Accused's financing of the SDG to establish that Stanišić's intent went beyond the intent to support these forces in establishing and maintaining Serb control over Banja Luka. As a result, the majority, Judge Picard dissenting, is unable to establish beyond a reasonable doubt that Stanišić intended to further the alleged common criminal purpose through the commission of crimes.

2334. With regard to the Skorpions, the Trial Chamber recalls its finding (chapter 3.7.1) that the Skorpions committed the crime of murder of six Muslim men and boys at Godinjske Bare in July 1995, in the context of the Treskavica/Trnovo 1995 operation. The Trial Chamber also found that during this operation, the Skorpions received ammunition from Pajzoš on at least one occasion in July 1995.[5007] Before receiving the supplies, members of the SDG and the Skorpions claimed permission from the JATD Pajzoš commander on duty at the time. On this basis, the Trial Chamber concluded that on at least one occasion in the course of the Skorpions' involvement in the Treskavica/Trnovo operation, the Accused supplied the Skorpions with ammunition. The evidence does not establish whether this ammunition was provided before or after the commission of the murders, nor does it establish whether the Accused's provision of ammunition to the Skorpions was linked to the murders, rather than to the broader and ongoing Treskavica/Trnovo operation. Under these circumstances, the majority, Judge Picard dissenting, does not consider the evidence regarding the Accused's provision of ammunition to the Skorpions sufficient to establish that Stanišić's intent went beyond supporting these forces in establishing and maintaining Serb control over Treskavica/Trnovo. As a result, the majority, Judge Picard dissenting, is unable to establish beyond a reasonable doubt that Stanišić intended to further the alleged common criminal purpose through the commission of crimes.

2335. In conclusion, the Trial Chamber has reviewed what can be inferred from Stanišić's actions during the Indictment period. As noted above, the Trial Chamber has not been able to

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[5006] The Trial Chamber recalls its findings in chapter 6.4 that i) the Accused financed the involvement of the SDG in Operations Pauk in 1994/1995, Trnovo/Treskavica in 1995, and SBWS in 1995, by paying *per diems* to a number of SDG members; (ii) the Accused remunerated SDG members outside of particular operations between 1994 and 1995; (iii) the Accused supported the SDG in Operation Pauk in 1994/1995 by their presence on the ground and involvement in the Pauk headquarters; (iv) the Accused supported the SDG in Operation Trnovo/Treskavica in 1995 through the on-the-ground support of Serbian DB official Vasilije Mijović; (v) the Accused supported the SDG in Operation SBWS 1995, by on at least two occasions supplying SDG members with, *inter alia*, ammunition and uniforms; (vi) the Accused provided support to the SDG outside of particular operations between 1994 and 1995 by arranging for their medical care,

[5007] In this respect, the Trial Chamber recalls its findings in chapter 6.5.3.

conclude that Stanišić directed the involvement of any of the above-mentioned Serb Forces. This means that that he did not command them in any military operations, including when crimes were committed. He organized the involvement of the Unit in numerous military operations, which often meant that he deployed them to these operations where they were placed within other command structures. The evidence reviewed in relation to a number of the Unit's operations points to these operations having been military actions directed against the opposing Croat forces and does not indicate that any crimes were committed during the operations.[5008] Stanišić's involvement with the other Serb Forces, as recalled above, was even less direct. Stanišić's connection with the Serb Forces, other than the Unit, is remote and does not indicate that he had influence or control over the members' actions, at least in specific operations where crimes were committed. The Trial Chamber has also considered what can be inferred from Stanišić's interactions and cooperation with other persons, including his actions set out in chapter 6.8. As noted above, Stanišić cooperated with others through the Unit's operations and its training of other forces and through the organization of financing and other support, as set out above. These other persons included Milan Martić, Mile Mrkšić, and Ratko Mladić. The Trial Chamber is satisfied that Milan Martić had the intent to deport persons from the SAO Krajina,[5009] and has reviewed evidence above indicating that Mrkšić and Mladić may also have shared the alleged common criminal purpose. However, the majority, Judge Picard dissenting, does not consider that it is able, on the basis of the evidence before it, to establish beyond a reasonable doubt Stanišić's intent to further the alleged common criminal purpose from his interactions and cooperation with others. The Trial Chamber further refers to its conclusions in chapter 6.10.

2336. Based on the foregoing, the majority, Judge Picard dissenting, cannot conclude that the only reasonable inference from the evidence on Stanišić's actions, as described above, is that, from April 1991 through 1995, he shared the intent to further the common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina, through the commission of murder, deportation, forcible transfer, and persecution (or through only deportation and forcible transfer).

[5008] The Trial Chamber refers to the evidence reviewed in chapters 6.3.2 and 6.3.3 in relation to the Ležimir camp.
[5009] The Trial Chamber refers to chapter 4.4.2.

6.10 Mens rea of Franko Simatović

2337. According to the Indictment, from no later than April 1991 until at least 31 December 1995, Franko Simatović shared the intent to further the common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina, through the commission of murder, deportation, forcible transfer, and persecution. Alternatively, the common criminal purpose was to forcibly and permanently remove, through deportation and forcible transfer, non-Serbs from these areas, and the crimes of persecution and murder were reasonably foreseeable to him.[5010]

2338. The Prosecution argues that the Accused's contributions to the criminal plan reflected their intent, "particularly their massive and complex arming and training schemes, which stretched across the entire Indictment area during the Indictment period, and their repeated pattern of deploying [the Unit, the SDG, and the Skorpions]".[5011] In addition, in its Final Brief it points to discrete examples of actions taken or words uttered that allegedly demonstrate that Simatović shared the common criminal purpose. The Trial Chamber will review the evidence on these specific actions and words uttered, and then analyse what can be inferred with regard to Simatović's intent from his actions (which are dealt with in detail in chapters 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8).

2339. The Prosecution argues specifically that Simatović demonstrated his intent through his personal participation in the attack on Lovinac and in the Vukovar operations, both in 1991, and through his participation in the planning of Operation Udar in 1993 and commanding units in related operations in eastern Bosnia-Herzegovina the same year.[5012]

2340. The Trial Chamber will first consider Simatović's actions with regard to Lovinac. In this respect, the Trial Chamber recalls its findings in chapter 3.1.7 in relation to Lovinac that, prior to the attack in June 1991, Simatović, Martić, and Dušan Orlović discussed its objective as being to connect Gračac with other Serb territory and to have as much of the local population leave as possible in order to establish a purely Serb territory. The Trial Chamber was unable to establish, on the basis of the evidence of Witness JF-039, the details of this discussion, nor to what extent Simatović agreed with the objectives that were discussed.

[5010] Indictment, paras 11, 14.
[5011] Prosecution Final Trial Brief, 14 December 2012, para. 685.
[5012] Prosecution Final Trial Brief, 14 December 2012, paras 696-698.

2341. The Trial Chamber now turns to Simatović's actions during the attack itself. Simatović participated in and directed Unit members during the attack.[5013] In particular, Simatović planned and participated in the use of an armoured train in the Lovinac area. Although Witness JF-039 testified that the train had the objective of intimidating the villagers into leaving Lovinac, the evidence does not clearly establish the manner in which the train was used between Gračac and Lovinac or whether its use caused any villagers to leave Lovinac.[5014] A report of 21 June 1991 signed or initialled by Simatović[5015] set out the purpose of the train as being to protect the Gračac-Gospić axis and have the ability to target and attack Lovinac. Simatović's written report does not mention any intended effect on civilians. In light of the foregoing, the majority, Judge Picard dissenting, is unable to determine with sufficient certainty that Simatović participated in the use of an armoured train in the Lovinac area with the specific objective of intimidating villagers into leaving.

2342. Finally, the Trial Chamber turns to the effects of the attack on Lovinac. In this respect, the Trial Chamber recalls its conclusions in chapter 3.1.7 that the evidence does not establish with sufficient certainty whether any persons left Lovinac during or immediately following the June 1991 attack. The evidence instead indicated that the town remained under Croat control in August and part of September 1991. The Trial Chamber will consider the absence of evidence clearly establishing Simatović's actions during the attack when attaching weight to his participation in the discussion on the objectives prior to the attack. The Trial Chamber will further address this factor below.

2343. The Trial Chamber now turns to the Prosecution's submission that Simatović personally participated in the attack on Vukovar. The Prosecution contends that Simatović participated in a military planning meeting before the fall of Vukovar, that he commanded a unit in operations around Vukovar, and that he joined in a celebration after the fall of the city.[5016] All of these submissions are based on the testimony of Witness JF-033.

2344. **Witness JF-033**, an SRS volunteer in 1991 and member of the VJ in 1992 and 1993,[5017] testified that he recalled one specific meeting, just before the attack on Vukovar, which was attended by, among others, Major Šljivančanin, Mile Mrkšić, Radovan Stojičić,

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[5013] See the Trial Chamber's findings in chapters 3.1.7 and 6.3.2 in relation to Lovinac.
[5014] The Trial Chamber refers to its discussion and conclusions in chapter 3.1.7 in relation to Lovinac.
[5015] Reviewed in chapter 3.1.7.
[5016] Prosecution Final Trial Brief, 14 December 2012, para. 697.
[5017] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 11-12, 15; P432 (Pseudonym sheet of Witness JF-033 in previous case); Witness JF-033, T. 4991.

Goran Hadžić, Blagoje Adžić, Simatović, and Mihalj Kertes.[5018] The witness either knew their names from television or he heard their names from fellow soldiers.[5019] When the witness came into the meeting room to serve drinks, he saw a map of Vukovar on the wall, with some positions marked.[5020] After the fall of Vukovar, the witness was present near a celebration in a military tent, which was attended by many officers, including Mrkšić, Šljivančanin, Stojičić, Petar Gračanin, Hadzić, Adžić, Šešelj, Arkan, Kertes, Radmilo Bogdanović, and Simatović.[5021] Other soldiers told the witness the names of these persons.[5022]

2345. The Trial Chamber recalls its findings in chapters 3.2.6 and 4.4.2 in relation to crimes committed during and after the attack on Vukovar in November 1991, namely the deportation of many non-Serbs from the SAO SBWS, including from Vukovar. It further recalls its conclusion in chapters 3.2.6 and 6.3.3 in in relation to Ležimir that there is insufficient evidence to establish whether Unit members participated in the attack on Vukovar. With regard to Simatović's attendance at the meeting and celebration, described by Witness JF-033, the Trial Chamber notes that the witness did not provide any details about what was discussed on those occasions, beyond that it was related to the attack on Vukovar, nor about Simatović's participation in the discussion. The majority, Judge Picard dissenting, does not consider Simatović's presence on those two occasions to indicate that he shared the intent to forcibly and permanently remove the non-Serbs from Vukovar. The majority, Judge Picard dissenting, considers that Simatović's presence on those two occasions could also reasonably be interpreted to indicate that his intent was limited to support for the Serb forces' successful military take–over of Vukovar.

2346. With regard to Operation Udar, the Prosecution submits that the goal of this operation was to drive the Muslim population out of eastern Bosnia-Herzegovina, which was, in turn, a part of the larger plan to create an ethnically pure corridor in the Drina river valley and eliminate the Drina as a border between Serbian states.[5023] The Prosecution further submits that the Unit, under Simatović's command and in coordination with the VRS and VJ, was active in combat operations in this area of eastern Bosnia-Herzegovina during this period.[5024]

[5018] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 6-7, 76, 78.
[5019] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 7-8; Witness JF-033, T. 4998.
[5020] P431 (Witness JF-033, prior transcript, 2-3 September 2003), p. 7; Witness JF-033, T. 4998.
[5021] P431 (Witness JF-033, prior transcript, 2-3 September 2003), pp. 10, 84; Witness JF-033, T. 4998-4999, 5030-5031.
[5022] Witness JF-033, T. 5030.
[5023] Prosecution Final Trial Brief, 14 December 2012, paras 135, 698.
[5024] Prosecution Final Trial Brief, 14 December 2012, para. 137.

2347. According to documentary evidence, on 19 November 1992, Lieutenant-General Ratko Mladić sent a directive to the commander of the VRS Chief of Staff.[5025] In this directive, Mladić decided that the Drina Corps's forces in the wider Podrinje region should exhaust the enemy, inflict losses on him, and force him to leave the Birač, Žepa, and Goražde areas together with the Muslim population.[5026]

2348. According to the Adjudicated Facts, in January 1993, Bosnian Muslim forces attacked the Bosnian Serb village of Kravica. Over the next few months, the Bosnian Serbs responded with a counter-offensive, eventually capturing the villages of Konjević Polje and Cerska, severing the link between Srebrenica and Žepa and reducing the size of the Srebrenica enclave to 150 square kilometres.[5027] Bosnian Muslim residents of the outlying areas converged on Srebrenica town and its population swelled to between 50,000 and 60,000 people.[5028] On 13 April 1993, the Bosnian Serbs told the UNHCR representatives that they would attack the town within two days unless the Bosnian Muslims surrendered and agreed to be evacuated.[5029] On 16 April 1993, the UN Security Council responded by passing a resolution, declaring that "all parties and others treat Srebrenica and its surroundings as a "safe area" that should be free from armed attack or any other hostile act." At the same time, the Security Council created two other UN protected enclaves, Žepa and Goražde.[5030]

2349. According to a document containing an analysis of combat operations during Operation Udar, the operation lasted between 14 February and 25 April 1993. As a result of it, Serbian territories in the area of central Podrinje were "liberated" and the enemy was squeezed into enclaves whose dimensions were determined by the UN forces. Also, important roads were liberated and regular traffic was re-established along several roads, including those going though Kravica and Konjević Polje.[5031]

2350. In this respect, the Trial Chamber has also reviewed an excerpt from Mladić's notebook entitled "Plan of action in Operation Udar" (exhibit P392), summarized in chapter 6.3.3 in relation to the Skelani camp, indicating that on 28 February 1993, Franko Simatović together with *inter alia* Mladić, Panić, and Ojdanić, attended a meeting at Mount Tara to plan

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[5025] P385 (Directive for further operations of the VRS, Ratko Mladić, 19 November 1992), pp. 1, 7.
[5026] P385 (Directive for further operations of the VRS, Ratko Mladić, 19 November 1992), p. 5.
[5027] Adjudicated facts I, fact 408.
[5028] Adjudicated facts I, fact 409.
[5029] Adjudicated facts I, fact 412.
[5030] Adjudicated facts I, fact 413.
[5031] P3118 (Analysis of the execution of Combat Operations in Operation Udar, undated, unsigned), pp. 1-3.

Operation Udar. In that chapter, the Trial Chamber considered that the 1993 Skelani and Bratunac operations were part of Operation Udar.

