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29 May 2002

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-02-54-T

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Lipton Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Date Filed: 29 May 2002

THE PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

PROSECUTION'S SUBMISSION OF THE SECOND EXPERT REPORT
("PART II") OF PHILIP COO

The Office of the Prosecutor:

Mr. Geoffrey Nice
Mr. Dirk Ryneveld
Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

Amicus Curiae:

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Mischa Wladimiroff

The Accused

Mr. Slobodan Milošević

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR

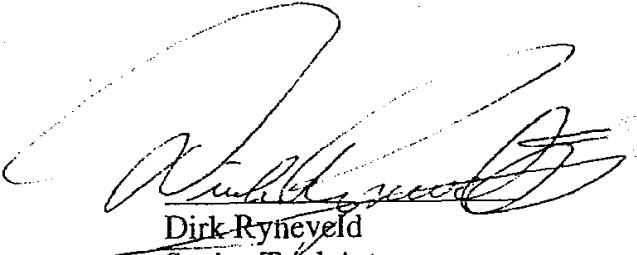
v.

SLOBODAN MILOŠEVIĆ

Case No. IT-02-54-T

**PROSECUTION'S SUBMISSION OF THE SECOND EXPERT REPORT OF
PHILIP COO**

Pursuant to Rule 94*bis* of the Rules of Procedure and Evidence, the Prosecution submits the draft second expert report ("Part II") of Philip Coo.


Dirk Ryneveld
Senior Trial Attorney

Dated This Twenty-Ninth Day of May 2002
In The Hague
The Netherlands



OTP MILITARY ANALYST REPORT

FORCES OF THE FRY & SERBIA IN KOSOVO

PART II: KOSOVO OPERATIONS NARRATIVE

Submitted as Evidence in ICTY Case Number IT-02-54, *Prosecutor v. Slobodan Milošević*.

- This report constitutes the second part of a two part report submitted as evidence to support the testimony of OTP Military Analyst, Philip R. Coo.¹
- **PART II:** Examines the structures that the forces of the FRY and Serbia adopted in Kosovo. It also examines in detail the methods of commanding and controlling those forces. In essence, this report seeks to place the structures and means described in Part I into the context of the actual events confronting those with authority over the forces of the FRY and Serbia in 1998-99. Finally, Part II will review events in Kosovo to determine the extent of involvement of FRY and Serb forces and, ultimately, to establish what links existed between the activities of those forces and the accused, Slobodan Milošević. Part II includes all types of evidence available to the Prosecution. A large number of witnesses, especially those covering killing sites from the indictment, did not appear before the deadline for submission of the report. For this reason, analysis of the testimony and 92 *bis* statements cannot be done for the purpose of determining the identities of armed organisations associated with the incidents and assessing their activities in a broader context. To address this, a description of the methodology suitable for this analytical process and the salient features of witness descriptions, is included in Part II, Kosovo Operations Narrative.

¹ Part I was submitted earlier. See ERN K022-4151 – K022-4278



A. ORGANISATION - VJ, MUP, LOCAL DEFENCE

SECTION 1 - MILITARY UNITS

1. The following shows the units of VJ 52nd Corps, the Corps responsible for Kosovo, at various times in late 1998 and early 1999:

28 December 1998¹

- 52 Corps HQ
- 15 Armoured Brigade
- 243 Mechanised Infantry Brigade
- 125 Motorised Infantry Brigade
- 549 Motorised Infantry Brigade
- 354 Infantry Brigade
- 52 Mixed Artillery Brigade
- 52 Air Defence Artillery Rocket Brigade
- 58 Light Infantry Brigade
- 192 Engineer Regiment
- 52 Communications Battalion
- 52 Military Police Battalion²
- 52 Reconnaissance & Diversionary Company³
- 52 Nuclear, Chemical, & Biological Battalion⁴
- 53 Border Guards Battalion
- 55 Border Guards Battalion
- 57 Border Guards Battalion

¹Exhibit 1539, ERN K001-0413 *Annual Analysis of performance, order, discipline inside the Priština Corps for 1998*, 28 December 1998

² Exhibit K2375, VJ website, *Military Police Units: The Security of Military Personnel*, www.vj.yu
The Military Police in the VJ perform typical Military Police tasks – control of road moves, enforcement of order and discipline, suppression of crime. They also have a role as special light infantry units used to *fight enemy special, rebel, and paramilitary forces, counterinsurgency actions, and conventional combat tasks.*

³ Exhibit K2379, VJ website, *Reconnaissance and Subversive Units: First Class Trained Fighters and Units*, www.vj.yu

These include the 72nd Special Brigade and the 63rd Parachute Brigade. These units specialise in small unit operations in an enemy's depth where they conduct attacks and reconnaissance.

⁴ For decontamination rather than delivery of nuclear, chemical, or biological agents

2. With the units in the paragraph above representing the permanent peacetime composition of 52nd Corps, there were reinforcing units added later. These are provided below (keeping in mind that the peacetime units, although not listed, are still part of the Corps):

7 March 1999

- 37th Infantry Brigade⁵

Some elements deployed to Kosovo on 7 March 1999, with the remainder of the Brigade arriving around 4 April 1999. At least some initial elements were subordinate to 125th Brigade.⁶

By 31 March 1999⁷

- 175th Infantry Brigade
- 211th Tank Brigade
- 252nd Tank Brigade and 252 Tactical Group
- 63rd Airborne Brigade⁸

by 12 April 1999⁹

- 7th Infantry Brigade

by 20 April 1999¹⁰

- 37th Motorised Brigade (full Brigade joining earlier elements),
- 72nd Special Forces Brigade,

By May 1999¹¹

⁵ Exhibit K1868, ERN K001-3448-K001-3477, Belgrade Vojska 15 Jul 99 pages 9-13 *Example to Generations*, FBIS translation AU2608160399

⁶ Exhibit K1859, ERN K010-8044 – K010-8048 125 Brigade Order No. 1748-2 4 April 1999

⁷ Exhibit 2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 147

⁸ Vojska, *63rd Parachute Brigade: Elite from the Shadows*, 12 August 1999, pp. 12-13, FBIS translation AU0809202399

⁹ Exhibit 2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 89

¹⁰ Exhibit K2755, K020-2486 Priština Corps Order No. 455-172 20 April 1999

¹¹ Vojska, *Military Police Unit of Colonel Vojislav Pavlović*, 12 August 1999, pp 15, FBIS translation FTS19990913001377

- Military Police Company of 1st Armoured Brigade
3. Colonel Zlatomir Pesić commanded the Priština Military District. Colonel Pesić, heading the Military District, was “successful in mobilising Priština Corps’ war time units...and also formed its own military territorial units that guarded important military and other facilities, such as power and water installations, and protected the populace against terrorist attacks.”^{12 13} The Military Territorial Command in Priština with its military sections in Peć, Prizren, Priština, Gnjilane, and Kosovska Mitrovica “had rapidly covered Kosovo’s territory with its units.”¹⁴
 4. The military was therefore well-positioned to engage in offensive operations throughout Kosovo with its mix of conventional combat units with their heavy weapons and mobility as well as more specialised units to conduct missions in difficult terrain, among other things. Military-Territorial units would have freed regular VJ units from more local tasks such as defending key facilities or towns.

SECTION 2 - MUP

5. Detachments of the PJP were assigned on a regional basis. Each detachment was comprised of a number of Companies. In the case of Kosovo, the 24th Detachment had personnel for its constituent Companies at the SUP level and lower (OUP’s and Police Stations). PJP personnel had other police duties and were reassigned from these to PJP units when the need arose:

I hereby inform you that from this moment on, the Gnjilane SUP /Secretariat of the Interior/ Special Police Unit /P.J.P./ will be on full alert. Within their police stations, P.J.P. members will carry out regular tasks, but their whereabouts (especially of those not on duty) must be known at all times to enable urgent mobilisation.

¹² Exhibit K2087, Vojska, Wartime Issues, 27 March – 24 June 1999, FBIS translation
FTS19991021001067

Specifically, Vojska 17 May 1999 page 14

¹³ ERN K003-1726-K003-1729, Minutes of the 20th Session of the Kosovo Temporary Executive Council, 25 May 1999

¹⁴ Exhibit K2087, Vojska, Wartime Issues, 27 March – 24 June 1999, FBIS translation
FTS19991021001067

Specifically, Vojska 17 May 1999 page 14

In the event of the mobilisation of the unit, prepare P.J.P. members in accordance with the third option with full equipment for engagement lasting several days.

...

...the 5th Company of the 24th Detachment of the P.J.P. of the Gnjilane SUP,....¹⁵

6. MUP Intervention Brigades were PJP units which, in some cases, were broken down into companies at SUP level and platoons below this. Similarly, a PJP component known as the OPG, existed at the level of a police station in Kosovo in 1999:

...members of the 123rd /?Intervention/ Brigade 4th Company 3rd Platoon of the Djakovica SUP /Secretariat of the Interior/ PJP /Special Police Unit/, for payment of per diems for the period from 15 March to 31 March 1999.¹⁶

...members of the Djakovica SUP PJP-OPG /Operative Group/ for payment of per diems for the period from 15 March to 31 March 1999.¹⁷

7. Units of the 122nd and 124th Intervention Brigades (PJP) and the OPG were still in the area covered by the Đakovica SUP in May 1999.^{18 19} It is assessed that a similar situation applied to other SUP's.
8. The MUP in Kosovo was in a position to provide SUP's i.e. a number of contiguous municipalities with heavily-armed and quick-response units either on MUP operations or in support of the military and local defence needs. Also, for operations covering more than one SUP or, in cases where one SUP needed reinforcement, there would have been a capability of consolidating MUP assets from more than one SUP. The command structure (described elsewhere) was capable of covering such a situation.

¹⁵ Exhibit K1238, ERN K010-3669-K010-3669, OUP Vitina, Message no. 948/98, 27 May 1998

¹⁶ Exhibit K1874, ERN K010-8244-K010-8251, List of Special Police in Đakovica SUP receiving allowances, 8 April 1999

¹⁷ Exhibit K1874, ERN K010-8244-K010-8251, List of OPG Members in Đakovica SUP receiving allowances, 8 April 1999

¹⁸ Exhibit K1926, ERN K010-8238-K010-8243, List of per Diems for MUP special units personnel, 17 May 1999

¹⁹ Exhibit K1929, ERN K009-4246-K009-4246, Vehicle log for 122nd Intervention Unit, May 1999

9. The MUP was also in a position to carry out more normal police functions such as criminal investigations. MUP Staff daily reports and other MUP reports in Kosovo show that this was clearly the situation in 1998-99.

SECTION 3 – LOCAL DEFENCE

10. There is corroboration for a *Vreme* article²⁰ describing local defence in 1999 (see Part I, Section C: Local Defence Concept) in the 4 February 1999 minutes of the Temporary Executive Council (TEC), a political body administering Kosovo. The minutes show the President of the TEC, Zoran ANDELKOVIĆ, discussing local police and local defence with other Kosovo politicians, including the Mayor of the Đakovica municipality, STANOJEVIĆ. They determine that it would be a good idea to adopt the practice on a wider basis in Kosovo and establish a commission to co-ordinate the issue. Liaison with the MUP was a key part of the local defence members' duties.²¹
11. Witness Nike Peraj, a former VJ Officer, described a Municipal Defence Staff for Đakovica, or elements thereof, attending daily meetings during the state of war in 1999:

The names of those always attending daily 0800 and 1800 hours meetings were Momčilo STANOJEVIĆ (the Mayor), Major Nikola MIČUNOVIĆ (the head of the Vojni Odsek [Military Sector]), Sreto CAMOVIĆ (the Head of DB in Đakovica/Gjakove, born in Šeremet in the Carragojs valley), Miodrag ADAMOVIĆ (head of the MUP in Đakovia/Gjakove; I do not know who replaced ADAMOVIĆ), Miloš ĐOŠAN (Commander of Priština Corps ARBR in Đakovica/Gjakove), and a representative from the Priština Corps (sometimes LAZAREVIĆ, JEFTOVIĆ, KOTUR). KOVAČEVIĆ, who co-ordinated MUP and paramilitary units, attended some meetings but I do not know if he attended every meeting. I know about KOVAČEVIĆ because ĐOŠAN would mention his name when he returned from some meetings complaining about how stubborn KOVAČEVIĆ was.²²

12. According to the OSCE, local defence in Đakovica municipality existed as follows:

²⁰ Report on Kosovo Village Guards, *Vreme*, page 10-11, 20 Feb 99, FBIS translation FTS19990316001084

²¹ ERN K006-5689-K006-5718 *STENOGRAPHIC TRANSCRIPT OF THE MEETING: THE RECENT ACTIVITIES FOR THE PLANNING OF THE ESTABLISHMENT OF LOCAL SECURITY, AND FURTHER TASKS*, (draft translation L0040260), 4 February 1999

²² ERN K019-7357-K019-7377, Statement of K4, pp. 8-9, 12 February 2001

Djakovica municipality had its own particular "local security arrangements". According to the police, the Serbian government permitted the civilian population "to defend themselves against the terrorists by joining local security formations. These local security organizations were armed and uniformed, operated under control of the respective municipalities and reported all incidents to the police. Normally, their task was to patrol the area they lived in, set up checkpoints and check the identity of persons in their area of responsibility. This policy was operated by the Serbian government with the aim of preventing the UCK from recruiting among the civilian population. This kind of local security organization was to be responsible for the safety of the villagers until a political solution could be found."²³ In Djakovica municipality "local security" was provided by about 70 uniformed personnel who were allowed to possess side-arms only. They covered 40 villages in the municipality (50 percent of all villages) and were responsible for the distribution of humanitarian aid and the execution of some police duties in their respective villages; the sole permanent police station was in Crmljane/Cermjan. These local security groups were under the direct control of the mayor and the supervision of a chief security co-ordinator.²⁴ In practice, the group was run by a traditionally "loyal" local Kosovo Albanian clan, the "Jakupis."²⁵

13. The existence of armed reserve policemen in 1999 was confirmed by a list of reserve policemen issued weapons through the Vucitrn OUP. These weapons consisted of a mix of automatic and semi-automatic rifles each issued with 150 rounds of ammunition.²⁶
14. Military-Territorial units identified the existence of local defence forces, confirming at the same time the ethnic distinction in local defence and the involvement of MUP with Military-Territorial personnel:

In the night between 25 and 26 September 1998, from 2300 hours to 0300 hours, *šiptar* terrorists attacked Serbian houses in Gornje Nerodimlje village several times, from the direction of Mt. Nerodimska and the Buće feature.

²³ Peć Deputy Chief of Police to the OSCE-KVM, 23 January 1999.

²⁴ Based on information provided in a meeting between the OSCE-KVM and the chair of the executive board, Đakovica municipality, 8 March 1999.

²⁵ Exhibit 2275, OSCE *Kosovo: As Seen, As Told*, Part V: The Municipalities - Đakovica, December 1999

²⁶ Exhibit K1585. ERN K003-9262-K003-9265, *L I S T OF RPO /Reserve Police Station/ OUP /Department of the Interior/ MEMBERS WHO WERE ISSUED WITH AUTOMATIC AND SEMI-AUTOMATIC RIFLES*, issued by Vucitrn OUP, 11 January 1999

The defence forces of the Serbian part of the village repelled all the attacks and there were no losses among the Serbian fighters....²⁷

...12. – Requests:

1) Please issue a decision specifying the manner in which to resupply the ammunition that our v/o /conscripts/ engaged in the defence of Serbian villages and populated areas spent while fighting against *šiptar* terrorists. To be more specific, we have received a request from the Commander of the 64th VTOd /Military Territorial Detachment/ and the Uroševac SUP /Secretariat of the Interior/ that our v/o, especially those in Gornje Nerodimlje village, be supplied with 7.9-mm ammunition for M53 PM /light machine gun/ (v/o were issued two BK /combat sets/ of ammunition, which they have used up almost entirely).²⁸

15. By summer 1998, an integrated reporting system linking the homes of select people of Serbian and Montenegrin ethnicity with regional observation and information centres under Civilian Defence, would have been in place. An order from the FRY Ministry of Defence organ in Kosovo set the conditions for this and also showed the primacy of the MUP in local defence at that time:

With a view to integrating communications in municipal OiO /observation and reporting/ centres and stations installed in the homes of Serbs and Montenegrins in the territory of Kosovo and Metohija with OUP /Department of the Interior/ communications centres in municipalities, and in order to speed up the implementation of this task, I hereby issue the following

ORDER

1. IMMEDIATELY start checking the working order of radio stations with personal information on the heads of households where they are installed in villages in the territory of your municipality.

2. Get involved in the plan of visits by MUP /Ministry of the Interior/ workers responsible for repairing, maintaining, moving and installing radio stations in the territory of your municipality. To this end, it is necessary to

²⁷ Exhibit K2681, ERN K004-6879-K004-6880, Priština Military Department Regular Daily Report, 26 September 1998

designate a worker who is responsible for the OiO service, communications or any other worker from your section or department who will be subordinated to the MUP team in order to provide information, go into the field and carry out other planned activities.

3.

The chiefs of sections and heads of defence departments shall be responsible to me for the implementation of these tasks, and the deadline for their implementation is by 1400 hours on 23 July 1998.²⁹

16. In July 1998, the area covered by the Kosovoska Mitrovica SUP contained reserve police stations with 1374 reserve police officers; 1000 rifles had been assigned to them. Some of the personnel in the reserve police stations were VJ reservists. Also evident from the report containing this information, is that a SUP and then the MUP Staff for Kosovo were above the reserve stations in level of command.³⁰ It is assessed that a similar reserve police strength existed during the 1999 state of war.

17. An initial effect of creating reserve MUP units was to deprive the military-territorial units of recruits. In late July 1998 this was raised in a daily report by the Priština Military-Territorial Sector.

- We are at the stage of forming temporary combat units pursuant to your order strictly confidential number 2-539 of 26 July 1998. We have difficulties carrying out this task because all v/o /conscripts/ in Serbian villages and populated areas are organised for defence by branch police stations, no matter which RJ /wartime unit/ they belong to. Any attempt to take them over could be misinterpreted and even lead to certain misunderstandings with MUP organs. At the seat of each municipality, except Priština, there are certain forces in the role of reserve and they could be used for tasks that would otherwise be carried out by temporary combat units.³¹

²⁸ Exhibit K2681, ERN K004-6879-K004-6880, Priština Military Department Regular Daily Report, 26 September 1998

²⁹ Exhibit K1272, ERN K000-4761-K000-4761, Priština Administration of Defence Order No. 80-29, 22 July 1998

³⁰ Exhibit K1260, ERN K003-9322-K003-9332, Number of reserve Policemen in the Kosovska Mitrovica SUP,

³¹ Exhibit K1281, ERN K004-7217-K004-7219, Regular Daily Report, Priština Military Sector, 28 July 1998

In the same report, the Sector commander implied that volunteers of Serb and Montenegrin ethnicity were being signed up and he proposed a method of widening the net for attracting volunteers:

- * The Association of WARRIORS 91/92 and other Serbian and Montenegrin non-government organisations could organise this task, and a procedure should be prescribed for VJ and MUP commands to observe as regards the volunteers.³²

18. Just prior to the declaration of a state of war, The Federal Ministry of Defence appointed Heads of Civilian Protection Staffs in Kosovo on the basis of an earlier order from the Minister of Defence (Order of the Federal Minister of Defence on the formation of civilian protection staffs confidential no. 245-1 of 22 February 1999).³³
19. District-level Civilian Protection Staffs existed in Priština, Gnjilane, Kosovska Mitrovica and Peć.³⁴

SECTION 4 – ARMING & DISARMING OF KOSOVARS

20. Prior to his appointment to Head the VJ Security Service (KOS) in late March 1999, VJ General Geza Farkaš was the Assistant Minister for the Civilian Defence Sector.³⁵
21. According to a November 1998 letter from Petar Ilić (Head of the Priština Department of Defence) to General Farkaš, Federal ministry of Defence (MOD) Civil Defence Sector, weapons for Civil Defence units in Kosovo were provided by the VJ 3rd Army and stored in various VJ facilities for distribution during enactment of the “mobilization plans which have been made and approved by Defence Department – Civil Defence Sector”:

With our document, classified No. 80-10/3, we requested from 3rd Army Command to provide armament and ammunition for all units which have been formed and developed by various departments and sections on the

³² Exhibit K1281, ERN K004-7217-K004-7219, Regular Daily Report, Priština Military Sector, 28 July 1998

³³ Exhibit K1787, ERN K021-3041-K021-3041, Appointments in Federal Ministry of Defence Civilian Protection, signed by Assistant Minister Lieutenant-General Geza Farkaš, 19 March 1999

³⁴ Exhibit K1879, ERN K021-3072-K021-3073, Civilian Protection Staff order on fuel rationing, 15 April 1999

³⁵ Exhibit K1200, report on General Farkaš meeting Romanian counterpart, *Yugoslav Defense Team Discusses Civilian Defense in Romania*, 4 August 1998, FBIS translation

territory of KiM /Kosovo & Metohija/, such as: Civil Defence departments for 1665 military conscripts, communications units 423 military conscripts, OiO /Observation and Reporting Units/ 1179 military conscripts, civil protection 3365 members or in total 6632 military conscripts.³⁶

22. Authority to issue the weapons was held by General Farkaš:

[...] further activity regarding the taking, distributing and issuing equipment to conscripts will exclusively depend on your [General Farkaš's] orders if it comes to the realization of mobilization plans.³⁷

23. The Provincial Secretariat for Civil Defence in Kosovo issued a document called "Weapons Temporarily Issued to the Defence Department in Ištok" in July 1998.³⁸ The document reveals that armed Civil Defence units existed at that time in Kosovo and demonstrates what would have been a standard procedure in 1999 as well as 1998.

24. In July 1998, General Lukić of the MUP Staff in Priština issued a covering letter to accompany extracts from a register of weapons issued by the VJ to "citizens engaged in defence of villages and cities through the reserve police squads in the municipalities" falling under the seven Kosovo MUP districts (SUPs).³⁹ General Lukić directed SUP Chiefs to update their reserve police unit records to support their defence plans. An accompanying page covering only the Kosovska Mitrovica SUP notes that 7436 weapons were assigned to the six municipalities which that SUP covered.⁴⁰ This shows that the military provided weapons and that units defending settlements were formed around reserve MUP units.

25. In early 1998, of 588 people listed as not yet having been issued weapons in the Klina municipality, only one had an Albanian surname. It was compiled by the MUP for Klina and was a reaction to inaccuracies in a similar list produced by the Klina Municipal

³⁶ ERN K000-4687-K000-4687 Priština Defence Department to Civil Defence Sector of the Federal MOD, No. 863-56, Classified No. 2 November 1998

³⁷ ERN K000-4687-K000-4687 Priština Defence Department to Civil Defence Sector of the Federal MOD, No. 863-56, Classified No. 2 November 1998

³⁸ Exhibit 1261, ERN K000-4764, *Weapons Temporarily Issued to Defence Department in Istok*, Strictly confidential No. 80-23, 2 July 1998

³⁹ Exhibit K1287, ERN K003-9364, *Overview Number of weapons issued by VJ, broken down by municipality on the territory of the SUP in KiM*, Fax from General Lukić to Ministry of Internal Affairs Belgrade, 30 July 1998

⁴⁰ Exhibit K1287, ERN K003-9364, *Overview Number of weapons issued by VJ, broken down by municipality on the territory of the SUP in KiM*, 30 July 1998

Assembly. The nature of the MUP's list and accompanying report point to a policy of arming those who were not ethnic Albanian:

Bearing in mind the current political and security situation on the territory of the Klina municipality and the jeopardy in which the small Serbian and Montenegrin population are and given the more frequent armed attacks of Albanian terrorist gangs, which are aiming to ethnically cleanse the territory, we believe that it is necessary to distribute weapons to the threatened population.⁴¹

26. Prior to all of the above responses geared towards arming locals, there was an explicit recognition of the need to do so in order to counter the fact that it was already taking place without official control. This recognition appears in a May 1998 Order from the Federal Ministry of Defence:

It has been observed that, because of the increasing number of attacks by the Albanian terrorists on the legal organs of government and on Serbs, Montenegrins, and citizens of other nationalities loyal to the Republic of Serbia and SRJ /Federal Republic of Yugoslavia/, the inhabitants of some municipalities are organising themselves for the purpose of defence. In this connection I hereby

O r d e r

1. Chiefs of departments and heads of sections shall immediately establish contacts with municipal leaders and ensure that lists are compiled for the purpose of arming of the population which will be carried out by the Federal Ministry of Defence through its organisational units throughout the territory. Take care to ensure that those whose wartime duty station is in units of the VJ /Yugoslav Army/ units, VTO /? military territorial organ/, the MUP /Ministry of the Interior/, the SMO /Federal Ministry of Defence/ units (detachments, communications, KZ /cryptographic data protection/ units, the OIO /monitoring and reporting/ service, and the CZ /Civilian Protection/) are

⁴¹ ERN K009-2401-K009-2438, *List Of Persons From The Klina Municipality Who Were Not Issued Weapons By VTO /Military Territorial Sector/ or OUP Klina*, report by OUP Klina, 8 June 1998

not included in the lists for the issue of weapons since they will be issued them in their wartime units on the basis of their wartime assignment.⁴²

27. The 21 May Order from the Federal Ministry of Defence's organ in Kosovo, headed by Petar Ilić, contained more information worth noting.⁴³ It made it very clear that the weapons were to be given to private citizens and not to existing official organisations such as the military, MUP and Civilian Defence units which already had means of being issued weapons. It demonstrated the involvement of municipal politicians in the arming of civilians and links between them, the MUP, and FRY Ministry of Defence through this programme. The order was to be implemented immediately and secretly with core responsibility resting within the Federal sphere. The implication with the Federal connection is that there is an obvious connection to President Milošević:

In carrying out this task, direct the bulk of activities towards the protection of the population of settlements in which the Serbs and Montenegrins are populations in a minority and are increasingly becoming targets of attacks by Albanian terrorists.

7. Chiefs of district departments and heads of municipal defence sections in the territory of Kosovo and Metohija, in the zone of responsibility of the Priština Defence Department are to be directly responsible to me for the implementation of this Order.⁴⁴

28. As ethnic Serbs and Montenegrins were being armed under a classified programme run by the FRY Ministry of Defence and the MUP, ethnic Albanians were being disarmed:

- Members of the MUP /Ministry of the Interior/ are continuing to collect weapons from the *Šiptars* /derogatory word for Albanian/ in the municipality of Dečani. About 100 pieces were collected.
- Approximately 25,000 *Šiptars* assembled in the village of Istinić. Many of them have nowhere to go (either their houses have been demolished or

⁴² Exhibit K1237, ERN K019-3904-K019-3905, *Order on the implementation of measures for the security and protection of the population*, Priština Defence Administration, signed by Petar Ilić, Chief of the Priština Defence Administration, 21 May 1998

⁴³ Exhibit K1237, ERN K019-3904-K019-3905, *Order on the implementation of measures for the security and protection of the population*, Priština Defence Administration, signed by Petar Ilić, Chief of the Priština Defence Administration, 21 May 1998

⁴⁴ Exhibit K1237, ERN K019-3904-K019-3905, *Order on the implementation of measures for the security and protection of the population*, Priština Defence Administration, signed by Petar Ilić, Chief of the Priština Defence Administration, 21 May 1998

terrorists are still in their villages). The organs of the MUP and the organs of the authorities are resolving the problems in the field.

- Despite the fact that two days ago the *Šiptars* in the village of Dušanovo (Prizren municipality) announced that they would hand over their weapons, this has still not been done.⁴⁵

29. The arming and disarming of two mutually hostile ethnic groups was a policy with repercussions which would have been obvious to the FRY and Serb authorities.

⁴⁵ Exhibit K1341, ERN K004-6706-K004-6706, Priština Military District Regular Operations Report, 12 September 1998

B. COMMAND & CONTROL

SECTION 1 - INTRODUCTION

1. *Part I, Organisation & Command & Control Measures* covered the command and control means available to commanders of FRY and Serb armed organisations, as provided for in legislation and regulations. It also covered widely accepted principles of command, one of the most important of which was the principle of "singleness of command. There is evidence that this principle was recognised at the highest level of FRY leadership i.e. by the accused (doing the questioning):

Q. And are you aware that in our army, and I hope in other armies, too, that there is the principle of single seniority, and whoever is not in the chain of command cannot have available any kind of information that has to do with the future activity of any particular unit.

A. I do not know about this principle in your army, no.

Q. Do you know that there cannot be lateral commanding? There can only be a single chain of command. Are you aware of that or not?¹

This section of *Part II, Operations Narrative*, will cover the implementation of command and control over FRY & Serb forces.

SECTION 2 - VJ

2. As a testament to the VJ's organisational and command capabilities, the 6 January 1999 directive from the Priština Corps Commander shows a well-organised unit with very detailed guidance provided for its Staff Officers and sub-unit commanders during the forthcoming year:

The methodology of Command work is to be reproduced in 45 copies and sent to the following: the commander, the Chief of Staff, the commander's assistants, the chiefs of the branches and services in the Corps Command and

¹ Transcript of Testimony of Colonel Richard Ciaglinski, Cross Examination by Slobodan Milošević, 17 April 2002, page 3269 lines 24-25 to page 3270 lines 1-5

all commanders of subordinate units with the rank of independent battalion and above.²

Evident in the document is the adherence to doctrine, including the principles of command described in Part I (VJ) to this report and the command authority of the Priština Corps commander. Also, there were mechanisms for ensuring that reports on all aspects of the Corps' activities reached the Corps Commander in a timely manner:

A daily analysis of the implementation of tasks and an assessment of the state of combat readiness is made by all officers and all Command organs within their field of competence.

The daily analysis is carried out by the top Corps command in a systematic manner....³

The officers in the Corps had a variety of official documentation to guide them in their work:

All officers in Corps Command organs must have a copy of the Instructions on the internal organisation of work of the Corps Command in peacetime for the organ in which they work. On the basis of the functions and tasks for his establishment post pursuant to the Instructions and the rules, regulations and permanent orders, studies and instructions....⁴

3. The Priština Military District provided operations reports to the 3rd Army Operations Centre on a regular basis. These reports summarised the main activities which occurred in the areas of the five Sectors of the Military District. The summarisation covered attacks by the KLA and military and MUP activities.⁵ This shows that in 1999, General Pavkovic as Commander of 3rd Army, was informed regularly about operations by subordinate units in Kosovo. As described in Part I (VJ), he had a requirement to keep his superior (Chief of the VJ General Staff) informed.

² Exhibit K1556, ERN K001-0422-K001-0464, *Methodology of Work of the Priština Corps Command in Planning, Monitoring, Analysing and Reporting on the Implementation of Tasks and the State of Combat Readiness*, 6 January 1999, pp. 16

³ Exhibit K1556, ERN K001-0422-K001-0464, *Methodology of Work of the Priština Corps Command in Planning, Monitoring, Analysing and Reporting on the Implementation of Tasks and the State of Combat Readiness*, 6 January 1999, pp. 10

⁴ Exhibit K1556, ERN K001-0422-K001-0464, *Methodology of Work of the Priština Corps Command in Planning, Monitoring, Analysing and Reporting on the Implementation of Tasks and the State of Combat Readiness*, 6 January 1999, pp. 7

⁵ Exhibit K1626, ERN 1999 K004-4885-K004-4886, Regular Operations Report, Priština Military District, 28 January

4. The book issued by, in effect, the VJ in 2001 provides many examples of Orders and other reports issued by the VJ chain-of-command (mainly General Staff/Supreme Command Staff, 3rd Army, Priština Corps).⁶ Collectively, these provide strong evidence of a functional chain-of-command throughout the period of interest in 1999.

SECTION 3 - MUP

5. The MUP Staff for Kosovo sent daily situation reports to at least the following: Office of the Minister, Head of the RJB, Head of the RDB, Assistant Ministers Lieutenant-General Stevanović and Major-General Misić, Police Department, Criminal Investigations Department, Department for Analysis, Duty Operations Centre, and Chiefs of SUP's 5, 6, 11, 20, 23, 24 and 31 (these are the seven Kosovo SUP's⁷). The daily situation reports, both before and during the conflict with NATO, covered terrorist activities, serious crime, and miscellaneous incidents such as smuggling. Reference was made to handing suspected terrorists to the RDB for questioning.⁸ During the war, incidents of NATO bombing were added to the reports.⁹
6. In February 1999, police stations in Kosovo were ordered to report significant incidents directly and immediately to the MUP Operations Centre in the MUP HQ, Belgrade, and to the MUP Staff for Kosovo.¹⁰ This measure would have reinforced the level of awareness held by the the MUP leadership and, concurrently, the level of awareness of events in Kosovo held by those in regular and close contact with the MUP i.e. the military and civilian leadership.
7. Also, based on the contents of daily Operational Reports from the Joint Command for Kosovo, the MUP Staff reported to the Joint Command, as did the VJ, at, it is assessed, at the level of the Priština Corps.¹¹

⁶ Exhibit K2277, ERN 0208-3388-0208-3388, *Application of the Rules of International Law of Armed Conflict*, Vojska, June 200, pp. 79

⁷ Exhibit K1179, ERN K000-0249 – K000-0252, Organisational changes within Serbian Ministry of Internal Affairs (1996), 19 April 1996

⁸ Exhibit K1564, ERN K009-4876-K009-4880, SUMMARY OF SECURITY RELATED EVENTS, DEVELOPMENTS AND INFORMATION RECORDED BETWEEN 0600 HOURS ON 2 JANUARY AND 0600 HOURS ON 3 JANUARY 1999, MUP Staff, 3 January 1999

⁹ Exhibit K1829, ERN K001-8258-K001-8264, MUP Staff for Kosovo Situation Report, 27 March 1999

¹⁰ Exhibit K1622, ERN K001-8020-K001-8020, Notification from Deputy Chief of Duty Operations Centre, 15 February 1999

¹¹ Exhibit K1402, ERN K006-9105-K006-9112, *Operational Report of the Joint Command for KiM*, 15 October 1998

There is no doubt that in the analysis of the war experiences, the Pristina Corps deserves a special place for the successful accomplishment of all tasks in safeguarding the state border, preserving the territorial integrity of the FRY, and protecting its men and the Serbs and Montenegrins in Kosovo and Metohija by unifying all defense forces in Kosmet.¹⁷

11. As discussed in Part I, the FRY Law on Defence states that the MUP is subordinated to the VJ for combat operations during an extraordinary state (for our purposes, the 23 March 1999 Declaration of an Imminent Threat of War) and that the VJ unites all organisations engaged in an armed conflict. The following are examples suggesting implementation of the law:

- (a) 24 March 1999: The political and administrative body for Kosovo, the Temporary Executive Council (TEC), session on 24 March 1999 was attended by 3rd Army Commander Lieutenant-General Pavković, Priština Corps Commander Major-General Lazarević, MUP Assistant Minister Lieutenant-General Stevanović, and Head of the MUP Staff for Kosovo Major-General Lukić. The session's minutes describe their input:¹⁸

VJ Lieutenant General Nebojša PAVKOVIĆ, VJ Major General Vladimir LAZAREVIĆ - commander of the Priština Corps, MUP Major General Sreten LUKIĆ and MUP Lieutenant General Obrad STEVANOVIĆ took part in the discussion on this point of the agenda.

The VJ and MUP leaders said that the Yugoslav Army and police, in keeping with the Law on Defence, were prepared to confront the remaining terrorist gangs, that the main nuclei of the so-called KLA /Kosovo Liberation Army/ were broken and that smaller groups remained in individual areas. Major General Sreten LUKIĆ emphasised the need to work more actively on training people in order to intensify the defence of villages due to possible raids and operations by terrorists, while MUP actions to liquidate terrorist gangs continue.

VJ Lieutenant General Nebojša PAVKOVIĆ underscored that in keeping with the Law on the Defence of the SRJ /Federal Republic of Yugoslavia/,

¹⁷ *Lasting Value for Army and People*, Vojska, by Zoran Miladinović, 23 September 1999, pp. 6-7, FBIS translation FTS19990929000443

the Yugoslav Army is prepared to carry out the orders of the Supreme Commander....

References to compliance with the FRY Law on Defence strongly suggest that the MUP was considered subordinate to the VJ, at least when engaged in combat.

- (b) 30 March 1999: An order issued by the Peć Military-Territorial Department (VO) puts MUP districts in Kosovo (SUP's) under command of the military Departments (VO). The one exception in the source document was the Đakovica SUP but it was still under VJ command – that of the 52nd Rocket Artillery Brigade (possibly because no VO existed in Đakovica).¹⁹ This order was issued on the basis of “the Supreme Commander’s order on the declaration of a state of war and the moving of a part of the population out of the zone of responsibility of the Peć VO”. An extract from the order follows:

All republican and municipal authorities on the territories of the municipalities of Peć, Istok, Klina and Dečani are put under the command of the Peć VO. The command of the Đakovica garrison is responsible for the territory of the municipality of Đakovica.

“The Chief of the Peć MUP will issue an order regulating public law and order, prevention of theft, destruction of facilities, maltreatment of citizens, extinguishing of any fires and curbing of all criminal activities, to be submitted to me in writing by 1600 hours on 31 March, 1999.”

This is suggestive of military command being imposed on the local defence concept with the MUP assuming a subordinate role. As a reminder from part I, the Military-Territorial organisation in Kosovo was subordinate to the VJ thereby making it clear that, ultimately, the FRY President was in command of the Military-Territorial organisation and anything it commanded.

While the VO Peć order does not specifically state that Municipal Defence Staffs would come under its command, the wording *All republican and municipal authorities on the territories of the municipalities of...* is sufficient to make such an assumption reasonable.

¹⁸ Exhibit K1812, ERN K006-7964-K006-7967, Minutes of the 15th Session of the TEC, 24 March 1999

¹⁹ ERN 0110-6614 Translation of the order The functioning of life and work in the zone of responsibility of the Peć VO 30 March 1999

8. Companies of PJP Detachments from outside Kosovo were, like the Kosovo PJP¹² (24th Detachment), put under command of a Kosovo SUP as indicated in a Đakovica SUP Decision in which the commanders of two PJP Detachments from outside Kosovo, 36th and 37th Detachments, were members of the SUP operations staff.¹³ As covered in Part I, the SUP's were under command of the MUP Staff for Kosovo. Further confirmation of this was provided in a directive from General Lukić of the MUP Staff in Kosovo:

All police members sent as help from other secretariats shall be resubordinated to the Secretariat or other appropriate organisational police unit in the municipality to which they have been sent.¹⁴

Command of special units was more complex than simple subordination to a SUP. This was particularly true during the state of war and is examined in detail below.

9. General Lukić, as Head of the MUP Staff for Kosovo, had authority over the SUP level of MUP command. An indication of this authority comes out in a MUP Staff document in which the SUP Chiefs are ordered to report on the status of criminal investigations early in the state of war.¹⁵

SECTION 4 – VJ - MUP COMMAND RELATIONSHIPS

10. In September 1999, the military journal *Vojska* reported that the 3rd Army had reviewed its operations during the conflict with NATO. The *Vojska* article offers support for the contention that the VJ fulfilled its legally-mandated role of unifying all armed forces in defence of the FRY:¹⁶

¹² Exhibit K1238, ERN K010-3669-K010-3669, OUP Vitina, Message no. 948/98, 27 May 1998

¹³ Exhibit K1248, ERN K010-8286-K010-8286, DECISION on the appointment of an Operations Staff for the area of the Secretariat of the Interior, Đakovica, 12 June 1998

¹⁴ Exhibit K1413, ERN K001-6402-K001-6403, *With the objective of consistent implementation of tasks arising from the Agreement on the OSCE Verification Mission on Kosmet /Kosovo and Metohija/*, 21 October 1998

¹⁵ Exhibit K1930, ERN K005-6146-K005-6146 and K005-6147-K005-6147, Dispatch No. 145, 28 May 1999

¹⁶ Exhibit 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994, Article 16:

In the defence of the country, the Army of Yugoslavia is the main armed force and organiser of the armed struggle and all other forms of armed resistance to the enemy. The Army of Yugoslavia shall unite all participants in the armed struggle and command all combat activities.

Also, the Chief of the Peć MUP is clearly being ordered by the VO Commander to be responsible for local security (and the *prevention of maltreatment of civilians*).

- (c) 1 April 1999: Corroboration of the Peć Military Sector order of 30 March 1999 (paragraph a. above), comes from a report on command of municipal defence in the Ištok municipality:

As the oldest command in the territory of Ištok municipality, the command of the 69th VtOd [Military-Territorial Detachment] regulated the functioning of all defence agents in the territory of the municipality in its order, str. conf. no. 1 of 1 April 1999....²⁰

This extract shows a subordinate HQ of the Peć Military Sector acting in accordance with its superior's new authority as outlined in the 30 March Peć VO order.

- (d) 4 April 1999: An order issued on 4 April 1999 by Colonel Živanović (Commander 125th Motorised Infantry Brigade) on Sanitation of the Battlefield was sent to VJ units. It states that, in addition to VJ subordinates, the chiefs of the MUP in the brigade's area of responsibility were responsible to the brigade commander for the implementation of the order.²¹ This provides further support for MUP coming under VJ command.
- (e) 12 April 1999: A reference to a Priština Corps order of 12 April 1999 shows the authority of VJ Brigades over municipal defence (the extract shows the VJ 7th Brigade assuming what previously the Ištok Military-Territorial detachment controlled):

...Upon the arrival of the 7th pbr /infantry brigade/, the command of this unit regulated the functioning of all defence agents in the zone of responsibility on the basis of orders by the PrK commander, in a new order, str. conf. no. 349-227 of 12 April 1999.²²

²⁰ Exhibit K2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 89

²¹ ERN K010-8044 Order of 4 April 1999 from Colonel ŽIVANOVIĆ (Commander 125 Brigade) on Sanitation of the Battlefield

The only person who could be expected to waive the application of this law was the FRY President. Implementation of the subordination concept was not, however, so straightforward as can be seen from the opposing post-war claims by VJ and MUP commanders and the examples of the VJ late in the war issuing subordination orders (listed above):

(a) General Pavković in a June 2001 interview, stated that there was indeed a decision to subordinate the MUP to the VJ during the State of War in 1999, but that the MUP (under the direction of Minister of the Interior, Stojilković, and with the urging of MUP General Lukić) chose to ignore this. Instead, he implied that the MUP was commanded by General Lukić's MUP Staff in Priština and any VJ-MUP cooperation was carried out through a political body called the Joint Staff.^{28 29 30} General Lukić subsequently denied General Pavković's assertion stating that the MUP *was* under VJ command.³¹

(b) General Pavković stated in a June 2001 address:

²⁸ News - 06. 14. 2001 Public announcement of Yugoslav Army's Chief of Staff Lieutenant General Nebojša Pavković, from the VJ website (www.vj.yu)

"...it is true that the national Defence Law regulated that the police units in the responsibility zones were bound to subordinate to the commands of the Yugoslav Army. However, this never came into existence and one should not wave with Police force records on their submission which had not been duly applied. The Police had their own headquarters, headed by their own officers, and the cooperation with the Army was coordinated through political actors in joint command, formed for the purpose. Therefore, the information to what the police force units were doing can best be provided by the police commanders and the members of the Joint command in charge of them."

²⁹ Borba 7 June 01 reporting on the Niš television interview of Pavković 5 June 01

³⁰ VIP News 706, 7 June 2001

[Pavkovic] explained that it is true that the in 1999 the Yugoslav Army issued an order that brought Serbian Interior Ministry (MUP) forces under VJ command, but that it practically never took effect. According to him, during the NATO bombardment MUP units were engaged in police tasks in cities and on communications or securing certain facilities. "Police forces were not included in the defense system with VJ units". Pavkovic explained that there was a special Serbian police command in Kosovo, headed by police general Sreten Lukić, adding that "each person is responsible for their own action".

³¹ VIP News, Issue 606, 6 June 6 2001

[Lukić] said that "under the declaration of a state of war included an order that all forces, including the internal affairs ministry (MUP), are subordinate to the commands and units of the VJ". He said there is written proof of that.

...all the Serbian police units were not involved in the Defence system organisation in the territory of Kosovo-Metohija, but were engaged in carrying out special and specific tasks of police nature in towns and on communications, in order to secure certain facilities.³²

There is a lot of evidence, however, stacked against General Pavković's claim; the MUP did conduct combat operations with the VJ both before and during the state of war (see elsewhere in the report for examples):

- (c) Commander of Priština Corps, General Lazarević, admitted in an interview to issuing an order to VJ and MUP but stated that a VJ commander could not be responsible for a MUP commander. While such an order provided a clear delineation of tasks between VJ and MUP, the fact that a VJ commander issued it shows that he had authority over the addressees, one of which was the MUP. General Lazarević's answer to a subsequent question on the value of the document under discussion (an order on sanitation of the battlefield) as evidence is somewhat confusing but seems to be Lazarević stating that he ordered the MUP to do things but once he gave the MUP tasks, he was absolved of responsibility for their actions. This would be defiance of the principles of command accepted in VJ doctrine.

[Lazarevic] The document that is being commonly manipulated in public lays down in a clear military manner precisely what should be done by the police and what by the army, and there is no confusion over responsibilities. There is no "passing the buck" and there are clear orders -- the commander of a VJ unit cannot be responsible for the conduct of a commander of a police unit.

[Ristovic] What is the value of this document as evidence?

[Lazarevic] It proves that there is no single command responsibility, and that I, as the then commander of the Pristina Corps, am reported to have given an order, clearly defined by law, which also applied to members of MUP [Interior Ministry]. It was through precisely that order that I also obliged members of the police force to abide by the strict international conventions in

³² Press Conference by Colonel-General Pavković, 2 June 2001, posted on the VJ website (www.yu.gov)

- (f) 18 April 1999: The basis of a Priština Corps order, issued on 20 April 1999, subordinating the MUP to VJ Brigades was an earlier order by the Supreme Command Staff on 18 April 1999 and one from 3rd Army on 20 April.²³
- (g) 20 April 1999: Priština Corps ordered to its brigades to subordinate the MUP to the brigades for combat operations. It also stated that the MUP would operate under orders from the MUP HQ for Kosovo when not engaged in combat operations. This order also cited article 17 of the Law on Defence as a basis and was sent to the MUP Staff as well as VJ addressees.²⁴
- (h) 20 April 1999: President Đukanović of Montenegro rejected an order from the VJ to put the Montenegrin MUP under VJ command. The VJ allegedly quoted FRY Laws and decisions as the basis for this order. While a specific date for order was not provided, there was a reference to a Montenegrin response on 20 April 1999.²⁵
- (i) 8 May 1999: 3rd Army order to Priština Corps and MUP (personally to General Lukić) ordered the Priština Corps to subordinate MUP to its brigades for combat operations. The order also described in fairly general terms how the VJ and MUP would operate to secure territory from the KLA.²⁶

12. The details provided above show that there was a decision to subordinate the MUP to the VJ for combat operations, as dictated by article 17 of the FRY Law on Defence. According to General Pavković's implication, the subordination occurs automatically.²⁷

²² Exhibit 2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 89

²³ Exhibit K2755, ERN K020-2486 – K020-2486, Priština Corps Order No. 455-172, 20 April 1999

²⁴ Exhibit K2755, ERN K020-2486 – K020-2486, Priština Corps Order No. 455-172, 20 April 1999

²⁵ "Đukanovic Rejects VJ 'Request' for Control Over MUP" Belgrade BETA 1156 GMT 21 April 1999
 FBIS translation FTS19990421001418

Exhibit K2727 Subordination order from the VJ Commander of the Navy to the Security Centers in Montenegro, 19 April 1999, provides corroboration through an official document.

²⁶ Exhibit 1953, ERN K020-2488 – K020-2491, 3rd Army Order Number 872 – 125/1 Engagement of VJ and MUP on Combat Control of Territory, 8 May 1999.

²⁷ News - 06. 14. 2001 Public announcement of Yugoslav Army's Chief of Staff Lieutenant General Nebojša Pavković, from the VJ website (www.vj.yu)

"...it is true that the national Defence Law regulated that the police units in the responsibility zones were bound to subordinate to the commands of the Yugoslav Army...."

combat operations, and that in this way I united all activities in the zone of combat operations -- co-operation and joint action.³³

13. To counter the plausible claims that subordination of the MUP to the VJ in accordance with the Law on Defence never occurred in the manner prescribed by law, we need to consider two factors: first, the role of the Joint Command for Kosovo and second, the evidence showing that the VJ and MUP did act jointly.

SECTION 5 – JOINT COMMAND

14. Movement about a combat zone, especially movement by armed groups, must be closely controlled and coordinated. This is especially important when the movement is part of a combat operation. Failure to do so could easily result in fratricide and confusion. When a single chain-of-command exists, such as the VJ chain, then coordination and control are relatively easy, even with the integration of MUP. When two or more organisations e.g. the VJ and MUP, retain separate chains-of-command but operate in close cooperation, then a mechanism must exist to ensure that necessary coordination and control are provided. The Joint Command did at least this even though the mechanics of the process are not fully understood. The mere name “Joint Command” provides an indication of its purpose.
15. The Joint Command for Kosovo coordinated operations by armed organisations in Kosovo (military, MUP, local defence). Joint Command daily situation reports show this through mention of proposed activities for the military and MUP.³⁴
16. Evidence of the Joint Command’s authority exists in an order from 125th Motorised Infantry Brigade with the enlightening title “Ban on operations without the knowledge and approval of the Joint Command for KiM” and issued “Pursuant to the Order of the Joint Command for KiM, Strictly Confidential No. 1104-6 of 6 July 1998”:

Pursuant to the Order of the Joint Command for KiM, Strictly Confidential No. 1104-6 of 6 July 1998, in the aim of increasing effectiveness in performing assignments, better organisation and co-operation with units in

³³ *Vecernje Novosti*, Interview with Gen Vladimir Lazarevic, Commander of 3rd Army of VJ, by Misa Ristovi}, 16 Jun 01 p 2, FBIS translation EUP20010615000418

³⁴ Exhibit K1484, ERN K006-6825-K006-6832, Operative Report, Joint Command for Kosovo & Metohija, 20 November 1998.

the zone of responsibility and reducing the damage that units suffered because of unprepared and badly performed operations, I hereby

ORDER

1.- I prohibit the execution of any operations by units and formations without the approval of the Joint Command for KiM and my approval.

2.- Prepare and plan every operation by the unit beforehand, clearly defining the objective, assignments and duration of the operation. Action performed by the units of the MUP /Ministry of the Interior/ and the Yugoslav Army are approved by the Command of the MUP and the Yugoslav Army which are responsible for the safe execution of an assignment.

3.-

4.- When planning operations organise direct co-ordination and co-operation with the units that carry out the combat operation in the zone of responsibility, as well as a continual exchange of information among all the participants engaged in carrying out the assignments. In particular, take measures to organise secure and uninterrupted communication within the framework of the units and with neighbours.³⁵

17. In October 1998, the Joint Command issued a report called *Report And Conclusions On The Implementation Of The Plan For Stamping Out Terrorism In KM [Kosovo]* in which operations by the VJ and MUP in September 1998 were analysed. The report included President Milošević in its distribution and made reference to the counter-terrorism plan coming from a Decision by the Supreme Defence Council.³⁶

18. The preceding two paragraphs show that in 1998 the Joint Command acted on the authority of the FRY President pursuant to decisions by the Supreme Defence Council. It was responsible for ensuring that the VJ and MUP conducted operations in accordance with political objectives and in a co-ordinated manner. Because it issued orders, the Joint Command must have had command authority over the VJ and MUP. This command authority did not supplant the authority of the VJ or MUP internal chains-of-command as

³⁵ Exhibit 2622. ERN K004-9530 – K004-9531, 125th Motorised Brigade order "Ban on operations without the knowledge and approval of the Joint Command for KiM", 7 July 1998

Decree to command the joint forces (which went by the B/C/S acronym "ZSB").⁴¹ The duties assigned were:

...preserving the state sovereignty and territorial integrity and defending the national interests of our country, as well as achieving peace in southern Serbia.⁴²

[Krstic] In the territory of southern Serbia units of both the VJ and units of the police need to act. So that these groupings could act in a united way, the command of the Combined Security Forces was set up, bring together the execution of tasks by the army and police in the municipalities of Bujanovac and Presevo.⁴³

21. The operational commander of the joint forces in southern Serbia, Lieutenant-General Ninoslav Krstić, later became the Deputy Chief of the Co-ordinating Body for Southern Serbia.

The new duty entails the further realization of military-police [i.e. MUP and VJ rather than VJ military police] missions and their coordination in the GSZ [Ground Separation Zone – an exclusion zone between Kosovo and the rest of Serbia established for the KFOR mission], for which I am responsible. This function also entails my standing in for Mr. Covic in the duties of chairman of the Coordinating Body in his absence. ...And as regards the chain of command, there is no confusion: I take orders concerning military

⁴¹ Interview with Gen Ninoslav Krstic, Commander of Combined Security Forces, by Radoslav Mijailovic, Zoran Miladinovic; place and date not given, *Army of Peace and Trust*, Vojska, 5 April 2001 p.7, FBIS translation EUP20010406000406

The Combined Security Forces, which are gradually carrying out a phased return to the Ground Safety Zone, are headed by Lieutenant Colonel General Ninoslav Krstic

⁴² Interview with Gen Ninoslav Krstic, Deputy Chief of Coordinating Body for Southern Serbia, by Dragan Vujicic; place and date not given, *Patiently Until True Return*, Vecernje Novosti, 26 Aug 01 p 11, FBIS translation EUP20010827000256

⁴³ Interview with Gen Ninoslav Krstic, Commander of Combined Security Forces, by Radoslav Mijailovic, Zoran Miladinovic; place and date not given, *Army of Peace and Trust*, Vojska, 5 April 2001 p.7, FBIS translation EUP20010406000406

The Combined Security Forces, which are gradually carrying out a phased return to the Ground Safety Zone, are headed by Lieutenant Colonel General Ninoslav Krstic

issues from the chief of the VJ General Staff, General Pavkovic, and those concerning issues of state from the chairman of the Coordinating Body.⁴⁴

A second source confirms this appointment and its basis in a Presidential Decree:

Gen. Krstic has been named deputy chairman of the Coordinating Body for Presevo, Bujanovac, and Medvedja, and he is also responsible "for the security forces in the Ground Safety Zone," according to a statement released the day before yesterday by the Yugoslav head of state's Military Office.⁴⁵

22. Questions regarding who was in command arose and were met with responses:

There is no question about that. I am in command of the 3rd Army," General Lazarevic tells *Svedok*. "An explanation is necessary so that there is no confusion. Some of the 3rd Army troops deployed in the far south have been regrouped as part of the Combined Security Forces, so that they are acting in concert with the police, and specifically in the most difficult Zone B. That is also why a special military-police operational unit has been formed, and a special temporary command has also been set up to decide on the use of those units. Thus, that is not the 3rd Army, but only part of the army. I have special responsibility for ensuring that those units can carry out their mission."⁴⁶

... Covic knows very well who commands the Joint Forces, because he took part in the negotiations. In defining the process, we endeavored to honor the regulations of the FRY Constitution, the Law on Defense, and Law on the Yugoslav Army. The FRY President commands the Army in peace- and wartime, as specified by the highest legal and normative acts of the federation. The President carries out the command through the General Staff, that is, the VJ commands from strategic groups down to the lowest level. As for the Joint Forces, decisions made by the FRY President and orders from the Chief of the General Staff put the commander of the forces in charge.

⁴⁴ Interview with Gen Ninoslav Krstic, Deputy Chief of Coordinating Body for Southern Serbia, by Dragan Vujicic; place and date not given, *Patiently Until True Return*, Vecernje Novosti, 26 Aug 01 p 11, FBIS translation EUP20010827000256

⁴⁵ *Ninoslav Krstic: General With Cellular Telephone*, by Safeta Bisevac: Danas p.7, 4 July 2001, FBIS translation EUP20010704000398

⁴⁶ Interview with Nebojsa Pavkovic, chief of the General Staff of the Forces of Yugoslavia, by Dragoljub Gajevic; place and date not given: *I Am Being Attacked by Former Colleagues and Journalists, But Most of All by Supporters of the Ousted Regime*, Belgrade Svedok 15 May 2001 p 3, FBIS translation EUP20010516000439

described in Part I of this report nor did it contravene the principle of singleness of command. The chains-of-command of the two organisations worked in tandem to ensure that the Joint Command's direction was met. Nonetheless, they converged at a point higher up the hierarchy – at the Joint Command.

19. The same process continued during the 1999 State of War, as described by the 3rd Army Commander.³⁷ During that period, however, the VJ assumed a superior role to the MUP, as described through references in Part I to legislation. Joint operations were, nevertheless, common and were carried out with the Joint Command's involvement. In a 4 June 1999 report from 3rd Army to the Supreme Command Staff, General Pavković requested measures be taken to address problems with MUP subordination to the VJ. The report mentioned that the situation in the absence of direct subordination, would continue to involve the MUP Staff for Kosovo commanding MUP units through the Joint Command.³⁸
20. When the conflict between the FRY and NATO ended in June 1999, the FRY and Serbia were soon confronted by ethnic Albanian insurgent activities in the area of southern Serbia bordering Kosovo (Presevo, Bujanovac, and Medvedja). Their response to this crisis provides a useful insight into joint operations by the VJ and MUP following the argument that armed organisations tend to retain "tried and true" operating procedures. For the south Serbia conflict, the FRY and Serbia established joint security forces comprised of VJ and MUP units.^{39 40} A VJ General was appointed by a FRY Presidential

³⁶ Exhibit K2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 72

³⁷ News - 06. 14. 2001 Public announcement of Yugoslav Army's Chief of Staff Lieutenant General Nebojša Pavković, from the VJ website (www.vj.yu)

"...The Police had their own headquarters, headed by their own officers, and the cooperation with the Army was coordinated through political actors in joint command, formed for the purpose. Therefore, the information to what the police force units were doing can best be provided by the police commanders and the members of the Joint command in charge of them."

³⁸ ERN K022-3419 – K022-3421, *Problems with the Resubordination of the MUP Forces*, *Vojaska*, 21 February 2002, pp. 8 - 9

³⁹ Beta News, 1026 GMT 20 June 2001, FBIS translation of transcript excerpt EUP20010620000244

[Krstic] The Combined Security Forces musters the best units of the VJ and the police....

⁴⁰ Beta News, 1026 GMT 20 June 2001, FBIS translation of transcript excerpt EUP20010620000244

The open letter to Yugoslav President Vojislav Kostunica, written by anonymous "members of the joint security forces, VJ Pristina Corps, 63rd Paratrooper Brigade, 72nd Special Brigade, police in Vranje, Bujanovac, and Presevo, and Special Anti-terrorist Units, states that "the replacement of ZSB [Joint Security Forces] commander General Ninoslav Krstic has met with the approval of all VJ members."

Finally, the acts that specify this were signed by the competent state bodies and FRY President....

...The formation of provisional units and their command and functional connecting is a practice of both peace- and wartime activities; there is nothing disputable in that. In that sense, the troops that advanced into the GSZ are in charge of the Southern Operational Group commander, Maj. Gen. Krsman Jelic. There are no VJ forces in the other parts of the zone, so there is no question of command there.⁴⁷

23. With regard to division of command responsibility between VJ and MUP operating in south Serbia in 2001, the following excerpt from the VJ journal *Vojska* shows that the VJ had operational command. Bold type is added the original text to emphasise where joint command lies (with the VJ):

The command of the combined forces comes under the VJ chief of general staff, while its work and operations are coordinated by the coordination team of the federal and republican governments. Besides representatives of the Federal Ministry of Defense, of the Ministry of Justice, the prosecutor's office and the judiciary, the following are members of the commission for security-military questions within the coordination team: Col Gen Milorad Obradovic and police Col Gen Obrad Stevanovic. The commander of the combined forces is also a member of the commission.⁴⁸

24. In summary, in 2001, the FRY President issued a Decree establishing a joint command for VJ and MUP forces conducting operations as a composite force. Command of the joint forces was vested in a VJ officer (General Krstić) who reported to a Serbian Deputy Prime Minister (Dr Nebojša Cović) heading the Co-ordinating Body for Presevo, Bujanovac, and Medvedja. Command of the VJ and MUP joint force was linked, ultimately, to the FRY President through the VJ General Staff. From this information, the following inference is made: the Joint Command operating in Kosovo in 1998-99, like the Co-ordinating Body for south Serbia in 2001, was established by a FRY Presidential Decree, or at least on the authority of the FRY President, and placed joint operations by

⁴⁷ Letter to Vecernje Novosti chief editor Manojlo Vukotic by General Nebojsa Pavkovic, VJ Chief of the General Staff, *The Truth Is Not on One Side*, Belgrade Vecernje Novosti, 18 Mar 01 p.4, FBIS translation EUP20010319000545

⁴⁸ *Tricolor on Crni Vrh*, by Slavoljub M. Markovic, *Vojska*, 22 March 2001 pp 4-5, FBIS translation EUP20010323000230

the VJ and MUP under the ultimate command of the FRY President. Having bodies for joint command, headed by senior politicians, in both Kosovo and south Serbia two years later points to an established practice for commanding joint operations with authority derived from the FRY President. The existence of a body with authority over the VJ and the MUP in Kosovo is only conceivable had that body been issued its mandate on the authority of the commander of the VJ i.e. by the FRY President.

25. Appreciation of the requirement for armed organisations operating together or in one another's areas of responsibility, was expressed by the accused (asking the questions):

Q. You are saying that there was coordination between the army and the police, and you also say that this was organised. And if it were to be organised, the lowest level would have to be the level of major, the rank of major. This is your expert opinion. I'm not challenging it. But my question is: Is it logical if there is both army and police in a certain area, that they should know where they all are and that it's normal for the army to know where the police is and for the police to know where the army is? Isn't this logical for you because they belong to one and the same state?

A. Yes. I said major because major is usually a battalion commander in your forces, and yes, it's logical that they should know what each are doing and therefore there is general knowledge of what is happening.

Q. So this is something that is quite logical in terms of the behaviour of any police or army. Yes or no.

A. Yes.⁴⁹

26. A Prosecution witness also testified about the importance of close coordination between armed organisations operating jointly. The witness, General Drewienkiewicz, was offering his professional military opinion:

A. At Racak, it dawned on me that if you are going to put policemen in -- into the village as -- on foot or in vehicles while they are being covered by Yugoslav army who are manning the heavy weapons on the -- on the hills, there must be a very, very tight degree of coordination between those two -- the people who are running those two activities. And I realised that you could only do that if -- if there was, at the very

⁴⁹ Transcript of testimony of Colonel Richard Ciaglinski, cross examination by Slobodan Milošević 17 April 2002, transcript page 3298 line 3 to page 3298 line 17

least, a joint command post where radios -- radio nets out to the police and radio nets out to the army units were all coming in to one place. It simply could not be done otherwise without a very grave risk of hitting your own people. A blue-on-blue engagement, as we call it.⁵⁰

SECTION 6 - PARAMILITARIES

27. The definition of "paramilitary" for the purposes of this report is: any armed group operating outside an official chain of command. In this definition, there is no requirement that the official chain of command be legal. This apparent contradiction is overcome by accepting that when certain officials, particularly those at senior levels in the political sphere, military, or MUP, sanction the illegal activities of irregular or paramilitary groups, they necessarily implicate themselves from a command responsibility perspective.
28. Frequent allegations exist in documentation and witness statements regarding the presence of paramilitary groups in Kosovo. Before examining the question of whether or not such groups existed, it is worth emphasizing that there appeared to be no official tolerance for the activities of illegal groups. There is, however, a critical distinction to be made: that between tolerance of irregular groups operating outside an official chain-of-command and tolerance for such groups falling under some form of official command or control. It is assessed that the latter situation existed in 1998 - 1999.
29. Evidence of zero tolerance for unsanctioned irregular groups is in the public statements of FRY and Serb officials and in a directive from the MUP Public Security Division:

According to the information /available to/ the departments for state and public security, in several places in Serbia, preparations are currently under way to insert Serbian volunteer groups into Kosovo and Metohija.

Since these groups are as a rule a front for criminal or other interests, it is necessary to prevent the insertion of these groups by operative work or in other ways.⁵¹

⁵⁰ Transcript of testimony of General (retired) Drewienkiewicz, day 28, pp. 2944, lines 6 - 15

⁵¹ Exhibit K1230, ERN K009-2539-K009-2540, Public Security Department Telegram no. 6 2 529, April 1998, signed by Chief of the RJB Vlastimir Đorđević

30. The issue of local citizens taking up arms in an uncontrolled manner was recognised early in 1998 and addressed in a May 1998 Order from the Federal Ministry of Defence:

It has been observed that, because of the increasing number of attacks by the Albanian terrorists on the legal organs of government and on Serbs, Montenegrins, and citizens of other nationalities loyal to the Republic of Serbia and SRJ /Federal Republic of Yugoslavia/, the inhabitants of some municipalities are organising themselves for the purpose of defence. In this connection I hereby

O r d e r

1. Chiefs of departments and heads of sections shall immediately establish contacts with municipal leaders and ensure that lists are compiled for the purpose of arming of the population which will be carried out by the Federal Ministry of Defence through its organisational units throughout the territory. Take care to ensure that those whose wartime duty station is in units of the VJ /Yugoslav Army/ units, VTO /? military territorial organ/, the MUP /Ministry of the Interior/, the SMO /Federal Ministry of Defence/ units (detachments, communications, KZ /cryptographic data protection/ units, the OIO /monitoring and reporting/ service, and the CZ /Civilian Protection/) are not included in the lists for the issue of weapons since they will be issued them in their wartime units on the basis of their wartime assignment.⁵²

31. The above, and statements to the same effect by the accused, support the conclusion that groups identified as paramilitary groups by witnesses were either the result of confusion with military, MUP, or local defence units, or recognition of a group generally considered a paramilitary but operating in Kosovo with official sanction. Among other factors, the ability of illegal groups to operate on a widespread basis in an area with such a high concentration on military and MUP forces on high alert is questionable. Also, many indictment site witnesses describe equipment that is assessed as unlikely to be in the possession of irregulars e.g. tanks, anti-aircraft artillery systems, and armoured personnel carriers.

⁵² Exhibit K1237, ERN K019-3904-K019-3905, *Order on the implementation of measures for the security and protection of the population*, Priština Defence Administration, 21 May 1998

SECTION 7 - CONCLUSIONS

32. Kosovo was a region of national importance, particularly in 1998 –1999 with international attention, the presence of internationals in Kosovo itself, and the strategic threat posed by NATO during the state of war in 1999. The FRY President, as head of the VJ and with the legal authority to command all armed organisations during a state of war, is **likely** therefore to have had authority over the Serbian MUP. Both the VJ and MUP, according to the evidence presented above and in Part I, had the means of commanding their organisations effectively. The military and MUP operated closely together on combat operations and had a history of doing so (as will be shown in the Tactics section of Part II). The command relationship between VJ and MUP is a contentious issue in those two organisations. The details of their association with the Joint Command, their joint operations, common and concurrent tasks, and regular liaison all point to both military and MUP being under the effective control of a single body fulfilling the intentions of a common plan. The scope of what was happening in the FRY and Serbia make the origin of that control and common plan in the seat of the FRY President.
33. The issue of when or if the MUP was subordinated to the VJ, is therefore inconsequential as far as the ability to conduct coordinated combat operations went. The fact is that coordinated combat operations were conducted before and during a state of war. The apparent fuss over subordination beginning in the middle of the state of war and increasing in intensity through accusations after the war may have its roots in a desire on the part of the VJ to distance itself from responsibility for crimes they allege were committed by the MUP. There may also have been added impetus to formalise subordination when the prospect of a NATO ground invasion increased. Certainly, in the first month of the war, the FRY would have been well aware that NATO was far from being able to launch a ground invasion. The seriousness of that scenario in comparison with fighting the KLA made effective control of armed organisations of the FRY and Serbia much more critical. As the documents considered in this report show, the VJ and MUP were able to fight the KLA jointly in a relatively effective manner. The speed and intensity of a ground war with NATO would be less forgiving of weaknesses in coordination measures. Hence, there would be good reason for the VJ to gain more control over the MUP as suggested by orders issued in late-April.

C. TACTICS

SECTION 1 - MUP TACTICS

1. The MUP recognised well before 1999, that it had to involve its special units in counter-terrorist operations as a matter of course. The practise of this standard operating procedure (SOP) was evident in the documents and witness statements assessed for this report. The following shows the creation of the SOP in early 1998 under the direction of the MUP officer (General Obrad Stevanović) responsible for special units through the Police Administration of the MUP HQ:

To improve the quality of work and deal with the aforesaid weaknesses and omissions, the following needs to be done in the period that follows:

- for each separate operation where armed resistance is expected, in keeping with the assessment of the security situation and terrain reconnaissance, prepare a proper plan in good time and designate qualified and experienced senior or other staff to lead the operation, primarily from the PJP /special police units/ formation;
- when carrying out more complex operations and special actions, always, whenever possible, involve PJP members, according to the set establishment;
- before setting out to carry out a task, make adequate technical, moral and material preparations, familiarise the staff involved with the objective of their engagement, determine a precise and clear assignment for every participant in the operation and ensure adequate weaponry, equipment, technical and, in particular, protection materiel and equipment;
- in all special operations, plan for the necessary back-up troops, vehicles, equipment and technical resources, as well as possible support by special, Helicopter and other specialised units, as required;

- in cases of armed attack on members of the police, especially in organised terrorist attacks, follow the procedure in the following manner: pull out of the terrorists' zone of operation; take adequate shelter; inform the duty desk of the attack and request assistance; take care of the casualties; locate the terrorists and establish fire contact in order to repel the attack and prevent their escape from the site; after that, organise the engaged forces for assistance, reconnaissance (by helicopter), blockade and chase;

- in cases when a search party is organised to pursue criminals or terrorists, first of all organise and execute a timely and full blockade of the area and buildings where the persons in question are located, then inform the duty desk of the PS or the SUP, as appropriate, possibly request reinforcement, approval for specific measures and proceed according to the instructions from the competent senior staff. The staff member leading the operation on the spot must ensure full control over the situation and over the engagement of staff in taking individual measures and activities;

In every other respect, proceed in accordance with earlier instructions.¹

2. The instruction issued by General Stevanović on 6 May 1998 (above) established conditions for special operations of the type conducted in Kosovo, occurring under the authorisation and close supervision of a senior MUP officer. Furthermore, the MUP hierarchy was to be made aware of any intent to carry out such operations; these operations were not local initiatives by policemen on the ground acting without higher authority.

3. When the State Security Division's special unit, the JSO, conducted operations with the PJP, the PJP was subordinate to the JSO as shown by the following correspondence:

...the three platoons of the 3rd Company of the 24th Detachment of the Special Police Unit were directly subordinated to the JSO.²

¹ Exhibit K1210, ERN K009-2515-K009-2518 (Instruction), *Course of action by members of the police force in cases of armed attacks*, 6 January 1998

² Exhibit K1251, ERN K009-2913-K009-2913, *Report on the measures and actions taken to protect damaged and abandoned property and on the legality of police actions during Operation Grom /Thunder/ for the period from 29 May 1998 to 20 June 1998*, 24 June 1998

11-02-54-7 0,6100

Why the drafter of the report felt it necessary to include “[d]uring the operation, members of the aforementioned unit did not demolish, torch or loot facilities” is not known, but it does suggest that such acts were a concern because they were commonplace.

4. By the beginning of 1999, the MUP had the ability to plan very detailed operations by the PJP. Such a capability was expressed in a Peć SUP ambush plan:

Using one squad of PJP /Special Police Units/ comprising eight men for each position, take up two ambush positions....

Using hand-held rocket launchers, *zoljas* /light anti-tank rocket launchers/
With concentrated fire from a PKT /mounted machine gun/, sniper rifle and
AP /automatic rifle/ eliminate DTGs moving in vehicles....

On 23 January 1999 the platoon leader and the squad leaders of PJP /Special Police Units/ together with the sector leader from the Čelopek PO shall make a reconnaissance of the area and the ambush locations. The platoon leader of PJP shall provide grenade launcher/s/ and ammunition manufactured in China, while immediately prior to the execution of the task, he shall inspect the forces and acquaint them with the Plan and specific tasks.

As the members of the Đakovica SUP in the sector of the village of Istinić are also setting up an ambush, and personnel will take position and leave the location through the territory of the Peć PS /police station/ from the direction of Zlopek village toward Istinić, there needs to be a maximum amount of

throughout the entire operation, is in charge of preparations and positioning of personnel. Squad leaders are responsible for the work of policemen involved in ambush and group leaders for policemen securing the in-depth area. The sector leader of the Čelopek PO is responsible for in-depth security. The company commander of the PJP ZOP /expansion unknown/ is in charge of the rapid intervention unit.

During the ambush all events and developments considered relevant from the security point of view are to be reported to the DS /duty service/ and SUP Headquarters in Peć. Upon withdrawal of personnel, conduct an analysis of work in order to correct any deficiencies for the following day. Squad leaders are to submit a report on their observations during the ambush.

5. Noteworthy aspects of the Peć SUP ambush plan include the requirement to keep the MUP chain-of-command informed of significant developments during and after the operation, the co-ordination measures required to ensure the smooth integration of PJP sections from Đakovica, Peć, and the Intervention unit (PJP) from Belgrade. There was also no intention of capturing any of the terrorists and the significant firepower was available. Of particular interest is the reference to using Chinese-manufactured ammunition. The MUP typically associated such ammunition (and weapons) with the KLA, as the following examples show:

Chinese-made automatic rifles and police officer Predrag RAKOVIĆ's rifle were found on the bodies of the terrorists. The terrorist group was led by the notorious terrorist Brahimaj LJAHIJA /Brahimaj LAHIJA/, who was also the organiser of an attack on police members in Bistražin on 27 January 1999, when two police officers were wounded. During the on-site investigation the following were found: 14 Chinese-made automatic rifles, a large quantity of ammunition, one Zbrojevka pistol, six Chinese-made hand grenades, one Malcolm bullet-proof vest of American origin, one baseball bat, three combat rucksacks containing equipment and ammunition, six Balaclava helmets with openings for the eyes and mouth, and one black beret with a KLA /Kosovo Liberation Army/ badge. In the yard of the house, two safety levers from Chinese-made hand grenades that were thrown at police members were found.³

³ Exhibit K1627, ERN K001-8062 - K001-8068, MUP Staff Situation report for 29 January 1999, 30 January 1999.

During the night on 26 March 1999, Bajram KELJMENDI /KELMENDI/ (1933) and his sons Kastriot (1968) and Kuštrim /Kushtrim/ (1982), all from Priština, were shot dead by unidentified persons near the car market in Priština. An investigation was conducted on the spot, where 35 7.62 mm casings of Chinese make were found. The bodies were transferred to the Institute for Forensic Medicine in Priština for autopsy.⁴

The attack on this station was launched by *šiptar* /derogatory term for Albanians/ terrorists with a Chinese-manufactured hand-held rocket launcher and automatic weapons.⁵

It is unusual to specify ammunition by country of manufacture in operations plans or orders; this could signify an attempt by the MUP to assign blame for the ambush to the KLA or, as a minimum, to shift the blame elsewhere. The Order makes no mention of staying behind to secure the ambush scene for a follow-up investigation. On the contrary, the order mentions specifically that “[s]hould the DTGs [terrorists] come by with their vehicles, the ambush position shall be vacated immediately upon elimination of the DTGs”.⁶ The fact that the instruction regarding ammunition was written and signed by the Chief of the SUP shows the complicity of MUP leadership at a relatively senior level. The next level of reporting by a SUP was the Ministry HQ in Belgrade and, concurrently, to the MUP Staff for Kosovo.

SECTION 2 - VJ TACTICS

6. In June 1998, a guidance document from the VJ General Staff was issued to specify how VJ units should conduct operations against the KLA. Very similar tactics were described by numerous policy and local witnesses as occurring on a systematic basis in 1999. These witnesses include the testimony of Prosecution witnesses General (retired) Drenkiewicz and Colonel Ciaglinski. The description below corroborates a common theme – that attacks against villages typically involved the VJ establishing a cordon and providing fire support with tanks or artillery while the MUP special units entered on foot:

⁴ Exhibit K1829, ERN K001-8258-K001-8264, MUP Staff for Kosovo Situation Report, 27 March 1999

⁵ Exhibit K1192, ERN K004-1667-K004-1667, Situation Report Peć Military Sector to Priština Military District, 17 October 1998

⁶ Exhibit K1621, ERN K009-4827-K009-4830. *Ambush Plan*, approved by Chief of Peć SUP, circa 23 January 1999

The following principles, in addition to others, should be adhered to in combat against rebel, terrorist, sabotage and other hostile armed groups:

- Do not use units smaller than companies or batteries in a search (pursuit) or attack to destroy DTGs [terrorist groups];
- When hostile groups conduct action from fortified features or an inhabited place, after issuing a warning use artillery weapons for direct targeting and selectively destroy the enemy and the features from which activity is conducted;
- During the deployment, movement and use of artillery and tank units (tč /tank companies/), reinforce them with suitable infantry and engineer units and other forces of the combat arms depending on the unit's task;
- Use armoured and mechanised units to surround and seal off an inhabited place. Do not enter inhabited places with VJ units;
- In principle use armoured-mechanised units for any necessary reinforcement to control roads and areas under threat from terrorist actions;
- Forbid unprepared units from setting out to perform tasks.⁷

SECTION 3 - JOINT OPERATIONS

7. Operations in Kosovo were undertaken both jointly and individually by the military and MUP. What follows is an examination of the joint aspects of operations. Precedents for 1999 exist in the operations conducted in 1998 given the tendency of armed organisations to adopt and stick to well-rehearsed operating procedures.
8. Three components are central to undertaking joint operations. These were part of established military doctrine:

⁷ Exhibit K1243. ERN 0209-3685-0209-3692, *REMINDER FOR YUGOSLAV ARMY MEMBERS ENGAGED IN AREAS AFFECTED BY SABOTAGE AND TERRORIST ACTIVITIES*, issued by VJ General Staff, June 1998

Joint operations are organised in the course of the operation in order to achieve better co-ordination of the combat actions of deployed units with other forces and equipment in terms of task, location, and time.

The bases for the organisation of joint operations are:

- The Commander's decision
- Instructions from a superior command;
- Experience gained in previous joint operations.

In general, joint operations regulate:

- The manner and order in which a task is executed;
- The co-ordination of combat actions of the units within the operational disposition;
- The strength of fire support, neighbouring, air, naval, and other units.^b

9. The details provided below demonstrate how military-MUP joint operations were an established practice well before the indictment period thereby fulfilling one of the above criteria for joint operations – “experience gained in previous joint operations”. Combat effectiveness is very dependent on having well-established operating procedures which are practised in peacetime. Instituting new tactics and procedures is generally regarded as undesirable and it is unlikely therefore that the co-operation between the military and MUP changed significantly between 1998 and 1999. This assessment is borne out by the information reviewed for this report.
10. Two operational reports – one from 1998 and the other from early 1999 – illustrate the conduct of joint VJ-MUP operations. They also do much to corroborate numerous other reports suggesting that the practices were standard because they were used on different operations conducted weeks or months apart. Both reports were issued by Battle Group 4 (BG-4) of the VJ 125th Motorised Infantry Brigade. The first, “An analysis of combat operations for 22 September 1998. From 0700 hours on the 22 September 1998 to 0200 hours on 23 September 1998”, states that “Combat operations were carried out in co-

^b Exhibit 2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4th Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4th Corps Command, 29 August 1991, section VI

ordinated action with the organs of the MUP".⁹ Forces taking part included PJP with VJ providing support with artillery, mortars, T-55 tanks, armoured personnel carriers, anti-aircraft artillery, and various other heavy weapons. The PJP provided the infantry and MUP reservists acted as a blocking force during the offensive. Part of BG-4 was attached to the blocking force. A blocking force would help contain the enemy within a defined area so that the main effort could be applied in a concentrated way. Mortars shelled the objective ahead of a PJP advance supported by VJ direct fire weapons. The operation required extensive co-ordination between VJ and MUP and presupposes detailed planning and approval at a high level.

11. The second BG-4 operational report referred to above was issued in February 1999¹⁰. The order begins with information on the enemy (KLA) disposition and intentions and proceeds to identify the forces designated for the operation – BG-4 and a Company of PJP. BG-4 consisted of an infantry company, a tank platoon, an artillery battery (normally six guns), a heavy mortar platoon, an air-defence artillery platoon, and a recoilless rifle platoon. This order provided for a classic combined arms (infantry, artillery, armour) offensive operation with MUP fulfilling (with VJ) the role of infantry. All necessary co-ordination measures were considered. Notably, the order addressed the safety of civilians by planning for their removal from the combat zone. Also, specific reference was made to taking measures to ensure that combat troops did not enter houses or loot; another example of awareness at the lower command levels of legal responsibilities.
12. References to anti-aircraft artillery in both BG-4 operational documents confirms the use of these systems in the ground role rather than in their primary role of air defence. The basis for this conclusion is that there was minimal air threat to FRY/ Serb forces in 1998 and early 1999. Other evidence confirms their use in the ground role. "Ground role" means the firing of these weapons at targets on the ground e.g. buildings, bunkers. Such weapons systems are capable of putting down a high volume of rounds very precisely over relatively long distances - certainly from beyond the reach of most KLA weapons.
13. The presence of VJ and MUP units on common radio nets strongly suggests that they conducted joint combat operations:¹¹

⁹ Exhibit K2680, ERN K004-9348-K004-9349, *An analysis of combat operations for 22 September 1998. From 0700 hours on the 22 September 1998 to 0200 hours on 23 September 1998*, BG-4/125 Motorised Infantry Brigade, 25 September 1998

¹⁰ Exhibit K2695, ERN K004-9183-K004-9186. *Attack Order*, BG-4/125 Motorised Infantry Brigade, 13 February 1999

¹¹ K000-3241- K000-3243 Undated

- a. Listed on one radio net were the following units:
 - i. Joint Command
 - ii. 1st Battle Group / 125 Motorised Brigade.
 - iii. 3rd, 4th and 6th Detachments MUP.

- b. Listed together on a radio net were the following units:
 - i. Joint Command
 - ii. 1st, 2nd, 3rd BGs/243 Motorised Brigade.
 - iii. 1st BG/549 Motorised Brigade.
 - iv. 3rd/BG/125 Motorised Brigade.
 - v. 2nd and 3rd BGs/15 Armoured Brigade.
 - vi. 1st, 2nd, 7th, 9th and 10th Detachments MUP.
 - vii. "F" Detachment SAJ.

- c. Listed together on a radio net were the following units:
 - i. Joint Command
 - ii. Forward Command Post Priština Corps.
 - iii. 2nd and 3rd BGs/549 Motorised Brigade.
 - iv. 2nd and 4th BGs/125 Motorised Brigade.
 - v. 52nd and 3rd Military Police Battalions.
 - vi. Battle Group -5

- vii. 72nd BG/Special Brigade
- viii. KSJ (expansion unknown but probably units of the Special Units Corps).
- ix. 5th and 8th Detachments MUP.

14. The net above is an operational net rather than administrative. This is evident in the types of units forming the net – VJ Battle Groups, Military Police, and MUP special units. The most obvious reason for such a set-up is to meet the communications needs of units participating in joint operations. The Joint Command (call sign PASTRIK) is on all nets associated with the document and this provides a good indication of the scope of the Joint Command's authority; it was clearly the central point for communications associated with the activities of five VJ brigades and two types of special MUP units. Even the Priština Corps reported to the Joint Command; its subordinate position is evident in the assignment of a subordinate callsign (PASTRIK-13) for its forward command post versus the Joint Command's PASTRIK.¹²

15. A number of other sources contain references to VJ-MUP co-operation:

One of the main tasks is to provide professional assistance at the request of MUP organs".¹³

ŠTGs [Šhiptar Terrorist Groups i.e. the KLA] from the village of Junik are offering strong resistance to MUP forces. Part of the village of Junik has been mopped up – the mopping-up operation continues. VJ forces are helping MUP forces in this and three tanks from the Peć garrison have been engaged.¹⁴

The following individuals were wounded in a terrorist attack on 25 March 1999 in the area of the villages of Pirane & Opteruša, Prizren municipality: DJORDJEV, Goran (SUP Pirot), ILIĆ, Bojan (SUP Pirot), soldier SIMIĆ, Srdjan (DOB 1978), soldier KELAVA, Franjo and soldier DEJANOVIĆ,

¹² ERN K000-3241 – K000-3243

¹³ ERN K004-6916 Daily Report, Priština KVod to Priština KVok, 20 Sep 98
Daily reports from the Priština Military Sector to the Military District HQ in Kosovo

¹⁴ K1285, ERN K004-7204-K004-720, Regular Daily report, Peć Military Department, 30 July 1998

Milan (DOB 1978). All mentioned soldiers are members of the VJ garrison in Prizren.¹⁵

Colonel General Dragoljub Ojdanic, Chief of the General Staff of the Army of Yugoslavia (VJ), today received a delegation of the Serbian Ministry of Internal Affairs (MUP), led by Minister Vljako Stojiljkovic... They exchanged information on the current issues concerning security of the country and its borders, as well as the possibilities for a more efficient prevention of attacks on the constitutional order, freedom, and the citizens' personal safety and property. They also agreed on the further joint tasks and forms of cooperation in this sphere.. They concluded that last year, in Kosovo-Metohija, members of the VJ and the Serbian MUP resolutely opposed the escalation of Albanian separatists' terrorism, carried out all their tasks, routed terrorists gangs, and created conditions for the settlement of the crisis with political means.¹⁶

Slobodan Milosevic, the president and supreme commander of the Federal Republic of Yugoslavia [FRY], in Belgrade today heard reports by 3rd Army Commander Colonel General Nebojsa Pavkovic and Police Major General Sreten Lukic, commander of the Serbian Interior Ministry's Police Headquarters for Kosovo and Metohija. It was concluded after a detailed meeting attended by Serbian President Milan Milutinovic, Chief of General Staff Colonel General Dragoljub Ojdanic, and other officials, that the defense of the country, the anti-terrorist struggle, and the establishment of comprehensive security in Kosovo and Metohija were being successfully achieved.¹⁷

The brigade ended all those battles successfully. In a year of combat against Albanian terrorist forces, the units of the brigade-- in cooperation with MUP [Interior Ministry] units and other VJ units--succeeded in breaking up their strongest strongholds, such as Cicavica, Severna Drenica, Srednja Drenica, Juzna Drenica, Ovcarevo, Jablanica, Malisevo, Radnjicko Jezero, Junik... In

¹⁵ ERN K0018258 – K0018264 MUP Staff SITREP 27 March 1999

¹⁶ Army, Police Chief's Discuss Kosovo, Cooperation, Tanjug Domestic Service, 1504 GMT 8 Jan 99
FTS19990108000924

¹⁷ RTS SAT Television in Serbo-Croatian 1500 GMT 4 May 99, FBIS FTS19990504001034

these actions, the brigade units dealt heavy losses to the Albanian terrorist forces, from which they did not recover for the whole time of the war.¹⁸

Valuable experiences were also gained in pursuit actions, and good cooperation was established with members of the Serbian MUP [Ministry of Internal Affairs], local governmental bodies, and the populace of the territory where they were in action.¹⁹

One of the most urgent task of the military police in time of war was to control the area secured by its members on the territory of the Republic of Serbia in cooperation with the MUP officials of the Republic. Some 190 control points were established at which military policemen checked 1,180,000 people and 560,000 vehicles, seizing through detailed search a large number of different fire-arms, ammunition, and other general articles.²⁰

16. A plan existed, possibly in 1994, for the suppression by the VJ and MUP of an armed rebellion.²¹ It was displayed on a topographical map and, although the details are unimportant, the idea that the VJ and MUP had a joint mandate to deal with an armed rebellion five years before the events in Kosovo in 1999 suggests that by 1999 there must have been standing operational procedures for joint operations and familiarity with the tactics in the VJ and MUP.

17. On the strategic level, the co-ordinated efforts of VJ, Military-Territorial units, and the MUP in a defence scenario are portrayed in the notes of a probable Military-Territorial officer. The fact that these notes are from 1997 is a useful indication of how the FRY and Serbia would have been prepared for events in 1999 i.e. an internal security problem with the KLA and the threat of an invasion from Macedonia and Albania. The preparedness would come from awareness of the threat and a contingency plan for dealing with it:

From the defence task assigned by the Priština Corps Command, I understood that the idea of the Priština Corps Commander is to use the ready

¹⁸ *125th Motorized Brigade--recipient of National Hero Medal*, Vojska, Article by M. Danilovic 8 Jul 99, pp 9-10, FBIS FTS19990806000827

¹⁹ *Military Police Unit of Col. Vojislav Pavlovic: All for One, One for All*, Vojska, 12 Aug 99 p 15 Article by S. Djokic, FBIS translation FTS19990913001377

²⁰ *The Contribution of the VJ Military Police to the Defense of the Country*, Vojska, Article by Zoran Miladinovic, 18 Nov 99 pp 22: " FBIS translation FTS20000117001015

²¹ Exhibit K2574B, ERN K003-9915-K003-9915, Map of Decision to Engage Troops to Suppress an Armed Rebellion, issued by the Kosovska Mitrovica SUP, possibly 15 June 1994.

forces to close off all routes leading from Albania and Macedonia into KiM /Kosovo and Metohija/, primarily those from Albania, put up tenacious defence on the very border and inflict the heaviest possible losses on the enemy, prevent enemy incursions and cut enemy supply lines across the Junečke Mountains, Mount Milanovac and Mount Jezerska.

At the same time - using your free forces in coordination with reserve forces of the 3rd Army, KSJ /?Corps special units/, PJM /special police units/, the MUP /Ministry of the Interior/ of Serbia and VT /military territorial/ units - surround, break up and destroy the rebel forces in KiM, and then, through tenacious defence and active operations, break up the aggressor forces only as far as the Istok – Klina – Mount Drenica – Mount Crnojeva – UR /Uroševac/ line, inflict the heaviest possible losses on them and drive them away from our territory.

As for the idea of the Priština Corps Commander, the role of the VOk PR /Priština Military District/, taking into account great distances between its units in the entire territory of KiM, is very important because it acts as the main force supporting the Priština Corps, particularly during the first two or three days....²²

18. Joint operations between the military and MUP continued in 1999. Račak was one of the earliest examples.
19. There may have been appreciation by the Joint Command that tactics used in Kosovo were excessive. Such a view is implicit in the following extract from a Joint Command daily Operational Report:

5. The Democratic Alliance of Kosovo field branch is collecting data in an accelerated effort to record the damage caused to houses and agricultural machines. The said data will later be collated and made available to a foreign institution interested in investing, which should be borne in mind when planning further activity.²³

²² Exhibit K1180, ERN K000-8300-K000-8301, handwritten notes from 4 March 1997 from probable Priština Military District Commander

²³ Exhibit K1406, ERN K006-9303-K006-9311, Joint Command Operational Report, 17 October 1999

D. OPERATIONS IN KOSOVO 1999

SECTION 1 – INDICATIONS OF PLANNING FOR SPRING 1999 OPERATIONS

1. A number of indicators preceding the offensive operations of late March 1999 serve as evidence of planning and preparation by the FRY and Serbia:

(a) In their testimony, Colonel Richard Ciaglinski (OSCE KVM) and General Drewienkiewicz (OSCE KVM), identified the following indicators in March 1999 which suggested preparations for Spring operations:

Colonel Ciaglinski:

- Increased deployment of VJ troops to the field in contravention of the 25 October 1998 agreement between the FRY/Serbia and NATO;
- Retention of conscripts beyond their normal period of service;
- Arrival of ammunition convoys from outside Kosovo;
- Arrival of tanks from outside Kosovo;
- Arrival of better-equipped and more aggressive MUP units;
- Replacement of members of the FRY/ Serb Commission on Co-operation with OSCE resulting in a more hostile relationship;
- A significant widening of the border zone and denial of access to KVM verifiers.¹

The assessed reason for the replacement of Colonel Kotur on the FRY Commission on Co-operation can be drawn from statement of witness K4 who identifies Colonel Kotur as a Staff Officer on the staff of Priština Corps during the conflict with NATO.²

General Drewienkiewicz:

- Prepared demolitions on bridges and culverts in late February 1999 along an expected NATO invasion route.³ In other words, the bridges and culverts were prepared for destruction with explosive charges, a military

¹ Testimony of Colonel Richard Ciaglinski, 16 April 2002, page 3174 line 5 to page 3177 line 25

² Testimony of K4, cross-examination by Milošević, transcript page 4654 lines 12 – 14, 9 May 2002

³ Testimony of General Drewienkiewicz, 12 April 2002, page 2958 line 12 to page 2959 line 25

tactic designed to slow an enemy advance or force an enemy to take another route. This practice normally includes a small group of soldiers known as a demolition guard to ensure that no tampering occurs. General Drewienkiewicz testified that the VJ used them in this instance. Authority to activate the charges is held at a high level – at least the level of Priština Corps in this case. The reason for this is that demolition of bridges and culverts along an enemy's main axis of advance would have had implications for how Priština Corps' defensive plan could be implemented.