2351. In view of the documentary evidence reviewed above, the Trial Chamber finds that on 28 February 1993, Simatović took part in a planning meeting for Operation Udar, an operation which lasted from 14 February to 25 April 1993. The Trial Chamber recalls that the Accused organized the Unit's involvement in combat operations in and around Bratunac between February and August 1993 and in combat operations in the Skelani area in March and April 1993.[5032] The Prosecution has not alleged and the Trial Chamber has not found that any crimes were committed during or as part of this operation. The evidence does not establish in detail what was discussed in relation to the objectives of Operation Udar at the meeting on 28 February 1993, nor does it establish the scope of Simatović's participation in that discussion. The Trial Chamber further refers to its discussion of what can be inferred from the Accused's actions regarding the Unit's operations above, in chapter 6.9. Under these circumstances, the majority, Judge Picard dissenting,does not consider the evidence regarding Simatović's actions with regard to Operation Udar, in itself or in light of the totality of the evidence regarding the Accused, sufficient to establish beyond a reasonable doubt that he shared the intent to drive the Muslim population out of eastern Bosnia-Herzegovina or to create an ethnically pure corridor in the Drina river valley.

2352. Besides the instances referred to by the Prosecution, the Trial Chamber has reviewed evidence and made findings on the actions of Simatović in connection with a number of other military operations. In this respect, the Trial Chamber recalls its findings in chapters 6.3.2 in relation to the early operations and 6.3.3. in relation to the Ležimir camp that Simatović directed the Unit during operations at Plitvića and in the SAO SBWS in August and September 1991.[5033] In particular, around 25 August 1991, Simatović took a number of Unit members from the Golubić camp to Plitvića, in SAO Krajina. There, the Unit members attacked and took control of a building which had been held by Croat police. Simatović and Ivanović had discussed the attack two to three minutes before it began. The Trial Chamber further recalls that around September 1991, Unit members reported to Simatović on reconnaissance operations in the SAO SBWS and that Simatović had briefed Unit members on cooperation with the JNA prior to an operation in the same area, during which the Unit

[5032] The Trial Chamber refers to its findings in chapter 6.3.3 in relation to the Skelani and the Bratunac camps.
[5033] The Trial Chamber refers to its findings in chapter 6.3.2.

came under fire from Croatian forces.[5034] The evidence reviewed in chapters 6.3.2 in relation to the early operations and 6.3.3. in relation to the Ležimir camp points to these operations having been military actions directed against the opposing Croat forces and does not indicate that any crimes were committed during the operations.

2353. Furthermore, with regard to what can be inferred from the Accused's other actions with regard to the Unit's operations and its training of Serb forces and his other actions regarding the SAO Krajina Police, the SDG, the Skorpions, and other Serb Forces, the majority, Judge Picard dissenting, refers its discussion in chapter 6.9. In this respect, the majority has also considered its findings in chapter 6.5.3 that in 1994 and 1995 Simatović organized the involvement of the SDG in the Pauk and Trnovo operations.

2354. In conclusion, as set out above, Simatović participated in a discussion of the objectives of the attack on Lovinac, which included the objective to have as much of the local population leave as possible in order to establish a purely Serb territory. This evidence indicates that Simatović was at least aware of Martić's intent to, and may have shared the intent to, forcibly remove Croat civilians from the village of Lovinac in June 1991, even if the evidence does not establish with sufficient certainty whether persons actually left Lovinac during or immediately following the attack. There is no other evidence directly indicating that Simatović shared the alleged common criminal purpose. The indication with regard to Lovinac has to be considered in light of the totality of the evidence regarding Simatović's actions during the Indictment period between 1991 and 1995. In reviewing the attack on Lovinac in light of the totality of the evidence before it, the majority, Judge Picard dissenting, is unable to establish beyond a reasonable doubt from the evidence on Simatović's actions, as described above, that from April 1991 through 1995 he shared the intent to further the common criminal purpose of forcibly and permanently removing the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina, through the commission of murder, deportation, forcible transfer, and persecution (or through only deportation and forcible transfer).

[5034] The Trial Chamber refers to its findings in 6.3.3 in relation to the Ležimir camp.

6.11 Other modes of liability

2355. *Planning and ordering.* The Prosecution alleges planning and ordering as additional modes of liability in relation to all crimes charged in the Indictment.[5035] In its Final Trial Brief, the Prosecution argues that the Accused planned and/or ordered the alleged crimes in Glina, Struga, and Lovinac as reflected in chapter 3.1.7, in Vukovar as reflected in chapter 3.2.6, and in Bosanski Šamac and Doboj as reflected in chapters 3.4 and 3.5 respectively.[5036] The Trial Chamber recalls its findings from chapters 4.3.2, 4.4.2, 4.5.2, and 6, and considers that it has not been proven beyond a reasonable doubt that the Accused planned and/or ordered the crimes referenced in the aforementioned chapters, nor any of the other crimes charged in the indictment.

2356. *Aiding and abetting*. The Prosecution alleges aiding and abetting as an additional mode of liability in relation to all crimes charged in the Indictment.[5037] In its Final Trial Brief, the Prosecution specifically argues that the Accused aided and abetted the alleged crimes in the SAO Krajina, specifically Lovinac, in the SAO SBWS, specifically Vukovar, in Bijeljina, Zvornik, Bosanski Šamac, Doboj, Trnovo, and Sanski Most.[5038] The Trial Chamber will first assess whether the Accused's alleged direct participation in the attacks on Lovinac and Vukovar aided and abetted crimes committed during these attacks. It will then analyze whether the Accused's acts and conduct vis-à-vis certain groups, in particular the Unit, aided and abetted any crimes.

2357. In relation to Lovinac, the Prosecution submits that Simatović's personal participation in "an attack designed to promote ethnic cleansing" had a substantial effect on the crimes of deportation and forcible transfer.[5039] The Trial Chamber recalls that its analysis in chapter 3.7.1 that there was insufficient evidence to conclude that the crimes of deportation, forcible transfer, or persecution were committed in the attack on Lovinac in June 1991. As a result, there is no crime to hold Franko Simatović criminally responsible for aiding and abetting.

2358. In relation to Vukovar, the Prosecution submits that Stanišić aided and abetted crimes in Vukovar by "personally involving himself in the leadership of the Vukovar operation".[5040] The Prosecution further submits that Simatović aided and abetted these crimes by attending a

[5035] Indictment, paras 10, 16-17, 25, 63, 66.
[5036] Prosecution Final Trial Brief, 14 December 2012, paras 731, 736, 747, 753.
[5037] Indictment, paras 10, 16-17, 25, 63, 66.
[5038] Prosecution Final Trial Brief, 14 December 2012, paras 762-782.
[5039] Prosecution Final Trial Brief, 14 December 2012, para. 765.
[5040] Prosecution Final Trial Brief, 14 December 2012, para. 767.

planning meeting before the attack and commanding a group in combat.[5041] With regard to Simatović's acts, the majority, Judge Picard dissenting, recalls that in chapter 6.10 it assessed the related evidence to be inconclusive. With regard to Stanišić's acts, the majority, Judge Picard dissenting, recalls that it assessed the related evidence as set out in chapter 6.9 to be inconclusive as to Stanišić's *mens rea* in relation to the crimes of deportation and forcible transfer. The majority, Judge Picard dissenting, further considers the evidence to be inconclusive as to whether Stanišić's actions assisted, encouraged, or lent moral support to the commission of a crime. As a result, the majority, Judge Picard dissenting, will not further consider these acts of the Accused.

2359. With regard to the Accused's acts towards the Unit, the Trial Chamber recalls its findings in chapters 3.4.1, 3.4.2, 3.5.2, 4.3.2, and 4.4.2 that members of the Unit committed the crimes of murder and persecution in Crkvina, Bosanski Šamac municipality, on 7 May 1992, as well as deportation, forcible transfer, and persecution in Bosanski Šamac and Doboj municipalities. The Trial Chamber further recalls its findings in chapters 6.3.2 and 6.3.3 in relation to the Ležimir camp that the Accused directed and organized the formation of the Unit between May and August 1991, and that from at least September 1991, the Accused were in command of the Unit and controlled its deployment and training activities through leading Unit members who acted on behalf of the Accused and were immediately subordinate to them. The Trial Chamber further recalls its findings in 6.3.3 in relation to the Pajzoš and the Mount Ozren and Vila camps that the Accused organized the Unit's involvement during the Bosanski Šamac and Doboj operations in 1992, organized the training of its members at the Doboj and Pajzoš camps, and organized their financing. The Trial Chamber finds that these contributions of the Accused assisted the commission of the crimes.

2360. In assessing whether this assistance had a substantial effect on the perpetration of the crimes, the Trial Chamber now turns to whether the Accused's acts were specifically directed to assist the perpetration of the crimes of murder, deportation, forcible transfer, and persecution in Doboj and Bosanski Šamac municipality. In this respect, the Trial Chamber considers that the Accused were not physically present together with the Unit during these two operations. As for organising the involvement of the Unit in the Bosanski Šamac operation, the Trial Chamber recalls that Simatović visited the Unit at the Pajzoš camp in Ilok and briefed them on the upcoming operation in Bosanski Šamac. In this respect, the Trial Chamber recalls that Simatović stated that the Unit's objective was to secure Bosanski Šamac

[5041] Prosecution Final Trial Brief, 14 December 2012, para. 767.

and the surrounding Serbian villages, which would be a difficult task and that the chances to return alive were slim if they failed to succeed.[5042] The Trial Chamber also recalls the evidence indicating the military character of the training at the Unit camps, see chapter 6.9. As reviewed in chapter 6.9, the majority, Judge Picard dissenting, did not find that the Accused intended the forcible and permanent removal of non-Serbs from large areas of Croatia and Bosnia-Herzegovina. The Trial Chamber recalls the Appeals Chamber's holding that in most cases, the provision of general assistance which could be used for both lawful and unlawful activities will not be sufficient, alone, to prove that this aid was specifically directed to the crimes of the principal perpetrators.[5043] The majority, Judge Picard dissenting, allows for the reasonable conclusion that the Accused's assistance to the Bosanski Šamac and Doboj operations and to the Unit generally was not specifically directed towards the commission of the crimes of murder, deportation, forcible transfer, or persecution. Rather, such assistance may have been directed towards establishing and maintaining Serb control over these areas. As such, the majority, Judge Picard dissenting, is unable to conclude that the assistance rendered to the Unit by the Accused aided and abetted the crimes in Doboj and Bosanski Šamac.

2361. The Trial Chamber recalls its findings in chapters 6.3, 6.4, 6.5, 6.6, and 6.7 that the Unit was the only group directly subordinate to the Accused. The Trial Chamber also found that there were certain links, albeit looser when compared to the Unit, between the Accused and other groups, for example with the SAO Krajina Police or the SDG (see chapters 6.4 and 6.6). The Accused's contributions vis-à-vis other groups were of a similar nature (including financing, supplying, organising involvement, supporting, and training). Furthermore, in none of the incidents where members of these other groups committed crimes, did the Accused play any more specific role in providing assistance. Moreover, all of the crimes were committed in the context of military operations. The majority, Judge Picard dissenting, recalls its findings on the Accused's *mens rea* (see chapters 6.9 and 6.10) and its finding that the kind of assistance rendered to the Unit, the group most closely linked to the Accused, is insufficient to incur criminal responsibility as an aider and abettor. Therefore, for the reasons set out above, the majority, Judge Picard dissenting, is unable to conclude that the Accused aided and abetted crimes perpetrated by the SDG, the SAO Krajina Police, the Skorpions, or other groups.

[5042] See chapter 6.3.3 in relation to the Pajzoš camp.
[5043] See chapter 5.2.

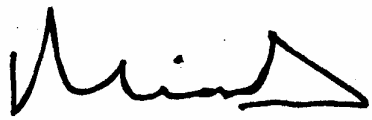
7. Disposition

2362. The Trial Chamber finds by majority, Judge Picard dissenting, Jovica Stanišić **NOT GUILTY** on all Counts in the Indictment. Pursuant to Rule 99 (A) of the Rules, the Trial Chamber orders that Jovica Stanišić be immediately released from the United Nations Detention Unit subject to the necessary logistical arrangements to be made by the Registrar.

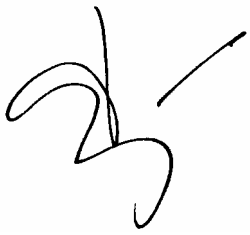
2363. The Trial Chamber finds by majority, Judge Picard dissenting, Franko Simatović **NOT GUILTY** on all Counts in the Indictment. Pursuant to Rule 99 (A) of the Rules, the Trial Chamber orders that Franko Simatović be immediately released from the United Nations Detention Unit subject to the necessary logistical arrangements to be made by the Registrar.

Done in English and French, the English text being authoritative.

Dated this thirtieth day of May 2013
At The Hague,
The Netherlands



Judge Michèle Picard



Judge Alphons Orie
Presiding

Judge Elizabeth Gwaunza

8. Dissenting opinion of Judge Michèle Picard

2364. This Judgement covers a multitude of events and actors spread over a vast territory and a long period of time; it addresses almost the entire war in the former Yugoslavia. I will focus on the most significant aspects in relation to the criminal intent of both Accused. As a preliminary matter, I wish to make it clear that I also dissent in relation to a number of deportation incidents, which I will not further elaborate upon in this dissenting opinion. Many of the findings made with regard to the involvement of the Accused do not, in my view, address the reality of their actual involvement. Although I do not dissent with respect to every detail of the findings made in the Judgement, I do dissent with regard to the conclusions reached by the majority.

2365. I find that I am unable to embrace the opinion of my colleagues, who have decided that the evidence in our possession could give rise to multiple reasonable interpretations and that, therefore, the intent to participate (*mens rea*) in carrying out the common purpose of the joint criminal enterprise (JCE) was not the sole reasonable interpretation of the events. Quite to the contrary, I am of the view that the sole reasonable interpretation of the vast amount of evidence that the Trial Chamber has received is that the Accused shared with the other members of the JCE the intent to establish their control over the regions pertinent to the Indictment by deporting the non-Serb population by criminal means.

2366. The close ties the Accused maintained with the criminal groups that committed the crimes, not only in SAO Krajina, but also in SAO SBWS, RSK, and Bosnia-Herzegovina, as well as the robust support they provided to them, establish that both of the Accused played a key role in the process of ethnic cleansing for the purpose of establishing Serbian territories, and that they did this deliberately because they shared that same intent.

2367. Any ambiguity regarding their criminal intent has been swept away. My colleagues have reviewed the evidence in an isolated fashion in the course of reaching their conclusion, whereas it is my profound conviction that it is when one surveys the entire picture that one is able to view the situation as it really was.

2368. It is likewise necessary, in my view, to assess these events by taking into account the broader military and political context at that time. Before enumerating the factors that I consider to be decisive in reaching such a conclusion, I think it useful to recall that the two Accused are not soldiers but men from the Serbian intelligence service, whose duty it was to protect the security of the Serbian (not Federal) state, not to participate in military or

paramilitary operations beyond the federal Republic of Serbia. It is helpful to note that they always acted in secret "due to the international context", even in the early days when hostilities were only just starting, and that the archives of the department run by Jovica Stanišić were destroyed almost in their entirety by the end of the war.