- (b) Colonel Ciaglinski also testified that a well-placed senior VJ officer described to him in March 1999, a plan for an operation designed to eliminate the KLA and deport the ethnic Albanian civilian population from Kosovo. Contrary to assertions by the accused in cross-examination, it is assessed that the officer in question (name protected) could have had access to such information. An argument supporting this contention should be made in closed session to maintain the protection of the officer's identity.⁴
- (c) Replacement of senior VJ and MUP officers known to have more moderate positions regarding how the crisis in Kosovo should be handled. These include the replacement of General Momčilo Perišić by General Ojdanić as Chief of the General Staff in November 1998; replacement of 3rd Army Commander General Dušan Samardžić with General Pavković in December 1999; replacement of Jovića Stanišić with Radomir Marković as Head of State Security in October 1998; and replacement of the Head of the Security Service of the VJ, General Aleksandar Đimitrijević, with General Geza Farkaš just before NATO bombing started in March 1999.
- (d) Elements of 37th Motorised Infantry Brigade deployed to Kosovo from Montenegro on 7 March 1999, two weeks before NATO bombing began and over a week before the Paris negotiations.⁵
- (e) The Federal Ministry of Defence ordered the creation of Civilian Protection Staffs in February 1999:

⁴ Testimony of Colonel Richard Ciaglinski. 16 April 2002, page 3212 line 7 to page 3217 line 18

⁵ *Brave Men of Drenica, Heroes of Defense*, Vojska, 15 Jul 99, pp. 11-13, FBIS translation AU3008130899

Order of the Federal Minister of Defence on the formation of civilian protection staffs confidential no. 245-1 of 22 February 1999.⁶

(f) There was a belief that the KLA was planning a Spring 1999 offensive. This was stated explicitly in a Joint Command for Kosovo daily Operational Report from November 1998:

- Some of the Service's [probably VJ Security Service or MUP State Security Service] data that is now being thoroughly checked indicates that besides creating a single system of command, homogenising and placing the activities of the KLA under political control, these terrorist activities and agreements on joint activities in the coming period are directly connected to the registered intentions of the leadership of the Albanian emigration abroad to launch wide scale armed operations across the entire territory of Kosovo and Metohija in spring. In that sense it is necessary to bear in mind that indicative discoveries of the Service show that a section of the structure of the Albanian extremist emigration and the leaders of the KLA are under the direct influence of certain intelligence and security systems of the western military alliance.⁷

(g) An order from the Commander of VJ Battle Group 4 of 125th Motorised Infantry Brigade while peace negotiations in France were taking place, included the following:

The behaviour of the international community and the amassing of NATO forces in the Mediterranean indicate that a military intervention involving air strikes against the SRJ /Federal Republic of Yugoslavia/ is increasingly certain. The air strikes are expected to take place if the negotiations in France fail.

....

In case of surprise air raids or long-distance air strikes, personnel must be put in shelters, cellars and other appropriate facilities for protection. On sealing

⁶ Exhibit K1787, ERN K021-3041-K021-3041, Appointments in Federal Ministry of Defence Civilian Protection, signed by Assistant Minister Lieutenant-General Geza Farkaš, 19 March 1999

⁷ Exhibit K1484, ERN K006-6825-K006-6832, Joint Command for Kosovo daily Operations Report, 20 November 1998, pp. 1

off the town [Vučitrn], use *šiptar* /derogatory term for Albanian/ villages as shelters for personnel ready for combat against *šiptar* gangs.⁸

The reference to using Kosovo Albanian villages for shelter of military forces is peculiar and suggestive of a human shield tactic.

- (h) The scope and scale of operations conducted by forces of the FRY and Serbia after the OSCE's withdrawal on 20 March 1999 required detailed planning by the military and police on the authority of Milošević months before the Spring 1999 operations began. The following example offers a glimpse into just one aspect of 3rd Army's preparation for armed conflict:

Testifying to the enormity of the task is the information that the vehicles employed for the dispersion of war materiel reserves were so numerous that they would have made up a 42-km-long, 1,400-car railroad train.⁹

2. The attitude of a key VJ Commander, General Pavković commanding the 3rd Army in 1999, to the Kosovo crisis comes out in a blunt letter of 23 July 1998 to his superiors written when he commanded Priština Corps. In it he bemoans the failure to engage the VJ in a more offensive role in Kosovo:

... Various opinions that the MUP is obliged to stamp out terrorism in KM and stabilise the situation are not the right answer for a resolution of this situation.

Serbs and other non-Albanian populations in KM are worried and frightened.

...Despite the arming of the population, that factor in the system against terrorist struggle has not been fully included.

These are momentous and critical days for KM and the last moments to preserve KM and the Serbian presence in KM.¹⁰

⁸ Exhibit K2708, ERN K004-9173-K004-9175, *Order of the BG-4 Commander to repel air attacks*, pp. 6-7, by Zoran Miladinovic, FBIS translation FTS19990929000443

Article describes a post-war review of the conduct of 3rd Army during the conflict with NATO.

¹⁰ Exhibit K2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 57-59

The letter ends with a reference to "loss of Kosovo and genocide of Serbs." None of these statements suggest empathy for the ethnic Albanian civilians who were caught between the KLA and FRY/Serb forces.

SECTION 2 – OPERATIONS PRE 20 MARCH 1999

3. The existence and tolerance of armed Serb civilians by the authorities is shown by the following item in a report of the Priština SUP sent to the MUP Staff in Kosovo and the Ministry HQ in Belgrade in January 1999:

On 8 January 1999 Serbian and Montenegrin citizens continued blockading and setting up barricades on main and local roads on the territory of the Priština SUP as follows:

At around 1200 hours on the Priština – Uroševac main road, at the Priština exit near *Veterinka*, around 30 armed inhabitants of the village of Čaglavica, Priština municipality, blocked traffic. The citizens dispersed at around 1500 hours. On the same road near Laplje Selo, Priština municipality, around 50 armed inhabitants of the villages of Preoce and Laplje Selo continue to block the road.¹¹

The report goes on listing a number of similar such events in the area of responsibility of the Priština SUP. The MUP's response seemed muted at best (keeping in mind that the people manning road blocks were armed):

Measures are being taken to ensure that the citizens disperse and withdraw from the checkpoints that they have set up, so that normal traffic-flow can resume.¹²

4. Attachments to this report, maps entitled "VJ-MUP Operations", show activities of FRY and Serb forces in the pre-war period broken down into periods of about one week. The incidents shown on these maps are based on daily reports of the OSCE Kosovo Verification Mission.¹³ This information appears in Appendix 2 to part II of this report.

¹¹ Exhibit K1577, ERN K001-8179-K001-8180, Despatch no. /221//99, 8 January 1999

¹² Exhibit K1577, ERN K001-8179-K001-8180, Despatch no. /221//99, 8 January 1999

¹³ Exhibit K2278, ERN D000-0639-D000-0639, OSCE KVM Blue Book, January – March 1999

5. It is apparent from the maps that operations were being conducted on a widespread basis in Kosovo during the period before a state of war was declared. Regardless of whether or not these operations were responses to KLA provocation, the widespread nature suggests higher planning and authorisation behind the them. Certainly, the VJ General Staff, Ministry of Internal Affairs, and Joint Command would have been informed about most, if not all, operations and intimately involved granting the authorisation needed.

SECTION 3 – OPERATIONS 20 – 24 March 1999

6. The period between 20 March and 24 March is significant as it marked the period between the withdrawal of OSCE KVM and the date on which the NATO bombing campaign began (also, the same date that a Declaration of War was issued by the FRY). According to a report issued by the OSCE, their withdrawal on 20 March 1999 instantly resulted in a marked increase of VJ – MUP activity, in many municipalities.¹⁴
7. A list of MUP members killed during 1999 suggests that an increase in activity did occur from 20 March 1999 onwards.¹⁵ The deaths of MUP members (ascribed to the KLA) recorded prior to this date were mostly single deaths occurring on widely separate dates. From 20 March 1999 onwards, there was an increase in the rate of MUP deaths. A breakdown of the MUP's own list shows the following (the small number of deaths ascribed to NATO have been left out of the breakdown:¹⁶
 - a. 8 January – 20 March 1999: 18 policemen killed. Average: 0.25/day
 - b. 21 March – 24 March 1999: 7 policemen killed. Average: 1.75/day
 - c. 25 March – 8 April 1999: 37 policemen killed Average: 2.47/day
 - d. 25 March – 8 June 1999: 138 policemen killed. Average: 1.86/day
8. The MUP's official list of members killed in Kosovo shows an increase, by a factor of about seven, in the rate at which MUP were killed after 20 March 1999 compared with the first part of 1999. The rate did not change significantly between the period marked by OSCE's departure and the commencement of NATO bombing and the following period marked by NATO bombing. There was a higher rate of MUP deaths at the hands of the KLA in the first 2 weeks of the state of war.

¹⁴ OSCE KVM Report "Kosovo / Kosovar As Seen, As Told" Part V, dated 06 December 1999.

¹⁵ Exhibit List Line K2370, *Police Officers - victims of terrorism in Kosovo and Metohija*, MUP Website www.mup.sr.gov.yu/domino/mup.nsf/pages/index

¹⁶ Exhibit K2370, *Police officers - victims of terrorism in Kosovo and Metohija*, MUP website www.mup.sr.gov.yu/domino/mup.nsf/pages/index

9. The Drenica area, in central Kosovo was a particular focus of VJ – MUP operations in the days immediately preceding NATO attacks. Comments made by Priština Corps Commander General LAZAREVIĆ on 23 March 1999 stated that:

[Drecun] ... We are in the heart of the infamous Drenica Region, in Srbica.

[Lazarevic] The withdrawal of the OSCE Mission from the territory of Kosmet [Kosovo and Metohija] seems to have been a signal for the terrorists to intensify their criminal deeds, particularly in the Llap region [north of Priština and around Podujevo] and here in Drenica. ... Units of the Pristina Corps have energetically and resolutely reacted to all these attacks. Their strongest terrorist gangs in the center of Drenica have been broken up in the course of a day or two.¹⁷

10. Worth noting is the last part of General Lazarević's statement in which he alleges that the KLA in Drenica had been "broken up" by 23 March 1999. This suggests the KLA did not pose a substantial threat in the Drenica area after 23 March. This statement is supported by comments made before the 15th session of the Temporary Executive Council (TEC) on 24 March 1999 – the day a state of war was declared:

The VJ and MUP leaders said that the Yugoslav Army and police, in keeping with the Law on Defence, were prepared to confront the remaining terrorist gangs, that the main nuclei of the so-called KLA /Kosovo Liberation Army/ were broken and that smaller groups remained in individual areas. Major General Sreten LUKIĆ emphasised the need to work more actively on training people in order to intensify the defence of villages due to possible raids and operations by terrorists, while MUP actions to liquidate terrorist gangs continue.

VJ Major General Vladimir LAZAREVIĆ, commander of the Priština Corps, underscored that at this moment, in the area covered by the Priština Corps, the border has been completely secured. The Corps is controlling all facilities of vital importance as well as regional roads. The Yugoslav Army is ready to rout the remaining terrorist forces in the shortest

¹⁷ Exhibit List Line K1806. No ERN. AU2303222299 Belgrade RTS SAT Television in Serbo-Croatian 1830 GMT 23 March 1999. "Drenica Terrorist Gangs Broken In Day or Two".

time possible and decisively defend the country against infiltration from Albania....¹⁸

11. The comments made by General LAZAREVIĆ (above) relate to the operations carried out by elements of at least 37th Infantry Brigade under command of 125th Infantry Brigade. From the date of General LAZAREVIĆ's comments and the information provided by 37th Brigade, it is apparent that a large operation was carried out during mid - late March 1999 in the Drenica region of central Kosovo. According to a *Vojska* article, the 37th Motorised Infantry Brigade was involved in combat operations during the period 7 March - 02 / 03 April 1999 in the Drenica region. Tasks included sweeps of the territory:

It is hard to describe each of those events. They had to be lived through. In peacetime we did not have actions involving breaking into villages and sweeping [operations], because the military police did that, and now we did that while in movement.¹⁹

SECTION 4 – OPERATIONS POST 23 MARCH 1999

12. A noteworthy feature with the MUP killed list mentioned above is that none of the deaths occurred in villages covered in the indictment of Milošević.²⁰ The significance of this is that the likelihood of armed resistance being offered by the KLA in those locations is lessened by the absence of MUP casualties. The counter-argument that the MUP did not attack any of the indictment sites is unsupported, as is shown in by witnesses and elsewhere in this report.
13. A widespread nature to the conflict in Kosovo is evident in the indictment incidents alone. Attachments to this report showing the deportation sites and killing sites indicate that during the first two weeks in particular, incidents involving armed organisations of the FRY and Serbia occurred concurrently in all areas of Kosovo. Annex 3 to Part II reinforces the widespread nature of operations through its references to the activities of VJ units in various parts of Kosovo. With this widespread nature, there is compelling

¹⁸ Exhibit K1812, ERN K006-7964-K006-7967, Minutes of the 15th Session of the TEC, 24 March 1999

¹⁹ Brave Men of Drenica, Heroes of Defence, *Vojska*, 15 July 1999 pp.11 - 13, FBIS translation FTS19990830000306.

²⁰ Exhibit K2370, *Police officers - victims of terrorism in Kosovo and Metohija*, MUP website www.mup.sr.gov.yu/domino/mup.nsf/pages/index

evidence from which it can be concluded that the operations were planned and authorised at the highest level of command i.e. the Supreme Command, and that all levels below were involved i.e. 3rd Army, Priština Corps, Brigades, MUP Staff, Joint Command.

14. Examination of how actions by perpetrating organisations at each indictment incident evolved can demonstrate elements of a systematic nature to the tactics. This would counter arguments that the incidents were independent local acts occurring outside a high-level plan and outside the authority or knowledge of the Supreme Command.
15. Examples of large operations include the deployment of the combat group from 37th Brigade to the central Drenica region, as supported by the existence of a map²¹ showing areas of deployment in Kosovo. The map depicts BG – 37²² as located in the area of Vaganica – south of Kosovska Mitrovica and west of Vučitrn. At the same time, elements of 125 Brigade were also deployed in the central Kosovo areas.
16. The comments made by General Lazarević above²³ relate to the operations carried out by elements of at least 37 Brigade and 125 Brigade. The exact dates are not known for these operations, however, the date of this speech and the information provided by 37 Brigade indicate that they were carried out during mid - late March 1999. According to a Vojska article²⁴, the unit was involved in four major tasks during the period 07 March – 02 / 03 April 1999. All four tasks were carried out in the Drenica region and with the exception of the first task, no dates are given, other than that they occurred in the period 07 March – 02 / 03 April 1999. The last three tasks were described as sweeps of the territory and the report stated that:

It is hard to describe each of those events. They had to be lived through. In peacetime we did not have actions involving breaking into villages and sweeping [operations], because the military police did that, and now we did that while in movement.

17. A further Vojska article stated confirmed that the 37th brigade was active in the Drenica and Cicavica areas, however, the article does not give any specific dates for these actions. The article stated that:

²¹ K000-3240-K000-3240. Map

²² ŽBG-37' probably equates to Borbena Grupa – 37 the combat group of the 37th brigade.

²³ Exhibit List Line K1806. No ERN. AU2303222299 Belgrade RTS SAT Television in Serbo-Croatian 1830 GMT 23 March 1999. "Drenica Terrorist Gangs Broken In Day or Two".

²⁴ Exhibit List Line K****. Belgrade Vojska in Serbo-Croatian 15 July 1999 pp.11 – 13. "Brave Men of Drenica, Heroes of Defence."

It is sufficient to say Prekaze, Glogovac, Srbica, Likovac, Lausa, Gornje Obrinje and Donje Obrinje and the Cicavica, Kosmac and Drenica mountains renowned for atrocities, to realize that the 37th Motorized brigade had one of the most difficult and most responsible tasks in the battles in Kosovo.²⁵

18. In addition, the involvement of more than one brigade in these operations is potentially supported by an undated "Vojska" article.²⁶ This article referred to operations, carried out by 125 Brigade in cooperation with 549 Brigade and MUP forces against "*their strongest strongholds*". The northern and central areas of the Drenica and Cicavica are mentioned, along with others in the southern and western areas. The article stated that "*in a year of combat against Albanian terrorist forces*" 125 Brigade in cooperation with 549 Brigade and MUP forces carried out operations in the areas of Cicavica, Sverna Drenica, Srednja Drenica, Juzna Drenica, (north, middle and south Drenica) Ovcarevo, Jablanica, Mališevo, Radnjicko Jezero and Junik. These areas of operations cover the area from Vučitrn, across the Cicavica Mountains, through the Drenica region and central Kosovo, to the south of Prizren and then to western Kosovo. The article does not give any specific dates for operations carried out in these areas.

19. From the perspective of FRY/Serb forces, the KLA threat was largely eliminated by 8 May 1999 at the latest, although the VJ claimed that this crushing of the KLA was achieved in the first two weeks of the state of war i.e. by early April:

Yugoslav Army and Police units have dispersed and inflicted serious losses amongst Shiptar terrorist forces (STF) in Kosovo and Metohija. The remaining STF, located in the mountainous areas in the eastern and central parts of K-M continue to undertake occasional ambush attacks and Yugoslav Army and Police units.²⁷

SECTION 5 – EVACUATION OF CIVILIANS

²⁵ Exhibit List Line K2122. No ERN. Belgrade Vojska in Serbo-Croatian 15 July 1999 pp. 9 – 13. "Example to Generations".

²⁶ Exhibit List Line K2117. No ERN. AU0608062399 Belgrade Vojska in Serbo-Croatian 08 July 99 pp. 11 – 12. "*Exploits of VJ's 125th Motorized Brigade*".

20. A number of documents make distinctions between different ethnic groups or parts of the population in ways that suggest a lack of regard for the ethnic Albanian population during armed conflicts. Such distinctions include a plan (probably from 1991) for the evacuation of ethnic Serbs and Montenegrins from the Srbica municipality.²⁸ The plan is displayed on a topographical map.
21. There are references in the 1997 notes of a Priština Military District officer to special measures regarding protection of the ethnic Serb and Montenegrin population in Kosovo. The context in which these measures should be taken was precisely the situation which existed once NATO bombing commenced – an external threat and an internal insurgency. Specifically, a task of the Priština Military District was to “ensure the evacuation of the Serbian and Montenegrin population”.²⁹ The notes continue with a draft decision (order) to, among other things, “...protect the Serbian and Montenegrin population in your area of responsibility”.
22. *The 1998 Joint Command Instruction on local defence contained references to ethnic groups:*

The reporting centre collects data on the political-security situation in the entire administrative area, with an emphasis on ethnically pure Serbian and mixed settlements. It has direct links with the provincial reporting centre, the operational centre of the unit in the garrison and the MUP.³⁰

The forces for operations inside the town are primarily determined by demographic composition. In ethnically clean Serbian settlements and zones, the organisation of defence is easier, while in mixed ones it is complex and has to be organised by apartment blocks. If that is not possible, then citizens should be evacuated into the ethnically clean zones.³¹

²⁷ Exhibit K1953, ERN K020-2488-K020-2489, 3rd Army Order Number 872 – 125/1 Engagement of VJ and MUP on Combat Control of Territory, 8 May 1999

²⁸ Exhibit K2574A, K003-9914, Plan for Evacuation and Reception of the Serb and Montenegrin Population from the Srbica Opstina, Strictly Confidential, Kuga-91.

²⁹ Exhibit K1180, ERN K000-8300-K000-8301, handwritten notes of a Priština Military District officer, 4 March 1997

³⁰ Exhibit K1280, ERN K000-4739-K000-4752, Instruction for the Defence of Inhabited Areas (Temporary), issued by the Joint Command for Kosovo, July 1998, pp. 5

³¹ Exhibit K1280, ERN K000-4739-K000-4752, Instruction for the Defence of Inhabited Areas (Temporary), issued by the Joint Command for Kosovo, July 1998, pp. 6

23. At the end of March 1999, during the conflict with NATO, the Peć Military Territorial Sector HQ issued an order establishing its command over various organisations, including the MUP. The preamble to the order included the following: "On the basis of the Supreme Commander's order on the declaration of a state of war and the moving of a part of the population out of the zone of responsibility of the Peć VO [Military Sector]..."³²
24. Evacuation of civilians is, according to the 1994 Law on Defence, a Federal responsibility and is permitted under certain circumstances:

2.3 Evacuation

Article 64

In accordance with the Plan for the Defence of the Country, in case of an imminent threat of war, a state of war or a state of emergency, an evacuation of the population may be ordered for some categories of the population (children, old people, and so on) from a specific part of the territory or an evacuation of state organs, companies and other legal entities, together with any property for which there is an evacuation order to do so.³³

Article 65

The Federal Government shall order the evacuation from Article 64 of this Law and determine the territory where the evacuated population and property shall be moved. The evacuation of the civilian population shall be organised and carried out by the state organs responsible for civilian defence and protection.

Evacuation from territory under threat or exposed to war operations shall be ordered by an officer of the Army of Yugoslavia holding the position of commander of a brigade, regiment or higher position.³⁴

Article 66

³² Exhibit K____, ERN K007-7492-K007-7494, Order on *The functioning of life and work in the zone of responsibility of the Peć VO /Defence Office/*, 30 March 1999

³³ Exhibit Number 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

³⁴ Exhibit Number 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

They shall designate the villages outside of the disposition area in their respective zones of responsibility where the refugees could be sent.

They shall follow the movement of the civilian population in their respective zones of responsibility on a daily basis and provide the necessary security and help them return to their homes or to areas outside of the zone of b/d /combat operations/.

They shall protect the refugees and their property in villages and certain areas from activities by the ŠTS and from the onslaughts of other persons in the territory.

Through vigorous measures, they shall prevent any taking of personal items and their private property from refugees. They shall undertake measures of criminal prosecution against any violators.

They shall prevent the torching of houses and other buildings owned by citizens of Šiptar nationality in their respective zones of responsibility.

Through the authorities, they shall take any measures necessary to provide food aid and to provide necessary medical aid.

In the zones of reception and care for refugees, they shall take all security measures aimed at providing protection from operations by ŠTS from the territory or from among the refugees.

PrK and NK commands shall submit information on the number and whereabouts of Šiptar refugees in their respective zones of responsibility and where they may be safely relocated to, by 1200 hours on 21 April 1999.⁸

Criticism of this order can be made as follows: the greatest proportion of displaced persons or refugees occurred well before this order was issued and the VJ should have, according to its doctrine and regulations, issued such an order at the beginning of the state of war. Evidence of the displacement pattern was provided in the testimony of witness Dr. Patrick Ball. Furthermore, there is little evidence to suggest that the order was actually followed nor is there any evidence that disciplinary measures were taken by MUP or VJ or the civilian leadership for this failure. Again Annex _ to Part II shows that the people who would have had responsibility, were retained, promoted, and/or commended after the exodus of civilians.

- d. In mid-May 1999, the Priština Corps Commander issued a report giving the status of criminal proceedings before military courts involving members of the Corps since 24 March 1999. Of the 91 proceedings, not one could be considered a serious violation

⁸ Exhibit K2277, ERN 0208-3388-0208-3388, *Application of the Rules of International Law of Armed Conflict*, Vojska, June 200, pp. 91

of the laws of war or international humanitarian law, and none provided evidence of command responsibility.⁹

- e. In 1997, concerns about maintaining discipline in the Public Security Division (RJB) of the MUP were expressed in a letter from the Chief of the RJB, Lieutenant-General Vlastimir Đorđević (Đorđević held the position as Head of the RJB throughout the period of the indictment). In the letter, he issued an order regarding the necessity of considering command responsibility in disciplinary cases. This shows that the MUP had long-regarded command responsibility an important issue and addressed it well before the conflict in Kosovo reached its peak:

In every specific case of illegal or improper conduct by an employee of the Ministry, especially in relations with citizens, take effective criminal prosecution, misdemeanour, disciplinary, fining and other measures, and also determine the objective responsibility of senior staff for the conduct of their subordinates.¹⁰

- f. On 6 April 2001, the Military Prosecutor in Niš informed the 3rd Army Commander that:

... between 1 March 1998, when Albanian terrorism escalated in Kosovo and Metohija, and today, the military prosecutor in Niš, as a peacetime judicial body and the military wartime prosecutors from the territory for which the Army was responsible during the recent war, worked in the criminal cases against the total of 245 persons for criminal acts committed in the territory of Kosovo and Metohija in the period between 1 March 1998 and 26 June 1999, which resulted in a loss of life or which endangered life and limb personal and moral degeneration as well as citizens' property.

Out of the number of those reported (245), 183 persons have been charged. An investigation was or still is in progress against 47 persons, and for 15 persons previous information is being collected (for crimes against property).

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⁹ Exhibit K1979, ERN 0301-1646-0301-1650 (K005-1880-K005-1883), *Information on the situation and movement of criminals among professional military personnel*, 15 May 1999

¹⁰ Exhibit K1184, ERN K009-2707-K009-2708, Ministry of the Interior Public Security Department Dispatch No. 231/97, 4 June 1997

¹¹ Exhibit K2277, ERN 0208-3388-0208-3388, *Application of the Rules of International Law of Armed Conflict*, Vojska, June 200, pp. 164 - 169

Of the cases quoted, most were charges for individual criminal responsibility while one referred to a Lieutenant-Colonel charged with a war crime (suspended due to lack of evidence), one a Major for incitement to murder, a two platoon commanders for murder (although some doubt about their positions is necessary given the listing of their ranks as Privates – that rank cannot normally be given command authority). The remainder were all for lower ranks. Command responsibility charges were noticeably lacking.

SECTION 3 – PROMOTIONS & COMMENDATIONS

8. A number of Decrees were issued by President Milošević during and after the conflict with NATO. These concerned promotions and commendations to individuals and units involved in the conflict. Most were for the VJ but there were links between Milošević and commendations to the MUP. Annex 1 (Key Personnel) to Part II lists key FRY and Serb personnel in leadership positions and their appointments and awards. A summary of the most salient points follows:
 - (a) There are no examples of commanders from Brigade level and higher in the VJ being sanctioned for events in Kosovo. On the contrary, every commander and many senior officers supporting combat unit commanders (e.g. Chiefs of Staff) from the Chief of the General Staff through the VJ chain of command to Brigades in Kosovo, was promoted and/or commended for their roles in Kosovo; the Chief of the General Staff (General Ojdanić), 3rd Army Commander (General Pavković), Priština Corps Commander (General Lazarević), and many Priština Corps Brigade Commanders were promoted and awarded commendations. Others were, in the very least, retained with no evidence of being sanctioned.
 - (b) Similarly, in the MUP, there are no examples of senior MUP commanders being sanctioned for events in Kosovo. Key MUP officials received promotions or awards, including the Head of the Public Security Service (Vlastimir Đorđević), the Head of the Police Administration covering special units of the RJB (Obrad Stevanović), and the Head of the MUP Staff for Kosovo (Sreten Lukić).
 - (c) Additionally, various VJ and MUP units were given unit commendations. These included the key combat Brigades of Priština Corps and units of the special police of the RJB – the PJP.¹²

SECTION 4 – CLEARING UP THE BATTLEFIELD

9. Regulations in effect during the state of war (probably outside such a state as well) made it a requirement for FRY and Serb organisations such as the VJ and MUP to deal with such things as dead bodies:

Clearing up the terrain (clearing up) in the VJ, as an important procedure executed by commands and units is based on legal regulations, military rules and instructions and there is a continuity between the way this matter had been regulated by the JNA /Yugoslav People's Army/ until the Yugoslav Army of today. The clearing up includes the undertaking of sanitary-hygienic and sanitary-technical and other measures necessary and activities in order to find killed (dead) people and animals, and to remove anything which may be dangerous to the health of people and animals and harmful to the environment.

The clearing of human bodies from the battleground

During combat activities in the territory of Kosovo and Metohija, in the period between 1998 and 1999, the clearing of the battleground was organised by the VJ units in their respective zone of responsibility, by the MUP, by civilian protection staffs and by local authorities.

At the beginning of NATO's aggression in 1999, the clearing up carried out by the units within the Priština corps zone of responsibility was regulated by the corps commander's Order, str. conf. no. 28-141 of 31 March 1999, and the amendment to the order of 6 April 1999.¹³

Not only was the practice of cleaning the terrain in place well before the state of war in 1999, the involvement of various organisations was provided for.

¹² See Annex I to Part II – Key Personnel

¹³ Exhibit K2277, ERN 0208-3388-0208-3388, *Application of the Rules of International Law of Armed Conflict*, Vojska, June 200, pp. 122

10. Refinements to the clearing process occurred in early May 1999 thereby reinforcing the prerequisites for conducting the tasks in a co-ordinated fashion:

In order to establish the necessary co-ordination of all responsible and authorities in charge engaged in the duties of clearing up (representatives of VJ units, MUP, court and military court authorities) a discussion was organised and held by the Priština Corps Command on 1 May 1999, when the tasks of all authorities in the territory of KM were specified. By the passing of a new Instruction for clearing up the terrain, ŠVK In/ternal/ no. 1586-2 of 15 May 1999, new orders were issued in the spirit of the new Instruction. In the course of 1999, the VJ units deployed in the territory of KM cleared up 54 locations within their zones of responsibility. 172 human corpses were found (the exhumed ones are shown separately, see table no. 2). The identification, recording, transport and burial were done mainly by the authorities in co-operation with the families of the fallen. In all cases of suspected murder, the investigating and court authorities in charge instituted proceedings.¹⁴

11. During clearing of terrain, the responsible organisations came across evidence that crimes had been committed. They had a responsibility to conduct investigations. At least eight mass graves were uncovered between April and June 1999 and forensic investigations carried out by the VJ. One of the sites was at Izbica, an indictment killing site. The results of the investigation were not available to the VJ Commission responsible for reviewing battlefield cleaning after the war.¹⁵

12. From one perspective, it is laudable that the VJ (and other organisations) seemed to conduct such thorough battlefield clearing. Looked at from a different perspective, however, the fact that mass graves were found, that they showed evidence of criminal acts, and yet no significant command responsibility charges were laid, is suggestive of a failure to take appropriate disciplinary measures. Furthermore, given the final number of suspicious deaths in Kosovo, the VJ figures only touch on the issue. Only one of its sites – Izbica – corresponded to the list of OTP indictment killing sites and the investigation as of June 2001 for this was unresolved.

¹⁴ Exhibit K2277, ERN 0208-3388-0208-3388, *Application of the Rules of International Law of Armed Conflict*, Vojska, June 200, pp. 123

¹⁵ Exhibit K2277, ERN 0208-3388-0208-3388, *Application of the Rules of International Law of Armed Conflict*, Vojska, June 200, pp. 123, 160

Annex 1

To OTP Military Analyst Report Part II

KEY PERSONNEL – APPOINTMENTS, PROMOTIONS & COMMENDATIONS

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
JOINT COMMAND FOR KOSOVO & METOJIHA					
SAINOVIĆ, Nikola	Head of Joint Command for Kosovo & Metohija				
TEMPORARY EXECUTIVE COUNCIL (TEC)					
ANDELKOVIĆ, Zoran	<ul style="list-style-type: none"> • Head of the TEC³ • Head of provincial Civil Defence Staff, Kosovo.⁴ 		<ul style="list-style-type: none"> • Order of the Yugoslav Flag of the First Degree 7 Jul 99.⁵ 		
VJ GENERAL STAFF					
OJDANIC, Dragoljub General ⁶	Chief of the General Staff of the VJ	<ul style="list-style-type: none"> • Appointed Chief of the General Staff 24 	<ul style="list-style-type: none"> • Order of Freedom 16 Jun 99.⁸ 		

¹ Only promotions, commendations and awards issued while Milošević was in power are considered here.

² Only promotions, commendations and awards issued while Milošević was in power are considered here.

³ Exhibit K1812, ERN K006-7964-K006-7967, Minutes of the 15th Session of the TEC, 24 March 1999

⁴ Exhibit K1879, ERN K021-3074-K021-3075, Order from Zoran Anđelković on battlefield cleansing, 15 April 1999

⁵ K2113, Policemen Decorated by Milosevic, Tanjug, 1526 GMT 7 Jul 99, FBIS translation FTS19990708001000

⁶ Vojška issue No. 37-38, war-time editions from 16 Jun 99

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
		Nov 98. ⁷	<ul style="list-style-type: none"> Promoted to Army General 16 Jun 99.⁹ 		
MARJANOVIC, Svetozar Lieutenant General ¹⁰	Deputy Chief of the General Staff	<ul style="list-style-type: none"> Appointed Deputy Chief of the General Staff 25 Dec 98.¹¹ 	<ul style="list-style-type: none"> Order of the Military Banner 1st degree 16 Jun 99.¹² 		
SIMIC, Miodrag Lieutenant-General ¹³	Assistant Chief of General Staff, responsible for Ground Forces		<ul style="list-style-type: none"> Order of Military Banner 3rd Degree 16 Jun 99.¹⁴ 		
KRGA, Branko Major General ¹⁵	Head of 2 nd Directorate (Intelligence), General Staff	<ul style="list-style-type: none"> Appointed Head of the 2nd Department of the General Staff 25 Dec 98.¹⁶ 	<ul style="list-style-type: none"> Promoted to Lieutenant General 16 Jun 99.¹⁷ Order of the Military Banner 3rd Degree 16 Jun 99.¹⁸ 		

⁷ Presidential Decree appoints General Ojdanić to Chief of the General Staff, Tanjug, 2203 GMT 24 Nov 98, FBIS translation FTS19981124001633

⁸ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

⁹ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

¹⁰ Vojska issue No. 37-38, war-time editions from 16 Jun 99

¹¹ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

¹² *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

¹³ Vojska issue No. 37-38, war-time editions from 16 Jun 99

¹⁴ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

¹⁵ Vojska issue No. 37-38, war-time editions from 16 Jun 99

¹⁶ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

¹⁷ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
KOVACEVIC, Blagoje Lieutenant-General ¹⁹	Deputy Chief of Operations, General Staff		<ul style="list-style-type: none"> Promoted to General 16 Jun 99.²⁰ Order of the Military Banner 2nd Degree 16 Jun 99.²¹ 		
FARKAŠ, Geza Lieutenant-General ²²	Head of Security Directorate, VJ	<ul style="list-style-type: none"> Appointed Head of the Security Directorate of the VJ.²³ 	<ul style="list-style-type: none"> Promoted to Colonel General 28 Dec 99.²⁴ Order of the Military Banner 2nd Degree 16 Jun 99.²⁵ 		
PANTELIC, Vidoje Lieutenant General ²⁶	Assistant Chief of the General Staff for Logistics	<ul style="list-style-type: none"> Appointed Chief of the General Staff for Logistics 25 Dec 98.²⁷ 	<ul style="list-style-type: none"> Promoted to General 16 Jun 99.²⁸ Order of the Military Banner 2nd Degree 16 Jun 99.²⁹ 		

¹⁸ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

¹⁹ Vojska issue No. 37-38, war-time editions from 16 Jun 99

²⁰ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

²¹ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

²² Vojska issue No. 37-38, war-time editions from 16 Jun 99

²³ Presidential Decree announcement, Tanjug, 1436 GMT 23 Mar 99, FBIS translation FTS19990323001253

²⁴ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

²⁵ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

²⁶ Vojska issue No. 37-38, war-time editions from 16 Jun 99

²⁷ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

²⁸ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

²⁹ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of*

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
VASILJEVIĆ, Aleksander Major General ³⁰	Deputy Chief of Security Directorate, General Staff		Promoted to Lieutenant General 16 Jun 99. ³¹		
GAJIĆ, Branko Colonel ³²	Assistant Chief of Security Directorate, General Staff		<ul style="list-style-type: none"> Promoted to Major-General 16 Jun 99.³³ 		
ZEC, Milan Vice Admiral ³⁴	Commander, Navy		<ul style="list-style-type: none"> Promoted to Admiral 28 Dec 99.³⁵ Order of the Military Banner 2nd Degree 16 Jun 99.³⁶ 		
SMILJANIĆ, Spasoje Lieutenant-General	Commander, Air Force and Air Defence Replaced VELIČKOVIĆ (see next)	<ul style="list-style-type: none"> Appointed Commander of the Air & Air Defence Forces 25 Dec 98.³⁷ 	<ul style="list-style-type: none"> Promoted to Lieutenant-Colonel General 25 Dec 98³⁸ Promoted to General 16 Jun 99.³⁹ Order of the Military Banner 1st Degree 16 		

Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

³⁰ Vojska issue No. 37-38, war-time editions from 16 Jun 99

³¹ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

³² Vojska issue No. 37-38, war-time editions from 16 Jun 99

³³ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

³⁴ Vojska issue No. 37-38, war-time editions from 16 Jun 99

³⁵ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

³⁶ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

³⁷ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

³⁸ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

³⁹ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
			Jun 99. ⁴⁰		
VELIČKOVIĆ, Ljubiša General	Commander Air & Air Defence Forces ⁴¹	<ul style="list-style-type: none"> Re-appointed to Ministry of Defence as Deputy Minister Nov 98.⁴² 	<ul style="list-style-type: none"> Order of the Military Banner 1st Degree, awarded posthumously 16 Jun 99.⁴³ 		
PERISIĆ, Momčilo General	Predecessor to OJDANIĆ as Chief of the General Staff				
ĐIMITRIJEVIĆ, Aleksandar Major-General	Predecessor to General FARKAŠ as Head of General Staff Security Directorate. ⁴⁴				
3rd ARMY					
PAVKOVIĆ, Nebojša Lieutenant General ⁴⁵	Commander, 3 rd Army	<ul style="list-style-type: none"> Appointed Commander 3rd Army 25 Dec 98.⁴⁶ Assumed command of 3rd Army 13 Jan 99.⁴⁷ 	<ul style="list-style-type: none"> Order of Freedom 16 Jun 99.⁴⁸ 		

⁴⁰ On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

⁴¹ Politics Instead of Pension, Nin, by Artur Demek, 5 Nov 98 p 13, FBIS translation FTS19981112001767

⁴² Politics Instead of Pension, Nin, by Artur Demek, 5 Nov 98 p 13, FBIS translation FTS19981112001767

⁴³ On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

⁴⁴ Presidential Decree announcement, Tanjug, 1436 GMT 23 Mar 99, FBIS translation FTS19990323001253

⁴⁵ K000-1493

⁴⁶ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
STOJIMIROVIC, Ljubiša Major-General ⁴⁹	Deputy Commander & Chief of Staff, 3 rd Army	<ul style="list-style-type: none"> Appointed 3rd Army Chief of Staff 25 Dec 98.⁵⁰ Appointed 1st Army Chief of Staff 28 Dec 99.⁵¹ 	<ul style="list-style-type: none"> Promoted to Lieutenant-General 16 Jun 99.⁵² Awarded Order of the War Flag 2nd Class 31 Dec 99.⁵³ 		
SAMARDŽIĆ, Dušan Colonel-General	Former commander, 3 rd Army	<ul style="list-style-type: none"> Appointed Chief of the Military Readiness Inspectorate 25 Dec 98.⁵⁴ 			
PRIŠTINA CORPS					
LAZAREVIC, Vladimir Major General ⁵⁵	Commander, Priština Corps	<ul style="list-style-type: none"> Appointed Commander of Priština Corps 25 Dec 98.⁵⁶ 	<ul style="list-style-type: none"> Awarded 1st Degree Medal of the War Flag 5 Apr 99.⁵⁸ 		

⁴⁷ General Pavković assumes command of 3rd Army, Tanjug, 1241 GMT 13 Jan 99, FBIS translation FTS19990113000737

⁴⁸ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

⁴⁹ Vojska issue No. 37-38, war-time editions from 16 Jun 99

⁵⁰ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

⁵¹ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

⁵² Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

⁵³ Exhibit 1123, ERN 0215-1482-0215-1496, FRY Presidential D e c r e e no. 1/2-01-001/99-143, 31 December 1999

⁵⁴ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

⁵⁵ Vojska issue No. 37-38, war-time editions from 16 Jun 99

⁵⁶ Exhibit K1533, ERN K021-0376-K021-0377, Milosevic Decree on Army Promotions, Tanjug 1831 GMT 25 Dec 98, FBIS translation FTS19981226000163

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
		<ul style="list-style-type: none"> Appointed Chief of Staff 3rd Army 28 Dec 99.⁵⁷ 	<ul style="list-style-type: none"> Promoted to Lieutenant-Colonel General 16 Jun 99.⁵⁹ Order of Courage 16 Jun 99.⁶⁰ 		
STEFANOVIĆ, Radojko Colonel	Deputy Commander & Chief of Staff	<ul style="list-style-type: none"> Appointed Commander Priština Corps 28 Dec 99.⁶¹ 	<ul style="list-style-type: none"> Promoted to Major-General 28 Dec 99.⁶² Order of Courage 16 Jun 99.⁶³ 		
STOJANOVIĆ, Momir Colonel ⁶⁴	Chief of Security				
KOTUR, Milan Colonel	<ul style="list-style-type: none"> Chief of Infantry⁶⁵ VJ Liaison to OSCE KVM Member of Priština Corps Staff during state of war 1999. 		<ul style="list-style-type: none"> Order of the Yugoslav Army 2nd Class 31 Dec 99.⁶⁶ 		

⁵⁷ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

⁵⁸ Exhibit K1861, Milošević Promotes VJ Members, RTS SAT Television, 1200 GMT 5 Apr 99, FBIS translation FTS19990405000693

⁵⁹ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

⁶⁰ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

⁶¹ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

⁶² President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

⁶³ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

⁶⁴ Belgrade Nedeljni Telegraf 22 Nov 00 Who was responsible for the loss of Kosovo? FBIS EUP200001201000402

⁶⁵ ERN K001-1909-K001-1932, "Telefonski Imenik KVO Pristina 19-06-98"

Colonel KOTUR was also a VJ Liaison officer to the OSCE KVM (see transcript of Colonel Richard CIAGLINSKI for testimony 16 March 2002)

⁶⁶ Exhibit 1123, ERN 0215-1482-0215-1496, FRY Presidential D e c r e e no. 1/2-01-001/99-143, 31 December 1999

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
BRIGADES & OTHER TACTICAL UNITS IN KOSOVO					
ČIRKOVIĆ, Mladen Colonel ⁶⁷	Commander, 15 th Armoured Brigade		<ul style="list-style-type: none"> Awarded 1st Degree Medal of the War Flag 5 Apr 99.⁶⁸ 	<ul style="list-style-type: none"> War Flag medal awarded to Brigade 28 Dec 99.⁶⁹ 	
ŽIVANOVIĆ, Dragan Colonel ⁷⁰	Commander, 125 th Mechanised Infantry Brigade		<ul style="list-style-type: none"> Awarded 1st Degree Medal of the War Flag 5 Apr 99.⁷¹ 	<ul style="list-style-type: none"> Order of the National Hero 16 Jun 99.⁷² 	
JELIĆ, Kršman Colonel	Commander, 243 rd Mechanised Brigade		<ul style="list-style-type: none"> Awarded 1st Degree Medal of the War Flag 5 Apr 99.⁷³ 	<ul style="list-style-type: none"> War Flag medal awarded to Brigade 28 Dec 99.⁷⁴ 	
DELIĆ, Bozidar Colonel ⁷⁵	Commander, 549 th Motorised Infantry Brigade		<ul style="list-style-type: none"> Awarded 1st Degree Medal of the War Flag 5 Apr 99.⁷⁶ Promoted to Major-General 28 Dec 99.⁷⁷ 	<ul style="list-style-type: none"> Order of the National Hero 16 Jun 99.⁷⁸ 	

⁶⁷ MM0301152200 Belgrade Vojska 28 Oct 99 p. 14 Kosmet in the soul by Zoran MILADINOVIC

⁶⁸ Exhibit K1861, Milošević Promotes VJ Members, RTS SAT Television, 1200 GMT 5 Apr 99, FBIS translation FTS19990405000693

⁶⁹ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

See also Exhibit K1123, Presidential Decrees

⁷⁰ Vojska 7 Apr 99 page 3

⁷¹ Exhibit K1861, Milošević Promotes VJ Members, RTS SAT Television, 1200 GMT 5 Apr 99, FBIS translation FTS19990405000693

⁷² *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments*, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

⁷³ Exhibit K1861, Milošević Promotes VJ Members, RTS SAT Television, 1200 GMT 5 Apr 99, FBIS translation FTS19990405000693

⁷⁴ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

See also Exhibit K1123, Presidential Decrees

⁷⁵ EUP 20000210000356 Belgrade Vojska 13 Jan 00 page 12 Maj-Gen Bozidar DELIĆ: Commander of Heroic Brigade

⁷⁶ Exhibit K1861, Milošević Promotes VJ Members, RTS SAT Television, 1200 GMT 5 Apr 99, FBIS translation FTS19990405000693

⁷⁷ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

⁷⁸ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of*

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
MILINOVIĆ, Ranko Colonel ⁷⁹	Commander, 52 nd Mixed Artillery Brigade				
DOŠAN, Miloš Colonel ⁸⁰	Commander, 52 nd Air Defence & Rocket Artillery Brigade		<ul style="list-style-type: none"> Awarded 1st Degree Medal of the War Flag 5 Apr 99.⁸¹ 		
ĐIKOVIĆ, Ljubiša Colonel ⁸²	Commander, 37 th Infantry Brigade			<ul style="list-style-type: none"> National Hero Award 16 Jun 99.⁸³ 	
RADOŠAVLJEVIĆ, Drakecta Colonel ⁸⁴	Commander, 354 Infantry Brigade				
SAVIĆ, Ljubomir Lieutenant Colonel ⁸⁵	Commander, 58 th Light Infantry Brigade				
PETROVIĆ, Nikola Colonel ⁸⁶	Commander, 175 th Infantry Brigade		<ul style="list-style-type: none"> Order of Courage 16 Jun 99.⁸⁷ 		
	Commander, 7 th Infantry Brigade				
GERGER, Mihailo Colonel ⁸⁸	Commander, 211 th Armoured Brigade			<ul style="list-style-type: none"> War Flag medal awarded to Brigade 28 Dec 99.⁸⁹ 	

Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587

⁷⁹ AU06091 42299 Belgrad Vojska 17 May 99 page 11 The smell of Gunpowder

⁸⁰ MM 0301152000 Belgrade Vojska 30 Sep 99 page 12 Air Defenders from Čarabat

⁸¹ Exhibit K1861, Milošević Promotes VJ Members, RTS SAT Television, 1200 GMT 5 Apr 99, FBIS translation FTS19990405000693

⁸² *Example to Generations*, Vojska, 15 Jul 99, pages 9-13, FBIS translation AU2608160399

⁸³ *Example to Generations*, Vojska, 15 Jul 99, pages 9-13, FBIS translation AU2608160399

⁸⁴ AU0609142199 Belgrade Vojska 17 May 99 page 7 Artillery men on Mali, Kosovo

⁸⁵ au3108134199 Belgrade Vojska 22 Apr 99 page 10 From the Battle Lines: Defenders of Stari Trg

⁸⁶ AU 0909144299 Belgrade Vojska 26 Apr 99 page 10 Company in Safe Hands

⁸⁷ *On the Occasion of the Day of the Armed Forces of Yugoslavia, President of the Federal Republic of Yugoslavia and Supreme Commander Slobodan Milosevic Has Issued Decrees on Promotions, Decorations, and Appointments, Politika (Internet version), 16 Jun 99, FBIS translation FTS19990623000587*

⁸⁸ AU J609143199 Belgrade Vojska 3 May 99 page 10 All for One and One for All

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
	Commander, 252 nd Armoured Brigade				
	Commander, 72 nd Special Forces Brigade				
TODOROV, Ilija Major ⁹⁰	Commander, 63 rd Parachute Brigade				
	Commander, 52 nd Military Police Battalion				
	Commander, 52 nd Reconnaissance & Diversionary Company				
	53 rd Border Guards Battalion				
JOVIĆ, FNU Major ⁹¹	55 th Border Guards Battalion				
	57 th Border Guards Battalion				
FEDERAL MINISTRY OF DEFENCE					
BULATOVIĆ, Pavle	Minister of Defence ⁹²				
VELICKOVIĆ, Ljubiša Colonel General	Deputy Minister of Defence	<ul style="list-style-type: none"> Appointed Deputy Minister of Defence 5 Nov 98.⁹³ 			
DIMITRIJEVIĆ, Aleksandar Major-	Deputy Minister for Political Defence Affairs	<ul style="list-style-type: none"> Appointed Deputy Minister for Political 			

⁸⁹ President Milošević Decree on VJ Promotions, Tanjug, 1850 GMT 28 Dec 99, FBIS translation FTS19991228001349

See also Exhibit K1123, Presidential Decrees

⁹⁰ AU0809202399 Belgrade Vojska 12 Aug 99 pages 12-13 63rd Parachute Brigade: Elite from the Shadows

⁹¹ Telefonski Imenik 1999 ERN K010-5070-K010-5071

⁹² Exhibit 1866, ERN K021-3064-K021-3064, Letter FRY Mins. of Defence Pavle Bulatović to Ojdanić, 7 April 1999

⁹³ *Politics Instead of Pension*, Nin, by Artur Demek, 5 Nov 98 p 13, FBIS translation FTS19981112001767

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
General		Defence Affairs. ⁹⁴			
MANASTIRAC, Ljubiša Colonel	Head of the Regional Department for the Republic of Serbia ⁹⁵		• Promoted to Major General 16 Jun 99. ⁹⁶		
ILIC, Petar	Head of Priština Defence Administration				
PRIŠTINA MILITARY DISTRICT					
PESIC, Zlatomir Colonel ⁹⁷	Commander, Priština Military District		• Order of the Yugoslav Army 2 nd Class 31 Dec 99. ⁹⁸		
	Commander, Military Sector Priština				
	Commander, Military Sector Peć				
	Commander, Military Sector Kosovska Mitrovica				
	Commander, Military Sector Prizren				
	Commander, Military Sector Gnjilane				
MINISTRY OF INTERNAL AFFAIRS (MUP) OF SERBIA					
STOJILJKOVIĆ, Vlajko	Minister of Internal Affairs				Deceased

⁹⁴ Presidential Decree announcement, Tanjug, 1436 GMT 23 Mar 99, FBIS translation FTS19990323001253

⁹⁵ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

⁹⁶ Report on Presidential Decree regarding Promotions, Radio Beograd Network (Internet version), 1300 GMT 15 Jun 99, FBIS translation FTS19990616000214

⁹⁷ Vojska 17 May 99 page 14, war-time issues (FBIS FTS19991021001067)

⁹⁸ Exhibit 1123, ERN 0215-1482-0215-1496, FRY Presidential D e c r e e no. 1/2-01-001/99-143, 31 December 1999

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
DORĐEVIĆ, Vlastimir Col Gen ^{99 100}	Chief of Public Security (RJB)	• Appointed Chief of RJB 27 Oct 98. ¹⁰¹	• Order of the Yugoslav Flag of the First Degree 7 Jul 99. ¹⁰²		
MARKOVIĆ, Radomir Col Gen ^{103 104}	Chief of State Security (RDB)	• Appointed Chief of RDB 27 Oct 98. ¹⁰⁵			
STANISIC, Jovića	Predecessor to MARKOVIĆ as Head of RDB	• Dismissed as Chief of RDB 27 Oct 98. ¹⁰⁶			
STEVANOVIĆ, Obrad Lieutenant-General ¹⁰⁷	Assistant Minister and Head of Police Administration (RJB)	• Confirmed in Assistant Minister Position 27 Oct 98. ¹⁰⁸	• Order of the Yugoslav Flag of the First Degree 7 Jul 99. ¹⁰⁹		Responsible for special units of the RJB i.e. PJP and SAJ
SIMATOVIĆ, Frenki					Authority over the JSO
TRAJKOVIĆ, Zivko ¹¹⁰ ^{111 112}	Commander, SAJ				

⁹⁹ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹⁰⁰ www.mup.sr.gov.yu/domino/mup.nsf/page/pomocnici

¹⁰¹ Report on Announcement of Serbia Government, BETA, 1732 GMT 27 Oct 98, FBIS translation FTS19981027001233

¹⁰² Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

¹⁰³ www.mup.sr.gov.yu/domino/mup.nsf/page/pomocnici

¹⁰⁴ Radio 021, Novi Sad, 25 Jan 01 at 16:12 GMT Reported that MARKOVIĆ had tendered his resignation

¹⁰⁵ Report on Announcement of Serbia Government, BETA, 1732 GMT 27 Oct 98, FBIS translation FTS19981027001233

This is assessed to be a reaffirmation of Đorđević's position as he was Chief of the RJB since at least 1997.

¹⁰⁶ Report on Announcement of Serbia Government, BETA, 1732 GMT 27 Oct 98, FBIS translation FTS19981027001233

This is assessed to be a reaffirmation of Đorđević's position as he was Chief of the RJB since at least 1997.

¹⁰⁷ www.mup.sr.gov.yu/domino/mup.nsf/page/pomocnici

Also, had the title "Assistant Minister in charge of the Police Administration"

¹⁰⁸ Report on Announcement of Serbia Government, BETA, 1732 GMT 27 Oct 98, FBIS translation FTS19981027001233

This is assessed to be a reaffirmation of Đorđević's position as he was Chief of the RJB since at least 1997.

¹⁰⁹ Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

¹¹⁰ EPN K0018243 - K0018249 28 Mar 99 MUP Staff (Priština)

Refers to TRAJKOVIĆ being slightly injured by a landmine near PODUJEVO.

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
MUP STAFF FOR KOSOVO & METOHIJA					
LUKIĆ, Sreten Major-General ^{113 114 115}	Chief of Staff	<ul style="list-style-type: none"> Appointed 11 May 98.¹¹⁶ 	<ul style="list-style-type: none"> Promoted to Colonel-General 12 May 99.¹¹⁷ Order of the Yugoslav Flag of the First Degree 7 Jul 99.¹¹⁸ 		
ĐINOVIĆ, Radoslav Lt. Colonel ¹¹⁹	Deputy Chief of Staff	<ul style="list-style-type: none"> Appointed 11 May 98.¹²⁰ 			
RADOSAVLJEVIĆ, Goran Major ¹²¹	Assistant Chief of Staff for Intervention	<ul style="list-style-type: none"> Appointed 11 May 98.¹²² 			
Major BRAKOVIĆ, Žarko ¹²³	Assistant Chief of Staff for Police Duties	<ul style="list-style-type: none"> Appointed 11 May 98.¹²⁴ 	<ul style="list-style-type: none"> Order of the Yugoslav Flag of the 		

¹¹¹ "Changes in the Police," Leading Stories: The Yugoslav Media," UN Liaison Office, Belgrade, Weekend and Monday, 2 October 2000, at 5.

¹¹² Trajkovic opet predvodi SAJ (Trajkovic Again Leads SAJ), Blic Internet, 9 November 2000

By the decision of the three co-ministers of police, Colonel Živko Trajković was urgently reappointed to the position of Special Anti-terrorist Unit commander.

¹¹³ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹¹⁴ ERN K001-8264 (27-03-99)

¹¹⁵ ERN K0018062 - K0018068 MUP Staff for AP KiM SITREP 29/30 Jan 99

¹¹⁶ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹¹⁷ President Milutinović Decree promoting General Lukić, RTS SAT Television, 1730 GMT 12 May 99, FBIS translation FTS19990512001874

¹¹⁸ Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

¹¹⁹ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹²⁰ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹²¹ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹²² ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹²³ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹²⁴ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
			Second Degree 7 Jul 99. ¹²⁵		
VUKOVIĆ, Milutin Lieutenant ¹²⁶	Assistant Chief of Staff in Charge of Mechanised Units	• Appointed 11 May 98. ¹²⁷			
STATE SECURITY SERVICE, KOSOVO					
VILOTIĆ, Miloslav	RDB Head Kosovo				
LAKOVIĆ, Milan "Miško"	Head of RDB HQ				
GAJIĆ, David ^{128 129}	Head of RDB Operations, Kosovo until October 1998				
SPECIAL UNITS OF THE MUP IN KOSOVO					
ULEMEK, Milorad ^{130 131}	Commander, JSO in Kosovo				Also known as Milorad LUKOVIĆ and "LEGJA"
STALEVIĆ, Radislav "Strela" Lieutenant- Colonel	Commander, SAJ in Kosovo		• Order of the Yugoslav Flag of the Second Degree 7 Jul 99. ¹³²		

¹²⁵ Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

¹²⁶ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

Assigned from position of Commander of the Mechanised Brigade in Priština

¹²⁷ ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹²⁸ Statement K4

¹²⁹ "Kosovo Security Chief Briefs Diplomats on Situation," Tanjug, Belgrade, 1822 gmt, 7 June 1998

¹³⁰ Vreme 25 Jan 01 article by Miloš VASIĆ

¹³¹ Vecernje Novosti 28 Feb 01 p 10, FBIS translation EUP20010228000177

States that LUKOVIĆ was appointed Commander of the JSO at the beginning of 1999 with the arrival of MARKOVIĆ to the RDB.

¹³² Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
GREKULOVIĆ, Srdan Colonel ¹³³	Commander, 36 th PJP Detachment		<ul style="list-style-type: none"> Order of the Yugoslav Flag of the Second Degree 7 Jul 99.¹³⁴ 	<ul style="list-style-type: none"> 112 medals handed to 36th (and 86th) PJP Detachments by General Lukić (identified as Milošević's special envoy) 29 Dec 99.¹³⁵ 	
PRLJEVIĆ, Branko Colonel ¹³⁶	Commander, 35 th PJP Detachment				
BRAKOVIĆ, Žarko Colonel ¹³⁷	Commander, 124 th Intervention Brigade			<ul style="list-style-type: none"> Order of the People's Hero award presented by President Milošević 7 Jul 99.¹³⁸ 	
RADOSAVLJEVIĆ, Goran Colonel ¹³⁹	Commander, PJP in Kosovo		<ul style="list-style-type: none"> Order of the Knight's Sword of the Second Degree.¹⁴⁰ 		
SECRETARIATS OF INTERNAL AFFAIRS (SUP)					
PETRIĆ, Boško Colonel ¹⁴¹	Chief of SUP Priština				

¹³³ AU2912155099 Radio Beograd Network 1400 GMT 29 Dec 99, FBIS translation

When LUKIĆ presented awards to 36 and 86 PJP, the commander of 36 PJP was listed as Col Srdan DRAKULOVIĆ which is close enough to Srdan GREKULOVIĆ to raise the possibility of a transcription error.

¹³⁴ Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

¹³⁵ Radio Beograd Network, 1400 GMT 29 Dec 99, FBIS translation FTS19991229000908

¹³⁶ Tanjug 1426 GMT 19 Jan 00, FBIS translation

¹³⁷ FBIS FTS19990708001000 Tanjug Lists Policemen Decorated by Milosevic AU0807144599 Belgrade Tanjug Domestic Service in Serbo-Croatian 1526 GMT 7 Jul 99

¹³⁸ Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

¹³⁹ Vecernje Novosti, 28 Feb 01 p 10, EUP20010228000177

¹⁴⁰ Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

¹⁴¹ K001-3235-K001-3236 Annual work schedule 13 Jan 99

NAME	POSITION	APPOINTMENT DETAILS	PROMOTIONS & COMMENDATIONS ¹	UNIT AWARDS & COMMENDATIONS ²	REMARKS
CVETIĆ, Ljubinko Colonel	Chief of SUP Kosovska Mitrovica				
VLAHOVIĆ, Boro Colonel ¹⁴²	Chief of SUP Peć				
ADAMOVIĆ, Dragutin Colonel ^{143 144}	Chief of SUP Đakovica				KOVACEVIĆ, Milan ¹⁴⁵ Probably replaced ADAMOVIĆ in early 1999
VOJNOVIĆ, Miloš Colonel ¹⁴⁶	Chief of SUP Prizren				
JANICEVIĆ, Bogoljub Colonel ¹⁴⁷	Chief of SUP Uroševac		• Order of Services to the FRY of the Second Degree 7 Jul 99. ¹⁴⁸		SUP Chief covering Račak.
GAVRANIĆ, Dusan Colonel ¹⁴⁹	Chief of SUP Gnjilane				

¹⁴² Telefonski Imenik K001-1932

¹⁴³ Vojska 10 dec 1998 p43

¹⁴⁴ Spisak brojeva telefona I lokala radnika SUP Đakovica ERN K005-1702-K005-1705

¹⁴⁵ Statement of Nike PERAJ Feb 01

¹⁴⁶ Policajac 1/99 p1 (HRW)

¹⁴⁷ Exhibit K1599, ERN K010-3067-K010-3069, Overview of trends, incidents and activities of the Uroševac SUP in the interval between 0300 and 1830 hrs on 15 January 1999

¹⁴⁸ Exhibit K2114, Policemen Decorated by Milosevic, 7 Jul 99, website of the Serbian MUP

¹⁴⁹ Policajac 1/99 p1 HRW

Annex 2 To Part II of OTP Military Analyst Report

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
01.08.99	EN 005568	BAJGORA	At 1406 hours, a UNHCR LO reported to KVM HQ that a VJ lorry had driven into a KLA position and 8 VJ soldiers had been captured near BAJGORA (EN 005568). The VJ initially issued an ultimatum threatening offensive operations if the prisoners were not released by 1730 hours.
01.10.99	DN 4808	GORNJI RATIS	RC 3 reported that at approximately 1200 hours fighting started in the DECANE area centered around the villages of GORNJI RATIS (DN 4808) and DONJI RATIS (DN 5007). MUP forces in the area are estimated to be battalion size. MUP units have been spotted at RZNIC (DN 4607), east of GLODANE (DN 4706) and east of SAPTEJ (DN 4905). These units are believed to be positioned to prevent KLA units from leaving to the south or south west. There is also a newly identified MUP position at DN 458028. It appears that MUP units are attempting to encircle KLA units in the DECANE / JUNIK area and completely clear the area of KLA..
01.10.99	DN 5007	DONJI RATIS	
01.10.99	DN 4607	RZNIC	
01.10.99	DN 458028		
01.10.99	DN 4706	GLODANE	
01.10.99	DN 4905	SAPTEJ	
01.11.99	DM 682694		At 1600 hours, RC 1 reported a VJ Company position at DM 682694 consisting of 4 x D-30 artillery, 6 x troop trucks and approx. 60-100 men. The position covers almost 500 meters.
01.12.99	DN 4808	GORNJI RATIS	At 1425 hours, RC 3 reported renewed fighting between MUP / VJ and KLA forces in the vicinity of GORNJI RATIS (DN 4808) and DONJI RATIS (DN 5007). This is the continuation of previous clashes over the last four days. It is believed that the MUP / VJ are attempting several things in this area: (1) The elimination of KLA forces in the area (2) Keep the PEC-DAKOVICA road open (3) Strengthen forces in the area to preclude KLA border crossings from northeast ALBANIA.
01.12.99	DN 5007	DONJI RATIS	
01.12.99		PEC - ĐAKOVICA ROAD	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
01.12.99		STIMLJE AREA	ALBANIA RC 5 received reports from KLA that over 1000 people have been displaced from their homes in the STIMLJE area. The Combat Team reported in the STIMLJE area over the weekend remains in the immediate vicinity. It is estimated that villagers are leaving for fear of a battle that may develop between the VJ Combat Team and KLA forces in the area. At 1950 hours GEN LONCAR notified MG DZ that the tanks in the STIMLJE area would be withdrawn.
01.12.99	DN 4808	GORNJI RATIS	At 1545 hours, RC 3 reported spotting VJ troops wearing green camouflage uniforms moving towards GORNJI RATIS (DN 4808). The troops were in the following vehicles: 1 x BOV, 1 X Pinzgauer, 1 x armored truck (smaller than 3 ton), 1 x armored Land Rover and 1 x Jeep. At 1600 hours, firing began aimed at GORNJI RATIS. This may represent the first introduction of Special Forces troops into the battle near DECANE.
01.12.99	DN 5310	JABLANICA	RC 3 reported that the JABLANICA area vicinity DN 5310--DN 5610 received heavy mortar firing the night of the 11th. Villagers left the area moving north. This area is considered KLA controlled.
01.12.99	DN 5610	JABLANICA	
01.13.99	DN 4808	GORNJI RATIS	At 0935 hours, RC 3 reported a T-55 being transported towards GORNJI RATIS (DN4808) and DONJI RATIS (DN 5007). This is a continuation of the battle near DECANE. The tank fired in excess of 50 main gun rounds. Additionally, AA and HMGs were used. A decrease in the intensity of KLA return fire was noticed. This could mark possible success for VJ/MUP forces or possible disengagement by KLA forces. The introduction of the T-55 indicates direct VJ involvement. Also noted, the artillery unit at DN 412098 has stood down. A different type of artillery piece (type unknown at present, with a barrel longer than the M-38) was in position. Two new MUP positions were reported; one at the SE side of the RADONJICKO JEZERO lake at DN532023 with extensive communications gear present and the other at DN 495105 to the east and behind suspected KLA positions. This nearly encircles the suspected KLA positions.
01.13.99	DN 5007	DONJI RATIS	
01.13.99	DN 412098		
01.13.99	DN 532023	SE of RADONJICKO JEZERO	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
01.13.99	DN 495105	E of RADONJICKO JEZERO	
01.13.99		STIMLJE AREA	The VJ Combat Team reported in the vicinity of STIMLJE for the last several days is still present. The KLA CDR in the STIMLJE area told an RC 5 patrol that VJ tanks and artillery are within 200 meters of KLA positions. This could precipitate a major confrontation. It was reported yesterday that VJ GEN LONCAR would withdraw the tanks, this has not occurred. The IDPs reported yesterday are said to be living in STIMLJE or UROSEVAC in the numbers reported (around 1000 or more). There are no reports of any IDPs presently living in the woods around STIMLJE. The KLA Commander reported that villagers trying to get to STIMLJE or UROSEVAC are regularly arrested and tortured....
01.13.99		UROSEVAC AREA	
01.13.99	DN 8804	GUNCAT	RC 1 also reported that the nearby village of GUNCAT (DN 8804) received harassing fire in a regular and intimidating manner from VJ positions on the high ground SE of the village.
01.13.99		DECANE AREA	DECANE currently is the only active battle area.
01.14.99		DECANE AREA	The trend of daily fighting in DECANE continued for the fifth straight day. Three VJ T-55 tanks were confirmed engaged in battle during the day. Additional VJ fire support was provided by 3 x BOVs and 1 x PRAGA AA systems.
01.15.99	EM 0098	BELINCE	RC 5 reported that an attack by combined VJ / MUP forces started in the vicinity of STIMLJE at approximately 0700 hours. The towns of BELINCE (EM 0098), RACAK (EM 0197), PETROVO (EM 0294) and MALPOLJCE (EM 0494) came under attack. Fighting and shelling were heavy throughout the day. This attack follows the VJ / MUP build-up in the area which occurred last week after the KLA ambushed a MUP patrol. It follows on the heels of the VJ / MUP engagement of KLA forces for several days in the DECANE area. Today was the second day of fighting in the STIMLJE area. The villages of PETROVO, RACAK, BELINCE AND MALPOLJCE were shelled and then assaulted by VJ/MUP forces in an attempt to attrit and capture KLA elements. Additionally, nearby VJ positions along the DULJE Pass highway are being improved indicating that VJ are preparing for an extended stay. DULJE Pass is key terrain which the KLA could use for resupply routes and deny passage of VJ / MUP forces. It is unlikely that the VJ / MUP will allow the KLA to control or influence this area.

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
01.15.99	EM 0197	RACAK	
01.15.99	EM 0294	PETROVO	
01.15.99	EM 0494	MALPOLJCE	
01.15.99		DULJE PASS	
01.16.99		DECANE AREA	Fighting continued in the DECANE area. The trend of daily fighting in the DECANE area continued. EU KDOM reported that the KLA report 20 tanks and a total of 60 fighting vehicles in and around the DECANE area. The artillery are reported to be firing from distant positions west of DECANE. This prevents exposure to counterattack. The KLA reported that the tanks and artillery are not facing them directly. They said the VJ avoid the direct fighting area. This indicates that the MUP are handling most of the direct fighting.
01.16.99	EM 0679	VICA	At 1525 hours, RC 5 reported that "armed Serb civilians" were moving to the villages of VICA (EM 0679), KOSTANJEVO (EM 0782) and GORNJA SEMANJA (EM 0981). These villages are S / SE of the STIMLJE fighting. Their intentions are unknown. However, armed Serb civilians were reportedly participating in the killings in and around RACAK yesterday.
01.16.99	EM 0782	KOSTANJEVO	
01.16.99	EM 0981	GORNJA SEMANJA	
01.17.99		RACAK AREA	RC 5 reported that the MUP / VJ were conducting "mop-up" operations in RACAK and PETROVO.
01.17.99		PETROVO	
01.18.99	EM 01 5975	RACAK	At 0958 hrs, RC-5 reported that VJ and MUP units started firing small arms into KLA positions in the RACAK area. They also reported that there are tanks, mortars and BOVs in support of the operation. Reports also indicate that as many as 5000 IDPs may be fleeing the villages throughout the area. The potential exists that these non-combatants will be caught in a cross-fire. Fighting is starting to spread into neighboring villages as VJ and MUP attempt to clear the area of KLA. There is a reported KLA Brigade HQ in the area, exact location unknown. At 1145 hour, it was reported that approximately 200 MUP / VJ were attempting to encircle RACAK (EM 015975) from the rear. It is believed that VJ / MUP have initiated this action with a probable objective to cut the road between RACAK and PETROVO.
01.18.99			No fighting was reported in the DECANE area for the first time in eight days.

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
01.19.99		RACAK AREA	At 0720 hours, two VJ / MUP convoys were seen leaving SUVA REKA (DM 8690) and heading towards STIMLJE. Once they arrived in STIMLJE, the troops were dispersed throughout villages in the immediate STIMLJE area. Other military convoys came into STIMLJE all day long bringing reinforcements and supplies. At 0937 hours, fighting resumed south of RACAK. Heavy weapons (heavy MGs and 30mm cannon) were firing in direct support of the VJ / MUP. RACAK continued to be the main effort of the VJ / MUP assault. Fighting ended in the early afternoon.
01.20.99		RACAK AREA	The area around RACAK saw renewed fighting today. Heavy MG and mortar fire was reported coming from VJ positions in the area. 15 MUP were again spotted on a hilltop near RACAK, armed with rifles. It is assessed that they were probably snipers / observers.
01.22.99	DM 650735	PLANEJA	The village of PLANEJA (DM 650735) was shelled and looted by VJ forces on the night of 21 Jan 99. This is a continuation of harassment which began in Dec 98. The VJ reportedly offered to "escort / give safe passage to" the villagers to the KOSOVO-ALBANIAN border if they desired to leave. A number of villagers have moved to safer areas. RC 1 and the ICRC have both confirmed these reports. This village is situated within the 5 km border zone and lies directly in the middle of the Mount Pastrok infiltration corridor.
01.27.99	EN 1341	LUZANE	A police station in LUZANE (EN 1341) was reported by the MUP to have been attacked by the KLA on the evening of 26 Jan. The next morning at 0845 hours the MUP advised KVM HQ that the police station would be reinforced in response to the attack. He also indicated that VJ forces would be moving into the LUZANE area in support. At 0835 hours, RC 2 patrols reported tank firing in the area of LUZANE (EN 1341) and DONJE LJUPCE (EN 1338). At 0930 hours tank firing started in the area of PERANE (EN 1352), OBRANDA (EN1351) and at grid coordinates EN 143491. All firing ceased at about 1645 hours. No return fire from the KLA was observed. The extent of casualties is unknown. As a result of KLA and MUP/VJ hostilities in the villages of LUZANE (EN 1341), DONJE LJUPCE (EN 1338), PERANE (EN 1352), OBRANDA (EN 1351) IDP's are reported to be heading West out of the PODUJEVO area into the KOPAONIK PLANINA mountains (EN 0060).
01.27.99	EN 1338	DONJE LJUPCE	
01.27.99	EN 1352	PERANE	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
01.27.99	EN 1351	OBRANDA	
01.27.99	EN 143491		
01.28.99	DM 664823	ROMAJA	Villagers reported fighting in ROMAJA (DM 664823) between the hours of 0001 and 0300. A KVM patrol spoke to several residents who confirmed that fighting had occurred during the night in the area around the cemetery to the north of the village. Several villagers were arrested and beaten by VJ / MUP forces. A Large number of IDP's, mostly women and children, were seen walking away from the village.
01.28.99	EN 135418	LUZANE	In the South PODUJEVO area, a KVM patrol observed tanks firing at possible KLA bunker positions in the area NW of LUZANE (EN 135418). At 1445 hours, another KVM patrol reported hearing sporadic small arms fire and two mortars in the vicinity of GORNJA LAPASTICA (EN 118497). The mortar fire was believed to be coming from the DONJA PENDUA Airfield area (EN 179445).
01.28.99	EN 118497	GORNJA LAPASTICA	
01.28.99	EN 179445	DONJA PENDUA AIRFIELD	
01.29.99	EN 131381		A KVM patrol escorting a UNHCR aid convoy was delayed at a VJ checkpoint at EN 131381. While there, the VJ reported that one of their Bulldozers was fired upon from the village of KISELA BANJA (EN 111401). The driver had escaped unharmed. A KVM patrol went to the village and established contact with KLA members residing in the village. They stated that the Bulldozer driver ran when he saw KLA members. According to the KLA, no shots were fired. At 1250 hours, tanks were reported moving toward this location. KVM patrols were called back from the immediate vicinity. At 1425 hours, tank and machinegun firing was heard from the direction of KISELA BANJA. Additional shooting was heard from the direction of Podujevo and sounded like it was directed toward KISELA BANJA. The firing ceased at 1630.
02.16.99	EN 1340	LUZANE	Tank, AA, and heavy machine gun fire was directed against a mosque and several houses resulting in the mosque being hit and at least one house set on fire in the area of LUZANE (EN 1340).
02.18.99	EN 142491	GORNJA LAPASTICA	At 17:45 hrs, anti-aircraft and sporadic tank fire was heard coming from the area east of GORNJA LAPASTICA (EN 142491). The exchange of fire lasted approx. one hour. This is the second consecutive day of firing in this area.

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
02.19.99	DM 6868	ZUR	At 1040 hours, a KVM patrol observed a VJ convoy two km northeast of ZUR (DM 6868) consisting of 7x T-55, 3 x BOV, 3 Artillery pieces, 1x APC, 3 x light trucks, 1 x Praga moving towards ZUR. At 1250 hours, people were seen fleeing from the ZUR (DM 6868), DOBRUSTE (DM 6670), SKOZA (DM 6668), VRBNICA (DM 6467), DRAGAS (DM 6780) and ZJUM (DM 6980) near the KOSOVO-ALBANIA border.
02.19.99	DM 6670	DOBRUSTE	
02.19.99	DM 6668	SKOZA	
02.19.99	DM 6467	VRBNICA	
02.19.99	DM 6780	DRAGAS	
02.19.99	DM 6980	ZJUM	
02.20.99	DM 8089	STUDENCANE	At 1200 hours, a MUP/VJ joint operation against the KLA in STUDENCANE (DM 80 89) area with fire engagement was reported. Starting from 1600 hrs, the western part of STUDENCANE was hit by seven rounds of heavy shelling. The villagers left STUDENCANE and moved towards MEDVECE (5 km southwest of STUDENCANE) at DM 75 84. At 1700 hrs, VJ/MUP left positions and moved back to the barracks in PRIZREN. At 1549 hours, one KVM patrol vehicle came under fire at STUDENCANE (DM 80 89) while observing hostilities. The fire was reported to have come possibly from a VJ/MUP position. No KVM casualties were reported.
02.23.99	DN 9239	JEZERO	At 1000 hours, about 200 VJ soldiers reinforced by MUP and supported by 2 x T-55s and 2 x heavy mortars, launched an attack into the KLA controlled villages of JEZERO (DN 9239) and TARADZA (DN 9237). UNHCR reported that five civilians were injured during the fighting and one of our patrols saw a wounded KLA member. The VJ broke off the engagement around 1130 hours and returned to their barracks in MITROVICA and VUCITRN.
02.23.99	DN 9237	TARADZA	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
02.23.99	DN 940 389	BUKOS	At 0905 hrs, MUP and KLA exchanged small arms and machine gun fire 1 km south of BUKOS (DN 940 389). At 1010 hrs, the MUP were reinforced by a convoy consisting of 1 x T55, 1 x PRAGA air defense vehicle, 4 x Pinzgauer, 2 x 120 mm mortar and an unknown number of VJ soldiers. The convoy left VUCITRN (DN 975 410) and were observed 2 km north of BUKOS at DN 955 398. At 1130 hrs, a mortar platoon was observed setting up in the BUKOS area. During the fighting, 5 MUP and one Serbian TV cameraman were lightly injured when their vehicle was struck by an RPG. At 1320 hrs, the firing in the area of BUKOS had ceased.
02.24.99	DN 8944	SIPOLJE	Two VJ rifle platoons accompanied by 2 x M-36 self propelled artillery, 4 x D-30 howitzers, 4 x heavy mortars, 1 x M-53/59 and 20 x supporting vehicles conducted training in the area around DN 8944, near SIPOLJE.
02.25.99	DN 9439	BUKOS	At 0900 hours a convoy comprised of 11 x T55s, 12 x medium trucks, 1 x jeep, 3 x Praga AAA, 1 x Bridge layer tank, 10 x BVPs with 20mm guns, 1 x ambulance, 1 x fuel tanker, was observed moving from PRISTINA towards MITROVICA. At 1440 hours, tanks were firing towards the village of BUKOS (DN 9439). The impact areas were believed to be in the villages of OSLJANE (8939), JEZERO (9239), STITARICA (9441) and BUKOS (9439). At 1500 hours firing stopped. KVM patrols could not confirm whether these villages were struck. KLA later reported that these villages were not hit. According to the EU Attache Group report, this exercise could continue for another one or two days.
02.25.99	8939	OSLJANE	
02.25.99	9239	JEZERO	
02.25.99	9441	SITARICA	
02.26.99	EM 2168	PUSTENIK	The KLA-held village of PUSTENIK (EM 2168) was attacked by approximately 60 VJ soldiers at 0630 hours. Reports indicate that the KLA force was approximately the same size. Two KLA members were reported wounded. Originally, there were reports of a massacre in the area. Although by RC 5 investigation revealed no evidence of a massacre or of any major damage to the village the shooting resulted in approximately 300 villagers fleeing to FYROM. Reportedly, other villages in the area (GORANCE (EM 1965), HASALAN (EM 2164), REZANCE (EM 2166) and HUNNEL (EM 2065)) were cordoned off and villagers denied freedom to leave the area.
02.26.99	EM 1965	GORANCE	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
02.26.99	EM 2164	HASALAN	
02.26.99	EM 2166	REZANCE	
02.26.99	EM 2065	HUNNEL	
02.26.99	DN 9439	BUKOS	The "WINTEX" firing exercise in the BUKOS area, first reported 24 Feb 99, continued on 26 Feb 99 with reports of firing from support-by-fire positions every 30 minutes. MUP checkpoints were set up to deny OSCE access to the area and prevent verification of on-going activities. The MUP stated that the OSCE vehicles would not be allowed in unless accompanied by a specific VJ Liaison Officer. At 1340 hours, the VJ Commander at BUKOS (DN 9439) stated that the large force deployed in the area would become a "permanent garrison" and that KVM would be permanently denied access. Only certain commanders and LOs' would be allowed access with the approval of the senior VJ commander.
02.27.99	DN 9439	BUKOS	The firing exercise continued in the BUKOS (DN 9439) area. Between 0830 and 1200 hours, an estimated 70 rockets were fired in a westerly direction. Exact type of rocket and their intended target(s) could not be determined because of foggy conditions. M-77 (128mm) and M-63 (128mm) MRLS systems have been previously reported in this area.
02.27.99	EM 2167	PUSTENIK	Villages in the vicinity of PUSTENIK (EM 2167) have been cleared of inhabitants. Some have fled to neighboring villages while others have crossed the FYROM border. Reports vary as to the situation on the ground. Some indicate the KLA have taken up positions in the villages and that the MUP forces have been pulled out. Others indicate a VJ presence in small numbers without KLA or MUP activity. RC 5 did not enter the area Saturday because the VJ stated anyone entering would be arrested. However, one MAIC representative toured the area on Saturday and reported calm and with no significant activity.
02.27.99	EM 2072	GAJRE	
02.28.99	EM 2072	GAJRE	MUP/VJ forces were attacked by the KLA near the town of GAJRE (EM 2072). One MUP KIA, the KACANIK MUP Commander and four MUP WIA. One KLA reported KIA. COMMENT: Historically, a calm area, activity has flared here over the weekend, and is not likely to subside in the near term. KLA likely has a strategic view of the border crossings at DENERAR JANKOVIC and GLOBOCICA. Clearly, there has been movement of locals out of many of the small villages. Weekend estimates have frequently varied from 200 to 3000.

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
03.01.99	DN 9439	BUKOS	The firing exercise which began 25 Feb continued in the BUKOS (DN 9439) area. RC 2 monitors heard sporadic rocket, mortar, heavy machine gun and small arms fire during the night. The VJ LO at RC 2 reported that VJ positions were attacked at approximately 2000 hours by KLA 60mm and 82mm mortars, sniper and heavy machine gun fire. The VJ returned fire.
03.02.99	EM 2689	PALIVODENICA	RC 5 reported small arms fire, mortar and artillery firing in the villages of PALIVODENICA (EM 2689) and KOTLINA (EM 1969). A large convoy was observed in the vicinity by late afternoon. There were 13 artillery pieces in the convoy as well as BRDMs. The patrol heard artillery, mortars and the BRDMs firing during the afternoon. The convoy departed the area around 1630 hours.
03.02.99	EM 1969	KOTLINA	
03.03.99	DN 9439	BUKOS	The firing exercise which began 25 Feb south of MITROVICA continued in the BUKOS (DN 9439) area. RC 2 monitors heard heavy mortars firing towards suspected KLA positions to the west. EU AG reported the VJ stated the live fire exercise is over and a full scale military operation has begun.
03.05.99	DN 8310	GJURJICA	At approximately 1000 hours, 6x T-55 and 3x M80 were firing into the village of GJURJICA (DN 8310), at suspected KLA positions, using the main guns and machine guns. The VJ commander constantly refused to cease fire even though it was pointed out to him by OSCE-KVM personnel that there was no reciprocal fire from the KLA.
03.07.99	DM 6468	VRBNICA	Starting at an unknown time and finishing at approximately 2030 hours, there was allegedly a firefight between VJ and "a group of people." This took place at VRBNICA (DM6468) which is notable for its proximity to the ALBANIAN border and past ethnic Albanian infiltration routes. Reliability: B3
03.08.99		GENERAL JANKOVIJ AREA	The equivalent of a MUP company size unit and a VJ company, augmented by an AAA platoon acting in direct support, have conducted an operation in the Deneral Jankovic Salient. No direct observation of the objectives could be conducted by KVM due to the blockade of all secondary roads. Part of the Serb contingent remained in the area for the night, indicating a probable resumption of the fighting on Tuesday, 09 March 99. Reliability: B2

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
03.08.99	DN 9336	BRUSNIK	At 1440 hours, RC2 patrols observed burning houses in the village of BRUSNIK (DN 9336). At 1540 hours, RC 2 reported shelling in the villages of LJUBOVAC (DN 8738), OSLJANE (DN 8939), BALINCE (DN 9139) and PANTINA (DN 9242). All villages are located 6 km southwest of VUCITRN (DN 9741). UNHCR reported that these events have created 150-200 IDPS heading to Mitrovica. Reliability: A1
03.08.99	DN 8738	LJUBOVAC	
03.08.99	DN 8939	OSLJANE	
03.08.99	DN 9139	BALNICE	
03.08.99	DN 9242	PANTINA	
03.08.99		STRAZA	At 0905 hrs, KLA reported that VJ / MUP attacked the village of STRAZA and shelled the village of IVAJA. At 1400 hrs, STRAZA was reported burning. At 1040 hrs, there was mortar and machinegun fire in the valley below IVAJA. KLA returns fire. At 1235 hrs, sound of small arms fire and mortars reported west of the main road SKOPJE - PRISTINA, six km north of DENERAL JANKOVIC.
03.08.99		DENERAL JANKOVIC	
03.08.99		KACANIK	At 1240 hrs, firing heard in the area south west of KACANIK. Verifiers unable to gain access to area to confirm.
03.09.99	DN 9741	VUCITRN	Sporadic firing of heavy weapons by VJ forces was reported in the VUCITRN (DN 9741) area. VJ infantry platoon advanced to PIRCA (DN 8942). A1
03.09.99	DN 8942	PIRCA	
03.09.99	EM 207720	GAJRE	The VJ/MUP operation to clear KLA from the DENERAL JANKOVIC area continues. KVM patrols were initially blocked from proceeding to the affected villages. MUP/VJ forces then followed their pattern of surrounding the local villages and forcing the inhabitants to flee, through the use of direct and indirect fire. By mid afternoon, houses were burning in GAJRE (EM 207720), IVAJA (EM193714), STRAZA (EM165715), and ALIL MAHALA (EM 176709). MUP units appeared intent on destroying these villages. Villagers flee combat. "Many" 2 km west of GLOBOCICA (fired at by VJ), 400 trapped in the woods, 400 fleeing north, over 500 between BOB and KACANIK at the end of the day. 35 males retained by the police. B2
03.09.99	EM 193714	IVAJA	
03.09.99	EM 165715	STRAZA	
03.09.99	EM 176709	ALI MAHALA	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
03.10.99	DN 9533	SALCE	Villagers reported that between 1430 and 1545 the villages of SALCE (DN 9533), KOLO (DN 9435) and MIJALIC (DN 9534) were shelled. There were no casualties reported. C4 RC2 reported that there was sporadic firing of heavy weapons at MIJALIC as well as in the DVARE (DN 9834) area. There were no casualties reported. A2
03.10.99	DN 9435	KOLO	
03.10.99	DN 9534	MIJALIC	
03.11.99	DN 8939	OSLJANE	Between 1200 and 1540 hours, the village of OSLJANE (DN 8939) 7 kms south of MITROVICA was shelled by T-55s and mortars. After this attack, burning houses were observed. A2
03.11.99	DM 7591	ZOCISTE	VJ and MUP conducted a joint operation between 0930 and 1700 hours using tanks and support weapons. The VJ deployed in HOCA ZAGRADSKA (DM 7469), BILUSA (DM 7368) and BLJAC (DM 7863). The aim was the clearing of KLA from the village JESKOVO (DM 7567). For the majority of the operation, KVM patrols were denied access to the area. At least three MUP were reported injured and one MUP was killed. KLA and VJ casualties are unknown. In response, the KLA mounted an attack on the village of ZOCISTE (DM 7591) using mortars and heavy MGs. By the end of the day, VJ forces had withdrawn from the area. A MUP security force remained in the area overnight. 200 villagers moved north toward PRIZREN. At least 100 villagers returned later. A deliberate, well planned operation has begun in the area just south of PRIZREN. The area where it took place is also a mountainous salient crossed by a route into Macedonia. The daily timing was also similar, with VJ/MUP deploying in the early hours and returning to garrison at night, while maintaining only a minimal presence in the area during the night. A2
03.11.99	DM 7469	HOCA ZAGRADSKA	
03.11.99	DM 7368	BILUSA	
03.11.99	DM 7863	BLJAC	
03.11.99	DM 7567	JESKOVO	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
03.11.99		CICAVICA MOUTAINS VUCITRN to K. MITROVICA	The long lasting operation in the area south of MITROVICA and west of VUCITRN continued unabated. The shelling of villages seemed to progress westwards while built up areas closer to the main route between MITROVICA and PRISTINA were reported deserted. During the investigation into yesterday's fighting north of JESKOVO (DM 7567) the presence of 20 to 25 members of the PJP Milicija was observed. The unit was likely to have been involved in yesterday's operation there. They were wearing VJ type camouflage uniforms with the PJP flash on the right shoulder, without rank insignia and armed with AK weapons. A1
03.11.99	DM 7567	N of JESKOVO	
03.12.99	EM 163 783	DUBRAVA	According to UNHCR, approximately 340 IDP's were leaving the area of DUBRAVA (EM 163 783) due to ongoing operations by FRY security forces. An RC 5 patrol observed MUP and VJ elements surrounding the village with numerous BOV's, BRDM's and other unspecified AA vehicles (possibly PRAGA's). Mortar rounds were confirmed to be fired from vicinity of EM 1679. The impact was not observed, but they were believed to have impacted in the DUBRAVA area . A1
	DN 9933	MIJALIC	Artillery, mortar, and tank fire was heard and/or observed throughout the day in a 15 kilometer long area between MIJALIC (DN 99 33) and VRBNICA (DN 87 42). By 1600 hours, eleven houses were seen burning in DRVARE (DN 98 34) and fifteen houses burning in MIJALIC (DN 99 33). In the morning a patrol entered the town of SALCE (DN 95 33) and found all houses destroyed. A2
	DN 8742	VRBNICA	
	DN 9834	DRVARE	
	DN 9933	MIJALIC	
	DN 9533	SALCE	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
03.14.99	DN 683 104	SVRHE	Heavy fighting, focused around and southwest of SVRHE (DN 683 104), DUS (DN 675 090) and PRCEVO (DN 700 100), developed during the morning. Most fire had ceased by 1500 hours. The exchange of fire included tank, mortar rounds and heavy machine guns from the VJ with small arms and possibly light mortars from the KLA. Neither VJ nor MUP reported casualties but a KVM patrol observed four dead bodies of KLA fighters in DUS. Villagers fled the villages but by mid-afternoon some inhabitants of PRCEVO had returned. A3 Comment: The VJ explained their activity as being a planned training exercise. The MUP said that they had not been involved. However, MUP, including PJP milicija, were observed by RC 3 operating in the area. UNHCR reported that 5300 civilians abandoned the villages.
03.14.99	DN 675 090	DUS	
03.14.99	DN 700 100	PRCEVO	
03.15.99	DN 9934	MIJALIC	At 0800 hours a VJ/MUP convoy from Mitrovica, consisting mainly of armoured jeeps, joined 3 x T-55 and other VJ/MUP vehicles at MIJALIC (DN 9934). At 0900 hours a patrol observed 2 Infantry platoons attacking along the line from (DN 870 437) to VRBNICA (DN 8742). 3 x T-55, 1 x M36, and 2 x Praga supported this attack. At 1045 hours artillery impacts were observed in the vicinity of (DN 911 400) 1 km NE of BALINCE. Four houses were seen burning. Three more impacts were observed at (DN 909 356) vicinity KUKA. At 1451 hours 6 x BOVs moved to (EN 010 309) vicinity PRILUZJE and fired approximately 60 rounds in the direction of GLAVOTINA (EN 00 30). (A2) COMMENT: VJ/MUP continue to try and clear KLA from the main Line of Communication (LOC).
03.15.99	DN 870 437		
03.15.99	DN 8742	VRBNICA	
03.15.99	DN 909 356	KUKA	
03.15.99	DN 911 400	NE of BALNICE	
	EN 010 309	Vicinity of PRILUZJE	
03.15.99	EN 115 320	LEBANE	At 1400 hours 2 VJ officers and 4 others had been wounded while driving in LEBANE (EN 115 320) 7 km north of PRISTINA. At 1411 hours the VJ LO reported that the village was being cleared by VJ soldiers. (A3) COMMENT: At 1425 it was reported that the situation in LEBANE was calm and fighting had stopped.