2369. Lastly, I note that both Accused's involvement in the process that led to ethnic cleansing happened quite early on, at a time when it was neither established that the Serbs in Croatia were at risk of any physical danger, nor that the formation of paramilitary groups was necessary. On the contrary, it is clear from the evidence that the role of the JNA, as an Army for all Yugoslavs, intended to protect the entire population oblivious to ethnic distinctions, ought to have been strengthened, whereas Serbia made *de facto* use of the JNA commencing in the summer of 1991 to advance its own interests. For this reason, the JNA's role in the ethnic cleansing process was consonant with the objective the members of the JCE envisaged and in furtherance of which they had already started to act.

2370. As we are lacking direct evidence of the desire of the two Accused to attain the common purpose of the JCE, one can infer it from the circumstantial evidence available. I will briefly review the intent of the two Accused concerning events related to each of the three relevant geographic areas, as set out in the Indictment.

SAO Krajina

2371. In August 1990, subsequent to the Croatian general elections of April and May 1990, the SDS won the elections in certain municipalities. They quickly called for a referendum in these municipalities, which happened in August and September 1990, leading to the creation of the SAO Krajina in December 1990. In May 1991, two referendums took place: one was in SAO Krajina, which voted for union with Serbia, and the other, in the rest of Croatia, which voted for its independence. Croatia's independence was declared on 25 June 1991. In the spring of 1991, armed incidents took place in SAO Krajina. The Vance Plan was signed on 23 November 1991 and provided for the region to be demilitarized. On 19 November 1991, the three autonomous provinces became the RSK.

2372. I will recall some of the Trial Chamber's relevant findings in relation to the events in the SAO Krajina.

2373. Members of the SAO Krajina Police committed murders in the SAO Krajina in 1991 and participated in the commission of the deportation of between 80,000 and 100,000 Croat

and other non-Serb civilians from the SAO Krajina between April 1991 and April 1992.[5044] The evidence establishes that Milan Martić, as SAO Krajina Minister of Defence from May 1991[5045] and Minister of the Interior from June 1991,[5046] had authority over the SAO Krajina Police at the time of these crimes. Milan Martić also personally participated in the deportation of non-Serbs from the SAO Krajina, including by making intimidating remarks to Croats in the SAO Krajina, primarily in Knin.[5047]

2374. On several occasions, Martić clearly expressed his intent to forcibly and permanently remove the majority of non-Serbs from the SAO Krajina through the commission of crimes. He declared unambiguously that "the joint life of Croats and Serbs in one state is impossible".[5048] The Trial Chamber has found that prior to the attack on Kijevo, Milan Martić had issued an ultimatum to the Croatian SJB in Kijevo, stating that they had made further co-existence in the Serbian territories of the SAO Krajina impossible and advising civilians to take shelter.[5049] Further, according to Witness JF-039, after the attack on Saborsko, Martić described the area as "scorched earth" and commented that "this is now pure Serbian land".[5050] According to the same witness, after the attack on Škabrnja, Martić praised Boško Dražić for the excellent job he and his special police unit had done with cleansing Škarbrnja and stated that "Crazy Goran" (Opačić) and his brothers had done a good job.[5051] According to Witness JF-039, Martić told Croats in Knin that they should not expect any help and that if they could not live by the laws of the SAO Krajina, they should leave.[5052]

2375. The Trial Chamber has found that the Accused were "closely involved" with Milan Martić and the formation, training, financing, and arming of the SAO Krajina Police.[5053] Specifically, from late August 1990 to late May 1991, the Accused directed and organized the formation of the SAO Krajina Police in cooperation with Milan Martić. In 1991 the Accused organized the training of 350-700 SAO Krajina Police and SAO Krajina TO members at the Golubić camp and the Knin fortress.[5054] Between December 1990 and May or June 1991, the Accused also directed and organized logistical support for the SAO Krajina Police, including

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[5044] I refer to the Trial Chamber's findings in chapter 3.1.7.
[5045] I refer to the Trial Chamber's findings in chapter 6.6.2.
[5046] I refer to the Adjudicated Facts III-14 and 17 and the evidence consistent with these Adjudicated Facts as reviewed in chapter 6.6.2.
[5047] I refer to the Trial Chamber's findings in chapters 3.1.7 and 4.4.2.
[5048] Adjudicated Facts III, Fact 39.
[5049] See chapter 3.1.7 in relation to Kijevo.
[5050] See the evidence of Witness JF-039 in relation to the Saborsko attack, reviewed in chapter 3.1.7.
[5051] See the evidence of Witness JF-039 in relation to the Škabrnja attack, reviewed in chapter 3.1.7.
[5052] See the evidence of Witness JF-038 in relation to Knin, reviewed in chapter 3.1.7.
[5053] For detailed findings of the Trial Chamber see chapters 6.3.2 and 6.6.

arranging weapons and overseeing the delivery of arms and ammunition to Martić. Between December 1990 and September 1991, the Accused further directed and organized the SAO Krajina Police's financing. Although the Trial Chamber noted that others, including the JNA/VJ, further assisted in the arming and financing of the SAO Krajina Police, I believe that these observations do not negate the role of the Accused in arming Milan Martić and his forces. On this last point I refer to a report signed by Franko Simatović issued around the 28 July 1991 where he complains about a delivery of weapons by the JNA to Babić. He stated: "*we think that such uncoordinated distribution can lead to a split in the so far compact defence of Krajina and that the actions of the party police would disturb the fragile balance […] If such situation causes disorder in the defence, we will react and stop such activities on time*" [5055] This report demonstrates that the Accused not only assisted in the arming of the SAO Krajina but also exercised control over it.

2376. In addition to these findings I rely on Babić's evidence as reviewed in 6.6.2 that in May 1991, Stanišić advised Martić to remain with the MUP so as to retain control over the Krajina police and that, by appointing Martić both as Minister of the MUP and of the MoD, the Krajina Assembly informally accepted the authority of the Serbian DB. Witness C-015 testified that Martić had said that Stanišić – "the icy one" – was "his only and first commander".[5056] The influence of Stanišić on Martić was such that he placed Serbian DB operatives in key roles in the SAO Krajina, such as Dušan Orlović, who became head of the SAO Krajina DB in January 1991 (and a member of the Unit later on), who reported to Stanišić.[5057] As a result, Martić could only partially exercise control over persons appointed by the DB in the Krajina mid-1991[5058] Milan Babić testified that, after August 1991, there were effectively two chains of command with regard to the armed groups on the territory of Krajina.[5059] One went through the Presidency of Yugoslavia, and the JNA, down to the

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[5054] In this respect, I refer to the Trial Chamber findings in 6.3.2.
[5055] P2577 (Report in relation to events in SAO Krajina around 28 July 1991), p. 1.
[5056] Witness C-015, T. 1623-1624, 1684, 1721.
[5057] JF 31 p01000 pa. 11
[5058] P1000 (Witness JF-031, *Slobodan Milošević* transcript, 14-15 April 2003), p. 19179.
[5059] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1567; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13129.

TO.[5060] The other one went through the Serbian DB and the MUP down to the Krajina police, the special volunteer units, the regular police, and DB units.[5061]

2377. In assessing the intention of the Accused I recall that the Trial Chamber has found that, prior to the attack in Lovinac[5062] in June 1991, Simatović, Martić, and Dušan Orlović discussed its objective as being to connect Gračac with other Serb territory and to have as much of the local population as possible leave, in order to establish a purely Serb territory. Simatović participated in and directed Unit members during the attack.[5063] Witness JF-039 testified that the train had the objective of intimidating the villagers into leaving Lovinac.[5064] Milan Babić testified that those who orchestrated the attack on Lovinac, including Franko Simatović, burned and looted the villages in the Lovinac area. Simatović later even boasted to Babić that he had "razed" the village of Lovinac. Even if the attack on Lovinac could give the impression of having a "military" objective, and despite the fact that the attackers had been "unsuccessful"[5065] in taking over the village of Lovinac and driving out its population, the factual witness evidence relevant to determining the *mens rea* of its attackers leaves me in no doubt as to the attack's true purpose: Simatović, Orlović and Martić intended to deport the non-Serbs from Lovinac.

2378. In addition to the training provided by the Unit, the Accused organized the Unit's involvement in operations in the SAO Krajina between June and August 1991.[5066] The evidence was insufficient to establish that crimes were committed during these 1991 operations conducted by the Unit. Nonetheless, I consider that through these operations, the Accused assisted and contributed to Milan Martić's callous and carefully coordinated attacks on largely undefended towns in the SAO Krajina in 1991, which resulted in a vast ethnically cleansed area.

2379. Further, the Trial Chamber found that Stanišić acted in a liaison capacity in the contacts between Milošević and Martić, when he passed on messages and information, but

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[5060] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1567; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13129.
[5061] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1567; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13129.
[5062] I refer to the Trial Chamber's findings in chapter 3.1.7.
[5063] See the Trial Chamber's findings in chapters 3.1.7 and 6.3.2
[5064] See the evidence of Witness JF-039 reviewed in chapter 3.1.7.
[5065] As reviewed in chapter 3.1.7.
[5066] I refer to the Trial Chamber's findings in chapters 6.3.2 and 3.7.1, with regard to the Lovinac, Plitvice, Glina, and Struga operations.

noted that Milošević was also in direct contact with both Martić and Babić.[5067] I note, however, the testimony of Witness JF-039 based on his direct observation of Martić's activities, that "*it was becoming clear*" that all contacts from the Krajina to Belgrade had to go through Stanišić.[5068] The witness testified that on at least two or three occasions Martić was brought to Stanišić's office and was picked up later from Milošević's office at the Presidency.[5069] In my view, it was only when Martić became the head of the RSK, that these instances of direct contact between him and Milošević could be observed. In any event, I believe that the instances of direct contact between Milošević, on the one hand, and Martić and Babić, on the other, do not detract from my conclusion that Stanišić provided channels of communication between these individuals and that he enabled or facilitated such contacts. Such a role does not require that Stanišić served as the exclusive avenue for such communications.

2380. Both Accused were present in the area of Knin on several occasions between late 1990 and early 1991, and, as Milan Babić stated, following Slobodan Milošević's intervention, Simatović returned to the area in the fall of 1991 and remained present until the end of 1991.[5070]

2381. I recall the Trial Chamber's finding that "[g]iven the scale of the deportation committed by the SAO Krajina Police in 1991, it is satisfied that the Accused *must have known* about the crimes committed by the SAO Krajina Police between April 1991 and April 1992".[5071] Yet the Accused continued to support Martić and the SAO Krajina Police in their criminal efforts. In view of the close cooperation between both Accused and Milan Martić, which started as early as August 1990, (Martic at one point even considered Stanišić as his "brother" and trusted him "100 per cent".[5072]) I consider it clear that both Accused were not only fully aware of Martić's actions and his intentions with regard to the SAO Krajina, (DB agent Orlović, head of the SAO Krajina DB reported to the Serbian DB), but also that each of them could not but share his intent to forcibly and permanently remove the non-Serb population from the SAO Krajina through the commission of crimes.

[5067] See the discussion in chapter 6.8.
[5068] See the discussion in chapter 6.8.
[5069] See the discussion in chapter 6.8.
[5070] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), pp. 1426-1431, 1556; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), pp. 13128, 13161-13164.
[5071] Emphasis added.
[5072] P978 (Witness JF-039, witness statement, 12 September 2003), para. 21; P977 (Witness JF-039, prior testimony), p. 2144.

SAO SBWS

2382. There were also clear links between the Accused and various groups and persons facilitating or committing crimes in the SAO SBWS in 1991. In this respect, I will focus on the evidence on the links between the Accused and (a) Goran Hadžić, (b) the SDG, and (c) Ilija Kojić and Radoslav Kostić.

2383. The Trial Chamber found that in 1991 and 1992 in the SAO SBWS, SDG members committed the crimes of murder and persecution in Ćelije,[5073] at the police building in Dalj,[5074] and at the Erdut Training Centre.[5075] It further found that various formations, including the TO, the [SAO SBWS] police, and the SDG committed the crimes of deportation and persecution in the SAO SBWS in 1991 and 1992[5076] and that Goran Hadžić was involved in forming the SAO SBWS TO in 1991.[5077] Further, the evidence establishes that Hadžić led the SAO SBWS government in 1991.

2384. In relation to Hadžić, I consider that the majority too easily discarded evidence of links between him and Stanišić. Borislav Bogunović testified that after his appointment as President of the SAO SBWS Hadžić went to Belgrade a number of times to meet with Milošević and Stanišić.[5078] Hadžić would return from these meetings and issue instructions to the SAO SBWS Government.[5079] According to Milan Babić, Hadžić was under the total control of Jovica Stanišić.[5080]

2385. Hadžić was closely linked to the Accused either directly or through Kojić and Kostić. As he had done for Martić in SAO Krajina, Jovica Stanišić provided Hadžić with some of their operatives at key posts. For instance, Lazar Šarac, who worked with Kostić, who signed Serbian DB reports as an "operative",[5081] and participated in the delivery of weapons to the SBWS, was Hadžić's bodyguard.[5082]

[5073] See chapter 3.2.1.
[5074] See chapter 3.2.2.
[5075] See chapters 3.2.3, 3.2.4, and 3.2.5.
[5076] See chapter 3.2.6.
[5077] See chapter 6.7.
[5078] See chapter 6.8.
[5079] See chapter 6.8.
[5080] P1877 (Milan Babić, *Martić* transcript, 15-17, 20-21 February, and 2-3, and 6 March 2006), p. 1644; P1878 (Milan Babić, *Slobodan Milošević* transcript, 18-22, 25-26 November, and 2-4, 6, and 9 December 2002), p. 13230.
[5081] See for example, P19 (Report addressed to the Serbian DB, signed by operative Lazar Šarac, 25 July 1992); P407 (Report addressed to Jovica Stanišić, Serbian DB, signed by operative Lazar Šarac, 23 February 1993); P2103 (Report to the Serbian DB, signed by operative Lazar Šarac, 7 June 1993); D241 (Report to the Vojvodina DB, signed by operative Lazar Šarac, 11 April 1991).
[5082] Borivoje Savić, T. 1803.