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
03.16.99	EN 0125	LESKOVCIC	At 1100 hours, an RC 5 patrol attempted to reach the hills between LESKOVCIC (EN 0125) and SIBOVAC (EN 0026) but was halted by a MUP patrol. The RC 5 patrol returned to LESKOVCIC where they saw approximately 5 tanks and some APCs shooting 15-20 rounds towards the SIBOVAC area from the hill at EN 005 258. (A2).
03.16.99	EN 0026	SIBOVAC	
03.16.99		SIBOVAC	
03.16.99	EN 005 258		
03.17.99	DM 8378	KORISA	FRY Security forces opened a new offensive to clear suspected KLA forces from the area 5 km NW of PRIZREN. The towns of KORISA (DM 8378) and KABAS (DM 8777) were particularly affected. An estimated 200 VJ/MUP with tanks and Praga support took part in the operation. Approximately 1,500 IDPs were driven from the area in anticipation of the operation. The operation ended at approximately 1900 hours. (A1) COMMENT: This operation is almost a carbon copy of the JESKOVO operation conducted by the FRY forces on 11 Mar 99.
03.17.99	DM 8777	KABAS	
03.18.99	DM 4589	BABAJ BAKS	An estimated 200 FRY Security forces entered the village of BABAJ BAKS (DM 4589). The village was surrounded. Dogs and some livestock were shot. Weapons were fired into houses. All houses were searched and valuables looted from some of them. Many of the village males were beaten and three were arrested. One male was reportedly killed; his body was "staged" with a MUP weapon and photos were taken to prove he was terrorist. The body was then removed by the MUP. (A2)
03.20.99	DN 8232	SRBICA	At 201615 hours an unconfirmed report indicated heavy fighting in the villages off SRBICA (DN 8232), VUCITRN (DN9741), and GLOGOVAC (DN 9019). Additional heavy fighting was reported on the route between LAPUSNIC (DN 8712) and MALISEVO (DN 7903) and in the ERSHALA area around MITROVICA (DN 8948). An unspecified large number of IDP's was reported to leave the ERSHALA region and heading for the mountains while being fired upon by the Serbian forces using heavy weapons and small arms. No precise number of casualties was available, but many injured villagers and IDP's were reported. (C3)
03.20.99	DN 9741	VUCITRN	

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
03.20.99	DN 9019	GLOGOVAC	
03.20.99	DN 8712	LAPUSNIC	
03.20.99	DN 7903	MALIŠEVO	
03.20.99	DN 8948	ERSHALA area around MITROVICA	
03.20.99		Villages W of PODUJEVO	At 201730 hours heavy fighting was reported in the villages west of PODUJEVO. The Serbian forces were attacking with armour, possibly M-84's backed by artillery. Additionally the use of unspecified number MBRL against Albanian villages was reported. (C3)
03.21.99	DN 8233	SRBICA AREA	It has been reported that 15,000 IDPs from the area of SRBICA (DN 8233) have been housed in GLOGOVAC (DN 9019), while another 10,000 have been reported to have moved into PRISTINA. (C3). COMMENT: The VJ have been shelling these villages in attempts to root out the KLA. The KLA often take refuge in houses which results in the VJ shelling houses indiscriminately in an attempt to eradicate the KLA. As a result of these tactics, the residents are forced to leave their homes and villages.
03.21.99	DN 9019	GLOGOVAC	
03.21.99	DN 7634	DRENICA region	Western journalists reported more fighting was occurring in the DRENICA region (DN 7634) which included shelling and small arms fire. Villagers have fled the region in fear of their lives. A large but unconfirmed number of IDPs have been reported leaving this area. (C3)

DATE (mo/da/yr)	GRID REFERENCE	LOCATION	OPERATION
03.23.99	DM 7194	ORAHOVAC	At 1400 hours, heavy fighting was reported between the MUP/VJ and the KLA when the MUP attempted to conduct a clearance/reconnaissance mission along the road from ORAHOVAC (DM 7194) TO STUDENCANE (DM 8089). The KLA claimed to have engaged the MUP/VJ with 82mm Mortars, 12.7mm MGs and small arms fire. The MUP/VJ force included 3 x T-55s, 2 x BOVs, 2 x PRAGAs and about 7 x Pinzgauers loaded with MUP/VJ. The fighting occurred near the villages of OPTERUSA (DM 7691) AND RETIMNJE (DM 7589) and the high ground to the north of those villages. The KLA claim the T55s came out of the Serb village of VELIKA HOCA (DM 7392). The KLA also claimed they had no casualties and inflicted a small number of casualties on the MUP/VJ forces. The MUP forces withdrew around 1600 hours. There are no damage or casualty figures reported yet. (C3). COMMENT: The fighting appears to have been at long range and not to have been pursued by either side with much enthusiasm. MUP forces consisted primarily of PJP (special purpose police).
03.23.99	DM 8089	STUDENCANE	
03.23.99	DM 7691	OPTERUSA	
03.23.99	DM 7589	RETIMLJE	

VJ ACTIVITY

125 MOTORISED INFANTRY BRIGADE

The municipalities in the zone of responsibility of the 125th mtbr (Leposavić, Kosovska Mitrovica, Vučitrn, Zubin Potok, Srbica, Klina, Istok, Peć and Dečani).¹

Defence in the triple border area near Prokletije to the Deve Mine near Đakovica. Also mentioned: Maja Glava, Klina, Rasa Košare, Srbica.²

15th ARMOURED BRIGADE

Drenica, Čičaviča, Labski Kraj, Dulje – Mališevo road.³

175th INFANTRY BRIGADE

in the direction of Uroševač, UCK
in the Novo Brdo area

Task was to establish complete control in the area of Kosovo Pomoravlje and defend the Macedonian border area.

Kosovo Pomoravlje
Kosovo-Morava and Jablanica districts.⁴

Žegra village, Gnjilane⁵

211 ARMOURED BRIGADE

Laba Valley
Podujevo area
Bajgorska Salja area.⁶

243 MECHANISED BRIGADE

defended the border with Macedonia.

¹ Exhibit K1859, ERN K010-8044, 125 Brigade Order Sanitation of the Battlefield, 4 April 1999

² *Exploits of VJ 125th Motorised Brigade*, Vojska, 8 Jul 99, pages 11-12, FBIS translation AU608062399 *Exploits of VJ 125th Motorised Brigade*

³ *Kosmet in the Soul*, by Zoran MILADINOVIĆ, Vojska, 28 Oct 99, p. 14, FBIS translation MM0301152200

⁴ Successful Defenders of Kosmet: The Aggressor has no Chance, Vojska, 22 Apr 99, page 13 FBIS translation AU3008160399

⁵ Exhibit K2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 157

⁶ *All for One and One for All*, Vojska, 3 May 99, page 10, by Z. MILADINOVIĆ, FBIS translation AU0609143199

vicinity of Uroševač, Stimlje, Vitina, Jezerske Planine.⁷

" - In the beginning of April, MS, v/o /conscript/- a volunteer from the 243rd mbr /mechanised brigade/, PrK, stole m/v type *Lada Riva* and a quantity of gold jewellery and technical goods from the vicinity of Dulje in KM and took it to his native village of Mijajlica near Bojnik. The perpetrator was, along with a KP /criminal report/, handed over to the investigating judge of the VS /Military Court/ at the Niš Vok Command.⁸ -

354 INFANTRY BRIGADE

Artillery battalion operated in area of Gornja Dubnica, Donja Dubnica.⁹

- In mid-April of this year, upon arriving from KM, JC and SA, conscripts from the 354th pbr /infantry brigade/ stole and drove up to Brus municipality and m/v *Opel Ascona*, a tractor *IMT-539* and an *Iskra-Kranj* television set, in order to acquire unlawful profit. The stolen m/v and TV set have been temporarily confiscated and a KP has been filed against the perpetrators of the theft.
- At the end of April 1999, ŽG, v/o from the 354th pbr, PrK /Priština Corps/ when coming on weekend leave from KM, stole and drove to the village of Ribare, SO /municipality of/ Brus on m/v *Lada 2107*.
- On 20/21 April 1999, 6 v/o from the PrK 354th pbr, of their own will deserted the unit in the area of the village of Kaljatica, SO Podujevo and attempted to bring home a large quantity of money, technical and other goods which they had looted from deserted Šiptar houses in KM. They were prevented from doing so by the Military Police at the checkpoint in the village of Negosavlje near Medveda. With their KPs, they were handed over to the Niš VS investigating judge.

37th MOTORISED INFANTRY BRIGADE

Prekaz, Glogovač, Srbica, Likovač, Lauša, Gornje Obrinje, Donje Obrinje, Čičaviča and Zmice mountains, Kosmač mountains, Drenica mountains.

villages of Galica, Prelevač, Poljance, Prekaze, Turicevač, Bročna, and Vočnjak.

1st battalion near the village of Ištok Mahala. also in Dobrostan and Banjica.

2nd Battalion near Likovač, Gorne Obrinje, Donje Obrinje.

3rd Battalion Čičaviča and Drenica mountains.

Tank battalion Likošan, Likovač, Rezala, Bradić.¹⁰

Phase 1 (7 March – 2 April 1999): Combat Group deployed in the areas of Kosovska Mitrovica, Glogovač, Peć, Ištok. Specific operations mentioned were Kosovska Mitrovica,

⁷ *Steely Force of Kosovo Defenders*, Vojska, page 6, 31 May 99, FBIS translation AU0309153499

⁸ Exhibit 2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 115

⁹ *Artillerymen on Mali Kosovo*, Vojska, page 7, 17 May 99, FBIS translation AU0609142199

¹⁰ *Example to Generations*, Vojska, pages 9-13, 15 Jul 99, FBIS translation AU2608160399

Čičaviča, Drenica (Glogovač, Srbica, Donji Prekaz, Gornje Prekaz, Lauša, Likovač, Vojcnjak). region of Prica towards Čičaviča in early Mar 99 by a Recce Unit and Military Police Unit to take the objectives Zmić and Maruga in the "territory of Mitrovica and Srbica". Another task was the sweep of the area of Donji Prekaz and Gornja Prekaz over the Čičaviča mountain to Staro Poljance. Others occurred in Krasimirovač, Čirez, Likošane, Banja, Metohijska Klina and Peć.

Phase 2 (2 April – 16 June 1999): Combat Group in the area of Gornja Klina and the HQ in Srbica once NATO attacks started. actions in: the line Kruševač – Devicka – Vovo Poljance – Trstenik – Rezela – Gornje Obrinje; the line Kosmac – Mukusnica – Taradza – Galica – Lauša.

30 days deployed on the NW slopes of the Čičaviča destroying terrorists in the region of Kamenica, Vrbovacko Brdo, Vasiljevo area, Gornje Prekaze, Del, Kodra Priboj, Ovcarevo, Kosmac, Gornje Obrinje, Donje Obrinje, Dobrostan, Likovač.¹¹

52nd AIR DEFENCE & ROCKET ARTILLERY BRIGADE

Čabrat Hill, near Đakovica.¹²

549th MOTORISED INFANTRY BRIGADE

Mitar Vojinović watchtower to the Prelovač Pass on the Macedonian border. Mount Pstrik, Mount Koritnik, the Dragaš Plateau.¹³

Pstrik area, in the village of Randubrava (16-18 Mar 99), Goruzul (5-6 Jun 99), Ostrozub (25 Mar 99?).¹⁴

near Retimlje near the village of Samodraza.¹⁵

Early Mar 99: Response to UCK attacks in mountains N of Prizren - Jeskovo, the Troja Pass.

Mid-Apr 99: UCK attempt to penetrate across Caf Prusit (pass SW of Đakovica).

Brigade also held positions around Milorad Stojanović, Gorozup, Krtsač, Gora, and Cestak watchtowers.

End May 99: Fought off large UCK attempt to penetrate along the Beli Drim towards Liken Pass.¹⁶

58th LIGHT INFANTRY BRIGADE

mine at Stari Trg.¹⁷

¹¹ *Brave Men of Drenica, Heroes of Defense*, Vojska, pages 11-13, 15 Jul 99, FBIS translation AU3008130899

¹² *Air Defenders from Čabrat*, by Z. MILADINOVIJ, Vojska, page 12, 30 Sep 99, FBIS translation MM0301152000

¹³ *Maj-Gen Bozidar DELIĆ: Commander of Heroic Brigade*, Vojska, page 12, 13 Jan 00, FBIS translation EUP20000210000356

¹⁴ *On the First Step of the Fatherland*, Vojska, pages 11-14, 2 Jul 99, FBIS translation AU3108211599

¹⁵ *From Victory to Victory*, Belgrade Vojska, pages 7-8, 2 Jul 99, FBIS translation AU3108143099

¹⁶ *From Orahova} to Broken Arrow*, Vojska, pages 9-11, 2 Jul 99, FBIS translation AU2709152999

63rd AIRBORNE BRIGADE

Early April 1999, in the Košare watchtower area.¹⁸

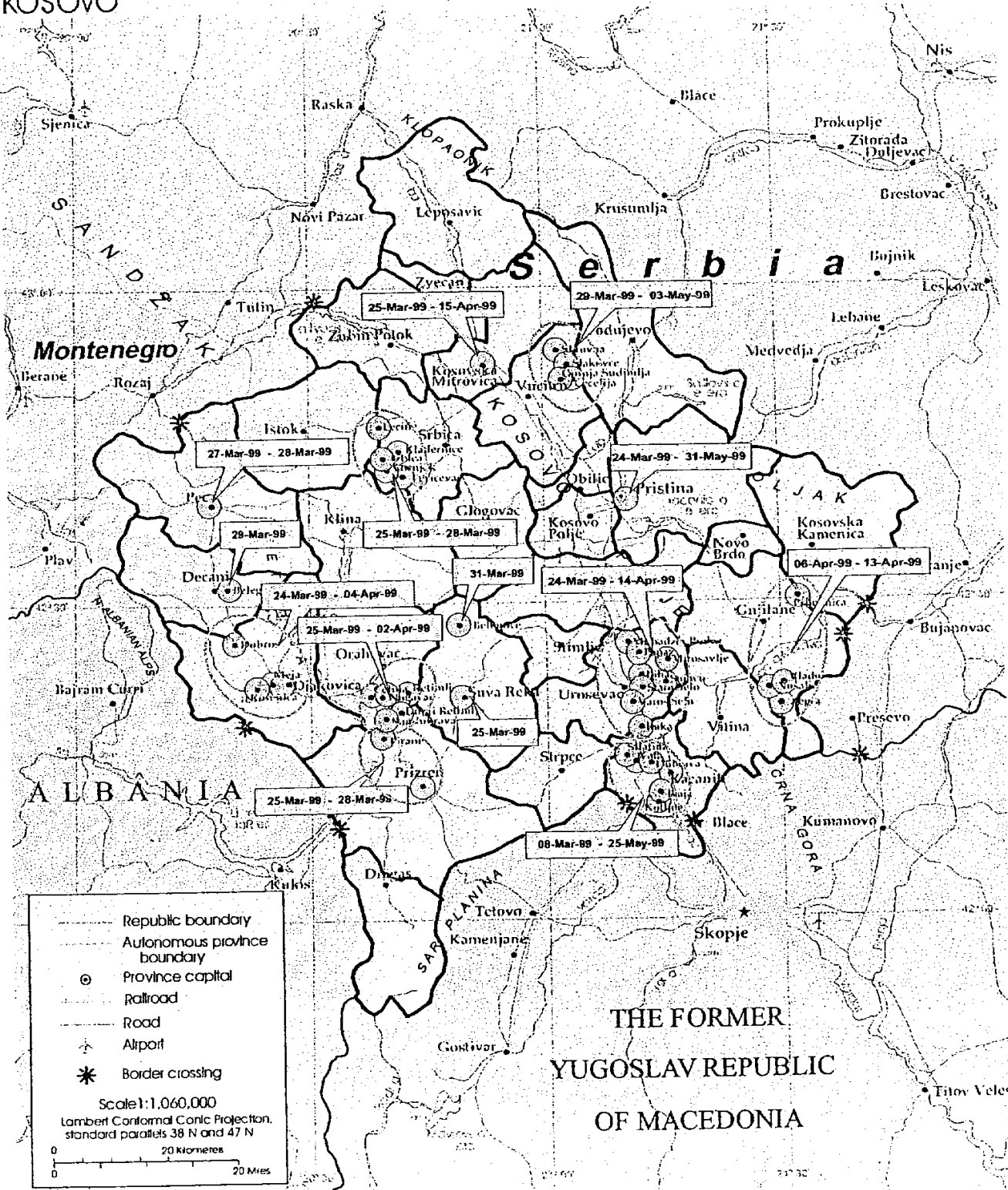
¹⁷ *From Front Battle Lines: Defenders of Stari Trg*, Vojska, page 10, 22 Apr 99, FBIS translation
AU3108134199

¹⁸ *63rd Parachute Brigade: Elite from the Shadows*, Vojska, pages 12-13, 12 Aug 99, FBIS translation
AU0809202399



SECOND AMENDED INDICTMENT Deportation Sites

KOSOVO



Analyst: Alex Nemuna
OTF - Team 11



SECOND AMENDED INDICTMENT

Killing Sites

KOSOVO



Analyst: Alex Newson
OTF - Team 11

THE INTERNATIONAL CRIMINAL TRIBUNAL

FOR THE FORMER YUGOSLAVIA

Case No. IT-02-54-T

IN THE TRIAL CHAMBER

**Before: Judge Richard May, presiding
Judge Patrick Lipton Robinson
Judge O-Gon Kwon**

Registrar: Mr. Hans Holthuis

Date Filed: 16 May 2002

THE PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**PROSECUTION'S SUBMISSION OF THE EXPERT REPORT OF
PHILIP COO**

The Office of the Prosecutor:

**Mr. Geoffrey Nice
Mr. Dirk Ryneveld
Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome**

Amicus Curiae:

**Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Mischa Wladimiroff**

The Accused

Mr. Slobodan Milošević

G

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

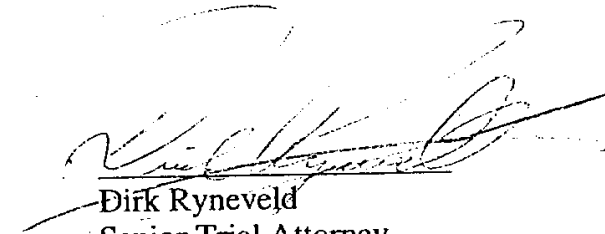
THE PROSECUTOR

SLOBODAN MILOŠEVIĆ

Case No. IT-02-54-PT

PROSECUTION'S SUBMISSION OF THE EXPERT REPORT OF
PHILIP COO

Pursuant to Rule 94bis of the Rules of Procedure and Evidence, the Prosecution submits the expert report of Philip Coo.


Dirk Ryneveld
Senior Trial Attorney

Dated This Sixteenth Day of May 2002
In The Hague
The Netherlands

OTP MILITARY ANALYST REPORT

FORCES OF THE FRY & SERBIA IN KOSOVO

PART I: REPORT ON THE ORGANISATION AND COMMAND & CONTROL MEASURES FOR ARMED ORGANISATIONS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA AND REPUBLIC OF SERBIA (JANUARY – JUNE 1999)

Submitted as Evidence in ICTY Case Number IT-02-54, *Prosecutor v. Slobodan Milošević*.

1. This report forms the first part of a two-part report on the armed organisations of the Federal Republic of Yugoslavia (FRY) and Republic of Serbia (Serbia) operating in Kosovo in 1998 and 1999. The division of content between the two reports is as follows:

- **PART I:** Part I identifies the armed groups of the FRY and Serbia operating in Kosovo. It then covers the basic structures of those organisations and sets out the means by which military and civilian superiors could exercise command and control. The supporting evidence in Part I is comprised primarily of legislation, regulations, and doctrine. The goal is to describe the framework within which forces of the FRY and Serbia could exist and function.
- **PART II:** Part II, Kosovo Operations Narrative, expands on Part I by examining in detail the structures that the forces of the FRY and Serbia adopted in Kosovo. It also examines in detail the methods of commanding and controlling those forces. In essence, this report seeks to place the structures and means described in Part I into the context of the actual events confronting those with authority over the forces of the FRY and Serbia in 1998-99. Finally, Part II will review events in Kosovo to determine the extent of involvement of FRY and Serb forces and, ultimately, to establish what links existed between the activities of those forces and the accused, Slobodan Milošević. Part II includes all types of evidence available to the Prosecution. It considers, and incorporates where relevant, the available testimony of witnesses.

ARMED ORGANISATIONS

2. Armed organisations operating in Kosovo in 1998-99 included the Federal Army of Yugoslavia (VJ), the Serbian Ministry of Internal Affairs units (MUP), Federal Military Territorial units, and a collection of units performing local defence functions. While the term VJ officially covers the Land Forces (also known as the Army), Air & Air Defence Forces, and the Navy, it is also often used more loosely to refer to the Land Forces alone. In this report, the official use of the term VJ is used, however, because events in Kosovo were primarily dealt with by the Land Forces, the term VJ, by default, will generally be synonymous with the Land Forces.

VJ

3. The VJ was the largest and most heavily armed organisation in the FRY. The FRY Constitution and pursuant federal legislation designated the FRY President as the overall commander in peace and war, thus establishing a clear *de jure* link from Slobodan Milošević to the VJ. The President could exercise authority pursuant to decisions reached in a body known as the Supreme Defence Council (SDC), whose members were the FRY President (also President of the SDC) and the Presidents of the constituent republics of the FRY (Milutinović representing Serbia and Đukanović representing Montenegro).
4. The General Staff, headed by the Chief of the General Staff, exercised the highest military level of command over the VJ. General Ojdanić, a co-accused in the Milošević indictment for Kosovo, was the Chief of the General Staff in 1999. Below the General Staff were the three services: Land Forces, Air and Air Defence Forces, and the Navy. The Land Forces, and more specifically units of the 3rd Army then under the command of General Pavković (currently the Chief of the General Staff of the VJ), prove most relevant to events in Kosovo in 1999.
5. Kosovo was the area of responsibility of the 3rd Army's Priština (52nd) Corps commanded in 1999 by General Lazarević. The Priština Corps had a number of combat arms brigades under its command, with each assigned an area of responsibility within Kosovo. Brigades or elements of Brigades from Corps outside Kosovo reinforced the Priština Corps.

6. The Military-Territorial organisation, which had primarily an administrative role in peacetime, provided an additional component of the military structure in Kosovo. Both during and outside the state of war, the Priština Military District, as the element of the Military-Territorial organisation responsible for Kosovo, activated Military-Territorial units for combat operations. The operational chain of command for these units ultimately fed into the VJ chain of command, and thus to Milošević.

7. At all times, whether during or outside a state of war, VJ regulations and doctrine established a very clear chain of command, based on the principles of unity of command and singleness of command. In the Kosovo context, these principles meant that command ran directly from the General Staff to the 3rd Army, from the 3rd Army to the Priština Corps, and from the Priština Corps to its subordinate Brigades and independent battalions. This hierarchy had Milošević at its peak.

SUPREME COMMAND

8. On 23 March 1999 the FRY declared a State of Imminent Threat of War, creating the conditions under which the FRY Law on Defence permits the VJ to unite all armed organisations engaged in combat. On 24 March 1999 the FRY declared a State of War. Pursuant to the declaration of a State of War, the civilian leadership under Milošević and the General Staff of the VJ became known collectively as the Supreme Command. Milošević was henceforth referred to as the Supreme Commander and the General Staff as the Supreme Command Staff.

MUP

9. Co-accused Valjko Stojiljković (deceased), Minister of Internal Affairs, headed the Serbian MUP. The MUP was principally organised into two Divisions: the Public Security Division (RJB), run by Vlastimir Đorđević, and the State Security Division (RDB), run by Radomir Marković. Each division had a strong presence in Kosovo. The RJB and RDB shared similar organisation along functional and geographical lines, although details on the RDB have proven less extensive because of the secrecy central to its mandate; the RDB's mandate included counter-intelligence and addressing other threats to state security. Evidence reveals that the RDB had a special unit known as the

JSO, (also known unofficially as the "Frenkis" or Red Berets) which operated in Kosovo along with other individual RDB operatives.¹

10. The RJB formed by far the largest part of the MUP. In October 1998 it had about 14,000 personnel in Kosovo, dispersed among seven districts called Secretariats of Internal Affairs (SUP). Normally SUPs ran police operations (e.g. criminal investigations, traffic police, identification) within a number of municipalities, reporting directly to RJB headquarters at the Ministry level in Belgrade. At the Ministry level, in turn, the RJB had functional divisions known as Administrations, with each Administration covering a different element of the RJB's mandate. Two Administrations with particular relevance to MUP operations in Kosovo were the Duty Operations Centre, which ensured the MUP leadership had access to timely and accurate records of operations, and the Police Administration, which covered most police functions, including activities of the special units. Reserve elements of the RJB were active in, among other areas, a local defence capacity.

11. The RJB possessed two special units: the Special Anti-terrorist Unit (SAJ) and the Special Police Unit (PJP). Both operated in Kosovo. The SAJ was a relatively small, elite unit. In contrast, the PJP was a large organisation equipped and trained to operate much like a military light infantry unit. It had regular and reserve components, some subordinated to SUP's and other units commanded above the SUP level. The PJP's equipment included, *inter alia*, armoured vehicles and mortars. Sub-divisions of the PJP included Intervention Brigades, PJP detachments, and the OPG (expansion of the acronym and details on the OPG will be covered in Part II).

12. A headquarters known as the MUP Staff for Kosovo & Metohija ("MUP Staff") existed from at least 1996 and lasted until June 1999. From May 1998 to June 1999, MUP General Sreten Lukić commanded the MUP Staff and RJB operations in Kosovo. The MUP Staff was a level of command between the seven Kosovo SUP's and the Ministry in Belgrade.

13. According to the FRY Law on Defence, the MUP was to be subordinated to the VJ for combat operations during an extraordinary state – a state of emergency, a state of imminent threat of war, or a state of war. A state of imminent threat of war and a state of war were declared on 23 March and 24 March 1999, respectively. Even in the absence of

¹ "Frenkis" is based on an RDB official called Franki Simatović who had a leadership position in the RDB with authority over the JSO.

such a formal command relationship, there would be a requirement for close co-ordination, particularly those carried out jointly.

LOCAL DEFENCE

14. The third category of armed organisations falls under the unofficial collective term "Local Defence units." As the name suggests, these units had responsibility for defence at a local level. They included both Federal and Serbian organisations, but centred on the MUP reserve with co-ordination occurring through municipality-level staffs. Other groups assigned to local defence included the Federal Civilian Defence and Civilian Protection units, civilians armed through the Federal Ministry of Defence and the MUP, and Military-Territorial units and personnel.

15. While the MUP commanded local defence units from the municipality level, during a state of war command over the municipality level was a VJ responsibility through regular VJ Brigades or Military-Territorial headquarters; the chain-of-command lead ultimately to the FRY President.

JOINT COMMAND

16. The complexity of the situation in Kosovo led to the creation of a co-ordinating body, with command authority, known as the Joint Command for Kosovo & Metohija ("Joint Command"). This co-ordinated operations of the VJ, MUP, and local defence forces. It was headed by a civilian.

DISCIPLINE

17. Disciplinary provisions existed for all of the organisations mentioned above and, importantly, legislation and regulations established unambiguous requirements for the FRY President's ultimate responsibility for preventing, investigating, and punishing crimes.

CONCLUSION

18. Slobodan Milošević had at his disposal a number of armed organisations operating in Kosovo, each integrated into a chain of command leading back to him. These organisations existed in 1999 and all had well-established operating procedures, including provisions for discipline. The following sections in Part I of this report examine in detail the structures of these organisations and the means of commanding them.

19. While reviewing this report, the reader is advised to bear in mind article 16 of the FR Law on Defence and article 135 of the FRY Constitution:

Article 16

In the defence of the country, the Army of Yugoslavia is the main armed force and organiser of the armed struggle and all other forms of armed resistance to the enemy. The Army of Yugoslavia shall unite all participants in the armed struggle and command all combat activities.²

Article 135

In wartime and peacetime, the Army of Yugoslavia shall be under the command of the President of the Republic, pursuant to decisions by the Supreme Defence Council.

The Supreme Defence Council shall be made up of the President of the Republic and the Presidents of the member republics.

The President of the Republic shall preside over the Supreme Defence Council.³

² Exhibit 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

³ Exhibit 1097 ERN 0046-1735-0046-1844 FRY Constitution 1992, Sect VIII, art 135

A. ORGANISATION AND COMMAND & CONTROL OF THE ARMY OF YUGOSLAVIA (VJ)

SUMMARY

The Army of Yugoslavia (VJ) was responsible for defending the sovereignty, territory, independence, and constitutional system of the FRY. It consisted of Land Forces, the Navy, and Air and Air Defence forces. Responsibility for southern Serbia (including Kosovo) lay with the 3rd Army. Kosovo itself corresponded to the area of responsibility of one of the subordinate units of 3rd Army - the Priština Corps. In addition to these regular VJ units, there was, subordinate to 3rd Army, a reserve and mobilisation organisation called the Priština Military District. This military organisation was mandated to form combat units known by the B/C/S acronym VTOD.

Overall command of the VJ was vested in the FRY President who, during the period examined, was Slobodan Milošević. He commanded the VJ pursuant to decisions of a political body called the Supreme Defence Council. This function was fulfilled during an extraordinary state – state of imminent threat of war and state of war - in effect from 23 March 1999, by the military-political body called the Supreme Command. Milošević was the Supreme Commander. The VJ General Staff was known as the Supreme Command Staff.

On the basis of direction provided by the FRY President, the Chief of the General Staff would, with the assistance of members of the General Staff, engage in planning and issue orders, instructions, and other tools of command, to subordinate units in the VJ. The same process would occur at each level of command leading ultimately to combat operations. Basic principles of command – unity of command and singleness of command – were recognised aspects of doctrine and ensured that command responsibility was retained by authorised individuals at all times regardless of how much authority was delegated to others.

Once operations were initiated, standard operating procedures and regulations existed to ensure that commanders were always apprised of the activities of their subordinate units and able to keep their immediate superior informed. This also meant that commanders could adjust their initial orders as events dictated. One benefit of this hierarchical system with a clear chain-of-command was that the forces would be responsive to the direction of the FRY

President who would also have had the information at hand to command them in an informed manner.

The legal requirements to adhere to international law of armed conflict and international humanitarian law were incorporated into laws and regulations applicable to VJ personnel.

Command responsibility was a notable feature of such provisions.

SECTION 1 - INTRODUCTION

1. The narrative below provides an overview of the structure of the VJ in 1999 as well as the legislative and doctrinal bases regulating its command and control.
2. Please note that "Army of Yugoslavia," as a term, includes all branches of the FRY armed forces. In common parlance, however, the term often connotes only the Land Forces component of the military. Finally, "Army" can also describe the largest unit of organisation within the VJ's Land Forces, e.g. the VJ's 3rd Army. An effort has been made in this report to eliminate the possibility of confusion arising over this.
3. Part II of this OTP Military Analyst Report, Kosovo Operations Narrative, provides a more detailed account of the VJ, its operations in Kosovo in 1998-99, and the methods of command and control exercised during the indictment period.

SECTION 2 – ROLE & STRUCTURE OF THE VJ

4. Section VIII of the 1992 FRY Constitution established the requirement for the existence and mandate of the VJ:

Article 133

The Federal Republic of Yugoslavia shall have an Army to defend its sovereignty, territory, independence, and constitutional order....¹

5. As the primary legislation structuring national security affairs of the FRY, the Law on Defence granted the VJ a central role in armed conflicts:

¹ Exhibit K1097, ERN 0046-1735-0046-1844 FRY Constitution 1992, article 133

In the defence of the country, the Army of Yugoslavia is the main armed force and organiser of the armed struggle and all other forms of armed resistance to the enemy. The Army of Yugoslavia shall unite all participants in the armed struggle and command all combat activities.

6. In fulfilling that role, and pursuant to the FRY Constitution and Law on the VJ, the VJ performed four tasks:

The Army of Yugoslavia is an armed force defending the sovereignty, territory, independence, and constitutional system of the Federal Republic of Yugoslavia.^{3,4}

7. To perform those tasks, the VJ had three services consisting of regular personnel - including conscripts completing their compulsory national service - and reserve personnel:

(a) Land Forces;

(b) Air and Air Defence Forces; and

(c) Navy.^{5,6,7,8}

8. Each service in turn consisted of combat arms and support arms.⁹ Combat arms are, very simply put, the units which engage the enemy in combat. The standard three for ground forces are infantry ("foot soldiers"), armour (tank units), and artillery. All three services were subordinate to the VJ General Staff, commanded by the Chief of the General Staff (CGS). Section 3 addresses command and control in greater detail.

² Exhibit K1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

³ Exhibit K1097 ERN 0046-1735-0046-1844 FRY Constitution 1992, article 133

⁴ Exhibit K1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994, Article 1

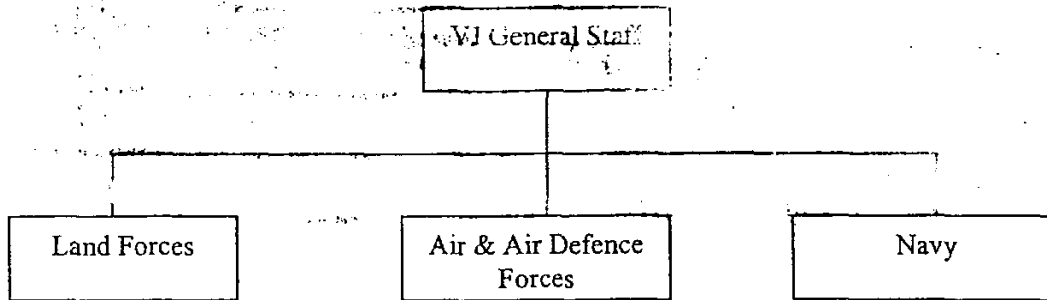
⁵ Exhibit K1097 ERN 0046-1735-0046-1844 FRY Constitution 1992, article 134

⁶ Exhibit K1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994, Articles 7

⁷ Exhibit K2374 VJ website

⁸ Exhibit K1179 ERN DA15-4171-DA15-4570, VJ manual *Command & Control*, 1997, pp.95, 99

Basic Structure of the VJ (based on the sources in the text above)



Land Forces

9. The VJ operated through a hierarchy of organisational units. The Land Forces of the VJ, for example, comprised three armies, each consisting of a number of corps, which in turn commanded a number of brigades. More specifically, the Land Forces included the following organisational units, listed from largest to smallest:

(a) **Army:** a grouping of units at the strategic level of command. Each army comprised a number of corps. In addition to its subordinate corps, an army may have possessed smaller units which can be described as army-level assets. These were brigade-sized and smaller units controlled directly by the parent army HQ rather than through a corps HQ. In 1999 the VJ consisted of three armies (HQ locations in parentheses): the 1st Army (Belgrade, Serbia), the 2nd Army (Podgorica, Montenegro), and the 3rd Army (Niš, Serbia).¹⁰

(b) **Corps:** a grouping of units at the operational level of command. Each corps included a variable number of subordinate brigades. The 3rd Army bore responsibility for Kosovo; one of its two subordinate corps, the Priština Corps (also known as the 52nd Corps), had an area of responsibility (AOR) covering Kosovo. The other corps under the 3rd Army was the Niš Corps.^{11 12}

⁹ Exhibit K 1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994, Articles 2

¹⁰ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.99-100

¹¹ Exhibit K2277, ERN 0208-3388-0208-3388, *VJ in Kosovo and Metohija 1998 to 1999: Application of the Rules of International Law of Armed Conflict*, pp. 80-82

¹² Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.99-100

(c) **Divisions:** a grouping of Brigades and/or Regiments at the combined tactical level of command. As no Divisions were deployed to Kosovo according to the various orders issued by 3rd Army and Priština Corps - this grouping will not receive further attention. Because of this, and made apparent by the aforementioned orders (dealt with later in the report), the doctrinal chain-of-command for the VJ units in Kosovo was: General Staff to 3rd Army to Priština Corps to brigades subordinate to the Corps.¹³

(d) **Brigades:** groupings of basic tactical units, the number and type of which determine the type of Brigade. Several types of combat arms Brigades existed in 1999: Armoured, Mechanised Infantry, Motorised Infantry, Infantry, Light Infantry, Artillery, Air Defence & Rocket Artillery, Parachute, and Special Purpose Forces. A Brigade's main weapons systems and its levels of protection and mobility determined its type.¹⁴

(e) **Basic tactical units:** in order of decreasing size, consist of battalions, companies, and platoons. Normally three to four combat arms platoons form the core of a company, three to four combat arms companies form the core of a battalion, and three to four combat arms battalions form the core of a brigade.^{15,16,17}

10. For the execution of tactical, operational, and strategic assignments, the following temporary compositions might be formed from the permanent units:

- (a) at the basic tactical unit level, combat (or battle) and tactical groups;
- (b) at the combined tactical unit level, combined detachments;
- (c) at the operational unit level, tactical and operational groups; and
- (d) at the strategic level, operational groupings.¹⁸

11. The unit immediately responsible for a particular operation would draw these temporary groupings of forces from permanent units such as brigades, tailoring a grouping's composition for a specific task or tasks. In Kosovo, the most common such temporary formations were battle groups (BG).^{19 20} Battle groups are normally mentioned in original

¹³ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.99-100

¹⁴ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.99-100

¹⁵ Exhibit K2373 VJ website

¹⁶ Exhibit K2374 VJ website

¹⁷ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.99-100

¹⁸ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.100

¹⁹ Exhibit KK2542, ERN K000-0036, map accompanying Decision signed by General Dušan Samardžić, undated

documents by the acronym BG followed by a number. The two common forms of this designation are provided here as examples: BG-1 (battle group 1 of an unidentified superior unit) or BG-3/125 (battle group 3 of the 125th Brigade)

Air & Air Defence Forces

12. The Air & Air Defence Forces were responsible for securing control of the airspace, in part to allow the Land Forces to operate unhindered by threats from enemy airforces. They also had close air support (ground attack), transport, and reconnaissance roles.^{21 22}

Navy

13. The FRY Navy played no known role in Kosovo. This report will not, therefore, discuss the Navy with the exception of a reference to a subordination order from the Commander of the Navy to Security Centres in Montenegro. The order, issued on 19 April 1999, was issued on the basis of a subordination order from the General Staff ordering the VJ to assume command of the MUP.²³

Land Forces in Kosovo

14. Kosovo corresponded to the area of responsibility (AOR) of the Priština Corps.²⁴ The Niš Corps, headquartered in southern Serbia, reinforced the Priština Corps with some of its units but did not have any responsibility for Kosovo. Those units, sent as reinforcements, were subordinated to the Priština Corps.
15. During peacetime, the following units were subordinate to Priština Corps (combat units in bold; HQ locations in parentheses):²⁵

- 52 Corps HQ (Priština)
- **15 Armoured Brigade** (Priština)

²⁰ Exhibit K2680, ERN K004-9348-K004-9349, *An analysis of combat operations for 22 September 1998. From 0700 hours on the 22 September 1998 to 0200 hours on 23 September 1998*, BG-4/125 Motorised Infantry Brigade, 25 September 1998

²¹ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.100

²² Exhibit K2373 VJ website

²³ Exhibit K2727, ERN, 19 April 1999

²⁴ Exhibit K2542, ERN K000-0036, Undated VJ Map showing Brigade boundaries in Kosovo authorised by General Nebojsa PAVKOVIĆ

²⁵ Exhibit K1539, ERN K001-0413 *Annual Analysis of performance, order, discipline inside the Priština Corps for 1998*, 28 December 1998

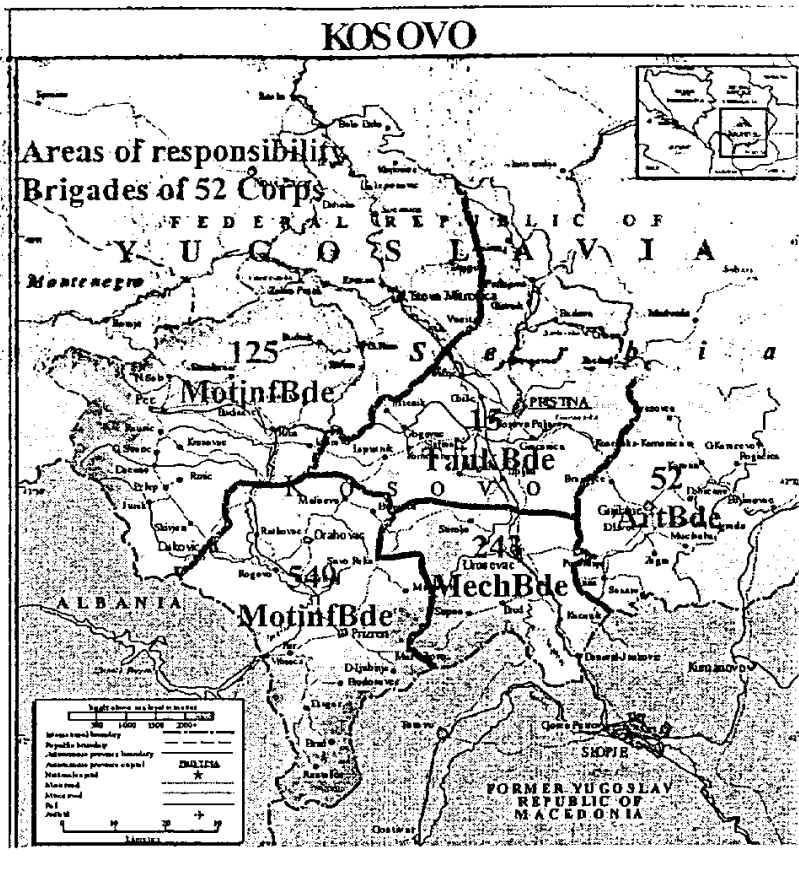
- 243 Mechanised Infantry Brigade (Ljetoševac)
- 125 Motorised Infantry Brigade (Kosovska Mitrovica)
- 549 Motorised Infantry Brigade (Prizren)
- 354 Infantry Brigade (Kuršumljia)
- 52 Mixed Artillery Brigade (Gnjilane)
- 52 Air Defence Artillery Rocket Brigade (Dakovica)
- 58 Light Infantry Brigad
 - 192 Engineer Regiment (Kuršumljia)
 - 52 Communications Battalion
 - 52 Military Police Battalion²⁶
 - 52 Reconnaissance & Diversionary Company²⁷
 - 52 Nuclear, Chemical, & Biological Battalion
 - 53 Border Guards Battalion
 - 55 Border Guards Battalion
 - 57 Border Guards Battalion

16. Of the above combat units, the 354th Infantry Brigade was garrisoned outside Kosovo and was brought up to strength only during extraordinary states, including a state of war. Similarly, the 58th Light Infantry Brigade had only a small cadre of personnel during peacetime. The following map shows the AORs for fully-manned peacetime manoeuvre brigades (Infantry and Armour) in Priština Corps (this may have changed in mid- to late February 1999, and definitely changed by late March 1999):²⁸

²⁶ Exhibit K2375, VJ website, *Military Police Units: The Security of Military Personnel*, www.vj.yu The Military Police in the VJ perform typical Military Police tasks – control of road moves, enforcement of order and discipline, suppression of crime. They also have a role as special light infantry units used to fight enemy special, rebel, and paramilitary forces, counterinsurgency actions, and conventional combat tasks.

²⁷ Exhibit K2379, VJ website, *Reconnaissance and Subversive Units: First Class Trained Fighters and Units*, www.vj.yu These include the 72nd Special Brigade and the 63rd Parachute Brigade. The units specialised in small unit operations in an enemy's depth where they conduct attacks and reconnaissance.

²⁸ Exhibit K2542, ERN K000-0036 Undated map of 52 Corps brigade areas of responsibility The brigade AOR's have been transcribed from the exhibit K000-0036 to the base map below to provide an electronic version of the AOR's.



17. As of 4 April 1999, the 125th Motorised Infantry Brigade had a slightly smaller AOR than that shown on the map; the new AOR covered the municipalities of Leposavić, Kosovska Mitrovica, Vučitrn, Zubin Potok, Srbica, Klina, Istok, Peć, and Dečani.²⁹ This reflected a need to accommodate a number of new Brigades sent to Kosovo to reinforce the Pristina Corps.

18. Based on a 20 April 1999 Order from the Pristina Corps Command, the Corps at that time included the following subordinated units³⁰:

- 15th Armoured Brigade,
- 52nd Military Police Battalion,
- 243rd Mechanised Brigade,
- 125th Motorised Brigade,
- 549th Motorised Brigade,
- 37th Motorised Brigade,
- 354th Infantry Brigade,
- 175th Infantry Brigade,

²⁹ Exhibit K 1859, ERN K010-8044 – K010-8048 125 Brigade Order No. 1748-2, 4 April 1999

³⁰ The question of MUP subordination is covered in Section B (MUP) and in Part II.

- 7th Infantry Brigade,
- 211th Armoured Brigade,
- 252nd Armoured Brigade,
- 58th Light Infantry Brigade,
- 52nd Mixed Artillery Brigade,
- 52nd Air Defence Rocket Artillery Brigade,
- 72nd Special Forces Brigade,
- Tactical Unit 252 (probably a temporary formation from elements of 252nd Armoured Brigade),
- Priština Military District Command,
- Priština MUP HQ.³¹

The distribution list on a Priština Corps order dated 30 April 1999 differs slightly from that of 20 April; it included:

- 15th Armoured Brigade,
- 211th Armoured Brigade,
- 354th Infantry Brigade,
- 37th Motorised Brigade,
- 58th Light Infantry Brigade,
- 252nd Armoured Brigade,
- 125th Motorised Brigade,
- 549th Motorised Brigade,
- 52nd Air Defence Rocket Artillery Brigade,
- 243rd Mechanised Brigade,
- 52nd Mixed Artillery Brigade,
- 175th Infantry Brigade,
- Tactical Unit 252,
- Forward Command Post (FCP) of 52nd Corps,
- Priština Military District HQ,
- MUP HQ for Kosovo.³²

19. Of the units listed in the preceding paragraph, seven brigades came from outside Kosovo and, of these, six were not part of the Priština Corps' normal complement of units.

³¹ Exhibit K2755, K020-2486 Priština Corps Order No. 455-172 20 April 1999

³² Exhibit K1901, ERN K020-2487 Priština Corps Order No. 61/14 30 April 1999

Overall, 12 manoeuvre brigades were operating under the Priština Corps by the end of April 1999, compared with four such brigades during peacetime.

Military-Territorial Units

20. **Military District (Vojni Okrug VOK):** Military Districts bore responsibility for administering conscription, the call-up of reservists during mobilisation, and the assignment of personnel to regular VJ units when required. Military Districts also formed Military-Territorial units to conduct combat operations.^{33,34,35} A Military District was subordinate to an Army; for example, the Priština Military District (covering Kosovo) was subordinate to the 3rd Army.^{36,37,38}

21. **Military Sectors or Sections (Vojni Odsek VO):** Subordinate to each Military District were two or more Military Sectors, each responsible for two or more municipalities. In terms of unit composition, a Military District would comprise two to three Military-Territorial Brigades, and each Military Sector would comprise one to three Military-Territorial Detachments. Depending on their size, the units within each Military-Territorial Detachment might have been equipped with light artillery, heavy mortars, and/or anti-armour weapons.³⁹ Their tasks included:

- (a) controlling territory,
- (b) protecting the population,
- (c) securing of facilities in the region,
- (d) maintaining order,
- (e) ensuring production and assets, and
- (f) accomplishing some of the functions of combat and logistical security.⁴⁰

22. **Priština Military District:** The Priština Military District divided Kosovo into five military sectors. Sector headquarters were in Priština, Peć, Prizren, Kosovska Mitrovica,

³³ Exhibit K1179, ERN DA15-4171-DA15-4570, VJ manual *Command & Control* 1997, pp.100-101

³⁴ Exhibit K2260, ERN K004-7231- K004-7232, Komanda Vojnog Odseka Pristina Str.pov.br. 26-76/9 26-7-98

³⁵ Exhibit K2461, Vojni Leksikon, Vojnoizdavački Zavod, Beograd, 1981

A military-territorial organ (administration) which carries out particular recruitment-mobilisation duties and wartime reinforcement inside a particular section of territory, and in some armies also commands military units based inside that territory.

³⁶ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.100-101

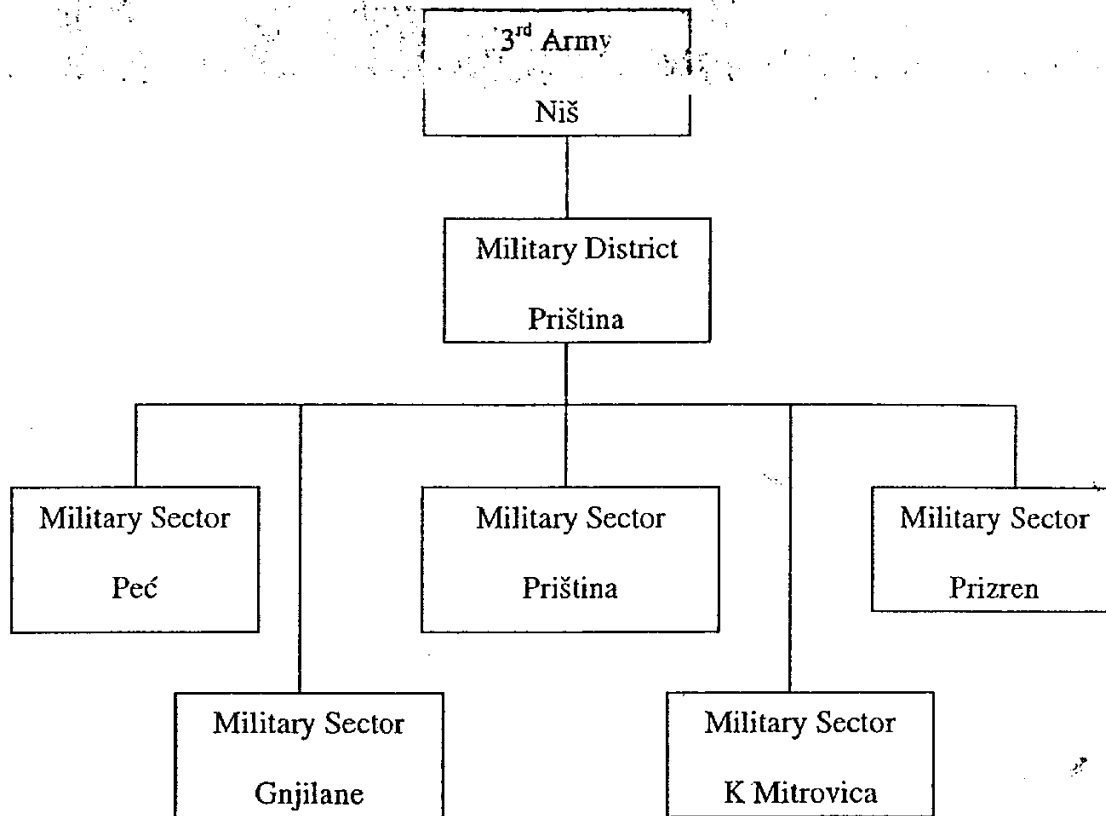
³⁷ Exhibit K2620, ERN K004-6796-K004-6796, Priština Military Sector Regular daily report, 27 June 1998

³⁸ Exhibit K1172, ERN K000-1393, Komanda 3.armije Str. Pov. Br. 1016-3 09.01.95

³⁹ Exhibit K1179, ERN DA15-4171-DA15-4570, VJ manual *Command & Control* 1997, pp.100-101

⁴⁰ Exhibit K1179, ERN DA15-4171-DA15-4570, VJ manual *Command & Control* 1997, pp.100-101

Peć and Gnjilane.⁴¹ Subordinates to each of the five sectors, and corresponding to Kosovo's 29 municipalities, were 29 Military-Territorial Detachments (*Vojni Teritorijalni Odeljenje*, VTOd).^{42 43 44}



⁴¹ Exhibit K2087, *Vojska*, Wartime Issues, 27 March – 24 June 1999, FBIS translation FTS19991021001067

Vojska is an official journal of the VJ
Specifically, *Vojska* 17 May 1999 page 14

⁴² Exhibit K2087, *Vojska*, Wartime Issues, 27 March – 24 June 1999, FBIS translation FTS19991021001067

Specifically, *Vojska*, 17 May 1999, page 14

⁴³ Exhibit K1280, ERN K000-4736, *Instructions for the Defence of Populated Areas*, issued by the Defence HQ in Priština, 28 July 1998

The distribution list corroborates the VTOd organizational structure.

⁴⁴ Exhibit K1368, ERN K004-6856 – K004-6857, Priština Military Department, Situation Report, 30 September 1998

Military-Territorial Detachments had unique unit identification numbers, e.g the 66th VTOd.

23. See Annex E-1 for a diagram displaying the key elements in the organisation of military units of the FRY engaged in Kosovo.

SECTION 3 - MINISTRY OF DEFENCE

24. The policy and administrative side of the FRY military was under the purview of the Federal Ministry of Defence (MOD).⁴⁵ According to the FRY Law on Defence, the MOD's mandate was:

Article 43

The Federal Ministry of Defence performs the following administrative and specialist tasks related to the implementation of the country's defence policy and the implementation of the defence system:

- 1) preparing and planning general mobilisation, organising preparations for the country's defence and performing other duties as defined by the country's Defence Plan;
- 2) planning and organising the discharge of compulsory military service and other citizens' duties in relation to the country's defence and the reinforcement of the Army of Yugoslavia;
- 3) arrangement and preparation of the territory for the needs of the country's defence;
- 4) training for the country's defence and education for work related to the country's defence and security;
- 5) equipping and arming for the needs of the country's defence;
- 7) co-ordinating organisation of the country's communications with the needs of the Yugoslav Army and preparing a general regime for the use of communications during a state of war, an imminent threat of war or a state of emergency;
- 10) organising and preparing facilities for the production of weapons and military equipment and securing priority production for the needs of the Army of Yugoslavia;
- 12) other administrative and specialist tasks in relation to the implementation of federal laws, other federal regulations and general

⁴⁵ During the period of the indictment, the FRY Minister of Defence was Pavle Bulatović. He was shot dead in February 2000.

acts of the Federal Assembly and Federal Government concerning the country's defence for which it is responsible under federal law.⁴⁶

Article 44

The Federal Ministry of Defence performs checks on the implementation of federal law and other federal regulations, plans and measures of federal agencies and federal organisations particularly related to:

- 1) organising and co-ordinating preparations for the country's defence;
- 2) implementing decisions and acts rendered by the President of the Republic, the Supreme Defence Council and the Federal Government;
- 3) carrying out and co-ordinating the organisation of communications as described in Article 43, paragraph 1, item 7 of this Law.⁴⁷

25. The FRY MOD also had authority over institutions outside the FRY military (i.e. outside the VJ and Military-Territorial forces):

Article 47

In order to implement the federal Laws and other federal regulations relating to the defence of the country, the Federal Ministry of Defence may give instructions to state organs, organisations of member republics, units of local self-government, companies and other legal entities to carry out tasks related to the defence of the country and control the implementation of federal regulations in that field except for tasks in the jurisdiction of other state organs and organisations and may request reports on the implementation of federal regulations in the field of the defence of the country for which these organs and organisations are responsible.

State organs, companies and other legal entities from paragraph 1 of this Article must act according to the instructions and requests of the Federal Ministry of Defence.⁴⁸

⁴⁶ Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

⁴⁷ Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

The state organs and organisations not cited in this Law shall exercise their rights and duties in the field of the defence of the country in accordance with the constitution of the FR Y, federal Law and other federal regulations and carry out the duties stipulated in the country's Defence Plan and decisions of the Federal Government on preparations for defence.⁴⁸

The Ministry of Defence had, by these provisions, *de jure* authority to issue instructions to, *inter alia*, organs of the Republic of Serbia, local government, and civilian companies.

26. The essence of Article 48 of the Law on Defence is to make defence of the country a Federal responsibility and, in that respect, to put all entities engaged in the defence under Federal authority.⁵⁰ It is stressed that operational authority over combat operations rested with the VJ; the Ministry of Defence facilitated the ability of the VJ to conduct operations.

SECTION 4 – COMMAND OF THE VJ

27. Three key documents establish the legal framework within which command and control of the VJ operated in 1998-99. The first is the 1992 Constitution of the Federal Republic of Yugoslavia (FRY).⁵¹ Derived from the Constitution are the 1994 FRY Law on Defence and the 1994 Law on the Army of Yugoslavia (henceforth Law on the VJ).^{52,53} A fourth document, the VJ manual, Command and Control, considers these three legal documents as well as other references on military command; it served as a primary reference and training manual for VJ Officers attending, among other institutions, the General Staff School.⁵⁴

⁴⁸ Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

⁴⁹ Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

⁵⁰ This subordination to Federal authority, as specified by Article 48, is assessed to include the Serbian MUP.

⁵¹ Exhibit K 1097 ERN 0046-1735-0046-1844 FRY Constitution 1992

⁵² Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

⁵³ Exhibit K 1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994

⁵⁴ Exhibit K 1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997
page 14 refers to the manual's targeted audience

Authority of the FRY President

28. The FRY Constitution, Law on Defence, and Law on the VJ contain clear statements regarding the authority of the President of the FRY to command the VJ. The FRY Constitution provides the initial foundation:

Article 135

In wartime and peacetime, the Army of Yugoslavia shall be under the command of the President of the Republic, pursuant to decisions by the Supreme Defence Council.

The Supreme Defence Council shall be made up of the President of the Republic and the Presidents of the member republics.

The President of the Republic shall preside over the Supreme Defence Council.⁵⁵

The Supreme Defence Council, as explained in detail in paragraph 31, was the highest civilian authority with responsibility for national defence and employment of the VJ.

29. The FRY Law on Defence elaborates further in Article 40:

In accordance with the decisions of the Supreme Defence Council, the President of the Republic:

- orders implementation of the country's Defence Plan;
- commands the Army of Yugoslavia in wartime and peacetime;
- decides on the country's territorial division into military areas.⁵⁶

And in Article 8:

⁵⁵ Exhibit K1097 ERN 0046-1735-0046-1844 FRY Constitution 1992, Sect VIII, art 135

⁵⁶ Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

In case of an imminent threat of war, a state of war or a state of emergency, the President of the Republic shall, pursuant to decisions of the Supreme Defence Council, order measures of readiness, mobilisation and use of the Armed Forces of Yugoslavia and other measures and actions to be taken by the Armed Forces of Yugoslavia in order to prevent and eliminate the threat to the defence and security of the country.

A state of an imminent threat of war and a state of war were declared on 23 March 1999 and 24 March 1999, respectively.^{57,58}

30. The FRY Law on the VJ reiterates and expands upon the above points on command:

Article 4

The President of the Republic shall command the Army in war and peace in accordance with decisions of the Supreme Defence Council. In his command of the Army the President of the Republic shall:

- (a) establish the principles of internal organisation, the development and equipping of the Army;
- (b) determine the system of command in the Army and oversee its implementation;
- (c) decide on the deployment of the Army and approve the plan for its use;
- (d) regulate and order readiness of the Army in case of an imminent threat of war, state of war, or state of emergency;
- (e) provide guide-lines for arrangements relating to mobilisation and issue orders for the mobilisation of the Army;
- (f) issue basic regulations and other acts related to the deployment of the Army;
- (g) adopt rules regulating the internal order and relations in the performance of military service;
- (h) perform other duties relating to the command over the Army in accordance with federal law.

⁵⁷ Exhibit K 1113, ERN 0190-1981-0190-1981, Decision on the Proclamation of an Imminent Threat of War, 23 March 1999

In performing the duties described in paragraph 2 herein, the President of the Republic shall issue orders, commands, and decisions.⁵⁸

Supreme Defence Council

31. The Supreme Defence Council (SDC) was the highest civilian body with responsibility for national defence and employment of the VJ. Its mandate was provided by the FRY Constitution which designated the FRY President as its head. Supreme Defence Council responsibilities toward the VJ were set out in the Law on Defence:

Article 41

The Supreme Defence Council:

- (a) adopts the country's Defence Plan;
- (b) renders decisions in accordance with which the President of the Republic commands the Army of Yugoslavia;
- (c) assesses possible war and other dangers to the defence and security of the country;
- (d) determines the equipment and weapons needed for the country's defence;
- (e) determines the arrangement of the territory for the country's defence;
- (f) determines the strategy of armed conflict and rules on the use of forces in the country's defence and the conduct of war;
- (g) approves the basic elements of training plans and programmes for the country's defence and preparations for work in areas relating to the country's defence;
- (h) performs other tasks as defined by federal law;

The President of the Supreme Defence Council shall ensure implementation of the decisions of the Supreme Defence Council.⁶⁰

⁵⁸ Exhibit K 1115, ERN 0076-9267-0076-9267, Decision on the Proclamation of a State of War, 24 March 1999

⁵⁹ Exhibit K 1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994

⁶⁰ Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

32. As is evident from the references cited above, the President of the FRY had the clear legal authority to command the VJ. More than that, he also had the legal authority and obligation to command other armed organisations arising from his responsibilities for the defence of the country and the conduct of war and arising from the fundamental legal principle that the VJ unites all armed organisations in armed conflict.

VJ General Staff

33. The VJ General Staff represented the highest military level in the VJ chain of command. It was the level at which the military interfaced with the civilian leadership (the SDC). According to the Law on the VJ:

Article 5

The General Staff of the Army shall be the highest professional and staff organ for the preparation and use of the Army in times of peace and war.

In accordance with the basic principles of organisation, development, and establishment of the Army and the documents issued by the President of the Republic, the Chief of General Staff shall:

- (a) determine the organisation, plan of development, and establishment of the commands, units, and institutions of the Army;
- (b) determine the plan of recruitment and maintenance of manpower levels for the Army and the numerical distribution of recruits in the Army;
- (c) issue regulations on the training of the Army;
- (d) determine plans for the education and advanced training of professional and reserve commanding officers;
- (e) perform other duties as stipulated by this Law.

Article 6

In order to implement documents issued by the President of the Republic and the duties of commanding the Army, as well as the duties stipulated by this Law, the Chief of General Staff shall issue rules, orders, commands, instructions, and other documents.

The commanding officers of units and institutions of the Army shall command these units and institutions in accordance with this Law and the command documents issued by their superior officers.⁶¹

34. Further detail and corroboration for the application of the provisions of the Constitution, the Law on the VJ and the Law on Defence relating to command of the VJ can be found in the VJ Command & Control manual,⁶² on the VJ's official internet site (citations in this report), and in VJ orders and other documents that the Kosovo Operations Narrative report covers in greater detail.^{63,64,65}

Supreme Command

35. During the State of War, Milošević commanded the VJ, together with other armed organisations, through a body called the Supreme Command, with the VJ General Staff acting as the staff of the Supreme Command. Section D of this report discusses the Supreme Command in greater detail.

Command at the VJ Unit Level

36. The JNA Manual Regulations on the Responsibility of the Land Army Corps Command in Peacetime captures concisely the rights and responsibilities of commanders:

Article 6

The right to command units and institutions of the [Corps] is under the exclusive responsibility of the commander.⁶⁶

37. A second manual provides corroborating detail with respect to a Corps Commander:

⁶¹ Exhibit K 1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994

⁶² Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997

⁶³ Exhibit K2381 VJ & the Constitution, www.vj.yu

⁶⁴ Exhibit K2382 VJ Laws, www.vj.yu

⁶⁵ Exhibit K2374 VJ Command & Control, www.vj.yu

⁶⁶ Exhibit K2451 ERN 0090-9994 – 0091-0027 *Regulations on the Responsibility of the Land Army Corps Command in Peacetime*, Federal Secretariat for National Defence of the SFRY, 1990

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

He shall directly control the work of the corps command, assign tasks to his subordinates, make sure they are carried out and bear full responsibility for their completion and for the overall state of the corps.⁶⁷

38. From the same manual, some of the constituent elements of command responsibility for a Corps Commander are:

- (a) To make decisions which are important to the Corps or individual subordinate units.
- (b) To assign tasks to his subordinates.
- (c) To organise joint operations and co-operation in the zone of the Corps' responsibility.
- (d) To make sure that decisions are implemented.
- (e) To constantly monitor and promote the enhancement of specialised and combat skills and moral values in the Corps and some of its individual bodies.
- (f) To be responsible for coordinating activities among the Corps Command, subordinate commands and staffs, and the corresponding social structures in combining combat activities and all types of combat and general resistance by the people in the designated area.
- (g) To organise and manage the Corps operations.
- (h) To issue directives and orders to the Corps Command bodies and subordinate commands and units in good time.

⁶⁷ Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4th Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4th Corps Command, 29 August 1991

- (i) To monitor constantly the situation in the zone of combat operations, report to the superior commander, make decisions in accordance with the on-going combat operations and pass orders on to his subordinates.
- (j) To make sure there is uninterrupted contact with the superior command, as well as with the subordinate and attached commands and units.
- (k) To perform other duties laid down under the provisions of other rules, laws and regulations on the Armed Forces.⁶⁸

39. While the examples all relate to a commander at the Corps level, the basic principles apply to units above and below the Corps level (e.g. General Staff and Army above; Brigades, Battalions, and Companies below). The VJ's Command and Control manual and Brigade Rules both elaborate and reinforce the wide application of these principles to various levels of military command.⁶⁹ Of note, sub-paragraph (j) in the preceding paragraph identifies a crucial aspect of command responsibility – ensuring the continuous flow of information between superior and subordinate commanders. This requirement logically extends to all levels in a chain-of-command. Hence, President Milošević was responsible for ensuring that he maintained contact with immediate subordinates and that they kept him fully informed.

40. The citation of JNA manuals as opposed to those of the VJ in some cases in this report reflects the fact that the equivalent VJ manuals were not available for review. There is a possibility that the VJ had not fully replaced and updated all JNA manuals by 1999. Furthermore, it is assessed that the parts of the JNA manuals cited are equally applicable to the VJ; the citations refer to general command responsibilities which are extremely unlikely to have changed over the transformation of the JNA to the VJ in 1992. It would be difficult to imagine, for example, that the VJ would have taken away the requirement for a commander to maintain uninterrupted contact with superior and subordinate commanders. It is equally difficult to imagine that such a principle was absent from a level of command other than the Corps.

⁶⁸ Exhibit K2450, ERN 0085-0000 – 0085-0057, OTP English translation of the *Instructions on How the 4th Corps Command is to Operate when carrying out Priority Assignments in Peacetime and Wartime*, p. 14.

⁶⁹ ERN 0202-8796 – 0202-8796, *Brigade Rules (for Infantry, Motorised, Mountain, Alpine, Marine, and Light Brigades)*, Federal Secretariat for National Defence, 1984

~~Command of Military-Territorial Unit~~

~~41. Command of Military-Territorial units was a VJ responsibility at the level of an Army~~

~~Thus, in peacetime, the Priština Military District commander reported to the Commander of the 3rd Army.⁷⁰~~

42. While the normal peacetime administrative reporting chain went from the Priština Military District to the 3rd Army, during combat operations some Military-Territorial units were subordinated to VJ brigades.⁷¹ Either way, reporting on activities of military-territorial units would enter the VJ's reporting chain and make its way to the General Staff, under the principles (outlined in the next section) of unity of command and the single command concept – principles from which reporting procedures are derived.

SECTION 5 - PRINCIPLES OF COMMAND

43. Before setting out the principles of command applicable to the VJ, a more general overview of command and control concepts may be helpful:

- **Command:** "Command is the basic function through which control is accomplished in the army. The right of command in the army belongs to the president of the FRY and officers of the Army carrying out the duties of commandant, chief or commander."⁷² The NATO definition of command is consistent with this definition: "the authority vested in an individual of the armed forces for the direction, co-ordination, and control of military forces."⁷³
- **Control:** "The promulgation of the commander's decisions, guidance, and intent with subsequent supervision and adjustment of subordinate forces' execution to ensure compliance with the commander's intent. Control may take place before, during, and after operations."⁷⁴

⁷⁰ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.100-101

⁷¹ Exhibit K1953, ERN K020-2488 – K020-2491 Order on the VJ and MUP Engagement in Combat Control of the Territory, 3rd Army Order 872-125/1, 8 May 1999

⁷² Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 95-96

⁷³ *Brassey's Encyclopedia of Land Forces and Warfare*, p.229, edited by F.D. Margiotta, Brassey's Inc, 1996

⁷⁴ US Army field Manual FM 101-5, Chapter 1, pp 1-2, Internet Edition

• **Command & Control System:** "The facilities, equipment, communications, procedures, and personnel essential to a commander for planning, directing, and controlling operations of assigned forces pursuant to the missions assigned."

"While exercising command, a commander issues orders that serve as input to subordinate units. As each subordinate unit plans and executes its mission, it produces feedback to its higher commander and his staff. These are the essential elements that support effective C² [command & control]."⁷⁵

- **Authority:** "The right and freedom to use the power of command and, ultimately, to enforce obedience... To command is to direct with authority."⁷⁶
- **Responsibility:** "The legal and ethical obligation a commander assumes for the actions, accomplishments, or failures of a unit."⁷⁷
- **Accountability:** "The requirement for a commander to answer to a superior for the effective and efficient use of delegated responsibility, authority, and resources."⁷⁸

44. The Law on the VJ outlines the fundamental principles of command:

Article 3

Command in the Army shall be based on the principles of unity of command with respect to the use of the forces and materiel, the single command concept and the obligation to carry out decisions, commands, and orders of a superior officer.⁷⁹

45. "Unity of command," describes a state in which all components of the VJ and subordinate organisations work toward a common aim using methods with a common legal and doctrinal basis:

⁷⁵ US Army field Manual FM 101-5, Chapter 1, pp 1-2 to 1-3, Internet Edition

⁷⁶ US Army field Manual FM 101-5, Chapter 1, pp 1-1, Internet Edition

⁷⁷ US Army field Manual FM 101-5, Chapter 1, pp 1-1, Internet Edition

⁷⁸ US Army field Manual FM 101-5, Chapter 1, pp 1-1 to 1-2, Internet Edition

⁷⁹ Exhibit K 1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994

The principle of unity in command and control rests on the doctrinal standpoint that the defence of the country is united and indivisible.

The basis of the principle of unity of command and control in the Army is composed of:

- the moral unity of the Serbian and Montenegrin peoples;
- the unity of military organisation and the system of relations and communications;
- the unity of functioning, the interconnectedness of the Army and the defence structures of the society;
- the united conception, doctrine and strategy of armed combat.

...The unity of command and control implies:

- moral unity of combatants and officers
- unity of understanding of the conception and doctrine of defence;
- clear relations among all organs and degrees of commands;
- united and harmonised establishment and understanding of assignments;
- single organisation and methods of work of the commands;
- the employment of a single and united terminology and documentation.

Unity of command and control is ensured by the Supreme Defence Council of the FRY, the highest organ of command and control of the Army in peace and in war....⁸⁰

46. The "singleness of command concept" states that at each level in the chain-of-command, only one commander exists. There is no ambiguity in where command rests at each level. An associated principle is that a commander can delegate authority but not responsibility:

The principle of singleness of command in command and control consists of the sacrosanct right of the commandant to command and control the subordinate commands and units on the basis of authorisations that derive from the competences prescribed for a given level of command and control.

⁸⁰ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 61-62

The principle of singleness of command makes sure that in the command and control system there is only one superior, who commands and to whom one is responsible for the execution of assignments. The right of the commandant is to be able to make decisions, and he is the only one who bears the responsibility for this. The commandant can delegate some of his rights and obligations to the chiefs of staff, adjutants, some organs of the staff subordinate commandants, but he cannot transfer the responsibility for the state and the use of the unit. The principle of singleness of command does not forbid the commandant while making decisions, to engage associates and listen to their opinions and proposals.⁸¹

47. Beyond the unity of command and single command concepts, the VJ also emphasises continuity as a fundamental principle of command. Continuity connotes uninterrupted operation of the system of command, which is achieved through, *inter alia*, "constant monitoring of the situation, prompt responsiveness, continuous contact between superior commanders and subordinates, practised doctrine, and redundancy to compensate for command system failures." This latter point means that a breakdown in any single element in a chain-of-command will not render the chain ineffective. As an example, if a commander is killed, regulations ensure that there is no question as to who has the right to then assume command.⁸²

48. Article Ten of the Law on the VJ defines the relationships between members of the VJ hierarchy:

As regards relations in services, individuals serving in the Army may be superiors or subordinates and according to ranks and duties - senior or junior...

A superior is an individual who, pursuant to this Law and other regulations of the competent organ, commands a military unit or military institution, or individuals serving in a military unit or military institution (hereinafter: units and institutions)...

The footnoted source applies to all of paragraph 61.

⁸¹ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 61-62

⁸² Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 62-63

A senior, in accordance with this Law, is an individual holding a higher rank, or if two members have the same rank or are without rank - the individual in the higher position.⁸³

49. The VJ manual Command & Control further defines "command" and specifies who in the VJ may exercise command:

Command is the basic function through which control is accomplished in the army. The right of command in the army belongs to the president of the FRY and officers of the Army carrying out the duties of commandant, chief or commander.⁸⁴

50. The manual also defines the dynamic between the FRY President and the Chief of the General Staff, as one of a superior-subordinate relationship:

The president of the FRY commands the army via the chief of the General Staff and officers of units and establishments of the Army in command and administrative duties.⁸⁵

51. Finally, the command relationship between the Chief of the General Staff and other VJ officers is one of superior-subordinate:

The General Staff of the Army is the highest expert and staff organ for the preparation and engagement of the Army...In the execution of the affairs of command and control of the Army put into his sphere of competence by law and other regulations, and in the accomplishment of the instruments of command of the president of the FRY, the chief of the General Staff of the Army commands the Army via the commandants of the strategic units and temporary strategic compositions and other officers who are immediately subordinate to him.⁸⁶

⁸³ Exhibit K 1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994

⁸⁴ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 95-96

⁸⁵ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 96

⁸⁶ Exhibit K2374 VJ website

5.2. Command Staffs & Reporting Considerations

52. Every level of command from the VJ General Staff down to each Brigade has a command staff operating under the direction of a Chief of Staff. Such command staffs support the unit commander by turning his intent into detailed direction in the form of commands, orders, directives, and instructions.⁸⁷ They also monitor the progress of operations for the commander and ensure that he is aware of the situation facing his forces. Once combat operations are underway, the command staff delivers information up the chain of command through various means and types of reporting; the command staff "must be able to provide the commander, at any time during the combat, with detailed information about the activity and intentions of the enemy, status, activity, capabilities, and decisions of the subordinate units and to submit proposals for decision."⁸⁸ To do this, command staffs organise themselves to cover the various aspects of military planning. The most important components in a command staff include the Operations Staff (plans, controls, and monitors the activities of combat arms units on behalf of the commander for the achievement of his mission), the Intelligence Staff (monitors, assesses, and reports on the disposition of enemy forces and enemy intentions), and the Logistics Staff (plans and coordinates the supplying of combat arms units with transport, fuel, ammunition, and other logistics support on behalf of the commander).⁸⁹

53. Using the system within which command occurs, a commander "must at all times know the status, position, and capabilities of his units two levels down. The subordinate commands submit to their superior command all the information about the enemy and essential information about their own units using the shortest route."⁹⁰ This, for example, means that the 3rd Army Commander would have to know about the activities of brigades in Kosovo (he would have known much more e.g. he would have been briefed on MUP activities). Note that using "the shortest route" does not imply that subordinate commands should circumvent the chain of command, but rather that they should pass information to the immediate commander as quickly as possible.

⁸⁷ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 77-78

⁸⁸ Exhibit K2459, ERN K011-1600 – K011-1794, *Manual for the Work of Commands & Staffs (Draft)*, 1983, Chapter VII, Section 2, para 385

⁸⁹ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 105

⁹⁰ Exhibit K2459, ERN K011-1600 – K011-1794, *Manual for the Work of Commands & Staffs (Draft)*, 1983, Chapter VII, Section 2, para 385

Planning & Conducting Operations

54. Large military operations are exceptionally complex. They require detailed planning with the factors needing consideration increasing in complexity at each successive higher level in the chain of command. Militaries throughout the world have developed similar systems for planning, and rely on command staffs to assist the commander. Only authorised individuals, not the command staff, have the right to exercise command.

55. For the VJ to conduct operations in Kosovo, planning by the General Staff, acting under Milošević's direction, would necessarily have occurred well in advance of the deployment of forces. Planning would have included, *inter alia*, the size and configuration of the force needed, objectives, logistics, determination of rules of engagement, procedures for handling civilians and captured enemy forces, and the nature of the threats posed by the Kosovo Liberation Army (KLA) and NATO. Once given a warning order and notice of their commanders' intent, command staffs at all levels go through an operational planning process. They provide the commanders with estimates and suggested courses of action. The commander then decides on a course of action, at which point the staff produces a plan to be issued, on the commander's authority, as an order. Having received their orders, those units will then engage in their own planning cycles. In reality, concurrent activity can occur at the various levels in a chain of command; subordinate units need not wait for a final plan from above before beginning their own planning cycles.⁹² Concurrent planning by lower levels in a chain-of-command does not, however, allow a subordinate commander to act without the authority of his superior. What the preceding process describes is the reaction of the VJ to the direction of the FRY President – the development of plans at each level to meet the President's intent.

56. Militaries engage as a matter of course in contingency planning. This obviates the need for having to rush when time is at a premium e.g. when a country is attacked with little or no warning. The FRY had such a plan called the "Defence Plan of the Country".⁹³ The Defence Plan would contain contingencies to cover different political options and different threats. Its implementation was the responsibility of the FRY President.⁹⁴ The existence of such a plan would not, however, eliminate the need for adjustments to

⁹¹ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 74

⁹² Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 64-70

⁹³ Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994, article 6

⁹⁴ Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994, article 40

to address inevitable differences between early assessments of a threat and the reality of such a threat when it materialised.

57. An aide-memoire provided for a Corps commander and his staff outlined the procedure to follow upon receipt of an assignment. Again, these are general procedures applicable to units above and below a Corps:

The work of the Corps command on receiving the assignment involves the following:

1. receipt, study, and understanding of the assignment;
2. the issuing of preliminary orders;
3. formulation of the work plan of the Command;
4. familiarising the bodies of the Command with the assignment, the work plan, and the basic concept (when formulated and announced);
5. assessing the situation and taking a decision;
6. planning the operation and other combat actions;
7. transmitting the decision to subordinate commands;
8. monitoring the implementation of the decision.⁹⁵

58. Of the above eight steps, steps 7 and 8 warrant further examination, Step 7, the transmission of a decision to subordinate commands, is simply the issue of an order containing, among other things, the following:

- Information about the enemy;
- The Corps' assignment;
- Reinforcements, support, and other units with which there is joint action;
- Information on neighbouring units...in the area;
- Command and communications;
- Joint operations and co-operation....⁹⁶

⁹⁵ Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4th Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4th Corps Command, 29 August 1991, section VI

⁹⁶ Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4th Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4th Corps Command, 29 August 1991, section VI

59. References to "joint action", "joint operations", "neighbouring units", and "co-operation" in the preceding paragraph give an indication of what the VJ would have had to do when operating jointly with other armed organisations such as the MLIP regardless of whether or not the other organisation was subordinated to the VJ. In other words, doctrine dictates that the VJ had a responsibility to, at a minimum, communicate with other organisations conducting operations in proximity or co-operation with the VJ.

60. Step 8 in the aide-memoire above, monitoring the implementation of the decision, requires that a commander checks to make sure subordinate units receive orders on time and that they understand and execute his orders. This monitoring is accomplished through reports from subordinate commands, the study of combat documents, surveillance of combat operations, and by the commander or staff checking personally on the progress of subordinate commanders.⁹⁷ If the staff or a subordinate checked on the implementation of a decision, they had a duty to inform the commander of the outcome.

61. At all levels of command, , command and control measures to be exercised by a command staff on the commander's behalf during an operation were the same in principle. The following are those applied at the Corps level:

- Constant gathering of information on the enemy, analysing and transmitting it to the relevant organs, subordinates, superiors and neighbouring units;
- Constant and close monitoring of the situation with prompt information passed to subordinate command headquarters...on new developments;
- Prompt response to upsets to the operational plan and co-ordination of combat actions by subordinate, attached and joint operation-forces;
- Prompt re-establishment of impaired command, communications, joint-operation and co-operation systems;
- Efficient control of the work and combat actions of subordinate units at all stages;
- Swift assessment of the situation and creation of conditions for the Commander to promptly take corrective decisions and issue timely orders to subordinates;

⁹⁷ Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4th Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4th Corps Command, 29 August 1991, section VI

• Timely reporting to superiors, keeping subordinates and neighbouring units informed of actions by both sides and results.⁹⁸

62. Co-ordination measures must also have been in place to ensure that armed organisations outside the VJ, such as the MUP, were engaged in the process. Failure to co-ordinate operations with all armed organisations in a combat zone would have had disastrous consequences; by their very nature, combat operations occur in a hostile environment where the enemy's location is not always clear and where friendly forces operating without co-ordination are likely to mistake one another for the enemy. Furthermore, when forces operate jointly on the same operation, as the VJ and MUP did frequently in Kosovo, co-ordination must occur before, during, and after the action to ensure that each knows what their tasks are, how the tasks of the other will be integrated, and what follow-up may be needed:

Co-ordination should establish precisely who is executing a given assignment where, when, and how.⁹⁹

63. Co-ordination cannot occur effectively without command and it cannot occur, under VJ doctrine or principles of command, without a commander's authorisation:

Co-ordinated action is a function of commanding and represents a part of the process of planning, preparation and carrying out an operation, in which the commandant and his staff plan and organise the optimal employment of the abilities and operations of their own forces and equipment, in co-ordination with the operations of the forces of support and neighbours for the sake of the most rational possible use of the elements of the combat disposition and a more secure execution of the objective that has been set up.¹⁰⁰

64. Co-operation is similar to co-ordination but does not involve a superior-subordinate relationship between the organisations involved.¹⁰¹ For organisations like the MUP and VJ to act in concert during a given operation, there would necessarily be the involvement of both chains of command in joint planning to ensure that all forces acted in a co-ordinated manner. In the absence of a formal subordination of one organisation's units to

⁹⁸ Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4th Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4th Corps Command, 29 August 1991, section VI

⁹⁹ Exhibit K2450 ERN 0085-0000 – 0085-0057, *Instructions on the 4th Corps Command on carrying out Priority Assignments in Peacetime and Wartime*, 4th Corps Command, 29 August 1991, section VI

¹⁰⁰ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 71

¹⁰¹ Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 72

the other organisation, as was the *de jure* case with the MUP and VJ before the state of war was declared (23 March 1999), units of each organisation operating together would necessarily engage in co-operation.¹⁰² Co-operation, as opposed to a relationship involving subordination, might seem to imply that the Serbian MUP did not operate in a chain of command leading to the FRY President. In practice, however, the Joint Command for Kosovo (and *de facto* considerations) placed Milošević in a command relationship with the MUP well before 23 March 1999. Section D of this report will explore the Joint Command for Kosovo in more detail, and the second installment of this report, Part II: Kosovo Operations Narrative, will examine in greater detail the connections between the MUP and President Milošević.

65. One of the reasons for adhering to doctrine and regulations is to ensure that a military force operates within a set of constraints designed to prevent commanders and others from acting on misdirected initiative:

A military organisation is of particular importance for every society, entirely because of the nature of the activity or job that it does. The military occupation is, as is known, very important, responsible, complex, difficult, requires superb expertise, self-denial and a maximal degree of self-sacrifice on the part of individuals and organisational and establishment wholes. This exceptionally important social activity cannot be left to the workings of nature and the will and capacities or incapacities of individuals. It cannot exist without precisely defined relations of the organisation towards the society as a whole and within the framework of the organisation itself.... These relations are regulated and ordered by laws, regulations and other normative instruments. This leads to the avoidance of the work of random events, some individual's desires or refusals, ignorance, incompetence, whimsy, revenge, sick ambition and the like. In such a way is this important organisation of society protected from the self-will of individuals. Through command and control these regulations are transformed into procedures.¹⁰³

¹⁰² Exhibit K 1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

Articles 16 and 17 of this Law make it clear that MUP units conducting combat operations are subordinate to the VJ during an extraordinary state such as a state of war.

¹⁰³ Exhibit K 1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp. 56

SECTION 6 - MILITARY DISCIPLINE & THE LAWS OF ARMED CONFLICT

66. In his capacity as supreme commander, the FRY President bore both the authority and the responsibility to maintain discipline within the armed forces of the FRY, including compliance with the FRY's obligations under international law. The FRY's constitution, laws, and relevant military regulations created systems of military discipline and justice, defined the FRY's obligations under international humanitarian law, and established the FRY President's duty to ensure discipline and respect for the law within the armed forces.

Constitution of the FRY

67. The constitution of the Federal Republic of Yugoslavia moves defence and national security into the exclusive competence of the federal government,¹⁰⁴ and places the FRY President in command of the VJ.¹⁰⁵ The constitution further provides for the promulgation of the Law on Defence¹⁰⁶ and the Law on the VJ.¹⁰⁷ With specific regard to military discipline, Article 136 of the constitution states that:

The President of the Republic shall appoint, promote, and dismiss from service officers of the Army of Yugoslavia stipulated by federal law; shall appoint and dismiss the president, judges, and judge assessors of military tribunals and military prosecutors.¹⁰⁸

68. The military tribunals and military prosecutors are themselves established pursuant to Article 138:

Military tribunals and military prosecutors shall be established under federal statute.

¹⁰⁴ Constitution of the FRY, Exhibit K1097, Article 77(7).

¹⁰⁵ Constitution of the FRY, Exhibit K1097, Article 135.

¹⁰⁶ Law on Defence, May 1994, Exhibit K1102. See Constitution of the FRY, Article 134.

¹⁰⁷ Law on the Army, May 1994, Exhibit K1101. See Constitution of the FRY, Exhibit K1097, Article 134.

¹⁰⁸ Constitution of the FRY, Exhibit K1097, Article 136.

Military tribunals shall be independent and shall adjudicate on the basis of federal legislation.

The constitution thus lays the foundation for systems of military discipline and justice and explicitly places the FRY President at the top of the VJ chain of command.

69. The FRY constitution also establishes the FRY's obligations under international law. A declaration attached to the 1992 constitution assumes for the FRY the international legal obligations of the SFRY:

The Federal Republic of Yugoslavia, continuing the state, international legal and political personality of the Socialist Federal Republic of Yugoslavia, shall strictly abide by all the commitments that the SFRY assumed internationally in the past.¹¹⁰

The same declaration outlines the FRY's respect for national minorities and willingness to abide by norms of international law:

The FRY shall ensure the highest standards of the protection of human rights and the rights of national minorities provided for in international legal instruments and CSCE documents...

In its foreign relations, the Federal Republic of Yugoslavia shall be guided by the principles of the United Nations Charter, as well as the principles of CSCE documents, particularly the Paris Charter for New Europe.¹¹¹

The constitution further states that both properly ratified treaties and "generally accepted rules of international law" assume the status of law within the FRY domestic legal order:

The Federal Republic of Yugoslavia shall fulfil in good faith the obligations contained in the international treaties to which it is a contracting party. International treaties that have been ratified and promulgated in conformity

¹⁰⁹ Constitution of the FRY, Exhibit K1097, Article 138.

¹¹⁰ Constitution of the FRY, Exhibit K1097, "Declaration."

¹¹¹ Constitution of the FRY, Exhibit K1097, "Declaration," paras. 4-5.

with the present constitution and generally accepted rules of international law shall be a constituent part of the internal legal order.

Of particular note, the SFRY ratified the 1949 Geneva Conventions in 1950¹¹² and the 1977 Additional Protocols to the Geneva Conventions in 1978¹¹³. Pursuant to the FRY Constitution and the declaration attached thereto, noted above, the FRY was committed to upholding the Geneva Conventions.

Law on Defence

70. The Law of Defence provides overall organisation for the “defence of the sovereignty, territory, independence, and constitution of the Federal Republic of Yugoslavia.”¹¹⁵ As with the constitution, it affirms the FRY President’s position as supreme commander of the armed forces of Yugoslavia, acting in accordance with decisions of the Supreme Defence Council.¹¹⁶ The Law on Defence also stipulates that, in the case of either a state of an imminent threat of war or a state of war, “units and organs of Internal Affairs can be used to carry out combat assignments,” and that, “[i]n carrying out their combat assignments, these units and organs shall be subordinate to the officer of the Armed Forces of Yugoslavia who is commanding combat operations.”¹¹⁷

71. With specific regard to military discipline, the Law on Defence requires compliance with international humanitarian law:

Members of the Armed Forces of Yugoslavia taking part in armed combat shall, under all circumstances, adhere to the rules of international laws on war and other rules on humane treatment of the wounded and prisoners of war and protection of the population.¹¹⁸

¹¹² Constitution of the FRY, Exhibit K1097, Article 16.

¹¹³ See Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7695, “Instructions,” para. 9.

¹¹⁴ See Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7695, “Instructions,” para. 9.

¹¹⁵ 1994 Law on Defence, Exhibit K1102, Article 1.

¹¹⁶ 1994 Law on Defence, Exhibit K1102, Article 40.

¹¹⁷ 1994 Law on Defence, Exhibit K1102, Article 17.

¹¹⁸ 1994 Law on Defence, Exhibit K1102, Article 19.

The Law on Defence clearly establishes the legal duty of FRY armed forces personnel to adhere to the laws of armed conflict.

Law on the VJ

72. As the primary law governing the FRY armed forces, the Law on the VJ contains many provisions relevant to the FRY President's disciplinary authority and responsibility, the systems of military discipline and justice, and the FRY's obligations under the laws of armed conflict.

73. Like both the constitution and the Law on Defence, the Law on the VJ reaffirms the FRY President's role as supreme commander of the armed forces,¹¹⁹ as well as his power to appoint generals and commanding officers performing duties equivalent to those of a general.¹²⁰ Among the FRY President's specifically delineated responsibilities are several relating to the maintenance of order and discipline:

The President of the Republic shall command the Army in war and peace in accordance with decisions of the Supreme Defence Council. In his command of the Army the President of the Republic shall:

2.) determine the system of command in the Army and oversee its implementation;...

7.) adopt rules regulating the internal order and relations in the performance of military service;

8.) perform other duties relating to the command over the Army in accordance with federal law.¹²¹

74. The Law on the VJ also grants the FRY President power to regulate punishment for disciplinary infractions. According to Article 173, the FRY President issues the law regulating military discipline:

¹¹⁹ 1994 Law on the Army, Exhibit K1101, Article 4.

¹²⁰ 1994 Law on the Army, Exhibit K1101, Article 16.

¹²¹ 1994 Law on the Army, Exhibit K1101, Article 4.

The rule on military discipline, issued by the President of the Republic, shall regulate the procedure and authority for considering disciplinary violations, imposing disciplinary measures and sentences, their implementation, recording, the organisation, structure and work of military disciplinary courts and organs responsible for considering offences of the reserve officers and non-commissioned officers committed outside the service.¹²²

75. The FRY President had discretion regarding the pardoning of offenders or commutation of sentences:

At the proposal of the Chief of General Staff, the President of the Republic may lower, mitigate, or pardon every disciplinary measure or sentence.¹²³

The Law on the VJ gives the FRY President ultimate authority in the establishment and operation of the system of military discipline.

76. Within the system of command ordered by the FRY President, the Law on the VJ also establishes guidelines for superior and subordinate responsibility. The chain of command begins with the FRY President and extends to lower-level commanders.¹²⁴

77. Article 37 paragraphs 1,2 of the Law on the VJ specifies the terms under which members of the armed forces must obey orders:

A service member must carry out the orders issued by superior officers regarding the service except if the carrying out of the order would be a criminal act.

A service member must carry out the orders of a senior officer if a superior officer is not present when it is necessary to carry out urgent and important official tasks.

¹²² 1994 Law on the Army, Exhibit K1101, Article 173.

¹²³ 1994 Law on the Army, Exhibit K1101, Article 168.

¹²⁴ 1994 Law on the Army, Exhibit K1101, Article 6.

Rules of service shall determine when a service member must carry out the orders of a senior officer in compliance with paragraph 2 herein.

The remainder of this Article of the Law on the VJ sets out important limitations on obedience to orders:

If he receives an order the carrying out of which would represent a violation of law, a service member must require that the senior officer who issued such an order repeat it in written form.

If he receives an order the carrying out of which would represent a criminal act, a service member must immediately report such order to a superior commanding officer or an officer of a higher rank than the officer who issued the order.¹²⁶

The Law of the Army further defines failure to obey an order to be a disciplinary violation, as discussed below.

78. Articles 159 through 206 of the Law on the VJ deal specifically with the responsibility of service members, including the procedures for assessing and punishing disciplinary violations.¹²⁷ Service members may be held responsible for disciplinary violations, which the law classifies as either disciplinary infractions or disciplinary offences¹²⁸ and defines in Article 160:

A violation of military discipline shall be considered the behaviour of a service member that is contrary to the obligation of performance of military duty stipulated by law, the rules of service and other regulations, orders and other documents of superior officers concerning service and especially:

- failure to carry out or refusal to carry out an order, violation of the authority of the superior or senior officer and unconscientious or negligent performance of service or duty;...

¹²⁵ 1994 Law on the Army, Exhibit K1101, Article 37.

¹²⁶ 1994 Law on the Army, Exhibit K1101, Article 37.

¹²⁷ 1994 Law on the Army, Exhibit K1101, Articles 159-206.

¹²⁸ 1994 Law on the Army, Exhibit K1101, Articles 159.

- giving inaccurate reports, hiding or destruction of an official document, book or file, forging official documents or use of forged documents.
- an action in service which is contrary to military order or which represents a violation of existing regulation.
- any other act or omission of an act that disrupts or disables the correct and quick functioning of service.¹²⁹

79. Article 161¹³⁰ deals with the duties of service members outside of their service, and Article 162 clarifies that the rules of discipline apply to professional soldiers, students of the military academies, soldiers performing compulsory service, recruits, and reservists.¹³¹ Further provisions detail the procedures and standards for punishing disciplinary infractions.¹³²

80. Beginning with Article 177, the law next discusses the establishment of military discipline courts. Each branch of the services possesses a military disciplinary court,¹³³ and each court consists of a president, judges, and a registrar.¹³⁴ Each military disciplinary court also has a military disciplinary prosecutor, who in turn has as many deputies as necessary to perform his or her work.¹³⁵ The law delegates the power to bring a perpetrator of a military disciplinary offence before a military disciplinary court to the Federal Minister of Defence, the commanding officers of the units directly subordinated to the minister, and the army commander or a senior officer holding an equal or higher position.¹³⁶ During a state of war, the Law on the VJ places greater urgency on the enforcement of military discipline and grants the FRY President greater discretion to enforce the law:

¹²⁹ 1994 Law on the Army, Exhibit K1101, Articles 160.