2386. The most important tools of the Serbian DB in the SAO SBWS were Kostić and Kojić. Illija Kojić was appointed minister of defence in September 1991. Kojić's position vis-à-vis the MUP was not very clear at that time. What is known, is that in August 1991 he was delivering weapons that he had received from Stanišić,[5083] and that in mid-July 1991 he was already linked to Kostić, and viewed as working for the Serbian DB.[5084]

2387. In relation to Kostić and Kojić, I recall that the Trial Chamber found that Ilija Kojić was the first commander of the SAO SBWS TO, and that Radoslav Kostić worked for the SBWS police and was also an employee of the Serbian DB. However, the majority considered that it had not received conclusive evidence showing that in his capacity as TO commander, Kojić was influenced by, or acted at the orders or instructions of the Accused. The majority further considered that the mere fact that Kostić was employed by the Serbian DB at the relevant time did not mean that his acts could be attributed to the Accused and that there was no conclusive evidence that Kostić played a role in the formation of the SBWS TO and police. In relation to the role of Kojić and Kostić in the arming of the SBWS forces, the majority was unable to conclude that they acted at the behest of the Accused or that the Accused played any role in arranging the distribution of weapons.[5085]

2388. I consider that the majority erred in making these findings, and that the acts of Kostić and Kojić were carried out on behalf of Stanišić. Witness JF-032 testified that, when Stanišić came to Dalj in late September 1991 to discuss the situation of Vukovar with, *inter alia*, Hadžić, he was accompanied by Kojić and Kostić.[5086] The witness further testified that he had been present at a meeting in Belgrade considering the assistance that the police of the SBWS was supposed to receive. During the meeting, Jovica Stanišić came into the room, and introduced himself as head of the DB. Kojić and Kostić, who also showed up at some point, told the witness to address *them* in future, with regard to equipment and assistance. Following large deliveries of weapons from Serbia, Ilija Kojić told the witness that the deliveries were organized by the Novi Sad DB, and Kostić and Šarac were in charge of the weapon transfers.[5087] Witness JF-030 testified that two men from the Serbian DB frequently visited

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[5083] Borivoje Savić, T. 1758-1759.
[5084] P402 (Witness JF-032, *Slobodan Milošević* transcript, 29-31 January 2003), pp. 15130-15143; P2091 (Witness JF-030, witness statement, 21 August 2003), paras 7-14; See P553 (Borislav Bogunović, witness statement, 6 June 2003), para. 33
[5085] See chapters 6.7.3 and 6.7.4.
[5086] The testimony of the witness was considered in chapter 6.9, and referenced by the Trial Chamber as inconclusive with regard to the link between the Accused and Kojić.
[5087] See chapters 6.7.3 and 6.7.4.

Kojić during the early SAO SBWS operations and gave him instructions.[5088] Milenko Lemić reported that on 16 February 1993 members of the SVK reserve force invaded the RSK MUP building in Vukovar. According to the report by the witness, the SVK held a meeting in the MUP building, with *inter alia* Arkan, Milan Milanović (a.k.a. Mrgud), and Stevo Bogić (vice-premier of the RSK in charge of the work of the MUP), which resulted in a demand that Ilija Kojić (assistant minister of the RSK MUP) and others be removed, because of alleged cooperation with the RDB of the Serbian MUP.[5089] Intelligence Report P1652 from early June 1995 held that Kojić, Mrgud, and Arkan, supported by the Serbian MUP, "prevented the flow of money to Knin", and Kojić and Mrgud made all the decisions "under the patronage of the Serbian MUP (Jovica Stanišić)".[5090] The influence of Stanišic through Kostić in the SBWS is very apparent when, at the beginning of August 1991, Kostić gave the order to the police and the SAO SBWS government to move to Dalj.[5091]

2389. With regard to the SDG, the Trial Chamber found that there were numerous links between this group and both Accused. The findings include that (i) the Serbian DB financed the involvement of the SDG in operations Pauk in 1994/1995, Trnovo/Treskavica in 1995, Banja Luka in 1995, and SBWS in 1995, by paying *per diems* to a number of SDG members; (ii) the Serbian DB remunerated SDG members outside of particular operations between 1994 and 1995; (iii) the Serbian DB supported the SDG in Operation Pauk in 1994/1995 by their presence on the ground and involvement in the Pauk headquarters; (iv) the Serbian DB supported the SDG in operation Trnovo/Treskavica in 1995 through the on-the-ground support of JATD official Vasilije Mijović; (v) the Serbian DB supplied the SDG in the 1995 SBWS operation, by on at least two occasions supplying SDG members with, *inter alia*, ammunition and uniforms; (vi) the Serbian DB provided support to the SDG outside of particular operations between 1994 and 1995 by arranging for their medical care; (vii) Simatović organised the SDG's involvement in the Pauk operation in 1994/1995; and (viii) Simatović, organised the involvement of the SDG in the Trnovo/Treskavica operation in 1995.[5092]

2390. In this regard, I also take into account other evidence, which the majority for various reasons rejected as inconclusive. For example, Witness JF-030 testified that a few days after the attack on Dalj, in front of the Borovo Selo School, Arkan and two other Serbian DB

[5088] See chapter 6.4.4.
[5089] See chapters 6.7.3 and 6.7.4.
[5090] See chapter 6.5.3.
[5091] P401 (Witness JF-032, witness statement, 17 May 1999), p. 6.

members showed MUP ID cards, and said that they were from the Serbian DB.[5093] Borivoje Savić testified that in Belgrade on 16 May 1991, he met Arkan for the first time and Arkan told him *that Jovica Stanišić was his boss*.[5094] At this point, I recall that Arkan was found to be responsible for a great number of particularly gruesome crimes committed in the SBWS. One could wonder: could Stanišić have known of Arkan's mindset in mid-1991? A Serbian DB report of 7 January 1991 leaves no doubt in this respect. Exhibit P1646 recounts a five-page detailed account of crimes personally committed by Arkan since 1966, including rape (as early as 1967), armed robbery, abduction, and murder, and provides references to the cold-blooded nature in which Arkan committed one of the murders for which he was convicted. The report includes a myriad of court cases in which Arkan was charged and convicted for extremely serious crimes.

2391. I would emphasize that Savić was not the only one who testified about Stanišić's close relationship to Arkan. Borislav Bogunović testified that Arkan was subordinate to the Serbian MUP and Stanišić.[5095] Exhibit P1075, an intelligence report of the VJ dated around May 1997, provides that the SDG was one of the paramilitary units engaged in the territory of the RSK and the Bosnian-Serb Republic from the beginning of the war in 1991, which was and remained in direct contact with the Serbian DB and MUP or which was engaged under the guise of special units of the DB or MUP.[5096] Witness JF-057 testified that an SDG member nicknamed "Kale", who worked with Arkan in the 1970s and 1980s, stated that before the war started in 1991 Arkan was an SFRY DB agent working outside the SFRY.

Bosnia-Herzegovina

2392. In Bosnia-Herzegovina, the operations in which the two Accused participated likewise reveal their intent. One ought to review them by taking into consideration the six strategic objectives defined by the Bosnian Serb authorities and written down on 12 May 1992, that is, the separation of the Bosnian Serbs from the two other communities and the creation of interconnected Serbian territories, including the Posavina Corridor or the Drina Corridor.

2393. I recall the Chamber's findings that in both Bosanski Šamac and Doboj municipalities, Unit members themselves committed crimes. The Trial Chamber made the following findings: Members of the Unit committed murder, deportation, and forcible transfer in

[5092] See chapters 6.4 and 6.5.
[5093] See chapter 6.4.3 in relation to the SAO SBWS in 1991.
[5094] See chapter 6.4.3 in relation to the general structure of the SDG.
[5095] See chapter 6.4.3 in relation to the SAO SBWS in 1991.
[5096] See chapter 6.4.3 in relation to the general structure of the SDG.

Bosanski Šamac municipality and deportation and forcible transfer in Doboj municipality in early 1992.[5097] The Accused directed and organized the formation of the Unit; organized its involvement in a number of operations in Croatia and Bosnia-Herzegovina (including in Bosanski Šamac and Doboj); and directed and organized its financing, logistical support, and other substantial assistance or support, throughout the Indictment period.[5098] From at least September 1991, the Accused were in command of the Unit and controlled its deployment and training activities through leading Unit members who acted on their behalf and were immediately subordinate to them.[5099] In this respect, I consider it particularly relevant that the perpetrators of these crimes included prominent Unit members Dragan Đorđević and Radojica Božović who had both been present at the Ležimir camp in late 1991, where Simatović told Unit members that they should accept orders from nobody but himself or Stanišić.[5100] Insofar as the Unit was temporarily subordinated to the JNA at the time of the commission of the crimes in Bosanski Šamac, I consider it relevant that the JNA also committed crimes in Bosanski Šamac. In my view, such subordination is indicative of the Accused's cooperation with other Serb forces that also committed crimes and does not diminish the Accused's control over the Unit. In this respect, I would also rely on the evidence of Witness JF-047 and Witness JF-005 indicating that Simatović visited the Unit's camps at Pajzoš and on Mount Ozren.

2394. In both Bosanski Šamac and Doboj municipalities, the Accused organized the Unit's training of other groups who committed crimes. Specifically, in Bosanski Šamac, the Trial Chamber has found that the Accused organized the training of Serb persons at the Unit's training camp at Pajzoš and that 18 local Serbs who had been trained at Ilok committed the crime of deportation in Bosanski Šamac municipality.[5101] In relation to Doboj, the Trial Chamber has found that, in 1992, the Accused organized the training of police units, JNA units, and paramilitary groups known as Karaga's men and the Miće group at the Unit's training camps at Mount Ozren and Vila in Doboj. This training included the use of human shields.[5102]

2395. The Unit (a group of bandits and mercenaries, according to JNA officers) was deployed in Bosanski Šamac on 11 April 1992 by JNA helicopters and captured the town on

[5097] I refer to the Trial Chamber's findings in chapters 3.4.1, 3.4.2, 3.5.2.
[5098] I refer to the Trial Chamber's findings in relation to the Unit, including in chapters 6.3.2 and 6.3.3 in relation to the Ležimir, Pajzoš, and Doboj camps.
[5099] I refer to the Trial Chamber's findings in 6.3.3 in relation to the Ležimir camp.
[5100] I refer to the Trial Chamber's findings in 6.3.3 in relation to the Ležimir camp.
[5101] I refer to the Trial Chamber's findings in 6.3.3 in relation to the Pajzoš camp and chapters 3.4.2 and 4.4.2.

17 April without significant resistance. During and after the "military operations", many abuses were committed, in particular by members of the Unit that were not necessary from a military aspect and that could only be explained by their wish to terrorise the population in order to force it to leave the town which in fact subsequently occurred.

2396. The town of Doboj was not properly defended. It fell so rapidly to the Serbs (in less than five hours on 3 May 1992) that one must question the need to deploy the Unit and leave it there. The many crimes in Doboj and in the municipality were committed by paramilitary groups and, in particular by the Red Berets. The Red Berets came at the beginning of 1992 and set up training camps for their own use, but also for the other paramilitaries who were there. Between 3 and 7 May 1992 the Serbian and Muslim population was initially separated after which the Muslims were deported. It is clear that in this municipality the objective of the military operation corresponds to the criminal objective. This is true for almost all of the crimes, but it is most obvious in Doboj. It is also significant in terms of the intent of the joint criminal enterprise that the fact that the Red Berets, who had just committed a number of crimes and deported the non-Serb population from Bosanski Šamac, were sent to this town. This could neither have been accidental, nor motivated by military objectives alone. The fact that the Accused knew of the involvement of their Unit in the crimes committed in Bosanski Šamac and the fact that they sent them soon after that to Doboj shows their intent.

2397. With regard to Zvornik, the Trial Chamber found that the SDG committed murder, deportation, and persecution, and that the Zvornik TO, among others, committed deportation in this municipality in 1992.[5103] I recall the incident of deportation in the Kozluk and Skočić villages where the civilian non-Serb population were given an ultimatum to leave by, *inter alia*, Marko Pavlović, who signed the orders of deportation.[5104] I also recall the testimony of Witness JF-061 according to whom Marko Pavlović, as head of the TO, coordinated all the armed forces and paramilitaries operating in Zvornik. In a meeting held on 30 June 1992 Mladić notes that Pavlović declared that "volunteer formations enjoyed an exceptional success; they were led by Šešelj and Arkan".

2398. The Trial Chamber further found that there were clear links between the Accused and the SDG. I have dealt with them above. I find that they are indicative of the relationship between both Accused and the SDG throughout the Indictment period. In this respect, I would

[5102] I refer to the Trial Chamber's findings in relation to the Mount Ozren and Vila camps.
[5103] I refer to the Trial Chamber's findings in chapters 3.8.1, 3.8.2, and 4.4.2.
[5104] Witness JF-061, T. 10959.

also rely on the evidence of Witness JF-057, who testified that "*Arkan would always say that without orders from the DB, the state security, the Tigers were not deployed anywhere*".[5105]

2399. In chapter 6.7.5 the Trial Chamber considered the evidence of Witness JF-026 that Branko Grujić, the head of the interim government, appointed Marko Pavlović commander of the TO Staff for the Serbian Municipality of Zvornik, and that Pavlović was brought to Mali Zvornik by Rade Kostić at the end of 1991. The witness believed that Pavlović was from the "Serbian MUP intelligence" and noted that Pavlović at times referred to Kostić as "boss" or "chief". In the same chapter, the Trial Chamber reviewed the evidence of Witness JF-061 that at the first meeting of the local population with the Serbs, Pavlović presented himself as a member of the Serbian DB, sent from Belgrade to fix the situation in Zvornik. On this basis, the Trial Chamber found that Pavlović "may have indeed worked for the Serbian DB".

2400. I have no doubt as to whether Pavlović worked for the Serbian DB. I recall to this effect the notes made by Mladić in his diary during the meeting of 30 June 1992 that Pavlović was in Knin and Borovo, and worked with Captain Dragan.[5106] The evidence of Witness JF-026 to the effect that Kostić "brought" Pavlović to Zvornik was found by the majority to be "vague" and liable to various interpretations. I also considered the evidence of Witness B-161 set out in chapter 6.7.6 that Pavlović was seen on one occasion at the office of Milan Tepavčević, Stanišić's deputy. In this respect, I took particular note of Witness B-161's observation that Tepavčević had a "very close, quite close" relationship with Pavlović. In my view, the above statements by Witness JF-026 and Witness JF-061 establish the requisite link between Pavlović and the Serbian DB and, consequently, both Accused. My conclusion is also based on the Trial Chamber's finding in chapter 6.7 that Kostić was an employee of the Serbian DB. In my view, Kostić and Pavlović's aforementioned links with the DB suffice to show that they were sent to Zvornik by Stanišić in order to exercise control over the municipality and they sought to do so by committing crimes. These conclusions allow me to further conclude that Stanišić, using Kostić as a "tool", placed Pavlović in a position of command of the Zvornik TO in order to further the purpose of the joint criminal enterprise.

2401. In chapter 6.7.6 the Trial Chamber considered the evidence of Witness JF-026 to the effect that Kostić and Pavlović were involved in organising the transport of weapons, which took place when the ceasefire in Croatia was signed. According to Witness JF-026 in late

[5105] I refer to the Trial Chamber's discussion of the evidence in chapter 6.4.4 in relation Bosnia-Herzegovina in 1992.
[5106] Extract from Mladić Notebook, p. 7.

autumn 1991 or in the beginning of 1992, Kostić also participated in organising the transport of 100-300 weapons from Belgrade to Zvornik. The Trial Chamber further considered the evidence of Witness B-161 that Pavlović had played the biggest role in arming of the Serb paramilitaries and other units. The Trial Chamber found that Witness JF-026's hearsay evidence about Pavlović organizing weapons distribution together with the head of the Loznica DB lacked sufficient foundation. Although it accepted the possibility that Kostić and Pavlović participated in organising deliveries of weapons to the Zvornik TO and that Pavlović had some contact with Milan Tepavčević, in the absence of any further evidence about the role of the Accused in these arming activities, the Trial Chamber was unable to conclude that the acts of Kostić and Pavlović can be attributed to the Accused. In my view, given the links between Kostić, Pavlović, and the Serbian DB, I do not consider that evidence concerning the direct role of the Accused was required in order to demonstrate their involvement in these arming activities. I do not find it credible that Kostić and Pavlović decided to arm the Zvornik TO of their own initiative. Nor do I consider that they decided that the *weapons had to be provided by the Serbian DB*. I have been unable to persuade myself that either of these conclusions would be reasonable. I conclude that the only reasonable interpretation of the evidence is that through Kostić and Pavlović, the Accused substantially contributed to the commission of the crimes in Zvornik, which they themselves intended to be committed.

Conclusion

2402. I believe that it has been established beyond a reasonable doubt by the evidence reviewed in the Judgement, that the Accused:

- created at least one paramilitary unit that operated throughout the war. The Unit was at the root of the ethnic cleansing in Croatia, and committed crimes with the aim of deporting the non-Serbian population from large territories;

- set up training camps, the first of which was Golubić. These training camps provided military training for the Accuseds' own paramilitary unit, the Unit, as well as the SAO Krajina Police and others;

- engaged the Unit with the knowledge that it had already carried out criminal activities in collaboration with others in many military operations with a criminal objective;

- had, and maintained, control over the men who were directly responsible for ethnic cleansing, such as Martić, Arkan, and Hadžić, and provided them with the means to achieve their goals and guided them in their task;

- actively cooperated with Karadžić and Mladić by making their men available for the operations to deport non-Serbs from the territories that they wished to have under their control;

- were always aware that the crimes were, and would be, committed and that the persons implicated in them intended to commit them. Everything was done in full cognisance of the consequences that these crimes had for the civilian population.

2403. I would also like to stress that the operations in which the Accused participated directly by engaging the Unit, or indirectly through the involvement of other paramilitary groups, such as the SAO Krajina Police or the SDG, apart from Operation Pauk, were all designed to take control of the territory by deporting the non-Serbian population. The capture of all the non-Serbian villages and towns in the territories claimed by the Serb authorities was systematic. In many cases, there was rarely any resistance offered. The civilian population was always the target and, therefore, the objective of the ethnic cleansing had been achieved.

2404. I can only conclude that in this case the joint criminal enterprise was achieved and that the Accused contributed to it knowingly and substantially. They intended that their actions furthered the common criminal purpose.

Aiding and abetting

2405. I dissent from my colleagues in their finding that the evidence does not establish beyond a reasonable doubt that the Accused are guilty of having aided and abetted the crimes committed in the SAO Krajina, the SAO SBWS (and later, the RSK) and Bosnia-Herzegovina. While I consider the jurisprudence of the Appeals Chamber in the Perišić case to be overly restrictive, I believe – even when applying the current threshold for aiding and abetting to the specific facts of this case – that the "specific direction" requirement can be inferred from the Accused's actions. The direct control of both Accused over "their" Unit as well as the crimes committed by the Unit, combined with the substantial and knowledgeable support the Accused gave to other paramilitary groups for whom the Trial Chamber has found they committed the crimes charged, such as the SDG and the SAO Krajina Police, lead me to the only reasonable conclusion: that the actions of both Accused were specifically directed to the commission of the crimes for which they were charged.

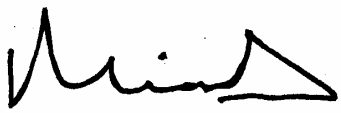
Final conclusion

2406. The Accused in this case knowingly funded and armed criminals, and even trained them in illegal warfare (human shields) so that they could commit the crimes which the

Accused knew (majority: *must have known*) these men would ultimately commit. If we cannot find that the Accused aided and abetted those crimes, I would say we have come to a dark place in international law indeed. It is a place, in the words spoken by the Honorable Judge Robert H. Jackson in 1949, where "law has terrors only for little men and takes note only of little wrongs".[5107] Even if the evidence would "only" establish that the Accused were indifferent that these heinous crimes be committed in pursuit of their ultimate "military" objective, I believe the majority has erred by acquitting them of all charges.

Done in English and French, the English text being authoritative.

Dated this thirtieth day of May 2013
At The Hague,
The Netherlands



Judge Michèle Picard

[5107] Robert H. Jackson, Nuremberg in Retrospect: Legal Answers to International Lawlessness, Excerpted from Canadian Bar Association address, Banff, Alberta, 1 September 1949.

9. Separate opinion of Judge Alphons Orie

2407. I respectfully note that Judge Picard dissents in many respects from the majority view. An acquittal usually does not need much explanation. Especially if the evidence simply lacks the potential to lead to any other outcome than an acquittal, there is not much more to be said. However, if the evidence has convinced one of the judges that it should lead to a conviction, whereas other judges conclude that an acquittal is the just verdict, the interpretation, evaluation, and weighing of the evidence may deserve additional attention. The reasoned opinion in the Judgement itself contains all the considerations that led to the verdict of the majority. However, I consider it appropriate to give, in a personal account, insight into the thoughts I developed during the deliberations, thoughts that led me to the conclusion that the Accused should be acquitted. I also write separately to give a clearer picture of what, in my view, may be seen as a reasonable alternative interpretation of the evidence (alternative to the interpretation Judge Picard adopts) in relation to what to infer from the acts and conduct of the Accused. I will further briefly address a legal issue related to the applicable standard of *mens rea* for a joint criminal enterprise.

2408. In the Judgement, the Trial Chamber established that a considerable number of crimes were committed during the Indictment period, including murder (both as violations of the laws and customs of war and as crimes against humanity), and deportation, forcible transfer, and persecution as crimes against humanity. The Trial Chamber further found that the perpetrators of these crimes often received various forms of support for their activities prior to and during the operations they participated in and in which these crimes were committed. Such support included forming units, training, supplying, financing, organizing involvement, and directing. The Trial Chamber found that the Accused were in some instances directly responsible for, and often otherwise involved in, providing such support.

2409. Why are the Accused, despite the above, not individually criminally responsible for these crimes? Crimes that were often heinous and had an inconceivable impact on the lives of many. Where Judge Picard comes to different conclusions on the individual criminal responsibility of the Accused, I feel the need to explain in more detail why the evidence has not convinced me beyond a reasonable doubt that all requirements have been met in order to hold the Accused individually criminally responsible.

2410. During the take-over of regions, towns, and villages Serb forces met various levels of resistance, ranging from hardly any resistance to fierce fighting. Sometimes the military

activity of the Serb forces was triggered by military operations of the enemy forces.[5108] I fully acknowledge that establishing and maintaining Serb military and civilian control was often accompanied by the commission of crimes, including crimes against humanity. The Judgement finds so on many occasions. A full analysis of the facts in this case thus requires to keep in mind this duality in the operations.

2411. The formation of Serb units, their training, supporting, financing, supplying, or organizing their involvement and directing them in combat operations, as described in detail in the Judgement, furthered by their very nature the territorial claims of Serb leaders in wide areas of Croatia and Bosnia-Herzegovina. It may also have furthered the forcible and permanent removal of the majority of non-Serbs from those areas and the crimes committed to that end.

2412. Is there any need to determine whether the intent of the Accused was limited to, or whether it went beyond, the establishment and maintenance of Serb military and civilian control, when the operations were accompanied by the commission of crimes resulting in the departure of non-Serbs? Is it not enough that the Accused knew of the reasonable risk that crimes would be committed in various operations by forces which had previously shown their propensity to criminal behaviour? Forces that were sometimes under their control, as explained in the Judgement. Does it make any difference whether the Accused intended the crimes to be committed as a means to achieve the common purpose of the forcible and permanent removal of the majority of non-Serbs or whether they were just aware of the likelihood that those crimes would be committed in the operations they supported and that they were indifferent to their commission? From a legal perspective, it does.

2413. Much evidence on the formation, training, organizing the involvement, financing, directing, supplying, and supporting of Serb forces focused on practical matters such as: who provided the weapons, how training camps were set up, who provided training to whom, where the money came from, under whose command the Serb forces operated, and to whom they were subordinated in the context of that operation. All of these activities are consistent with providing support to either the establishment and maintenance of Serb military and civilian control, or with furthering the commission of crimes aimed at achieving the common purpose, or both. In my view, establishing and maintaining Serb military and civilian control need not go hand-in-hand with moving out the non-Serb population. As such, even if one were to find that establishing and maintaining such control was accompanied by crimes like

[5108] See e.g. the Skelani operation in 1993, see chapter 6.3.3 in relation to the Skelani camp.

deportation, it would still need to be determined whether the Accused's intent was directed towards both these aspects of the operations. Is it the only reasonable interpretation of the evidence to infer from it that the Accused shared the common criminal purpose? In my view, there is an alternative interpretation which cannot be disqualified as unreasonable.

2414. The charges in this case were primarily brought under the notion of a joint criminal enterprise. Criminal responsibility under a joint criminal enterprise attaches if its members intended to achieve the common purpose through the commission of the crimes charged. As may already be clear from the Judgement's review of the applicable law, *dolus eventualis* does not meet the *mens rea* requirement for a participant of a joint criminal enterprise.[5109] The Prosecution must prove beyond a reasonable doubt that the participants, specifically here the Accused, shared the intent to forcibly and permanently remove the najority of non-Serbs from large parts of Croatia and Bosnia-Herzegovina at least through deportation and forcible transfer.[5110] Once that is established, the individual criminal responsibility may be expanded by also considering crimes that were a foreseeable consequence for the members of the joint criminal enterprise (the so-called "JCE III test"). To attach criminal responsibility for crimes committed as a foreseeable consequence of the crimes that were intended to be committed is only permitted where it has first been established that the "core" crimes of the joint criminal enterprise (the so-called "JCE I") were intended. To hold otherwise would eradicate the differences between the concepts of JCE I and JCE III and further broaden the applicability of the joint criminal enterprise construction.

2415. The evidence is in some instances sufficient to conclude that the Accused were aware of the likelihood that crimes would be committed during the operations. These operations benefited from the Accused's assistance by way of preparing and supporting. The evidence indicates, in my view, that the Accused could also have been indifferent to any crimes being committed during the operations. It is insufficient however to convince me beyond a reasonable doubt that the Accused intended them to be committed. That would not be the only reasonable inference to be made from the evidence presented. Another inference, also reasonable in my view, would be that the Accused wanted to assist in establishing and

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[5109] Criminal intent often includes recklessness also known as *dolus eventualis*. The definition of *dolus eventualis* is not always entirely clear but it can be understood as follows. If a person is aware of the substantial likelihood of risk that his actions may lead to a certain result and that person nevertheless pursues his actions, that person can be held criminally responsible for having intentionally caused that result irrespective of whether he wanted that result to occur.

[5110] These are the "core crimes" of the alternative JCE III charge. The JCE I charge also includes murder and persecution as "core crimes". I note that murder is also charged as a means of deportation and forcible transfer though.

maintaining Serb military and civilian control and that they possibly did not care whether non-Serbs would stay in Serb-ruled areas of Croatia and Bosnia-Herzegovina (and perhaps be suppressed) as long as they would not be in power.

2416. My task is not to assess what *likely* was the intent of the Accused but whether the evidence allows me to establish *beyond a reasonable doubt* what they intended. It may be that the Accused silently adhered not only to establishing and maintaining Serb military and civilian control but also to creating purely Serb areas through the forcible and permanent removal of non-Serbs. Yet, the evidence is ambiguous in that respect. It shows that the Accused were involved in many activities, often meetings, which may well have served either or both of these purposes. For example, if the evidence showed that the Accused met with Milošević or Hadžić or others, it often does not provide details about the content of the discussions and the positions taken by the Accused. It is very tempting to interpret the meaning of the Accused's presence at such meetings in light of the events that followed. But then one must also keep in mind that these events did not solely involve the commission of the crimes of deportation and forcible transfer but also the military operations of taking over towns or villages. To go too easily from presence at meetings via the commission of crimes to the intent for crimes of each participant of that meeting comes dangerously close to attributing guilt by association. Another example is the meeting of 28 February 1993 between Simatović, Mladić, Panić, and Ojdanić at Mount Tara, of which we do not know much more than that its subject was the planning of Operation Udar. I do recall, apart from that, that the Judgement states that the evidence was insufficient to find that any crimes were committed during, or as part of, this operation. The lack of information as to the content of many discussions or meetings obscures my view on issues which are vital to establishing the *mens rea* of the Accused.[5111] Where the evidence does indicate the subject matter of certain meetings, the discussions often focus on logistical or financial matters. I refer, by way of example, to the meetings in late 1991 in the SUP Belgrade in relation to policemen to be sent to the SAO SBWS for training local policemen, and in 1991 in Belgrade about equipment and assistance to be provided to the SAO SBWS police (see chapter 6.7). Lastly, I want to address

[5111] For example, see chapters 6.9 and 6.10 in relation to a meeting attended by Stanišić in Dalj prior to the fall of Vukovar, and another meeting attended by Simatović prior to the fall of Vukovar. There was insufficient evidence about the content of these meetings. Must I now assume that the Accused not only discussed the military operational aspects of the operation, but that they also discussed the forcible and permanent removal of the majority of non-Serbs and shared the intent to achieve this aim by crimes committed during the operations? It is perhaps likely that they did, but it is not the only reasonable interpretation. Indifference as to the crimes that might be committed, and a focus on the military aspects of the operation is still an inference that I cannot qualify as so unreasonable that I can exclude it.

Simatović's meeting prior to the attack on Lovinac in June 1991. This meeting stands out as one where there is evidence that the subject-matter of the meeting involved the commission of crimes. As analyzed in the Judgement however, the quality of the evidence in this respect (hearsay, unclear factual basis for certain assertions, missing details of the conversation at the meeting) is not such that it would, for me, tip the scale towards finding that Simatović shared the intent to forcibly and permanently remove the majority of non-Serbs from large parts of Croatia and Bosnia-Herzegovina between 1991 and 1995 through deportation and forcible transfer. I further note that it remained unclear what exactly happened during the Lovinac attack in June 1991, as explained in the Judgement.