¹³⁰ 1994 Law on the Army, Exhibit K1101, Articles 161.

¹³¹ 1994 Law on the Army, Exhibit K1101, Articles 162.

¹³² See 1994 Law on the Army, Exhibit K1101, Articles 163-176.

¹³³ 1994 Law on the Army, Exhibit K1101, Articles 178.

¹³⁴ 1994 Law on the Army, Exhibit K1101, Articles 179.

¹³⁵ 1994 Law on the Army, Exhibit K1101, Articles 179.

¹³⁶ 1994 Law on the Army, Exhibit K1101, Articles 181.

The responsibility of service members for violations of military discipline during a state of war shall be decided in a most urgent manner regardless of the deadlines prescribed by the provisions of this Law.

As a rule, disciplinary measures or disciplinary sentences the implementation of which is not feasible or possible considering the conditions and circumstances under which they should be implemented shall not be handed down during a state of war.

The President of the Republic may stipulate other disciplinary measures or disciplinary sentences that will be handed down against service members during a state of war, or that some disciplinary measures or sentences prescribed by this Law should not be implemented, or a different procedure and jurisdiction over disputes concerning responsibility of service members for violation of military discipline, and different organisation and operation of military disciplinary courts.¹³⁷

The law thus explicitly contemplates the maintenance of military discipline during a declared state of war, and provides that the FRY President may be involved in that process with the implication that he is the ultimate authority.

FRY Criminal Law

81. With regard to military discipline, the Criminal Code of the FRY defines as substantive offences both violations of military discipline and offences against international humanitarian law.
82. Chapter 20 of the Criminal Code deals with "Criminal Acts Against the Armed Forces of the FRY," including failure to carry out an order,¹³⁸ insubordination,¹³⁹ mistreatment of a subordinate,¹⁴⁰ breach of guard duty¹⁴¹, and a host of other offences. Article 226

¹³⁷ 1994 Law on the Army, Exhibit K1101, Articles 204.

¹³⁸ SFRY Criminal Code, Art. 201.

¹³⁹ SFRY Criminal Code, Art. 203.

¹⁴⁰ SFRY Criminal Code, Art. 208.

¹⁴¹ SFRY Criminal Code, Arts. 209-210.

specifically, treats punishment for such offences during either a state of imminent threat of war or a state of war.¹⁴² Article 239 further specifies that superior orders do not provide a defence to the commission of war crimes, other serious criminal acts, or acts that the subordinate knew to be criminal.

A subordinate shall not be punished if he commits a criminal act by order of a superior officer which relates to official duties unless the purpose of the order was to commit a war crime or another serious criminal act, or if he knew that the carrying out of the order constituted a criminal offence.¹⁴³

83. From the superior's perspective, the Criminal Code imposes penal sanctions for failure "to take the necessary measures to restore order" in response to disobedience of orders, disobedience of orders using weapons or in an organised fashion, or disobedience of orders that involves intentional killing.¹⁴⁴ Commanders thus bear criminal liability for failure to address insubordination.

84. This obligation on a commander's part to "restore order" is a critical consideration when examining the incidents referred to in the indictment against the accused. The widespread and recurrent nature of those incidents suggests a need for the restoration of order by holding commanders responsible. A review of disciplinary measures taken in this regard, forms a section in Part II to this report. Some of the disciplinary actions which could reasonably have been used include the suspension, reassignment, or replacement of a commander. Lesser offences under command responsibility might be addressed with sanctions such as withholding a promotion.

85. Beyond insubordination and other crimes against the armed forces, the Criminal Code also addresses violations of international humanitarian law. Chapter Sixteen, "Criminal Offences Against Humanity and International Law" includes, prohibitions on genocide,¹⁴⁵ war crimes against the civilian population,¹⁴⁶ unlawful killing or wounding of the enemy,¹⁴⁷ destruction of cultural and historical monuments,¹⁴⁸ and racial and other

¹⁴² SFRY Criminal Code, Art. 206.

¹⁴³ SFRY Criminal Code, Art. 239.

¹⁴⁴ SFRY Criminal Code, Art. 203.

¹⁴⁵ SFRY Criminal Code, Art. 141.

¹⁴⁶ SFRY Criminal Code, Art. 142.

¹⁴⁷ SFRY Criminal Code, Art. 144.

of discrimination.¹⁴⁸ The Code also prohibits efforts to organise a group to commit war crimes or genocide, or to instigate or incite the commission of war crimes or genocide.¹⁴⁹

86. Law on Military Courts and Law on Military Prosecutor

86. The FRY Law on Military Courts and the FRY Law on Military Prosecutor together create the legal infrastructure for prosecuting and adjudicating crimes committed by members of the Yugoslav armed forces. The Law on Military Courts establishes the independence and structure of such courts.¹⁵² It creates a two-tier system, with trials in military courts of first instance and appeal to the Supreme Military Court.¹⁵³ In some cases appeal may be had from the Supreme Military Court to Federal Court.¹⁵⁴ The military courts of first instance must inform the Supreme Military Court of their work, and the Supreme Military Court in turn informs the President of the Republic of both its work and that of the military courts of first instance.¹⁵⁵ The law further defines the rights and responsibilities of judges and jurors,¹⁵⁶ and grants provisions for court administration.¹⁵⁷

87. With regard to jurisdiction, military courts bear responsibility for investigating crimes allegedly committed by member of the armed forces, although all military officers must assist in detaining suspects and preserving evidence.¹⁵⁸ War crimes, crimes against humanity, and other crimes under international law, when committed by members of the

¹⁴⁸ SFRY Criminal Code, Art. 151.

¹⁴⁹ SFRY Criminal Code, Art. 154.

¹⁵⁰ SFRY Criminal Code, Art. 145.

¹⁵¹ FRY Law on Military Courts and Law on Military Prosecutor, Exhibit K2725.

¹⁵² FRY Law on Military Courts, Exhibit K2725, Arts. 1-13. *See also* Art. 57-59 ("Territorial Jurisdiction").

¹⁵³ FRY Law on Military Courts, Exhibit K2725, Arts. 19-25.

¹⁵⁴ FRY Law on Military Courts, Exhibit K2725, Art. 20.

¹⁵⁵ FRY Law on Military Courts, Exhibit K2725, Arts. 14.

¹⁵⁶ FRY Law on Military Courts, Exhibit K2725, Arts. 26-43.

¹⁵⁷ FRY Law on Military Courts, Exhibit K2725, Arts. 47-51.

¹⁵⁸ FRY Law on Military Courts, Exhibit K2725, Arts. 1, 60-62.

armed forces, all fall within the jurisdiction of the military courts.¹⁵⁹ Military courts also possess primary jurisdiction over crimes committed by civilians performing specific military duties, as well as civilians who commit other specific crimes related to military operations.¹⁶⁰ Finally, in times of war, the Law on Military Courts contains special provisions to relocate the Supreme Military Court to Supreme Command headquarters, to establish military courts of first instance at various command levels; and to grant the President of the FRY, at the proposal of the Chief of Staff of the Supreme Command, the power to appoint, remove, or relieve from duty military judges and jurors.¹⁶¹ An order of the 3rd Army Command created wartime courts on 28 March 1999.¹⁶²

88. The Law on Military Prosecutor operates in conjunction with the Law on Military Courts, defining the mandate of military prosecutors with the FRY armed forces.¹⁶³ The Military Prosecutor acts as an independent state organ that prosecutes crimes within the jurisdiction of the military courts.¹⁶⁴ The Supreme Military Prosecutor sits in Belgrade, and military prosecutors of first instance sit in Belgrade, Niš, and Podgorica.¹⁶⁵ The Supreme Military Prosecutor may establish offices for the military prosecutors of first instance as he or she sees fit.¹⁶⁶ As with the military courts, the military prosecutors of first instance report and are responsible to the Supreme Military Prosecutor, who in turn reports and is responsible to the FRY President.¹⁶⁷ The Supreme Military Prosecutor must also inform the public of the "crime rate and individual cases being addressed by military prosecutors."¹⁶⁸ The military prosecutors have both the right and the duty to take appropriate investigative and prosecutorial actions against those who commit crimes within the jurisdiction of the military courts.¹⁶⁹ The Law on Military Prosecutor also

¹⁵⁹ FRY Law on Military Courts, Exhibit K2725, Art. 1.

¹⁶⁰ FRY Law on Military Courts, Exhibit K2725, Art. 10.

¹⁶¹ FRY Law on Military Courts, Exhibit K2725, Arts. 74-76.

¹⁶² "The Yugoslav Army And Kosovo And Metohija, 1998-1999: The Application of Rules of the International Law of Armed Conflicts," Exhibit K2277, ERN 0303-9554-0303-9736 at 9632-33.

¹⁶³ FRY Law on Military Prosecutors, Exhibit K2725.

¹⁶⁴ FRY Law on Military Prosecutors, Exhibit K2725, Art. 1.

¹⁶⁵ FRY Law on Military Prosecutors, Exhibit K2725, Art. 2.

¹⁶⁶ FRY Law on Military Prosecutors, Exhibit K2725, Art. 2.

¹⁶⁷ FRY Law on Military Prosecutors, Exhibit K2725, Arts. 3, 18.

¹⁶⁸ FRY Law on Military Prosecutors, Exhibit K2725, Art. 4.

¹⁶⁹ FRY Law on Military Prosecutors, Exhibit K2725, Arts. 6-9.

...contains provisions relating to the work of military prosecutors in times of war. At such times the military prosecutors of first instance cease to work, and the Supreme Military Prosecutor instead establishes military prosecutors of first instance at various military commands.¹⁷¹ Furthermore, in times of war the FRY President may appoint and remove military prosecutors at the proposal of the Chief of Staff of the Supreme Command.¹⁷²

Regulations on the Application of International Laws of War in the Armed Forces of the SFRY¹⁷³

89. "Regulations on the Application of International Laws of War in the Armed Forces of the SFRY" lays out the FRY's obligations under and commitment to international humanitarian law. Comprising an introduction, the 1988 "Order on the Application of the International Laws of War in the Armed Forces of the Socialist Federal Republic of Yugoslavia" and the 1988 "Instructions on the Application of the International Laws of War in the Armed Forces of the Socialist Federal Republic of Yugoslavia," the regulations address both the substance of the FRY's international legal obligations and their implementation within the chain of command.

90. The introduction first affirms the FRY's commitment to and obligations under the "international laws of war":

As a member of the international community of States, Yugoslavia accepts the rules of the international laws of war. Respect for these rules is consonant with its general commitment to abide by rules which rest on humane sensibilities when treating victims of war.¹⁷⁴

¹⁷⁰ FRY Law on Military Prosecutors, Exhibit K2725, Arts. 36.

¹⁷¹ FRY Law on Military Prosecutors, Exhibit K2725, Arts. 36.

¹⁷² FRY Law on Military Prosecutors, Exhibit K2725, Arts. 37.

¹⁷³ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988. *Note* that this military regulation remained in effect after the country's name changed from the SFRY to the FRY – it is cited in 1998 and 1999 VJ orders provided in a book that reviewed the conduct of the VJ in 1998-99 in Kosovo. This book is Exhibit 2277.

¹⁷⁴ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7690, "Introduction."

91. The Instructions further recognise the many international humanitarian law treaties that the FRY has ratified as well as those it deems part of customary international law. These include, *inter alia*, the Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions, and the 1977 Additional Protocols to the Geneva Conventions. More generally, the Instructions express the opinion of the FRY that "the international community considers a violation of the laws of war an attack on the common good".

The parties to a conflict shall have the duty to prevent violations of the laws of war with every means at their disposal and to call transgressors to account and punish them, irrespective of their nationality.

In their regulations even in peacetime, States have the duty to define serious violations of the law of war as criminal offences.¹⁷⁷

92. In the case of FRY service members who violate the laws of the war, the Instructions specify that the FRY military courts enjoy jurisdiction.¹⁷⁸ In establishing individual criminal responsibility for war crimes, however, they also recognise the jurisdiction of international tribunals:

Every individual — a member of the military or a civilian — shall be personally accountable for violations of the laws of war if he/she commits a violation himself/herself or orders one to be committed. Ignorance of the provisions of the laws of war does not exonerate the transgressors from liability.

Persons who commit a war crime, or any other grave violation of the laws of war, shall be criminally accountable before their national courts or, if they fall into enemy hands, before the courts of the enemy.

¹⁷⁵ See Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7695, "Instructions," paras. 9-10.

¹⁷⁶ See Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7695, "Instructions," para. 9.

¹⁷⁷ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7698, "Instructions," para. 18.

¹⁷⁸ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7705, "Instructions," para. 37.

perpetrators of such criminal acts may also answer before an international court, if such a court has been established.

A person organising, inciting or assisting in the commission of a violation of the laws of war, or an accomplice in the same, shall also be held responsible as a perpetrator.¹⁷⁹

93. The Instructions thus recognise the law of war as binding on the armed forces of the FRY.

94. The Instructions also address the question of when the laws of war apply. Articles 39 through 43 deal with the inception of a state of armed conflict and the subsequent application of the law of armed conflict. For the purposes of FRY law, armed conflict begins at the moment a state or states commence an armed attack against the FRY,¹⁸⁰ or at the moment the FRY proclaims a state of war.¹⁸¹ In the former circumstance the regulations state that “from the start of the armed conflict the parties to the conflict shall apply the international laws of war.”¹⁸² In the latter circumstance,

Upon the proclamation of a state of war special Yugoslav regulations applicable to such situations and international laws of war shall come into force. The proclamation of a state of war does not have to coincide with the commencement of the armed conflict, but may precede or follow it.¹⁸³

95. As discussed below, the Order and Instructions also stipulate, at various points, minimum standards applicable even in circumstances outside a state of armed conflict.

96. In terms of substantive offences, the Instructions specifically outlaw, *inter alia*, attacks on the civilian population. Listed under a paragraph outlining “War crimes and other serious

¹⁷⁹ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7698-7699, “Instructions,” para. 21.

¹⁸⁰ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7705, “Instructions,” para. 39.

¹⁸¹ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7706, “Instructions,” para. 42.

¹⁸² Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7707, “Instructions,” para. 39.

¹⁸³ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7706, “Instructions,” para. 42.

violations of the laws of war, the prohibition on attacks against a civilian population clearly details the VJ's responsibilities:

War crime against a civilian population: attack on civilians or individual civilian property: indiscriminate attack without a selected target, which hits the civilian population or civilian facilities, in the knowledge that such an attack will cause excessive loss of life; ... killing, torture or inhuman treatment, ... inflicting great suffering or injury to bodily integrity or health, unlawful resettlement or relocation, forcible denationalisation ..., rape, application of measures of intimidation and terror, taking of hostages, collective punishment, unlawful deportation to concentration camps and other unlawful imprisonment, deprivation of the right to a fair and impartial trial, ... confiscation of property, pillage, unlawful and arbitrary destruction of property not justified by military necessity, the taking of unlawful and disproportionately high contributions and requisitions....¹⁸⁴

97. The Instructions also separately list deliberate bombardment of the civilian population as a serious violation of the laws of war,¹⁸⁵ and provide specific protection to civilians as "Persons Not Participating in War Operations":

The civilian population and its property may not be the direct object of combat operations. All civilians who are in the territory of the parties to the conflict shall, irrespective of their nationality, be entitled to this protection.¹⁸⁶

The only exceptions to that rule apply to civilians in military facilities that come under attack; civilians who are with military units; and civilians in the immediate vicinity of a military facility that comes under attack, provided that "the military advantage to be gained by such combat operations and the consequences of such operations on the civilian population" are considered.¹⁸⁷ When an attack on a defended place or a military facility puts a civilian population at risk, and should military necessity permit,

¹⁸⁴ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7702-7703, "Instructions," para. 33(2).

¹⁸⁵ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7703, "Instructions," para. 33(5).

¹⁸⁶ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7703, "Instructions," para. 53.

¹⁸⁷ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7703, "Instructions," para. 54.

188 "commanders must inform the civilian population of the attack beforehand so that they can seek shelter." 189 Commanders must also take "all measures necessary" to prevent the destruction of cultural, religious, and medical facilities. 190

198. The instructions further discuss the question of combatants intermingled with the civilian population. Those individuals who are "led by a person who is responsible for his subordinates," bear a "permanent identification mark which can be seen from a distance," openly bear arms, and abide by the law of war are to be considered an armed force for purposes of application of the laws of war. 190 Even if the government does not recognise an insurgent force, the regulations nevertheless set a baseline for conduct:

In hostilities with insurgents who have not been recognised as a party to the conflict by the government against which they have risen, the rules of domestic law shall apply, but, in any event, the basic rules of humanity must be respected as a minimum. 191

A footnote further defines that baseline as compliance with common Article 3 of the 1949 Geneva Conventions:

The basic rules of humanity which must as a minimum be applied to insurgents in an armed conflict which is not of an international character, are contained in common Article 3 of the 1949 Geneva Conventions.... 192

At the very minimum, the Instructions recognise that the laws of war prohibit reprisals against the civilian population:

¹⁸⁸ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7717, "Instructions," para. 80.

¹⁸⁹ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7717, "Instructions," para. 79.

¹⁹⁰ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7708, "Instructions," para. 48.

¹⁹¹ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7697, "Instructions," para. 17.

¹⁹² Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7698, "Instructions," para. 17, footnote.

The laws of war prohibit the use of reprisals against the following persons and property:

b) against prisoners of war, the sick, the wounded, the shipwrecked or civilians and their property; collective punishment may not be meted out to prisoners of war, the wounded, the sick or civilians, not even as reprisals....¹⁹³

Between the various provisions relating to the protection of civilians, the Instructions establish guidelines and accountability for VJ operations both during peacetime and after declaration of a state of war.

99. Beyond stating the FRY's international legal obligations and outlining when and how those obligations apply, the Regulations also discuss command responsibility for violations of the laws of war. The Order on the Application of the International Laws of War in the Armed Forces of the FRY outlines both superior and subordinate responsibility for compliance with the laws of war:

The commanders of units and every individual member of the armed forces shall be responsible for the application of the international laws of war.

The officer in charge shall institute proceedings against persons who violate the international laws of war for the pronouncement of the penalties prescribed by the law.¹⁹⁴

100. The Instructions further specify a commander's responsibility for the actions of subordinates:

An officer shall be personally liable for violations of the laws of war if he knew or could have known that units subordinate to him or other units or individuals were planning the commission of such violations, and, at a time when it was still possible to prevent their commission, failed to take measures to prevent such violations. That officer shall also be held personally liable

¹⁹³ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7702, "Instructions," para. 31.

¹⁹⁴ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7690, "Order," para. 3.

who, aware that violations of the laws of war have been committed, fails to institute disciplinary or criminal proceedings against the offender, or, if instituting of proceedings does not fall within his jurisdiction, fails to report the violation to his superior officer.

An officer shall be answerable as an accomplice or instigator if by failure to take action against his subordinates who violate the law of war he contributes to repeated commission of such acts by units or individuals subordinated to him.¹⁹⁵

101. Consistent with their liability for the acts of subordinates, officers also bear a responsibility to report violations of the laws of war and to prevent their recurrence:

A Yugoslav officer who learns of violations of the laws of war shall order that the circumstances and facts surrounding the violation be investigated and the necessary evidence collected....

If it is established that a member of the armed forces of the FRY, a Yugoslav citizen or a person residing in the FRY has committed violations of the laws of war which are subject to criminal prosecution, the collected information and evidence shall be submitted to the military prosecutor directly or through the superior officer and the necessary measures taken to prevent further violations of the laws of war.¹⁹⁶

102. Following the Instructions, commanders bear liability for the actions of their subordinates, and may themselves be held responsible for a failure to prevent or punish crimes that occur under their command.

SECTION 7 – PROMOTIONS, COMMENDATIONS & APPOINTMENTS

¹⁹⁵ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7699, "Instructions," para. 21.

¹⁹⁶ Regulations on the Application of International Laws of War in the Armed Forces of the SFRY, 1988, ERN 0080-7685-0080-7768 at 7704-05, "Instructions," para. 36.

103. As President of the FRY, Milošević had the responsibility and authority to appoint, dismiss, and promote senior VJ officers. Article 136 of the FRY Constitution and Article 16 of Law on the VJ outline those powers.

Article 136

The President of the Republic shall appoint, promote and dismiss from service officers of the Army of Yugoslavia stipulated by federal law; shall appoint and dismiss the president, judges, and judge assessors of military tribunals and military prosecutors.¹⁹⁷

Article 16

Generals and commanding officers performing duties for which the rank of general has been determined in the establishment shall be appointed to positions by the President of the Republic. Other officers, non-commissioned officers and soldiers shall be appointed to positions in the Army by the Chief of the General Staff or a commanding officer authorised by him, and in the Federal Ministry of Defence by the Federal Minister of Defence or a commanding officer authorised by him....¹⁹⁸

104. Part II of this Report, Kosovo: Operations Narrative, will show how Milošević exercised this authority with the most important positions in the VJ before, during, and after the state of war in 1999.

SECTION 8 – CONCLUSIONS

105. In 1998-99 the VJ was a professional, heavily-armed, organised military force with well-established doctrine. It was supplemented by the Military-Territorial organisation which provided personnel for VJ units and formed its own combat units. The VJ and Military-Territorial units operated within a clear constitutional, legal, and regulatory framework from which a simple, unbroken chain-of-command was derived. At the top of the chain-of-command was President Milošević under whose authority these military forces could conduct operations.

¹⁹⁷ Exhibit K1097 ERN 0046-1735-0046-1844 FRY Constitution 1992, Sect VIII, art 136

¹⁹⁸ Exhibit K 1101 ERN 0046-0639-0046-0680 (English translation ERN 0300-1302-0300-1395) FRY Law on the Army of Yugoslavia 1994

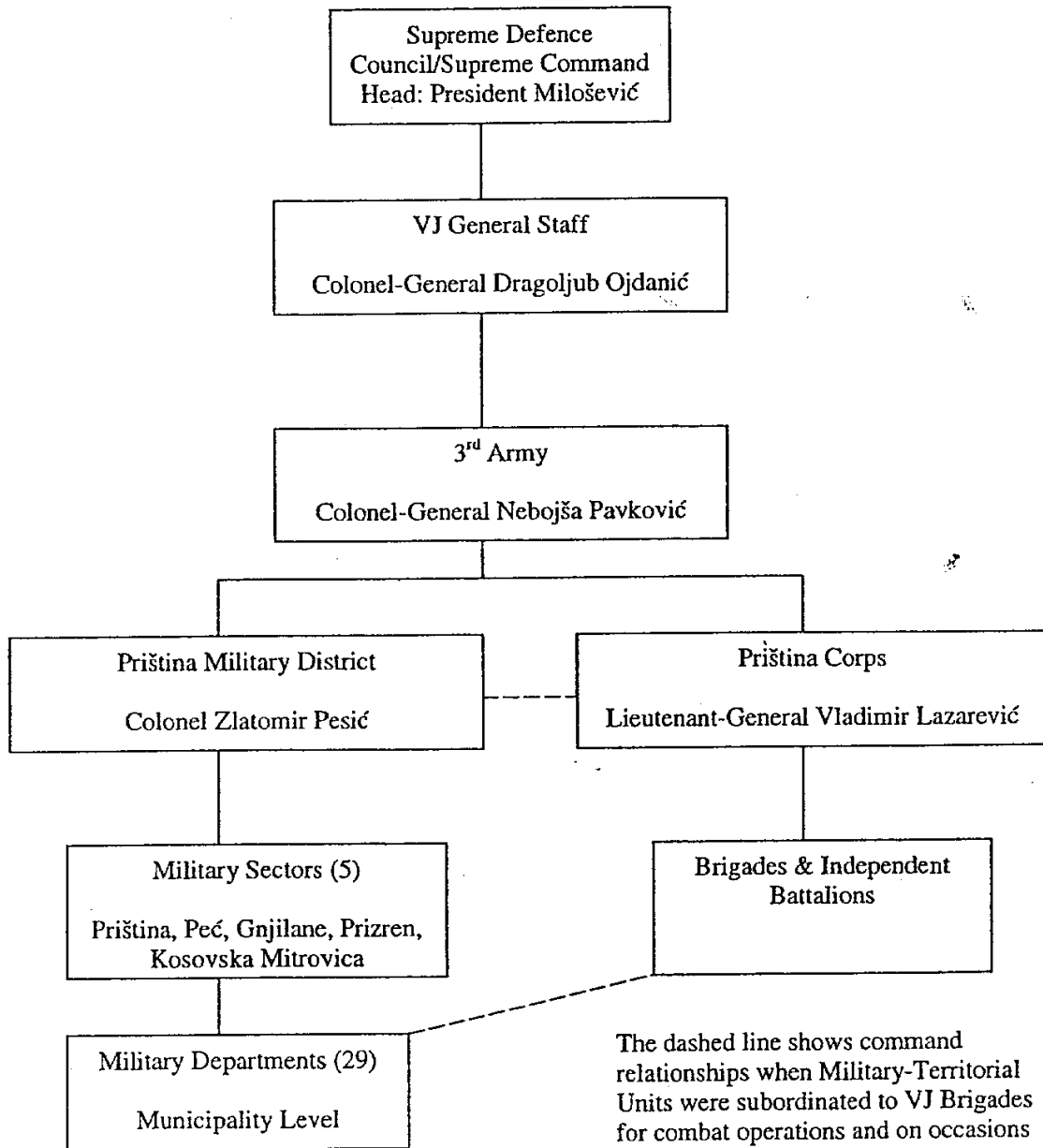
106. The chain of command for Kosovo operations by the VJ ran from President Milošević to the Chief of the VJ General Staff to the 3rd Army to Priština Corps and then to the units subordinate to Priština Corps (primarily brigades). Priština Corps' area of responsibility was Kosovo. At the height of the conflict in 1999, the Corps had at least 12 Brigades and a number of smaller units in Kosovo.

107. The Military-Territorial system was represented in Kosovo by the Priština Military District and its subordinate units. Military-Territorial units tied into the VJ chain of command leading to President Milošević at levels from the 3rd Army down; the level at which the connection occurred depended on the task.

108. Commanding and controlling a force of that size demanded a functioning chain-of-command and clear direction. The VJ had, and was mandated to employ, commonly-accepted principles of command, the two most important of which were unity of command and singleness of command.

109. In addition to a clear chain-of-command, the VJ and Military-Territorial units operated under very precise legal provisions to obey the law of armed conflict and international humanitarian law. All military personnel were bound by these provisions. Additionally, command responsibility was fully enshrined in FRY laws and regulations. Ultimate authority and responsibility for military discipline were vested in the FRY President as the commander of the VJ.

Organisation of FRY Military Forces Associated With Kosovo¹⁹⁹



¹⁹⁹ This organisation diagram is derived from the narrative of Part I (A) of this report. It only shows the major units directly involved in Kosovo.

FEDERAL REPUBLIC OF SERBIA MINISTRY OF INTERNAL AFFAIRS: ORGANISATION & COMMAND

SUMMARY

Three Ministry of Internal Affairs (MUP) organisations existed in the FRY: the Federal MUP, the Serbian MUP, and the Montenegrin MUP. It is assessed that only the MUP of the Republic of Serbia had any relevance to Kosovo in 1998 –1999. Consequently, any reference to the MUP in this report, unless stated otherwise, should be understood to mean the Serbian MUP. The FRY MUP had neither the resources nor the mandate to conduct the operations alleged in the indictment.

The Minister of Internal Affairs had legal authority over the MUP. In 1998-1999 Vljeko Stojiljković, a co-accused in the indictment of Slobodan Milošević for events in Kosovo, was the Minister of Internal Affairs. The MUP consisted of two divisions: the State Security Division (RDB) and the Public Security Division (RJB). During the indictment period Radomir Marković was Head of the RDB with responsibility for counter-intelligence and counter-subversion, and Vlastimir Đorđević was Head of the RJB the mandate of which was the maintenance of law and order in Serbia.

In Kosovo, the RJB's chain of command ran from ministry headquarters in Belgrade to the MUP Staff for Kosovo & Metohija (hereinafter "MUP Staff") which commanded the seven Secretariats of Internal Affairs (SUPs) in Kosovo. The SUPs controlled a number of subordinate headquarters known as OUPs, which in turn controlled Police Stations in each of Kosovo's 29 municipalities. Details on the RDB are sketchier, consistent with that division's function and its secretive operational posture: to protect the state from subversion and threats to the constitutional order. The RDB had operatives and staffs at the SUP level in Kosovo, as well as an elite special operations unit, the JSO.

On a functional basis, the RJB headquarters at the Ministry, SUP, and OUP levels had "Administrations" which were departments responsible for specific aspects of MUP operations falling under a particular headquarters. In terms of MUP operations in Kosovo, the most important Administrations were the Police Administration and the Duty Operations Centre. The Police Administration had broad responsibility for all regular police units, other than the traffic police, as well as the RJB special units: the Special Police Unit (PJP) and the Special Anti-Terrorist Unit (SAJ). The Duty Operations Centre provided a means for senior

MUP officials to remain aware of the activities of field headquarters and units. It is assessed that the RDB had a similar functional division.

In October 1998 the MUP had approximately 14,000 personnel in Kosovo and was required to reduce this to peacetime levels under the 25 October 1998 Statement agreed to by the FRY, Serbia, and NATO. There is no reason to believe that the number differed significantly from the figure of 14,000 during the period of the indictment. A high proportion of these were special MUP units equipped with armoured vehicles and heavy weapons systems such as mortars and heavy machineguns.

Legislation and regulations permitted authorised MUP officials and superiors to exercise command within "organisational units" at various levels of the MUP hierarchy. In Kosovo, for example, the MUP Staff was an *ad hoc* organisational unit with command responsibility for MUP units in Kosovo. From June 1998 to June 1999, MUP Major-General Sreten Lukić commanded the MUP Staff. General Lukić and his headquarters staff remained informed of MUP activities in Kosovo and in turn reported to the heads of the RJB and RDB as well as the Assistant Minister responsible for MUP special units.

The MUP had disciplinary regulations that set out the responsibilities of superiors and subordinates for both their own actions and the actions of others. Special provisions that came into effect during wartime reinforced these obligations. For example, wartime legislation prohibited MUP officials from exhibiting national, racial, or religious intolerance.

SECTION 1 - INTRODUCTION

1. The purpose of this report is to outline the structure of the Republic of Serbia's (or "Serbia") Ministry of Internal Affairs¹ (*Ministarstvo unutrašnjih poslova*, or MUP) during the conflict in Kosovo in 1998 -1999 and to describe the means of commanding and controlling the MUP. It will address the issue of the authority of the FRY President (Milošević) over the Serbian MUP only superficially, with more detail appearing in the Kosovo Operations Narrative report.

SECTION 2 – LEGAL FOUNDATION OF THE MUP & ROLES

2. Although the FRY had three Ministries of Internal Affairs - the Federal Ministry of Internal Affairs, the Serbian Ministry of Internal Affairs, and the Montenegrin Ministry of

¹ Also referred to as the Ministry of the Interior

Internal Affairs – this report focuses only on the Serbian MUP; it is assessed that only the Serbian MUP was associated with events in Kosovo relevant to the indictment. Henceforth, all references to MUP should be interpreted as denoting the Serbian MUP unless stated otherwise.

Republican police and security organs operated under the Ministry of Internal Affairs, whose jurisdiction and mandate were established by law, and included a wide variety of policing, public safety, border protection, and administrative functions, as well as duties to protect public order:

Article 1

Internal affairs are affairs established by law conducted by the competent republican organs in order to ensure the safety of the Republic, its citizens and the exercise of their constitutional and other legal rights.

The Ministry of the Interior shall conduct the internal affairs of the State administration.

Specific internal affairs may be entrusted to other organs and organisations.²

A more detailed description of the MUP's mandate appears elsewhere in Serbian legislation:

The Ministry of the Interior shall perform the duties of the State administration that refer to protection of the security of the Republic of Serbia and detection and prevention of activities aimed at the destabilisation and overthrow of the constitutional system; protection of human lives, safety of persons and property; the prevention and detection of criminal acts and detection and capture of perpetrators of criminal acts and their transfer to applicable authorities; the maintenance of public law and order; the guarding of rallies and other public gatherings; the guarding of certain persons and buildings; traffic safety; border crossing control; the monitoring of movements and visits in border areas; the monitoring of movements and visits of foreigners; procurement, possession and carrying of

1.3.1.1. the production, sale and transport of explosives, inflammable liquids and gases; fire protection; citizenship; personal code numbers of citizens; identity cards; passports; the temporary and permanent residence of citizens; the training of personnel and other duties under the law.

14. In addition to the tasks typically associated with police forces, the Serbian MUP could also be used in combat roles. The FRY Law on Defence states that the MUP may have a combat role during times of war or national emergency:

Article 17

In case of an imminent threat of war, a state of war or a state of emergency, units and organs of Internal Affairs can be used to carry out combat assignments, i.e., engage in combat or offer armed resistance. In carrying out their combat assignments, these units and organs shall be subordinate to the officer of the Armed Forces of Yugoslavia who is commanding combat operations.⁴

5. The issue of MUP subordination to the VJ receives further discussion in Part II of this report: Kosovo Operations Narrative. That report also addresses the use of MUP units in combat operations and demonstrates not only how common this was, but that how combat operations were often conducted in concert with the military.

SECTION 3 - ORGANISATION

6. The MUP was principally comprised of two Divisions:

- **State Security Division - RDB** (sometimes referred to by the older term, SDB);
and

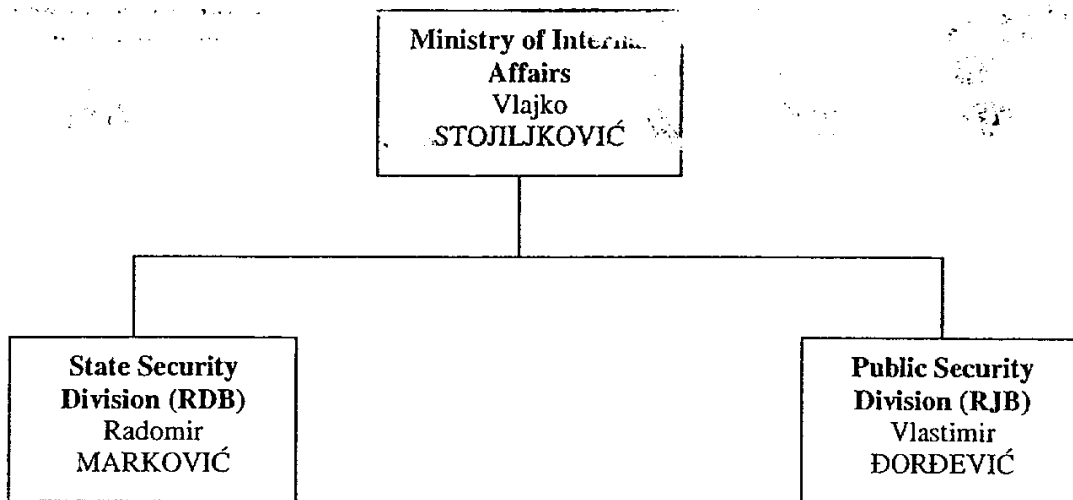
² Exhibit K1096 ERN 0078-1337-0078-1343, Law on Internal Affairs, *Official Gazette of the Republic of Serbia* no. 54/9

³ Exhibit K2449, ERN 0046-1953-0046-1953 (translation, ERN 0046-1944), at 15, Decree on Coming into Force of the Law on Amendments and Modifications of the Law on Ministries; Law on Amendments and Modifications of the Law on Ministries) PR number 04, Belgrade, 19 July 1991, SLUŽBENI GLASNIK RS, XLVII, No. 44 (25 July 1991), at 1727

Compare the Ministry's own statement concerning its jurisdiction on its Web page, which is almost identical with this list, available at <http://www.mup.sr.gov.yu/domino/mup.nsf/pages...> (page entitled "nadležnost").

⁴ Exhibit K1102, ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

- **Public Security Division - RJB** (sometimes referred to by the older term SJB)



7. As befitted its more secretive mandate, the RDB did not make much documentation available publicly. It had a set of rules of procedure separate to those of the RJB, according to MUP documentation:

Organisational units of the Ministry assigned to perform tasks relating to state security of the Republic of Serbia and the prevention of activities aimed at undermining or overthrowing the constitutionally established order, their sphere of activity, organisation and other issues mentioned in paragraph 1 of this Article pertaining to the State Security Service Department /Resor/, shall be established by separate Rules.⁶

Partly as a consequence of this security surrounding the RDB, most of the information presented below pertains to the RJB and is identified as such.

RJB - Organisation at the Ministry Level

8. At the Ministry level in Belgrade, the RJB was divided into a number of Administrations all reporting to the Head of the RJB (who, in turn, reported to the Minister). The more

⁵ Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. 3.

⁶ Exhibit K1099, ERN K000-6503 - K000-6569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs of the Republic of Serbia*, January 1993, pp. 3

7 The relevant Administrations were the Police Administration, Duty Operations Centre, and the
8 Administration for Foreign Nationals, Border and Administrative Affairs.⁷

9 **Police Administration:** As the principal organisational unit for public security and
10 policing functions, the Police Administration was responsible for

11 ... securing and preparing organisational units and police employees within
12 secretariats and separate police units for tasks involving the protection of
13 citizens and their property, public law and order...within the framework of
14 the compartmentalised method of work."¹⁰

15 While many of the Police Administration's tasks involved training, equipment, support,
16 and mobilisation,¹¹ the Police Administration also had an operational role:

17 The Police Administration shall organise, and if necessary, carry out
18 directly the following duties: prevention of disturbances and
19 reinstating public law and order in cases of major disturbances,
20 providing security for gatherings and other forms of assembly of
21 citizens and heightened security measures on such or similar
22 occasions...and other tasks in cases which call for co-ordinated
23 action and the recruitment of a large number of policemen and police
24 units.¹²

25 The Police Administration also bore responsibility for:

26 ...establish[ing] the organisation and total strength of the police in the event
27 of an imminent threat of war or in wartime."¹³

⁷ Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. Art 13.

⁸ Exhibit K1174, ERN K000-0249 - K000-0252, *Amendments to the Book of Regulations on the Internal Organisation of the Ministry of the Interior*, 19 April 1996

⁹ Exhibit K1099, ERN K000-6503-K000-6569, *Rules Establishing the Internal Organization of the Ministry of the Interior*, January 1994

¹⁰ Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. 14 (1).

¹¹ See generally Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. 14.

¹² Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. 14 (1), ERN L001-8412; but see Priština SUP Rules (original), Art. 14 (1), ERN K000-6515 (suggesting the use of "such or similar occasions" where the translation has "such occasions or similar").

¹³ Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. 14 (2).

Significantly, the Police Administration included the office responsible for RJB special units, namely the PJP and SAI, both discussed below.

10. Duty Operations Centre:¹⁴ The RJB maintained an Operations Centre with status equal to that of an Administration.¹⁵ The Centre “ensur[ed] uninterrupted monitoring of developments and events and timely briefing and action in carrying out tasks within the purview of the Public Security Division.”¹⁶ Its tasks included monitoring and forwarding operational information through the chain of command, maintaining communication with operational centres within the Ministry and SUPs, transmitting coded messages and other mail, and establishing special teams to examine security developments.¹⁷

The significance of the Duty Operations Centre is that it served as a focal point for much of the RJB reporting thereby providing the MUP leadership with ready access to the activities of subordinate units. This would have facilitated the capability of the Minister to make fully informed decisions including those concerning joint operations with the VJ.

11. Administration for Foreign Nationals, Border and Administrative Affairs: This Administration in the Ministry was responsible for border control issues including passports and other documentation as well as physical control and monitoring at border crossings:

...It shall monitor and examine the situation on the state border and in border areas; co-ordinate secretariat's work in areas within its competence in connection with the protection of the state border in the depth /of the territory/; it shall carry out tasks relating to crossing the state border ...; it shall carry out certain tasks in connection with: requests for permanent residence by foreign nationals, resolution of the status of refugees and accommodation of persons in reception centres, the issuance of passports and visas, and the discovery and prevention of abuses of travel documents, the registration, release from and establishment of citizenship, ...; it shall carry

¹⁴ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 16; Priština SUP Rules (original), Art. 16.

¹⁵ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 13, (listing the Administration and the Center together).

¹⁶ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 16.

¹⁷ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 16.

...tasks relating to: ...citizens' personal identification number, identification cards and other domestic administrative matters: ... it shall ensure the application of laws and other enactments regulating the subject matter within the purview of the Administration

The Administration for Foreign Nationals, Border and Administrative Affairs shall consist of: the Department for Border Affairs, the Department for Foreign Nationals and Passports and the Department for Administrative Affairs.

The Department for Border Affairs shall consist of the Section for the Organisation and Functioning of Police Stations that Control State Border Crossings and the Section for Border Affairs and Police Stations that Control State Border crossings.¹⁸

SECTION 4 - REGIONAL ORGANISATION OF THE RJB

12. The RJB operated via a hierarchy of regional headquarters reporting, ultimately, to the Ministry in Belgrade:

(a) **Secretariats (SUPs):** Secretariats of Internal Affairs were responsible for designated regions of Serbia. An individual SUP had jurisdiction over several municipalities; in Kosovo, for example, seven SUPs together covered 29 municipalities.¹⁹

SUPs organised and managed the work of their subordinate departments (OUP, see below) and police stations (PS, see below)²⁰ and generally bore responsibility for:

...the security situation in the area for which they have been established.²¹

The MUP had seven SUPs in Kosovo, each known by the location of its headquarters: Priština, Kosovska Mitrovica, Peć, Prizren, Uroševac, Gnjilane, and Đakovica.²²

¹⁸ Exhibit K1099, ERN K000-6503-K000-6569, *Rules Establishing the Internal Organization of the Ministry of the Interior*, January 1994

¹⁹ Exhibit K1174, ERN K000-0249 – K000-0252, *Amendments to the Book of Regulations on the Internal Organisation of the Ministry of the Interior*, 19 April 1996

²⁰ Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. 12 (2), ERN L001-8410.

²¹ Exhibit K1099, ERN K000-6501 – K000-6569 (English translation L001-8410), *Priština SUP Rules*, Art. 12 (1), 1993.

²² Exhibit K1408, ERN K009-4768-K009-4773, *Review of the number of police in Kosovo*, 16 October 1998

At the municipality level, below each SUP, the MUP hierarchy included a Department of Internal Affairs (OUPs) and, subordinate to the OUPs, police stations or sub-stations (referred to as PS).²³ Annex B-1 provides a graphical representation of the seven SUPs covering Kosovo's 29 municipalities.

(b) **Municipal MUP Stations (OUPs):** Generally, each municipality had an OUP subordinate to the SUP with responsibility for that municipality. OUPs generally shared the same general functions as a SUP, but on a smaller territory.²⁴

(c) **Police Stations or Sub-Stations ("PS"):** Each OUP had up to six police stations (PS²⁵) located within its territory of responsibility. Sub-stations also shared the same general functions²⁶ as a SUP or an OUP, but on a yet smaller territory.²⁷

(d) **Ad hoc groupings:** Heads of Divisions and Chiefs of SUPs had authority to establish permanent or *ad hoc* "staffs, commissions, task forces and other working groups...to carry out certain more complex assignments which require co-ordinated work of highly specialised employees coming from two or more organisational units within the [D]ivision [and] secretariat."²⁸ The MUP Staff for Kosovo and Metohija provides an example of such an *ad hoc* unit; established by the Chief of the Public Security Division, it operated in Priština, Kosovo, under the command of Major-General Sreten Lukić. Further details on the MUP Staff appear below. It was one of two regional MUP staffs: The MUP Staff in Kosovo (from 15 April 1994 through June 1999)²⁹, and in Prijepolje (in 1996, at least)³⁰, acting as RJB headquarters at a level immediately below the Ministry. These, it is

²³ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 4, 8-12.

In 1996, terminology changes meant that the term "milicija" was replaced by "policija"

²⁴ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 5 (1), at 12.

²⁵ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 4, at 9-12.

²⁶ That is, Article 2 of the Priština SUP Rules.

²⁷ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 5 (1), at 12.

²⁸ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 10 (1), *but see* Priština SUP Rules (original), Art 10 (1), K000-6513 (suggesting the use of "[D]ivision *and* secretariat" where the translation has "[D]ivision of the secretariat").

²⁹ Exhibit K1208, ERN K009-2512-K009-2513, *Tasks and Assignments of Priština MUP Staff*, 23 January 1998, from the Public Security Department, Serbia, to Ministry Staff in Priština and Kosovo SUP's, Signed by V. ĐORĐEVIĆ.

Refers to *Decision on the Establishment of the Ministry's Staff in Priština*, 01 strictly confidential Number 2973/93, 15 April 1994

³⁰ Exhibit K1174, ERN K000-0249 - K000-0252, Amendments to the *Book of Regulations on the Internal Organisation of the Ministry of the Interior*, 19 April 1996

assessed, were intended as a means of co-ordinating RJB responses to security problems affecting the areas of responsibility of more than one Secretariat of Internal Affairs (see below).³¹

13. Annex B-2 is drawn from a MUP document and provides a schematic representation of the RJB's regional division in Kosovo. Note, however, that the diagram does not show the MUP Staff, nor does it represent special units other than the SAJ in their entirety. It is assessed that this is because, *inter alia*, the MUP Staff was not a permanent headquarters and because some special units (e.g. PJP) were normally integrated into SUP's. These special units will receive more attention both elsewhere in this report and in Part II of this report, Kosovo Operations Narrative. Misleadingly, the chart uses "PS" to represent both OUPs and actual Police Stations. But this should not detract from the document's most relevant purpose: to display the seven SUP's and the municipalities for which they were responsible.

14. Finally, in terms of force strength, an October 1998 MUP document put the total number of MUP personnel in Kosovo at that time at about 14,000.³² While difficult to estimate a figure for 1999, it is assessed that the number would not have differed significantly from 14,000 given the operational requirements during the conflict with NATO in particular. More important than the absolute number of MUP officials in Kosovo, however, was the high number of heavily-armed MUP special units equipped with heavy weapons systems such as mortars, and armoured vehicles.