2417. I have asked myself to what extent the pattern of events would be sufficient to infer that the Accused intended to permanently remove the non-Serb population from wide areas of Croatia and Bosnia-Herzegovina. But the pattern is unclear in many respects. What are the elements that blur the picture? The composition of the Unit was not consistent. Men of various origin and background were for shorter or longer periods of time involved in the Unit's activities. In relation to the SDG, it could be established only that the Accused financed, supported, and organized its involvement in various operations, limited to 1994 and 1995.[5112] Finally, the picture is blurred sometimes by the fact that the commission of crimes stands somewhat apart from the actual military operations, which makes the connection to the involvement of the Accused in the operations, or in their preparation, even more remote.

2418. In her dissent, Judge Picard focuses on various pieces of evidence suggesting a link between those committing crimes and the Accused. As the Judgement makes clear, the Accused had certain links and involvement with persons and groups who also committed crimes. Whereas Judge Picard seems to consider the various pieces of evidence, irrespective of their individual probative value, to be indicative on the whole of the control the Accused exercised over the perpetrators and, thus, the Accused's culpable *mens rea*, the Judgement has analyzed all these pieces of evidence in order to determine their probative value. In doing so, the majority, in my view, was not blind to the overall picture created by the evidence. Holding positions of broad influence, and being omnipresent in a war situation, does not necessarily mean that one shares the intent to commit crimes. Mathematically speaking, if on five different occasions I was each time 70 per cent convinced that the Accused shared the necessary intent, this would not necessarily result in me being 100 per cent convinced, let

[5112] I note that most of the SDG's crimes were committed in 1991 and 1992, where the Trial Chamber did not find that the Accused directed, organized the involvement, supported, trained, or financed the SDG.

alone 350 per cent.[5113] In fact, generally speaking, the likelihood remains at 70 per cent. An unambiguous pattern of links, assistance, presence, and involvement may of course increase the likelihood of finding that the Accused shared the common criminal purpose. The pattern emerging from the evidence presented in this case was however not consistent and not without ambiguity in my view and hence did not lift the likelihood to a level meeting the standard of "beyond a reasonable doubt". In the absence of such a consistent and unambiguous pattern and having found that certain evidence linking the Serbian DB or the Accused to crimes had little probative weight, I was unable to determine that the Accused shared the requisite *mens rea* for participation in a joint criminal enterprise.

Done in English and French, the English text being authoritative.

Dated this thirtieth day of May 2013
At The Hague,
The Netherlands

Judge Alphons Orie

[5113] I am fully aware that the standard of 'beyond reasonable doubt' does not require one to be 100 per cent convinced.

Appendix A: Procedural history

2419. *Indictment.* On 25 April 2003, the Prosecution filed its first indictment against Jovica Stanišić and Franko Simatović. On 1 May 2003, the Prosecutor filed a revised indictment for confirmation, which was confirmed and issued that same day by reviewing Judge Agius.[5114] On 9 December 2003, pursuant to a Pre-trial Chamber Decision, the Prosecution filed an amended indictment.[5115]

2420. On 30 May 2005, 1 June 2005, and 19 July 2005, the Prosecution filed three identical motions for joinder of the cases of *Prosecutor v. Milan Martić*, *Prosecutor v. Jovica Stanišić and Franko Simatović*, and *Prosecutor v. Vojislav Šešelj*.[5116] On 10 November 2005, the Pre-trial Chamber issued its decision denying the Prosecution's request for joinder, since the requirements of Rule 48 of the Rules had not been fulfilled.[5117]

2421. On 20 December 2005, the Prosecution filed its second amended indictment, adding some new charges and removing certain allegations.[5118] On 15 May 2006, pursuant to a Pre-trial Chamber decision, the Prosecution filed a revised version of the second amended indictment.[5119] On 4 February 2008, the Pre-trial Chamber ordered the Prosecution to reduce the scope of the indictment.[5120] Following this, on 10 July 2008, the Prosecution filed the third amended indictment, which became the operative indictment in this case.[5121]

[5114] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Presentation of Revised Indictment for Confirmation, 1 May 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Decision on Review of Indictment, 1 May 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Indictment, 1 May 2003.

[5115] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Stanišić Defence Preliminary Motion on the Form of the Indictment, 3 September 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Simatović Defence Preliminary Motion on the Form of the Indictment, 3 September 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Defence Preliminary Motions, 14 November 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution's Amended Indictment Submission, 9 December 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Amended Indictment, 9 December 2003.

[5116] *Prosecutor v. Martić*, Case No. IT-95-11-PT, Prosecution Motion for Joinder, 30 May 2005; *Prosecution v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution Motion for Joinder, 1 June 2005; and *Prosecutor v. Šešelj*, Case No. IT-03-67-PT, Prosecution Motion for Joinder, 19 July 2005.

[5117] *Prosecutor v. Martić, Prosecutor v. Stanišić and Simatović, Prosecutor v. Šešelj*, Case Nos. IT-95-11-PT, IT-03-69-PT, IT-03-67-PT, Decision on Prosecution Motion for Joinder, 10 November 2005.

[5118] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Prosecution's Motion for Leave to Amend the Amended Indictment, 16 December 2005; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution's Submission of Second Amended Indictment, 20 December 2005; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Second Amended Indictment, 20 December 2005.

[5119] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Defence Motion Regarding Defects in the Form of the Second Amended Indictment, 12 April 2006; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution's Submission of Revised Second Amended Indictment, 15 May 2006; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Revised Second Amended Indictment, 15 May 2006.

[5120] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision Pursuant to Rule 73*bis* (D), 4 February 2008. See also *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Request to the

2422. *Arrest, transfer, and initial appearance*. On 1 May 2003, Judge Agius issued a Warrant of Arrest and Order for Surrender for each of the Accused to the authorities of Serbia and Montenegro.[5122] Simatović was transferred to the Tribunal on 30 May 2003 and was remanded in UNDU custody on 2 June 2003.[5123] Stanišić was transferred to the Tribunal on 11 June 2003 and was remanded in UNDU custody that same day.[5124] The initial appearances of Simatović and Stanišić were held on 2 June 2003 and 13 June 2003, respectively, during which they entered pleas of "not guilty" to all charges in the indictment.[5125] On 16 March 2006, a further initial appearance was held, with the Accused respectively entering pleas of "not guilty" in relation to additional allegations against them.[5126]

2423. *Assignment of counsel*. Simatović was represented by Mrs Gajović from 2 June 2003 and by Mr Jovanović from 18 July 2003.[5127] Following the death of Mr Jovanović on 2 August 2009, from 11 September 2009 until the end of the case, Simatović was represented by Mr Bakrač as lead counsel.[5128] During the same period, Simatović was represented by Mr Petrović as co-counsel.[5129]

2424. Stanišić was represented by Mr Vukčević from 18 July 2003 and by Mr Knoops from 23 October 2003.[5130] On 23 November 2010, Mr Jordash took over as lead counsel and

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Prosecution Pursuant to Rule 73*bis* (D) to Reduce the Scope of the Indictment, 9 November 2007; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution Response to Trial Chambers "Request to the Prosecution Pursuant to Rule 73*bis* (D) to Reduce the Scope of the Indictment", 3 December 2007.

[5121] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution Notice of Filing of Third Amended Indictment, 10 July 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Third Amended Indictment, 10 July 2008. See also *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution's Motion Seeking Leave to Amend its Revised Second Amended Indictment in Compliance with the 4 February 2008 73 *bis* (D) Decision of the Pre-trial Chamber, 11 February 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on the Prosecution's Motion to Amend the Revised Second Amended Indictment, 4 July 2008, para. 114(4).

[5122] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Warrant of Arrest, Order for Surrender, 1 May 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Warrant of Arrest, Order for Surrender, 1 May 2003.

[5123] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Order for Detention on Remand, 2 June 2003.

[5124] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Order for Detention on Remand, 11 June 2003.

[5125] T. 3-4, 9-10.

[5126] T. 548-549.

[5127] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Decision of the Registry on Assignment of Counsel, filed 3 June 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision of the Registry on Assignment of Counsel, 18 July 2003.

[5128] Decision of the Registry on Assignment of Counsel and Co-Counsel, 11 September 2009.

[5129] Decision of the Registry on Assignment of Counsel and Co-Counsel, 11 September 2009.

[5130] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision of the Registrar on Assignment of Counsel, 21 July 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision of the Registry on Assignment of Counsel, 27 October 2003.

remained in that role until the end of the case.[5131] From 18 May 2011 until the end of the case, Stanišić was represented by Mr Martin as co-counsel.[5132]

2425. *Assignment of case to Trial Chamber.* In the pre-trial phase, this case was assigned to Trial Chambers I and III during different periods.[5133] On 18 February 2009, the President of the Tribunal assigned Judge Orie, the Presiding Judge of Trial Chamber I, to the bench.[5134] On 19 February 2009, Judge Orie designated himself as the Pre-trial Judge.[5135] On 28 May 2009, Judge Orie ordered that the Chamber be composed of himself and Judges Picard and Gwaunza for the trial proceedings.[5136]

2426. *Pre-trial Briefs.* The Prosecution first filed a Pre-trial Brief on 19 July 2004.[5137] Both Defence teams filed Pre-trial Briefs on 18 January 2005.[5138] On 2 April 2007, the Prosecution filed its Pre-trial Brief and a consolidated Pre-trial Brief.[5139] Pursuant to instructions by the

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[5131] Decision of the Registry on Assignment of Counsel and Co-Counsel, 24 November 2010.

[5132] Decision of the Registry on Assignment of Co-Counsel, 19 May 2011. See also *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision of the Registrar on Assignment of Co-Counsel, 21 July 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision of the Registry on Assignment of Co-Counsel, 17 September 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision of the Registry on Assignment of Counsel, 27 October 2003; Decision of the Registry on Assignment of Counsel and Co-Counsel, 24 November 2010.

[5133] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-I, Order Assigning a Case to a Trial Chamber, 30 May 2003; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Reassigning a Case to a Trial Chamber, 27 September 2007; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Reassigning a Case to a Trial Chamber, 11 December 2007; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Assigning *Ad Litem* Judges for Pre-Trial Work, 12 December 2007; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Assigning a Pre-Trial Judge, 12 December 2007; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Assigning *Ad Litem* Judges to a Case Before a Trial Chamber, 3 March 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Withdrawing a Judge from a Case Before a Trial Chamber, 19 November 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Replacing a Judge and Assigning an *Ad Litem* Judge in a Case Before a Trial Chamber, 18 December 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Corrigendum to Order Replacing a Judge and Assigning an *Ad Litem* Judge in a Case Before a Trial Chamber, 14 January 2009.

[5134] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Replacing a Judge in a Case Before a Trial Chamber, 18 February 2009.

[5135] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Designating a Pre-Trial Judge, 19 February 2009.

[5136] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Composing a Trial Bench, 28 May 2009. See also *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Assigning *Ad Litem* Judge to Case Before Trial Chamber, 28 May 2009.

[5137] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution's Pre-Trial Brief, 19 July 2004; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Corrigendum to Prosecution's Pre-trial Brief with Confidential Annex A, 22 July 2004.

[5138] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, [Simatović] Defence Pre-Trial Brief, 18 January 2005; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, [Stanišić] Defence Pre-Trial Brief, 18 January 2005. See also T. 452-453; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Final Decision on Motion of Defence of Jovica Stanišić to File Pre-Trial Brief on Confidential Basis, 26 April 2005, p. 4; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, [Stanišić] Defence Pre-trial Brief, 10 May 2005.

[5139] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution Pre-trial Brief, 2 April 2007; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Prosecution's Consolidated Pre-trial Brief, 2 April 2007. See also *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Request to Exceed Word Limit for Consolidated Pre-Trial Brief, 2 April 2007; *Prosecutor v. Stanišić and Simatović*, Corrigendum

Pre-trial Chamber, the Simatović Defence filed a Pre-trial Brief on 13 July 2007,[5140] and the Stanišić Defence filed a consolidated Pre-trial Brief on 16 July 2007.[5141]

2427. *Preliminary motions*. On 14 November 2003, the Pre-trial Chamber issued a decision on the Stanišić Defence and Simatović Defence preliminary motions on the form of the indictment, granting the motions in part and directing the Prosecution to file an amended indictment.[5142] On 12 April 2006, following Defence motions alleging defects in the second amended indictment, the Pre-trial Chamber ordered the Prosecution to file a revised indictment by 15 May 2006.[5143] A Simatović Defence motion challenging the resulting revised indictment was denied by the Pre-trial Chamber on 9 June 2006.[5144]

2428. On 29 March 2010, the Trial Chamber denied the Stanišić Defence motion of 3 November 2009, which alleged defects in the form of the indictment.[5145] On 25 March 2011, the Trial Chamber granted a motion which, *inter alia*, dealt with a submission by the Prosecution on the number and identity of victims of crimes alleged in the indictment.[5146] On 15 August 2012, the Trial Chamber denied, in respect of alleged defects in the form of indictment, another motion by the Stanišić Defence on the basis that the arguments regarding the form of the indictment had already been fully litigated.[5147] In this decision, the Trial Chamber recalled that it had previously noted that the Defence had failed to file a preliminary

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and Supplementary Annex E to Prosecution Consolidated Pre-trial Brief, 15 May 2007. The Chamber notes that on 17 July 2007, the Pre-trial Chamber denied both Defence Counsels' motion to reject the Prosecution's final Pre-trial Brief, *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Defence Motion to Reject Prosecution's Final Pre-Trial Brief of 2 April 2007, 17 July 2007.

[5140] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, [Simatović] Defence Pre-trial Brief, 13 July 2007; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Several Applications to Modify Terms of the Work Plan and Order Following a Rule 65*ter* Conference, 1 June 2007, p. 6.

[5141] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, [Stanišić] Defence Consolidated Pre-trial Brief, 16 July 2007.

[5142] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Defence Preliminary Motions, 14 November 2003, p. 6; See further *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Submission of Amended Indictment; Defence Preliminary Motion (Jovica Stanišić); and Motion on Defect in the Amended Indictment (Franko Simatović), 29 January 2004, p. 3.

[5143] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Defence Motions Regarding Defects in the Form of the Second Amended Indictment, 12 April 2006, p. 10.

[5144] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Defence Request to File Preliminary Motion on Revised Second Amended Indictment, 9 June 2006, p. 3.

[5145] Decision on Stanišić Defence Motion on the Form of the Indictment, 29 March 2010, para. 11.

[5146] Decision on the Prosecution Submission on Additional Victims and on Motion to Add Some Source Documents to the Rule 65 *ter* Exhibit List and to Admit the Report of Dr. Ewa Tabeau with the Source Documents, 25 March 2011.

[5147] Decision on Defence Motion for Exclusion of Specified Exhibits and Admission of Various Other Documents, 15 August 2012, para. 11.

motion alleging any defects in the form of the Third Amended Indictment which was filed on 10 July 2008.[5148]

2429. *Pre-trial Conference and Commencement of Trial*. The Pre-trial Conference in this case was initially set for 27 February 2008.[5149] This was rescheduled first to 10 March 2008, then to 17 March and 1 April 2008 respectively.[5150] On 9 April 2008, the Pre-trial Chamber, having considered the medical situation of Stanišić, decided to establish a video-conference link at the UNDU to enable him to follow the trial proceedings from there on days when he was too ill to attend Court.[5151] The Pre-trial Chamber rescheduled the Pre-trial Conference and the Prosecution's opening statement to 14 April 2008 and then further postponed the proceedings until 28 April 2008, the video-conference link not yet being in place.[5152] Whilst the trial commenced on 28 April 2008, on 16 May 2008 the Appeals Chamber ordered the adjournment of the trial for a minimum of three months.[5153]

2430. The case was reverted back to the pre-trial phase and the adjournment lasted until Spring 2009. On 24 April 2009, reassessing Stanišić's state of health, the Pre-trial Chamber revoked the provisional release for the Accused, which had been granted on 26 May 2008.[5154] On the same day the Pre-trial Chamber ordered the Pre-trial Conference to be held on 18 May 2009 and that the trial should re-commence on 25 May 2009.[5155] The Pre-trial Chamber also held that witnesses heard or exhibits admitted at the initial commencement of trial proceedings shall not be considered as evidence without presentation anew following the re-commencement of trial.[5156] On 12 May 2009, the Pre-trial Chamber rescheduled the Pre-trial

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[5148] Decision on Defence Motion for Exclusion of Specified Exhibits and Admission of Various Other Documents, 15 August 2012, para. 11. See Decision on the Form of the Indictment, 29 March 2010.
[5149] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Scheduling Order and Termination of Provisional Release, 6 February 2008, p. 3.
[5150] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Scheduling Order, 11 February 2008, p. 2; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Scheduling Order, 7 March 2008, p. 2; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Scheduling Order, 19 March 2008, p. 2.
[5151] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Future Course of Proceedings, 9 April 2008, para. 17(1).
[5152] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Future Course of the Proceedings, 9 April 2008, para. 17(3); T. 869, 880.
[5153] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-AR73.2, Decision on Defence Appeal of the Decision on Future Course of Proceedings, 16 May 2008, para. 22.
[5154] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Provisional Release, 26 May 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Prosecution Motion for Revocation of Jovica Stanišić's Provisional Release and Re-assessment of his Health and Revocation of Franko Simatović's Provisional Release, 24 April 2009.
[5155] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Scheduling Order for Recommencement of Trial, 24 April 2009.
[5156] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Scheduling Order for Recommencement of Trial, 24 April 2009.

Conference to 2 June 2009.[5157] On 5 June 2009, the Pre-trial Chamber ordered that the Prosecution deliver its opening statement on 9 and 10 June 2009, which it did.[5158] Neither the Stanišić Defence nor the Simatović Defence made opening statements at that time.[5159] The presentation of evidence commenced on 29 June 2009.[5160]

2431. *Close of Prosecution case-in-chief and Decision on motion for acquittal pursuant to Rule 98 bis*. On 6 April 2011, the Prosecution served notice of the close of its case-in-chief.[5161] The Trial Chamber heard oral submissions on the Simatović Defence motion for acquittal on 7 and 11 April 2011.[5162] On 5 May 2011, the Trial Chamber delivered an oral decision denying the motion.[5163]

2432. On 7 June 2011, the Trial Chamber granted a Prosecution motion to reopen its case and admitted a document into evidence from the bar table.[5164] On 1 September 2011, the Trial Chamber granted another Prosecution motion to reopen its case and admitted another document into evidence from the bar table.[5165]

2433. *Commencement of Defence case.* On 8 June 2011, the Trial Chamber denied a request by the Simatović Defence requesting leave to present an opening statement at the commencement of its own case, as opposed to the commencement of the Defence case as a whole.[5166] The Pre-Defence Conference was held on 14 June 2011 and on this day the Simatović Defence waived its right to give an opening statement.[5167] The Stanišić Defence gave its opening statement on 15 June 2011, and started the presentation of its evidence the following day.[5168] The Simatović Defence began the presentation of its evidence on 13 December 2011.[5169]

[5157] T. 1348-1349.
[5158] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Scheduling Order, 5 June 2009; T. 1440-1443, 1444-1481.
[5159] T. 1440-1443, 1444-1481, 1482-1543, 1546-1547.
[5160] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Scheduling Order, 5 June 2009; T. 1580.
[5161] Prosecution Notice of the Close of Its Case-In-Chief, 6 April 2011.
[5162] T. 11300-11353, 11355-11436. On 6 April 2011, the Stanišić Defence informed the Trial Chamber through an informal communication that it would not present Rule 98 *bis* submissions.
[5163] T. 11463-11488.
[5164] Decision on Prosecution Motion to Reopen Prosecution Case and for the Admission of Documents from the Bar Table, 7 June 2011.
[5165] Decision on Prosecution Motion to Reopen Prosecution Case and for the Admission of a Document from the Bar Table, 1 September 2011.
[5166] T. 11504-11511. See also T. 12622-12623. The Trial Chamber notes that this decision was communicated to the parties on 8 June 2011, was put on the record on 14 June 2011, and reasons for the decision were provided on 11 July 2011.
[5167] T. 11504-11511. See also, T. 11612-11613, and Simatović Defence Notification, 2 June 2011, para. 4.
[5168] T. 11562-11612, 11625.
[5169] T. 15584.

2434. *Health of the accused Jovica Stanišić*. On 27 April 2006, the Pre-trial Chamber dismissed, without prejudice, a motion by the Stanišić Defence on Stanišić's fitness to stand trial, finding that the motion was premature.[5170] Pursuant to an order of the Pre-trial Chamber, on 3 January 2008 the Stanišić Defence filed a motion on Stanišić's fitness to stand trial.[5171] On 10 March 2008, the Pre-trial Chamber dismissed the motion and found Stanišić fit to stand trial.[5172] In this decision, the Pre-trial Chamber set in place a regime of afternoon hearings, four days a week.[5173] It also ordered that Stanišić should be examined regularly by a gastroenterologist, and that the resident doctor of the UNDU must provide the Pre-trial Chamber with weekly reports on Stanišić's medical condition.[5174] Following this decision, between 14 March and 13 May 2008, the resident doctor of the UNDU submitted weekly medical reports describing Stanišić's medical condition.[5175] On 17 March 2008, the Pre-trial Chamber denied the Defence request for certification to appeal the 10 March 2008 Fitness Decision.[5176] On 8 April 2008, the Pre-trial Chamber by majority, Judge Robinson dissenting, decided not to reconsider that same decision.[5177]

2435. With the adjournment lasting until Spring 2009, on 29 May 2009, the Pre-trial Chamber, considering Stanišić's health situation and the trial commitments of the Judges in the Chamber, decided that the proceedings could re-commence pursuant to certain modalities for trial.[5178] It decided to hear the case two days per week, that the UNDU RMO should submit a written report to the Chamber on Stanišić's medical condition once a week, and that

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[5170] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Stanišić Defence's Motion on the Fitness of the Accused to Stand at Trial with Confidential Annexes, 27 April 2006, p. 6.
[5171] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Order Establishing Deadlines for Submissions on the Accused Stanišić's Fitness to Stand Trial, 18 December 2007, p. 3; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Second Stanišić Defence Motion on Fitness of the Accused to Stand Trial with Confidential and Partly Ex Parte Annexes, 3 January 2008.
[5172] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Motion Re Fitness to Stand Trial, 10 March 2008 (Confidential and *ex parte*), para. 130, as referenced in *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-AR73.2, Decision on Defence Appeal of the Decision on Future Course of Proceedings, (Public), 16 May 2008, footnote 19.
[5173] Ibid., paras 131-132, 134.
[5174] Ibid., paras 131-132, 134.
[5175] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Report by Medical Officer, 28 March 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Report by Medical Officer, 7 April 2008; *Prosecutor v. Stanišić and Simatović*, Report by Medical Officer, 11 April 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Report by Medical Officer, 21 April 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Report by Medical Officer, 25 April 2008; *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Report by Medical Officer, 5 May 2008.
[5176] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Defence Motion Requesting Certification for Leave to Appeal (Confidential and *ex parte*), 17 March 2008, paras 7-8, as referenced in *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-AR73.2, Decision on Defence Appeal of the Decision on Future Course of Proceedings, 16 May 2008, footnote 20.
[5177] T. 867.

a gastroenterologist should examine and report on Stanišić's medical condition at least once every four weeks.[5179] The Pre-trial Chamber further decided on the availability of a video-conference link from the UNDU.[5180] If Stanišić would not waive his right to be present in court but claimed to be unable to participate in the proceedings due to illness, the RMO, or an independent medical expert, would have to report to the Chamber.[5181] Based on this report, the Chamber would determine whether to proceed in the absence of Stanišić or adjourn the proceedings until the next scheduled court session.[5182] On 9 June 2009, the Pre-trial Chamber amended the modalities for trial to include reporting on Stanišić's condition by a psychiatrist once every eight weeks.[5183]

2436. On 9 June 2009, after hearing from the RMO, the Trial Chamber denied the Stanišić Defence request for an adjournment until Stanišić had been examined by a psychiatrist, and proceeded with the hearing in Stanišić's absence.[5184] On 10 June 2009, Stanišić maintained that he felt too sick to attend court in person and that he did not wish to use the video-conference link, nor waive his right to be physically present in court.[5185] The Trial Chamber decided to proceed in Stanišić's absence.[5186] On 29 June 2009, and again on 30 June, after having reviewed recent medical reports, the Trial Chamber proceeded with the scheduled court sessions despite Stanišić's claim that he was unable to be present in court.[5187] Events developed in a similar way on 6 and 7 July 2009.[5188] On 15 July 2009, the Trial Chamber denied a request by the Stanišić Defence for an adjournment of the proceedings of that same

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[5178] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Start of Trial and Modalities for Trial, 29 May 2009, para. 25.
[5179] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Start of Trial and Modalities for Trial, 29 May 2009, Annex, paras 1-3.
[5180] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Start of Trial and Modalities for Trial, 29 May 2009, Annex, paras 4-5.
[5181] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Start of Trial and Modalities for Trial, 29 May 2009, Annex, para. 7.
[5182] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision on Start of Trial and Modalities for Trial, 29 May 2009, Annex, para. 8.
[5183] *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-PT, Decision Amending Modalities for Trial, 9 June 2009, para. 3, Annex A, para. 3, Annex B, para. 11.
[5184] Absence from Court Form and Medical Report by Reporting Medical Officer, 9 June 2009, pp. 1-2; T. 1432-1434, 1440, 1442; Reasons for Denying the Stanišić Defence Request to Adjourn the Hearings of 9 and 10 June 2009 and have Jovica Stanišić Examined by a Psychiatrist before the Start of Trial and for Decision to Proceed with the Court Session of 9 June 2009 in the Absence of the Accused, 2 July 2009, paras 11-16.
[5185] Absence from Court Form and Medical Report by Reporting Medical Officer, 10 June 2009, pp. 1-2.
[5186] T. 1483.
[5187] T. 1559; Reasons for Decision Denying the Stanišić Defence Request to Postpone the Court Proceedings and Decision Proceeding with the Court Session of 29 June 2009 in the Absence of the Accused, 22 July 2009 Absence from Court Form, 29 June 2009; Non-Attendance in Court Form, 29 June 2009; T. 1642-1643; Absence from Court Form, 30 June 2009; Non-Attendance in Court Form, 30 June 2009.
[5188] Absence from Court Form, 6 July 2009, p. 1; Non-Attendance in Court Form, 6 July 2009; T. 1732-1734, 1826-1827, 1829; Absence from Court Form, 7 July 2009, pp. 1-2; Non-Attendance in Court Form, 7 July 2009.

day.[5189] Based on the daily medical reports of the RMO and in the absence of objections from the Prosecution and the Simatović Defence, the Trial Chamber decided to proceed with the scheduled court sessions in Stanišić's absence on 16 July, 26 August, 27 August, and 14 September 2009.[5190]

2437. On 30 November 2009, Stanišić participated in proceedings via the video-conference link from the UNDU for the first time.[5191] On 20 January 2010, Stanišić attended the trial proceedings in person for the first time.[5192] On 5 July 2010, Stanišić was not present in court after being urgently sent to hospital.[5193] As Stanišić had not waived his right to be present, the Trial Chamber dealt only with procedural matters in his absence.[5194] On 22 June, 29 September, 11 November 2010, and 24 November, 13, 14, and 15 December 2011 Stanišić waived his right to be present in court during house keeping sessions and on the basis that he felt unable to attend court.[5195]

2438. On 1 September 2009, the Trial Chamber decided, *inter alia*, that the frequency of reporting by the gastroenterologist should be decreased.[5196] On 17 September 2010, the Trial Chamber, considering the changed circumstances in relation to the health of Stanišić and his participation in the court proceedings, amended the modalities for trial again.[5197] It decided, *inter alia*, to increase the hearings schedule from two to three days a week.[5198] On 17 August 2012, the Trial Chamber, considering that apart from the closing arguments no further court sessions were scheduled in this case, amended the modalities for trial to discontinue the reporting regime of the RMO and medical specialists.[5199]

2439. *Provisional Release*. Between July 2009 and July 2012, the Trial Chamber denied Stanišić provisional release on several occasions based on various grounds, including:

[5189] Absence from Court Form, 15 July 2009, p. 1; Non-Attendance in Court Form, 15 July 2009; T. 1944-1946; Reasons for Decision Denying the Stanišić Defence Request to Adjourn the Court Proceedings and for Decision to Proceed with the Court Session of 15 July 2009 in the Absence of the Accused, 16 October 2009, paras 7-8.
[5190] T. 2016-2017, 2045-2046, 2099-2100, 2189-2190.
[5191] T. 2201-2202.
[5192] T. 2736.
[5193] T. 6102.
[5194] T. 6102-6103.
[5195] T. 5909-5910, 7498, 9055, 15068, 15578-15579, 15675-15676, 15761-15762; Absence from Court Form, 29 September 2010, p. 1; Absence from Court Form, 11 November 2010, p. 1; Absence from Court Form, 24 November 2011; Absence from Court Form, 13 December 2011, p. 1; Absence from Court Form, 14 December 2011, p.1; Absence from Court Form, 15 December 2011, p.1.
[5196] Second Decision Amending Modalities for Trial, 1 September 2009, para. 2, Annex A, paras 3, 7, Annex B, paras 3, 7; Corrigendum to Second Decision Amending Modalities for Trial, 7 September 2009, para. 1, Annex B, para. 3.
[5197] Third Decision Amending Modalities for Trial, 17 September 2010.
[5198] Ibid., at para. 13, Annex A, para. 1, and Annex B, para. 1.
[5199] Order Cancelling Regular Medical Reporting, 17 August 2012.

complications surrounding his health; the lack of compelling humanitarian grounds; and the premature nature of the request for provisional release.[5200] However, Stanišić was also repeatedly granted provisional release during the aforementioned time period.[5201] Similarly, during the same time period, the Trial Chamber granted Simatović provisional release on several occasions.[5202]

2440. On 16 July 2012, the Chamber granted requests of both Accused for provisional release and on 7 December 2012, the Accused were ordered to return by 24 January 2013 in anticipation of the closing arguments.[5203] On 15 May 2013, the Trial Chamber terminated the provisional release of the Accused and ordered that they return to the Tribunal on or before 27 May 2013, in anticipation of the pronouncement of the Judgement on 30 May 2013.[5204]

2441. *Adjournments and other reasons for delays not related to the health of Stanišić.* On 27 August 2009, Simatović requested an adjournment of the trial following the death of his lead counsel, Mr Jovanović, on 2 August 2009.[5205] In various decisions, the Trial Chamber decided not to have any regular court hearings for the remainder of August, the whole of September, and beginning of October 2009.[5206] On 15 October 2009, the Trial Chamber decided, *inter alia*, that the hearings in the case would recommence during the week of 30 November 2009, which they did.[5207] On 23 February 2010, the Trial Chamber granted an urgent defence request for adjournment between 1 March and 12 April 2010, in order for the Defence to adequately prepare for the continuation of the proceedings.[5208]

[5200] Decision on Urgent Stanišić Defence Motion for Provisional Release during the Upcoming Court Recess, 22 July 2009, para. 23; Decision on Urgent Stanišić Defence Motion for Provisional Release, 31 March 2010, para. 31; Decision on Urgent Stanišić Defence Motion for Provisional Release on Humanitarian and Compassionate Grounds, 16 August 2010, paras 7, 9-11; Decision on Stanišić Defence Motion for Provisional Release, 16 July 2012, para. 6.
[5201] Public Redacted Version of "Decision on Urgent Stanišić Defence Motion for Provisional Release" of 11 October 2010, 23 November 2010, paras 13-14; Decision on Urgent Stanišić Request for Provisional Release, 21 April 2011, paras 11, 14.
[5202] Decision on Simatović Defence Motion for Provisional Release During the Upcoming Court Recess, 10 July 2009, para. 15; Urgent Order Varying Conditions of Franko Simatović's Provisional Release, 4 August 2009, p. 2; Decision on Simatović Defence Motion for Provisional Release During the Winter Court Recess, 10 December 2010, para. 8.
[5203] Order in Relation to the Provisional Release of the Accused, 7 December 2012, paras 3-4.
[5204] Scheduling Order for Pronouncement of Judgement and Order Terminating Provisional Release of the Accused, 15 May 2013.
[5205] Request of Franko Simatović for Adjournment of Proceedings, 27 August 2009.
[5206] See T. 2186; Scheduling Order, 11 September 2009.
[5207] Decision on Motion for Adjournment of Proceedings by the Simatović Defence, 15 October 2009, para. 30 (i); T. 2201.
[5208] Decision on Urgent Simatović Defence Request for Adjournment, 23 February 2010.

2442. On 29 December 2010, the Trial Chamber partially granted a Stanišić Defence motion and adjourned for two weeks, in order to give the Defence time to assess the Mladić notebooks and related materials.[5209]

2443. On 16 February 2011, the Trial Chamber issued a scheduling order, which it later adjusted on 1 April 2011, extending the commencement date of the Defence case from the earlier anticipated mid-May 2011, to 15 June 2011.[5210] On 22 August 2011, the Trial Chamber partially granted a Stanišić Defence motion of 22 August 2011, requesting the suspension of trial proceedings after the summer recess in order to prepare for its defence, and decided not to sit for four weeks, beginning on 5 September 2011.[5211] On 11 January 2012, the Trial Chamber announced that due to the unavailability of witnesses, the hearings in the case would recommence no earlier than 17 January 2012.[5212] On 28 February 2012, the Trial Chamber orally decided not to sit in the month of April 2012 in order to give the Simatović Defence further opportunity to prepare for its witnesses.[5213]

2444. *Close of Defence case, rebuttal, and rejoinder.* On 17 September 2012, the Trial Chamber decided that for the purposes of Rule 85 (ii) of the Rules, the Defence cases were closed.[5214] On 20 September 2012, the Trial Chamber denied a Prosecution motion requesting the admission of certain rebuttal evidence.[5215] On 31 October and 5 November 2012, the Trial Chamber admitted other documentary material as Prosecution rebuttal evidence.[5216] On the latter date the Trial Chamber also decided that for the purposes of Rule 85 (iii) of the Rules,

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[5209] Decision on Stanišić Defence Motion for Adjournment of Proceedings, 25 January 2011, paras 3, 5-6. The Trial Chamber notes that its decision was informally communicated to the Parties on 29 December 2010.
[5210] Scheduling Order, 16 February 2011; Scheduling Order and Decision on Defence Requests for Adjustment of Scheduling Order of 16 February 2011, 1 April 2011, p. 3.
[5211] T. 13393; Reasons for Decision Partially Granting the Stanišić Defence Motion for Suspension of Proceedings After the Summer Recess, 28 September 2011. On 28 November 2011, the Trial Chamber decided on a Stanišić Defence request for certification to appeal the Trial Chamber's decision partially granting the Stanišić Defence's 22 August 2011 motion, granting the Stanišić Defence's request for certification to appeal. Decision on Stanišić Defence Request for Certification to Appeal the Trial Chamber's Decision Partially Granting Its Motion for Suspension of Proceedings, 28 November 2011, para. 8. Subsequently, the Stanišić Defence did not file an appeal.
[5212] T. 16037.
[5213] T. 17816-17818; Reasons for Decision Partially Granting the Simatović Defence Urgent Request for Adjournment, 17 April 2012.
[5214] Order on Case Presentation, 17 September 2012, p. 1.
[5215] Decision on Prosecution Bar Table Motion to Admit Rebuttal Evidence Regarding JF-057, 20 September 2012.
[5216] Decision on Prosecution Motion for Admission of Rebuttal Evidence: Mladić Notebooks, 31 October 2012, para. 12; Decision on Prosecution Motion for Admission of Rebuttal Evidence: Serbian DB Personnel Files, 31 October 2012, para. 12 (ii); Decision on Prosecution Motion for Admission into Evidence of Rebuttal Material from the Bar Table: Miscellaneous Documents, 5 November 2012, para. 25.

the Prosecution's rebuttal case was closed.[5217] On 5 December 2012, the Trial Chamber admitted certain documentary material as Stanišić Defence rejoinder evidence, and denied the Stanišić Defence's request to file an additional rejoinder motion.[5218] On the same day, the Trial Chamber denied the Simatović Defence's motion for admission of rejoinder material into evidence.[5219]

2445. *Final Trial Briefs and closing arguments:* On 5 December 2012, the Trial Chamber closed the presentation of evidence in this case.[5220] The parties filed their Final Trial Briefs on 14 December 2012.[5221] The Trial Chamber heard the parties' closing arguments on 29, 30, and 31 January 2013.[5222]

[5217] Decision on Prosecution Motion for Admission into Evidence of Rebuttal Material from the Bar Table: Miscellaneous Documents, 5 November 2012, para. 25 (xii)-(xiii).
[5218] Decision on Stanišić Defence Motion for Admission into Evidence of Rejoinder Material from the Bar Table, 5 December 2012, para. 27.
[5219] Decision on Simatović Defence Motion for Admission into Evidence of Rejoinder Material, 5 December 2012, para. 24.
[5220] Closing and Scheduling Order and Decision on Defence Requests for Word Limit Extensions for Final Trial Briefs, 5 December 2012, paras 2-3.
[5221] Prosecution Final Trial Brief, 14 December 2012 (a public redacted version was filed on 1 March 2013); Simatović Defence Final Trial Brief, 14 December 2012 (a public redacted version was filed on 15 February 2013); Stanišić Defence Final Trial Brief, 17 December 2012 (a public redacted version was filed on 11 February 2013). The Stanišić Defence Final Trial Brief was filed a few minutes after the deadline of 14 December 2012. As a result it received the filing date of 17 December 2012. The Trial Chamber nevertheless considered the Stanišić Final Trial Brief in its entirety.
[5222] T. 20175-20415.

Appendix B: Table of cases with abbreviations

** ICTY cases, unless otherwise indicated.*

Aleksovski	Appeal Judgement: *Prosecutor v. Zlatko Aleksovski*, Judgement, 24 March 2000
Blaškić	Appeal Judgement: *Prosecutor v. Tihomir Blaškić*, Judgement, 29 July 2004
Blagojević and Jokić	Trial Judgement: *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Judgement, 17 January 2005
	Appeal Judgement: *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Judgement, 9 May 2007
Boškoski and Tarčulovski	Appeal Judgement: *Prosecutor v. Ljube Boškoski and Johan Tarčulovski*, Judgement, 19 May 2010
Brđanin	Trial Judgement: *Prosecutor v. Radoslav Brđanin*, Judgement, 1 September 2004
	Appeal Judgement: *Prosecutor v. Radoslav Brđanin*, Judgement, 3 April 2007
Čelebići	Appeal Judgement: *Prosecutor v. Zejnil Delalić, Zdravko Mucić, Hazim Delić, and Esad Landžo*, Judgement, 20 February 2001
Galić	Appeal Judgement: *Prosecutor v. Stanislav Galić*, Judgement, 30 November 2006
Gotovina et al.	Trial Judgement: *Prosecutor v. Ante Gotovina, Ivan Čermak, and Mladen Markač*, Judgement, 15 April 2011
Halilović	Appeal Judgement: *Prosecutor v. Sefer Halilović*, Judgement, 16 October 2007
Haradinaj et al.	Trial Judgement: *Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj*, Judgement, 3 April 2008
	Appeal Judgement: *Prosecutor v. Ramush Haradinaj, Idriz Balaj and Lahi Brahimaj*, Judgement, 19 July 2010
Kalimanzira	Appeal Judgement: *Prosecutor v. Callixte Kalimanzira*, Judgement, 20 October 2010 (ICTR)
Kamuhanda	Appeal Judgement: *Prosecutor v. Jean de Dieu Kamuhanda*, Judgement, 19 September 2005 (ICTR)
Kayishema and Ruzindana	Appeal Judgement: *Prosecutor v. Clément Kayishema and Obed Ruzindana*, Judgement (Reasons), 1 June 2001 (ICTR)
Kordić and Čerkez	Appeal Judgement: *Prosecutor v. Dario Kordić and Mario Čerkez*, Judgement, 17 December 2004 (with corrigendum of 26 January 2005)
Krajišnik	Trial Judgement: *Prosecutor v. Momčilo Krajišnik*, Judgement, 27 September 2006
	Appeal Judgement: *Prosecutor v. Momčilo Krajišnik*, Judgement, 17 March 2009

Krnojelac	Trial Judgement: *Prosecutor v. Milorad Krnojelac*, Judgement, 15 March 2002
	Appeal Judgement: *Prosecutor v. Milorad Krnojelac*, Judgement, 17 September 2003
Krstić	Trial Judgement: *Prosecutor v. Radislav Krstić*, Judgement, 2 August 2001
	Appeal Judgement: *Prosecutor v. Radislav Krstić*, Judgement, 19 April 2004
Kunarac et al.	Appeal Judgement: *Prosecutor v. Dragoljub Kunarac, Radomir Kovač, and Zoran Vuković*, Judgement, 12 June 2002
Kupreškić et al.	Trial Judgement: *Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Dragan Papić, and Vladimir Šantić*, Judgement, 14 January 2000
	Appeal Judgement: *Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, and Vladimir Šantić*, Appeal Judgement, 23 October 2001
Kvočka et al.	Trial Judgement: *Prosecutor v. Miroslav Kvočka, Milojica Kos, Mlađo Radić, Zoran Žigić, and Dragoljub Prcać*, Judgement, 2 November 2001
	Appeal Judgement: *Prosecutor v. Miroslav Kvočka, Mlađo Radić, Zoran Žigić, and Dragoljub Prcać*, Judgement, 28 February 2005
Martić	Appeal Judgement: *Prosecutor v. Milan Martić*, Judgement, 8 October 2008
Dragomir Milošević	Appeal Judgement: *Prosecutor v. Dragomir Milošević*, Judgement, 12 November 2009
Mrkšić and Šljivančanin	Appeal Judgement: *Prosecutor v. Mile Mrkšić and Veselin Šljivančanin*, Judgement, 5 May 2009
Muvunyi	Appeal Judgement: *Prosecutor v. Tharcisse Muvunyi*, Judgement, 1 April 2011
Nahimana et al.	Appeal Judgement: *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze*, Judgement, 28 November 2007 (ICTR)
Naletilić and Martinović	Trial Judgement: *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Judgement, 31 March 2003
	Appeal Judgement: *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Judgement, 3 May 2006
Ntagerura et al.	Appeal Judgement: *Prosecutor v. André Ntagerura, Emmanuel Bagambiki, and Samuel Imanishimwe*, Judgement, 7 July 2006 (ICTR)
Nyiramasohoko et al.	Trial Judgement: *Prosecutor v. Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi, and Élie Ndayambaje*, Judgement, 24 June 2011 (ICTR)
Orić	Appeal Judgement: *Prosecutor v. Naser Orić*, Judgement, 3 July 2008

Perišić	Appeal Judgement: *Prosecutor v. Momčilo Perišić*, Judgement, 28 February 2013
Semanza	Appeal Judgement: *Prosecutor v. Laurent Semanza*, Judgement, 20 May 2005 (ICTR)
Simić et al.	Trial Judgement: *Prosecutor v. Blagoje Simić, Miroslav Tadić, and Simo Zarić*, Judgement, 17 October 2003
	Appeal Judgement: *Prosecutor v. Blagoje Simić, Miroslav Tadić, and Simo Zarić*, Judgement, 28 November 2006
Stakić	Appeal Judgement: *Prosecutor v. Milomir Stakić*, Judgement, 22 March 2006
Strugar	Appeal Judgement: *Prosecutor v. Pavle Strugar*, Judgement, 17 July 2008
Tadić	Jurisdiction Decision: *Prosecutor v. Duško Tadić*, "Decision on Defence Motion for Interlocutory Appeal on Jurisdiction", 2 October 1995
	Trial Judgement: *Prosecutor v. Duško Tadić*, Judgement, 7 May 1997
	Appeal Judgement: *Prosecutor v. Duško Tadić*, Judgement, 15 July 1999
Vasiljević	Appeal Judgement: *Prosecutor v. Mitar Vasiljević*, Judgement, 25 February 2004