RJB - Organization within SUP's

15. The following organisational units existed within SUP's:

- (a) Department for Police Matters;³³
- (b) Crime Prevention Department;³⁴

Amendments addressed to MUP Staffs Priština and Prijepolje

³¹ Exhibit K1099, ERN K000-6503 - K000-6569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 10 (1), *but see* Priština SUP Rules (original), Art 10 (1), K000-6513 (suggesting the use of "[D]ivision and secretariat" where the translation has "[D]ivision of the secretariat").

³² Exhibit K1408, ERN K009-4768-K009-4773, Review of the number of police in Kosovo, 16 October 1998

³³ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, Art. 38 (2). In Gnjilane, Kosovska Mitrovica, and Uroševac, a Section.

- (c) Road Traffic Safety Department;
- (d) Section for Foreign Nationals, Travel Documents, and Weapons;
- (e) Section for Other Internal Matters;
- (f) Section for Fire Prevention and Technical Protection;
- (g) Section for Analysis, Informatics and Records;
- (h) Section for Communications and Cryptographic Protection;⁴⁰
- (i) Department for General Administrative Services.

16. Within a SUP, the Department for Police Matters had primary responsibility for public security and policing functions:

Department for Police Matters...shall directly organise and perform: tasks involving operations and prevention, public law and order, protection of citizens and their property; providing security of personalities and facilities; tasks involving preparations of the reserve corps; other tasks performed by police employees within their sector of work, operations duty, government-related tasks and those involving violations in the area of public law and order...A Department⁴¹ shall plan, organise and provide expert assistance to all police units comprised by the Secretariat. It shall...plan and organise the use of police units in the event of major disturbances of public law and order, in natural disasters and other emergency situations. It shall prepare plans,

³⁴ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, Art. 38 (2). In Gnjilane, Kosovska Mitrovica, and Uroševac, a Section.

³⁵ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, Art. 38 (2). In Gnjilane, Kosovska Mitrovica, and Uroševac, a Section.

³⁶ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, Art. 38 (1). In Priština, a Department. Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, Art. 38 (2). In Peć, Prizren, Uroševac, and Gnjilane, a Section for Border Matters, Foreign Nationals, Travel Documents and Weapons (thus, including border matters). As Đakovica became a SUP sometime after 1992 and before 1998, it probably had a section including border matters as well.

³⁷ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 38 (1). In Priština, a Department.

³⁸ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 38 (1). In Priština, a Department.

³⁹ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 38 (1). In Priština, a Department.

⁴⁰ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 38 (1). In Priština, a Department.

... to organise and direct security-related tasks and the use of police units in carrying out those tasks... It shall take measures to improve the legality of the police work, as well as the conduct of police employees in their dealings with citizens. It shall monitor the violations of public law and order and directly engage in suppressing serious offences, and it shall take other measures to ensure a stable public law and order on the territory of the secretariat.⁴²

17. The Department for Police Matters also had specific functions during extraordinary states:

It shall organise and carry out preparations for defence of the secretariat in the event of an imminent threat of war or in wartime. It shall establish the organisation and police manpower levels in the event of an imminent threat of war or in wartime. . . . It shall organise preparations and participate in planning the use of the police in wartime, in an imminent threat of war or in the event of a state of emergency.⁴³

Finally, and notably, certain Departments of Police Matters, including the department at the Priština SUP, also bore responsibility for “security in railway transport[.]”^{44,45,46} This has implications for deportation charges against the accused.

RJB Special Units

18. In this report, the term “special police” is loosely defined as units with roles involving armed combat. Such units received special training and were more heavily armed than “normal” police (e.g. traffic police, crime investigators). Their existence was mandated by the Minister of Internal Affairs acting in accordance with Rules on the Internal Organisation of the MUP:

Article 6

⁴¹ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, (original), Art. 39 (1).

⁴² Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 39 (1).

⁴³ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia, January 1993, , Art. 39 (1).

⁴⁴ Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs of the Republic of Serbia, January 1993, , Art. 39 (1), (the others being Kraljevo, Niš, Novi Sad, and Užice).

⁴⁵ Exhibit K1408, ERN K009-4768-K009-4773, Overview of the number of police in Kosovo, 16 October 1998

⁴⁶ Exhibit K1408, ERN K009-4768-K009-4773, Overview of the Number of Police in Kosovo, 16 October 1998

In addition to organisational units established by these Rules, the Minister of the Interior (hereinafter: Minister) shall establish separate and special purpose police units, operative groups and other separate units to perform tasks described in Article 2 of these Rules.⁴⁷

19. The RJB of the Serbian MUP possessed at least two special units: the Special Anti-Terrorist Unit (SAJ) and the Special Police Unit (PJP). The PJP included a sub-unit known as the OPG (expansion unknown).⁴⁸ Also, PJP Intervention Brigades and a Mechanised Brigade operated in Kosovo.^{49,50,51}

20. Overall command of the PJP came under Assistant Minister Lieutenant-Colonel General Obrad Stevanović, who reported directly to Vljako Stojiljković (deceased), Minister of Internal Affairs and co-accused in the case against Milošević in regard to Kosovo.⁵²

21. Detachments of the PJP existed within SUP's and included regular and reserve components.^{53,54} In Kosovo, the PJP formed a heavily armed police force equipped much like a military light infantry unit. The PJP had mortars, armoured personnel carriers, and other heavy weapons.⁵⁵ Members wore either a blue camouflage uniform or a newer-issue green camouflage uniform.

⁴⁷ Exhibit K1099, ERN K000-6503-K000-6569, *Rules Establishing the Internal Organization of the Ministry of the Interior*, January 1994

⁴⁸ Exhibit K1874, ERN K010-8244-K010-8251, Allowance Sheet for Special Police Units 15-31 March 1999, Đakovica SUP, 8 April 1999

⁴⁹ K010-9507 - K010-9508, Telephone List of the Priština SUP

⁵⁰ Exhibit K2286, K003-1991- K010-1996

VJ provided training on the M-80 for members of the MUP Mechanised Brigade. Also mentions a Mechanised platoon in Peć suggesting the Brigade's sub-units were deployed.

⁵¹ Exhibit K1874 ERN K010-8244-K010-8251, Allowance Sheet for Special Police Units 15-31 March 1999, Đakovica SUP, 8 April 1999

⁵² Exhibit K1437, Press Profiles New Police Ministers FBIS translation FTS19981107000534; Belgrade Vecernje Novosti in Serbo-Croatian 29 Oct 98 p 5
Obrad Stevanovic, a Serbian deputy interior minister, is the commander of Special Police Forces (PJP).

⁵³ Exhibit K1621, ERN K009-4827-K009-4830 English translation 0302-8516-0302-8519), Peć SUP, 24 January 1999

⁵⁴ Exhibit K2281, ERN K000-6625-K000-6695, Annual Workplan of the Priština SUP, January 1999, pp. 37-38

Implement training plans for members of special police units in their active and reserve formations for the 1st and 8th Company of the 124th Intervention Brigade of the PJP, 1st Company of the 74th Detachment of the PJP of the active, and 1st and 2nd Company of the 54th Detachment of the Reserve of the Priština SUP according to the Programme of MUP of the Republic of Serbia.

⁵⁵ Exhibit K2281, ERN K000-6625-K000-6695, Annual Workplan of the Priština SUP, January 1999, pp. 38

22. The SAJ operated as a smaller, more elite, and more lightly armed unit than the PJP.

Although the SAJ appeared in some documents as part of the Priština SUP, it is assessed

that this was primarily for administrative purposes.⁵⁸ The SAJ operated throughout

Kosovo but there is no evidence that it was directed among the SUP's as was the case with

PJP detachments. SAJ personnel wore green camouflage uniforms but a different pattern

to that of the PJP.⁵⁹

23. In addition to regulating official identification, the Law on Internal Affairs also regulated the use of uniforms by the police and other authorised MUP officials:

Article 19

Uniformed members of the police (hereinafter "members of the police") are authorised officials who perform tasks for the protection of the safety of citizens and other internal affairs duties while wearing the prescribed uniform with certain markings.

Members of the police may perform certain tasks wearing civilian clothes.

Where the interest of security or maintenance of law and order so require, other authorised officials shall perform certain duties wearing police uniforms.⁶⁰

Train members of PJPs according to the Programme of the MUP of the Republic of Serbia in how to handle the means of coercion and use specific weapons (sniper, hand-held launchers, RRB /hand-held rocket launcher/, mortars, PATs /anti-aircraft gun/, explosives, explosive charges, anti-personnel pressure-activated mines, safety measures during placement and removal of mines and so on).

⁵⁶ Exhibit K1215, *They Train for Years for an Operation that Takes Several Seconds*, Blic, 13 March 1998, pp. 9, FBIS translation FTS19980315000550

⁵⁷ Exhibit K2281, ERN K000-6625-K000-6695, Annual Workplan of the Priština SUP, January 1999, pp. 103

Train members of PJPs according to the Programme of the MUP of the Republic of Serbia in how to handle the means of coercion and use specific weapons (sniper, hand-held launchers, RRB /hand-held rocket launcher/, mortars, PATs /anti-aircraft gun/, explosives, explosive charges, anti-personnel pressure-activated mines, safety measures during placement and removal of mines and so on).

⁵⁸ Exhibit K1408, ERN K009-4768-K009-4773, Overview of the Number of Police in Kosovo, 16 October 1998

⁵⁹ Exhibit K2368, Serbian Ministry of Internal Affairs website

Reserve Police

24. The MUP had reservists who were given police powers and could be used to augment the regular members of the MUP during crises.

Article 27

In case of an imminent threat of war or war, the Ministry of the Interior shall be brought up to strength with conscripts from the reserve force of the Ministry....⁶¹

Article 28

The Minister may call upon members of the Ministry of the Interior's reserve force to perform certain peace-time duties of the Ministry, in particular to prevent activities aimed at threatening the security of the Republic, disturbances of law and order and attempts to spread disturbances of public law and order, and in order to provide assistance in the event of general hazards caused by natural disasters.

The Minister shall engage members of the reserve force as mentioned in paragraph 1 of this Article for the duration dictated by reasons of security. While engaged in peacetime duties of the Ministry of the Interior, members of the reserve force shall have all the rights and duties of authorised officials and shall be issued official identity cards....⁶²

25. The importance of reserve MUP personnel will become more apparent in the section on local defence in this report.

⁶⁰ Exhibit K1096 ERN 0078-1337-0078-1343, Law on Internal Affairs, *Official Gazette of the Republic of Serbia* no. 54/9

⁶¹ Exhibit K1096 ERN 0078-1337-0078-1343, Law on Internal Affairs, *Official Gazette of the Republic of Serbia* no. 54/9

⁶² Exhibit K1096 ERN 0078-1337-0078-1343, Law on Internal Affairs, *Official Gazette of the Republic of Serbia* no. 54/9

State Security Division (RDB)

26. The State Security Division (RDB) of the MUP, as befits its secretive function,

discouraged public discussion of its mandate and activities. Details on its structure and

operations will be provided by witnesses with direct experience.

27. With regard to operations in Kosovo, two of the RDB's assets deserve special attention: the Special Operations Unit (JSO) and the collection of counter-intelligence officers who would typically operate clandestinely, in plainclothes.⁶³

28. The RDB's internal organisation included representation at the SUP level in Kosovo.⁶⁴

SECTION 5 – COMMAND OF THE MUP

Organisational Unit

29. The concept of the "organisational unit provided the foundation for command within the MUP. Organisational units existed in different sizes and at different levels of the MUP hierarchy. MUP regulations often relied on the concept to describe an official's command responsibility, disciplinary capacity, and position in the hierarchy. With regard to the RJB, rules for SUPs issued in 1992 described the competencies, organisation, headquarters, territorial jurisdiction, management, and methods of programming, planning, and carrying out the tasks of organisational units.⁶⁵ "[H]eads of organisational units" bore responsibility in the first instance for discharging matters within their unit's competence, in accordance with the established rules and unless otherwise provided by a special law.⁶⁶

Minister of Internal Affairs

30. The Minister of Internal Affairs bore responsibility for the work of the Ministry, for which he issued "operational instructions."^{67 68} The Minister established the scope of

⁶³ *Red Berets Unveiled for First Time at Joint Military-Police Exercise*, Novi Sad Dnevnik, 1 November 2001 p. 6, FBIS translation EUP20011102000460

⁶⁴ Exhibit K2177, ERN K010-3141-K010-3141, *A review of events, occurrences and activities of the SUP Uroševac on 15 March 1999 between 0700 and 1700 hours*, Uroševac SUP, 15 March 1999

⁶⁵ Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. 1 (1), ERN L001-8397.

⁶⁶ Exhibit K1103, ERN 0078-1337 - K0078-1343, *Serbian Law on Internal Affairs*, Art. 8 (1).

⁶⁷ Exhibit K1103, ERN 0078-1337 - K0078-1343, *Serbian Law on Internal Affairs*, Art. 7. *See also* Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs or the Republic of Serbia*, January 1993, , Art. 9 (4), (noting that Divisions

operations for each of the Ministry's organisational units" and constituted appeals against decisions made by the head of an organisational unit.

31. Beyond issuing operational instructions, the Minister also decided directly on a number of substantive matters, including the call-up of reservists,⁷² the issuance of regulations governing identification for agents of the Ministry,⁷² the assignment of agents to particular duties,⁷³ the appointment of officers with special duties,⁷⁴ the promotion of agents,⁷⁵ and, during a state of war, the institution of a temporary "protective measure of removal" for persons presenting a threat to the security of the Republic.⁷⁶ The Minister could also order the transfer or temporary assignment of Ministry personnel to another organisation or unit within the Ministry as long as "demanded by the interests of the service."⁷⁷

32. The Minister of Internal Affairs was required to report to the President [of Serbia] and the National Assembly, at their request,⁷⁸ on the work of the Ministry and the security situation in the Republic.⁷⁹

and Administrations may perform "other defence tasks within the purview of the Ministry" as instructed by the Minister under authority of Article 7).

⁶⁸ Exhibit K1185, ERN K010-1824-K010-1840, *Instructions on the Organization and Implementation of Law Enforcement Activities in the Security Sector*, issued by Serbian Ministry of Internal Affairs, 1 July 1997

⁶⁹ Exhibit K1103, ERN 0078-1337 - K0078-1343, Serbian Law on Internal Affairs, Art. 6 (2). Exhibit K1099, ERN K000-6503 - K0006569, Rules Establishing the Internal Organisation of the Ministry of Internal Affairs of the Republic of Serbia, January 1993, , Preamble

⁷⁰ Exhibit K1103, ERN 0078-1337 - K0078-1343, Serbian Law on Internal Affairs, Art. 8 (2).

⁷¹ Exhibit K1103, ERN 0078-1337 - K0078-1343, Serbian Law on Internal Affairs, Art. 28 (1).

⁷² Exhibit K1103, ERN 0078-1337 - K0078-1343, Serbian Law on Internal Affairs, Art. 18 (4) and 26 (6).

⁷³ Exhibit K1103, ERN 0078-1337 - K0078-1343, Serbian Law on Internal Affairs, Art. 26 (2).

⁷⁴ Exhibit K1103, ERN 0078-1337 - K0078-1343, Serbian Law on Internal Affairs, Art. 26 (4) (noting that special identification is issued to officers with special duties "who are so appointed by the Minister.").

⁷⁵ Exhibit K1831, *Minister Promotes 428 Policemen for Activities in Kosovo*, Belgrade Radio, 1400 GMT 27 March 1999, FBIS transcript FTS19990327000620. (The report is dated 27 March, and therefore the promotions were apparently announced before the Day of the Republic, which is 28 March).

⁷⁶ ERN 0073-0598-0073-0599, Official Gazette of Republic of Serbia, Volume 54, No. 17, Belgrade dated 07 April 1999 containing: Order on the Interior Affairs during the war, No. PRS 02/99, 31 March 1999, Art. 3 (1)-(2).

⁷⁷ ERN 0073-0598-0073-0599, Official Gazette of Republic of Serbia, Volume 54, No. 17, Belgrade dated 07 April 1999 containing: Order on the Interior Affairs during the war, No. PRS 02/99, 31 March 1999, Art. 8 (1).

⁷⁸ The wording suggests their *joint* request. See Exhibit K1103, ERN 0078-1337 - K0078-1343, Serbian Law on Internal Affairs, Art. 9.

⁷⁹ Exhibit K1103, ERN 0078-1337 - K0078-1343, Serbian Law on Internal Affairs, Art. 9.

Assistant Minister:

33. Assistant Ministers were appointed and terminated upon the Minister's proposal. Assistant Ministers "help the Minister in the management of special branches of the Ministry."⁸¹ Three key Assistant Ministers, during the relevant time period, were the Head of the RJB (Vlastimir Đorđević), Head of the RDB (Radomir Marković), and Head of the Police Administration in the Ministry (Obrad Stevanović).^{82 83}

Chiefs of Secretariats of Internal Affairs (SUP)

34. The authority of SUP Chiefs can be derived from various direct references and inferred from less direct ones. In essence, they were responsible for MUP operations in the municipalities covered by the SUP. The SUPs organised and managed the work of their subordinate departments (OUP) and police stations (PS)⁸⁴ and generally bore responsibility for:

...the security situation in the area for which they have been established.⁸⁵

Within the scope of their authority, and/or by order of the Minister, the chief of a ... secretariat shall set forth in a document the composition, tasks, deadlines, authorisations and other conditions described in paragraph 1 of this Article of which they shall inform the Minister immediately.⁸⁶

The division of the areas of police stations and traffic police stations (hereinafter: stations) into sectors and their categorisation shall be proposed

⁸⁰ Website of the Ministry of Internal Affairs of the Republic of Serbia, available at <http://www.mup.sr.gov.yu/domino/mup.nsf/pages/rukovodstvo>. . . (page entitled "organizacija").

⁸¹ Website of the Ministry of Internal Affairs of the Republic of Serbia, available at <http://www.mup.sr.gov.yu/domino/mup.nsf/pages/rukovodstvo>. . . (page entitled "organizacija").

⁸² Exhibit K1208, ERN , *Tasks and Assignments of Priština MUP Staff*, 23 January 1998, from the Public Security Department, Serbia, to Ministry Staff in Priština and Kosovo SUP's - Signed by Colonel-General Vlastimir Đorđević with the title "Assistant Minister"

⁸³ Exhibit K1210, ERN K009-2514-K009-2514 - K009-2518, *Information on the conduct of the police force members during armed attacks, as well as information on crimes, misdemeanors and other serious breaches of duty committed by employees of the Department of Public Security of the Republic of Serbia Ministry of the Interior during October - December 1997*, Signed by Lieutenant-General Obrad Stevanović as an Assistant Minister.

⁸⁴ Exhibit K1099, ERN K000-6503 - K0006569, *Rules Establishing the Internal Organisation of the Ministry of Internal Affairs of the Republic of Serbia*, January 1993, , Art. 12 (2), ERN L001-8410.

⁸⁵ Exhibit K1099, ERN K000-6501 - K000-6569 (English translation L001-8410), *Priština SUP Rules*, Art. 12 (1), 1993.

⁸⁶ Exhibit K1099, ERN K000-6503-K000-6569, *Rules Establishing the Internal Organization of the Ministry of the Interior*, January 1994, pp. 11

approved by the Chief of the Secretariat of the Interior (hereinafter: Chief of the Secretariat), and endorsed by the Ministry

35. Below the SUP level, specifically at the level of a Police Station, security sectors were established:

2. A sector shall be set up in the area of a police station and shall encompass a given natural and security locality in which it is possible to monitor the security situation efficiently and organise the implementation of work and tasks falling within the sphere of activity of the Ministry of the Interior of the Republic of Serbia.⁸⁸

36. Command of these sectors followed the hierarchy of units described above:

...29. The planning, organising, guiding and controlling of work in the sector shall be carried out at the level of the secretariats and the stations.

30. The commander of the police station and/or traffic police station (hereinafter: commander) shall be responsible for the overall planning, organisation, guidance and control of work in the sector.

31. The commander i.e. senior officer shall:

1) plan, organise, professionally guide, coordinate and control the performance of the work and duties of members of the police in the sector....⁸⁹

Authorised Officials of the MUP

37. The Serbian Law on Internal Affairs defines who may exercise legal authority as a MUP official, and states that authorised officials shall receive official identification:

⁸⁷ Exhibit K1185, ERN K010-1824-K010-1840, *Instructions on the Organization and Implementation of Law Enforcement Activities in the Security Sector*, issued by Serbian Ministry of Internal Affairs, 1 July 1997, pp. 2

⁸⁸ Exhibit K1185, ERN K010-1824-K010-1840, *Instructions on the Organization and Implementation of Law Enforcement Activities in the Security Sector*, issued by Serbian Ministry of Internal Affairs, 1 July 1997

Authorized officials of the Ministry of Internal Affairs are employees who have special duties and powers in the conduct of internal affairs pursuant to the laws on criminal and misdemeanour proceedings, this Law and other legislation.

For the purpose of proving his status, the authorised official shall be issued with official identification.⁹⁰

38. A MUP official's responsibilities continued beyond or outside that official's period of duty, and were not limited to assigned tasks:

Article 20

An authorised official must perform duties relating to of the security of the Republic, protection of the life and safety of citizens and their property, prevention and detection of criminal offences and apprehension of perpetrators, regardless whether or not he is on official duty and whether or not he has been given such a task.

An authorised official must perform the tasks referred to in paragraph 1 of this Article even when his personal safety is at risk.⁹¹

MUP Staff for Kosovo & Metohija ("MUP Staff")

39. The MUP Staff existed since 15 April 1994⁹² and continued to function during the state of war in 1999.^{93,94,95} It was clearly established to co-ordinate MUP operations in a crisis

⁸⁹ Exhibit K1185, ERN K010-1824-K010-1840, *Instructions on the Organization and Implementation of Law Enforcement Activities in the Security Sector*, issued by Serbian Ministry of Internal Affairs, 1 July 1997

⁹⁰ Exhibit K1096 ERN 0078-1337-0078-1343, Law on Internal Affairs, *Official Gazette of the Republic of Serbia* no. 54/9

⁹¹ Exhibit K1096 ERN 0078-1337-0078-1343, Law on Internal Affairs, *Official Gazette of the Republic of Serbia* no. 54/9

⁹² Exhibit K1208, ERN K009-2512-K009-2513, *Tasks and Assignments of Priština MUP Staff*, 23 January 1998, from the Public Security Department, Serbia, to Ministry Staff in Priština and Kosovo SUP's, Signed by V. ĐORĐEVIĆ.

area: The MUP Staff in Priština was an addressee on a 1996 document otherwise addressed to "Organisational Units" of the MUP.⁹⁵

40. An 11 May 1998 "Decision on the composition of the Staff," signed by the Head of the Public Security Department in the Serbian Ministry of Internal Affairs, Vlastimir Đorđević, appointed Major-General Sreten Lukić as head of the MUP Staff for one year.⁹⁷ A related decision of 15 May 1998, also signed by Đorđević, set out the MUP Staff's mandate.⁹⁸

41. Both of these documents relating to the MUP Staff were issued by the head of the RJB and referred to confidential MUP documents from 1997 as well as Article 10 of the Regulations on the Internal Organisation of the Ministry of Internal Affairs. The latter citation reinforces the MUP Staff's *de jure* nature:

Article 10

The Chief of a Division, and/or the Chief of a Secretariat [SUP] may establish permanent or *ad hoc* staffs, commissions, task forces and other working groups made up of Ministry employees within the division to examine certain

Refers to *Decision on the Establishment of the Ministry's Staff in Priština*, 01 strictly confidential Number 2973/93, 15 April 1994

⁹³ Exhibit K1944, Belgrade RTS SAT Television in Serbo-Croatian 1500 GMT 4 May 99 FBIS translation FTS19990504001034

Slobodan Milosevic, the president and supreme commander of the Federal Republic of Yugoslavia [FRY], in Belgrade today heard reports by 3rd Army Commander Colonel General Nebojsa Pavkovic and Police Major General Sreten Lukic, commander of the Serbian Interior Ministry's Police Headquarters for Kosovo and Metohija.

⁹⁴ FBIS translation, EUP20010222000444 Belgrade FoNet in Serbo-Croatian 1659 GMT 22 Feb 01

Lukic said at a news conference that he visited Kosovo as head of the MUP HQ from 15 June 1998 to 20 June 1999, with the aim of "training MUP units to protect the personal and property safety of the citizens" which was "endangered by the activities of the terrorists".

"This protection compelled the MUP to settle accounts with terrorist groups. I responsibly ascertain that members of the MUP carried out tasks by strictly complying with the law," Lukic said, adding that he "refutes all accusations and insinuations in that respect, whose aim is clear".

⁹⁵ Exhibit K1829, ERN K001-8258-K001-8264, MUP Staff SITREP, 27 March 1999

⁹⁶ Exhibit K1174, ERN K000-0249 - K000-0252, Amendments to the *Book of Regulations on the Internal Organisation of the Ministry of the Interior*, 19 April 1996

⁹⁷ Exhibit K1108, ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

⁹⁸ Exhibit K1109, ERN K010-8287 Decision about the establishment of the Staff (HQ) of the Ministry in Priština, 15 May 1998

... issues in the purview of the division, or if so required to carry out certain more complex assignments which require co-ordinated work of different highly specialised employees coming from two or more organisational units within the division of the secretariat

"Within the scope of their authority, and/or by order of the Minister, the Chief of a Division and the Chief of a Secretariat shall set forth the composition, tasks, deadlines, authorisations and other conditions described in paragraph 1 of this Article in the founding document, of which they shall inform the Minister immediately"⁹⁹

42. The 11 May 1998 order specified the fourteen-member composition of the MUP Staff. It also provided for an expanded version of the MUP Staff, which would include members chosen from among the chiefs of Kosovo's seven SUP's.¹⁰⁰

43. The MUP Staff clearly had a subordinate relationship to the Head of the RJB in Belgrade:

The Chief of Staff shall be answerable to the Chief of Department of Public Security for his performance, the activities of the Staff and the situation in regard to Public Security, in the context of the tasks of the Staff in the area of Kosovo and Metohija.

The Chief of Staff shall inform the Chief of Department of Public Security about the major security events, undertaken measures and the outcome of these measures.¹⁰¹

44. The 15 May 1998 order provided a more detailed description of the MUP Staff's mandate:

The task of the HQ shall be to plan, organise, guide and co-ordinate the operations of the Secretariat of Internal Affairs and the border police posts inside the territory of Kosovo and Metohija in carrying out difficult and important duties, which relate to:

⁹⁹ Exhibit K1099, K000-6503-K000-6569 Rules *Establishing the Internal Organisation of the Ministry of the Interior* Serbian Ministry of the Interior, January 1993, signed by Zoran SOKOLOVIĆ

¹⁰⁰ Exhibit K1108, ERN K010-8289 Decision on the Composition of the MUP Staff for APKiM 11 May 1998

¹⁰¹ Exhibit K1109, ERN K010-8287 Decision about the establishment of the Staff (HQ) of the Ministry in Priština, 15 May 1998

Prevention of civil unrest, terrorism and armed rebellion;
Uncovering and prevention of illegal trade in dangerous material
weapons, ammunition, mines and explosives, drugs, motor vehicles and
large quantities of other items; prevention of forgery and distribution of
fake money;

Uncovering and prevention of illegal crossings through state borders by
armed groups and individuals, monitoring of the activities of foreign
missions, resolution of issues concerning border incidents, which fall
under the responsibility of local mixed commissions, and the processing
of deported people;

Other complex and important tasks, especially those carried out on the
territory of two or more Secretariats (special security measures, actions
of disclosing and capturing perpetrators of certain categories of criminal
acts, individuals that escaped from prisons etc.);

**/Probably the training of organisational units in successful carrying out
of special security assignments/, /probably maintenance of state of
readiness of the Secretariat and its organisational units, particularly
police units, special intervention units, Mechanised Police Brigades, for
action in accordance with the Kolubar (??) Plan/.¹⁰²**

45. Unfortunately, the text cited in the preceding paragraph is not very legible in the original document, but an equivalent paragraph in a January 1998 document on the MUP Staff gave a similar description:

Training and maintaining readiness of the Secretariats and their organisational units, PJP, SAJ, and Police Mechanised Brigade, to operate according to the Plan "Kolubara-1".¹⁰³

The 15 May 1998 document continues:

¹⁰² Exhibit K1109, ERN K010-8287 Decision about the establishment of the Staff (HQ) of the Ministry in Priština, 15 May 1998

¹⁰³ Exhibit K1208, ERN K009-2512 – K009-2513 *Tasks and Assignments of Priština MUP Staff*, 23 January 1998, from the Public Security Department, Serbia, to Ministry Staff in Priština and Kosovo SUP's

Provide professional support to the organisational units of the Ministry based in Kosovo and Metohija; it shall also issue Decisions; it shall control the course of operations; it shall request reports to be submitted; it shall directly be involved in carrying out and directing some assignments.

46. The 15 May 1998 Decision states explicitly that the MUP Staff has the command and control authority to perform its assigned tasks:

The task of the HQ shall be to plan, organise, guide and co-ordinate the operations of the Secretariat of Internal Affairs...and it shall also issue Decisions; it shall control the course of operations; it shall request reports to be submitted; it shall directly be involved in carrying out and directing some assignments.¹⁰⁵

Reporting Procedures

47. The Serbian MUP had regulations dictating how its units were to report information. These regulations created a framework for ensuring that commanders in the MUP could make informed decisions:

Proceeding from the Ministry's internal organisation, internal and other communication should be carried out in the following manner:¹⁰⁶

1. A department of internal affairs, or a police station shall report all occurrences, events and information of interest for security, to the SUP to which it belongs (in the further text: secretariat) and the secretariat to the Ministry.

¹⁰⁴ Exhibit K1109, ERN K010-8287 Decision about the establishment of the Staff (HQ) of the Ministry in Priština, 15 May 1998

¹⁰⁵ Exhibit K1109, ERN K010-8287 Decision about the establishment of the Staff (HQ) of the Ministry in Priština, 15 May 1998

¹⁰⁶ Exhibit K1174, ERN K000-0249 – K000-0252, Amendments to the *Book of Regulations on the Internal Organisation of the Ministry of the Interior*, 19 April 1996

Direct communications with the Ministry or another secretariat can be established in emergency cases and when they involve important messages that are significant for security.

2. Internal affairs departments, or police stations, communicate with each other in all exchanges of concrete security data, in all lines of work and, at the same time, inform the line of work in the secretariats.

3. Secretariats communicate directly with each other in all exchanges of concrete security data, requests and suchlike, along all lines of work.

Secretariats are obliged to send dispatches that have the nature of a circular (warrants for missing persons, objects and suchlike) to the Ministry and all departments of internal affairs and police stations in their area.

4. The police stations for the control of state border crossings send information directly to the relevant administration in the Ministry and to the secretariat on whose territory they are located.

When the Administration for Foreigners, Border and Administrative Affairs in the Ministry sends information to the police stations for the control of state border crossings, if necessary it may send information to the secretariats on whose territory they are located.

5. The secretariats of internal affairs in Priština, Kosovska Mitrovica, Uroševac, Gnjilane, Djakovica, Peć and Prizren, send dispatches simultaneously to the Ministry and the Staff of the Ministry in Priština.

6. The organisational units outside the departments communicate with the secretariats of internal affairs and the organisational units within the seat of the Ministry as defined in chapter 11, items 1 and 3 of this circular.

Communication between secretariats in the Republic of Serbia and the corresponding organisational units in the Republic of Montenegro will be carried out through the Ministry, except in cases when the secretariats may communicate directly and when they inform the ministries of both republics.

8. Communication with the Federal Ministry for the Interior is done exclusively through the Ministry.

48. Most noteworthy in the above reporting procedures is the statement that the Kosovo SUP's were to send the same reports to the MUP Staff in Priština and to the Ministry in Belgrade. This would undermine any claim that the Ministry level was not aware of activities on the ground. Also worth noting is the reporting chain for police at the border posts: reports went to the SUP responsible for a particular post and to the Ministry. Because SUP's reported to the MUP Staff as well as the Ministry, it is assessed that the border police reporting also went to the MUP Staff. Based on these reporting regulations, the MUP leadership had the means to remain fully informed about the activities of MUP units in general, and in Kosovo in particular.

49. All SUP's, police stations, and security sectors were required to maintain certain files. The most relevant were:

2) A security assessment of the sector area (... , names of inhabited places and local communes, number of inhabitants, ethnic composition, facilities of special importance, the law and order situation, ...);

6) List of workers of the Ministry, members of the reserve police force, of retired and former workers of the Ministry, students at the Secondary School of Internal Affairs and students of the Higher School of Internal Affairs and the Police Academy, residing within the sector ...;

7) List of persons under increased surveillance and local control;

17) List of illegal border crossing points and channels (description of point – channel, brief description of past cases of illegal border crossings, method of surveillance of the point, layout, etc.);

...list of religious buildings...

50. This above list of responsibilities provides an indication of the ability of the MUP to identify human and structural targets quickly. It demonstrates the requirement for the MUP to keep records on the ethnic composition of inhabited places.

51. When the reports reached the Ministry in Belgrade, the Duty Operations Centre (see above) had a responsibility to ensure that the information was passed to the MUP leadership:

Article 16

...it shall: monitor and forward any operative or other information in the Department's purview to officials and superiors in the chain of command; maintain permanent communications with duty operations services within the Ministry and operations services within secretariats; it shall advise the Minister, the Ministry's Secretary, the Department/Resor/ Chief and other officials on any significant developments or events and convey orders and instructions for action issued by them; it shall receive parties and refer them to competent officials or services; it shall receive KD /?coded messages/ and inspect mail received by the Ministry's mail room; it shall receive all dispatches and process them or distribute them to competent organisational units; it shall prepare a Bulletin of important developments and events in the area of public security and forward it to specified users; if necessary, it shall establish specialised teams with prior approval of superior officers in their respective chains of command and clarification of causes underlying complex security-related developments and events; it shall monitor the FM communications of regional secretariats.¹⁰⁸

Standard Operating Procedures

52. Organisations such as the MUP benefit from having standard procedures governing the discharge of responsibilities. For the MUP, many of these were set out in, aside from

¹⁰⁷ Exhibit K1185, ERN K010-1824-K010-1840, *Instructions on the Organization and Implementation of Law Enforcement Activities in the Security Sector*, issued by Serbian Ministry of Internal Affairs, 1 July 1997

¹⁰⁸ Exhibit K1099, ERN K000-6503-K000-6569, *Rules Establishing the Internal Organization of the Ministry of the Interior*, January 1994, pp. 17

other documents mentioned in this report and existing elsewhere, a 1997 document known as Instructions on the Organisation and Implementation of Law Enforcement Activities in the Security Sector.¹⁰⁹

53. The need to co-ordinate activities of the various organisational units within the MUP as a whole was of paramount importance; without co-ordination, the different units would not only operate with great inefficiency, but would interfere with one another's operations. In recognition of this requirement, the RJB and RDB were required to co-ordinate their activities (there was even an Instruction on this):

(3) extension of direct assistance to and cooperation with the State Security Department staff, in accordance with the Mandatory Instructions on the Coordination of the Work of Public and State Security /Services/.¹¹⁰

54. Similarly, the importance of co-ordination between the MUP and other organisations was recognised and reflected in MUP regulations:

8) maintenance of permanent contact with the border units of the Army of Yugoslavia, port authorities and bodies of the Federal Customs Administration for the purpose of co-operation in discharging security tasks and exchanging information on questions in the common interest.¹¹¹

55. Further to the existence of standard procedures, is a reference in a 1998 document from the RJB Assistant Minister heading the Police Administration, to all RJB units. It lists problems identified through incidents in previous years:

...the following has been determined:

1. the approach to the execution of special operations, particularly in the area of Kosovo and Metohija, is often insufficiently well planned and organised; not enough care is taken to select staff members best

¹⁰⁹ Exhibit K1185, ERN K010-1824-K010-1840, *Instructions on the Organization and Implementation of Law Enforcement Activities in the Security Sector*, issued by Serbian Ministry of Internal Affairs, 1 July 1997

¹¹⁰ Exhibit K1185, ERN K010-1824-K010-1840, *Instructions on the Organization and Implementation of Law Enforcement Activities in the Security Sector*, issued by Serbian Ministry of Internal Affairs, 1 July 1997, Section II, pp. 3

¹¹¹ Exhibit K1185, ERN K010-1824-K010-1840, *Instructions on the Organization and Implementation of Law Enforcement Activities in the Security Sector*, issued by Serbian Ministry of Internal Affairs, 1 July 1997, Section II, pp. 6

...suited for the execution of the task, or participants in the action are not given sufficiently precise and clear assignments;

...it is often the case that the staff members chosen to lead special operations are inexperienced and underqualified and fail, among other things, to take adequate steps to protect policemen in action (wearing of protection equipment, helmets, etc.);

3. special operations are frequently marked by unwarranted haste, insufficient alertness and caution, and arbitrary involvement in high-risk activities without prior notification of or consultation with the leader, or without asking for approval;
4. in the course of armed attacks, members of the police frequently fail to follow the established procedure, to take up adequate positions or find shelter, particularly while detonating and throwing hand grenades. They tend to group and react in panic, fire their arms in an uncontrolled manner and fail to give timely notification to the duty desk of the PS /Police Station/ and the SUP /Secretariat of Internal Affairs/ and do not ask for assistance or instructions for further action;....¹¹²

56. This recognition of problems in early 1998 would have been crucial for correcting them prior to 1999. Measures to correct these problems, in fact, began immediately:

...the following needs to be done in the period that follows:

- for each separate operation where armed resistance is expected, in keeping with the assessment of the security situation and terrain reconnaissance, prepare a proper plan in good time and designate qualified and experienced senior or other staff to lead the operation, primarily from the PJP /special police units/ formation;

¹¹² Exhibit K1210, ERN K009-2514 - K009-2518, *Course of action by members of the police force in cases of armed attacks*, 6 January 1998

Cover letter signed by Assistant Minister Lieutenant-General Stevanović; 6 January 1998 report signed by Colonel-General Đorđević, Head of Public Security

when carrying out more complex operations and special actions, always,

whenever possible, involve PJP members, according to the set

establishment

before setting out to carry out a task, make adequate technical, moral and

material preparations, familiarise the staff involved with the objective of

their engagement, determine a precise and clear assignment for every

participant in the operation and ensure adequate weaponry, equipment,

technical and, in particular, protection materiel and equipment;

- in all special operations, plan for the necessary back-up troops, vehicles, equipment and technical resources, as well as possible support by special, Helicopter and other specialised units, as required;
- in cases of armed attack on members of the police, especially in organised terrorist attacks, follow the procedure in the following manner: pull out of the terrorists' zone of operation; take adequate shelter; inform the duty desk of the attack and request assistance; take care of the casualties; locate the terrorists and establish fire contact in order to repel the attack and prevent their escape from the site; after that, organise the engaged forces for assistance, reconnaissance (by helicopter), blockade and chase;
- in cases when a search party is organised to pursue criminals or terrorists, first of all organise and execute a timely and full blockade of the area and buildings where the persons in question are located, then inform the duty desk of the PS or the SUP, as appropriate, possibly request reinforcement, approval for specific measures and proceed according to the instructions from the competent senior staff. The staff member leading the operation on the spot must ensure full control over the situation and over the engagement of staff in taking individual measures and activities;¹¹³

¹¹³ Exhibit K1210, ERN K009-2514 - K009-2518, *Course of action by members of the police force in cases of armed attacks*, signed by Colonel-General Đorđević, Head of Public Security, 6 January 1998

57. The MUP possessed independent rules that governed its officials' conduct and established systems of disciplinary responsibility. The rules lay the foundation for adherence to the laws of armed conflict and accountability for disciplinary violations.

FRY Law on Defence

58. Although the Ministry of the Interior was officially an organ of the Republic of Serbia, the FRY Law on Defence nevertheless contains provisions that affect the MUP. Most importantly, Article 17 of the Law on Defence permitted subordination of the MUP to the VJ during a state of war:

In case if an imminent threat of war, a state of war or a state of emergency, units and organs of Internal Affairs can be used to carry out combat assignments, i.e., engage in combat or offer armed resistance. In carrying out their assignments, these units and organs shall be subordinate to the officer of the Armed Forces of Yugoslavia who is commanding combat operations.¹¹⁴

Law on Internal Affairs of the Republic of Serbia

59. As the legal foundation for the MUP's authority, the Law on Internal Affairs of the Republic of Serbia restricted the MUP's use of force and established the foundation for disciplining MUP officials who breached their professional duties. Crimes committed in connection with official duties, including war crimes and crimes against humanity, would constitute a breach of duty and thus provide grounds for disciplinary action.

60. The Law begins by restricting the MUP's police powers. Article 3 contains the first provision restricting MUP activities:

In conducting internal affairs means of coercion may be applied only if they are by the law and those which ensure the accomplishment of tasks causing the minimum harm to citizens, their organisations, enterprises, institutions and other organisations.¹¹⁵

¹¹⁴ Exhibit K1102, ERN 0046-1709-0046-1716, 1994 Law on Defence, Article 17.

¹¹⁵ Exhibit K1103, ERN 0190-3725-0190-3746 at 3725, Law on Internal Affairs, Article 3.

Article 14 next stipulates that the MUP may hold a person in custody for no more than twenty-four hours before taking further action.¹¹⁶ Articles 14 and 15 allow the MUP to restrict access to certain areas and to limit the free movement of citizens.¹¹⁷ Within three days of such actions, however, anyone affected may appeal to the FRY Supreme Court, which must then issue a response within forty-eight hours.¹¹⁸ The 1999 Decree on Internal Affairs During the State of War affected some of these restrictions, as discussed below. Finally, Article 23 of the Law on Internal Affairs defines when and how an official may use his firearm, concluding that the official must “not endanger the lives of others” when firing on a suspect.¹¹⁹

61. Normally, during times of crisis, rules of engagement for the MUP and other armed groups, would be issued. These would typically refine the ability to use armed force. We do not know what these rules of engagement were in Kosovo in 1999 but, whatever the rules of engagement were, there would be no reasonable justification for overriding the rules of armed conflict and humanitarian law.

62. Beyond restricting the MUP’s police powers, the Law on Internal Affairs also establishes a framework for disciplinary responsibility and accountability within the Ministry of the Interior. Failure to obey both superior orders and rules regulating the MUP’s activities may result in disciplinary actions, as will ordering or engaging in criminal acts while on official duty or in connection with official duties. More specifically, Article 50 of the Law on Internal Affairs defines “serious breaches” of duty:

- (a) Serious breaches of employment obligations and duties, apart from those specified by law for all employees in State organs, are:
- (b) Refusal or failure to carry out official duties or failure to carry out or denigration of an order issued by a superior officer during, or in connection with, the performance of official duties;
- (c) ...

¹¹⁶ Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3727, Exhibit K1103, Article 11.

¹¹⁷ Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3728-29, Exhibit K1103, Articles 14-16.

¹¹⁸ Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3728-29, Exhibit K1103, Articles 14-16.

¹¹⁹ Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3731, Exhibit K1103, Articles 23.

(d) ~~issuing orders or carrying out orders that unlawfully jeopardise the~~
safety of people and property

(e) ~~Failure to take measures or to take sufficient measures to ensure the~~
safety of people, property and objects entrusted for safekeeping;

(f) Any action or failure to act that prevents, obstructs or hinders the
performance of official duties;

(g) Any conduct that brings the service into disrepute or is detrimental to
interpersonal relations within the Ministry of the Interior;

(h) ...

(i) Any action that would be a criminal act committed on duty or in
connection with official duties;

(j) Giving orders that, once carried out, would represent a criminal act;

(k) Concealment on the part of a direct superior of any serious breach of
employment obligations or duties committed by a subordinate.¹²⁰

63. Articles 51 through 57 lay out the procedures for responding to disciplinary violations, establishing disciplinary investigators, prosecutors, and courts within the Ministry of the Interior.¹²¹ Article 58 adds that government regulations shall address the issue in greater detail.¹²² The Law on Internal Affairs thus creates both a system of disciplinary responsibility, including a measure of command responsibility, as well as the mechanisms for punishing disciplinary violations.

¹²⁰ Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3739-40, Exhibit K1103, Article 50.

¹²¹ See Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3740, Exhibit K1103, Article 53.

¹²² Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3742, Exhibit K1103, Article 58.

FRY Criminal Code

1064. As discussed above, Article 50 of the Law on Internal Affairs defines serious disciplinary breaches by a MUP official to include committing, ordering, or concealing criminal acts related to official duty.¹²⁴ Under the FRY Criminal Code, relevant criminal acts include, *inter alia*, violations of international humanitarian law: in Chapter Sixteen, "Criminal Offences Against Humanity and International Law," the Code outlaws genocide,¹²⁵ war crimes against the civilian population,¹²⁶ unlawful killing or wounding of the enemy,¹²⁷ destruction of cultural and historical monuments,¹²⁸ and racial and other discrimination.¹²⁹ The Code also prohibits efforts to organise a group to commit war crimes or genocide, or to instigate or incite the commission of war crimes or genocide.¹³⁰ Furthermore, the FRY Criminal Code does not limit those prohibitions to members of the armed forces, but instead extends them to "whoever" should commit such acts.¹³¹ Violations of international humanitarian law thus qualify as serious breaches of official duty within the purview of Article 50 of the Law on Internal Affairs.¹³² MUP personnel may neither order nor commit violations of international humanitarian law, and MUP superiors who conceal such violations face disciplinary sanctions.¹³³

¹²³ The SFRY Criminal Code was replaced by the FRY Criminal Code. A copy in B/C/S only is available with a translation to English pending. Those articles of the SFRY Criminal Code referred to in this report have been compared with the FRY Criminal Code and the determination made that they are the same.

¹²⁴ Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3739-40, Exhibit K1103, Article 50.

¹²⁵ SFRY Criminal Code, Art. 141, 1990 Exhibit K2718, ERN (translation) 0091-6725-0091-6734

¹²⁶ SFRY Criminal Code, Art. 142, Exhibit K2718, ERN (translation) 0091-6725-0091-6734

¹²⁷ SFRY Criminal Code, Art. 144, Exhibit K2718, ERN (translation) 0091-6725-0091-6734

¹²⁸ SFRY Criminal Code, Art. 151, Exhibit K2718, ERN (translation) 0091-6725-0091-6734

¹²⁹ SFRY Criminal Code, Art. 154, Exhibit K2718, ERN (translation) 0091-6725-0091-6734

¹³⁰ SFRY Criminal Code, Art. 145, Exhibit K2718, ERN (translation) 0091-6725-0091-6734

¹³¹ See, e.g., SFRY Criminal Code, Exhibit K2718, Art. 144.

¹³² Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3739-40, Exhibit K1103, Article 50.

¹³³ Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3739-40, Exhibit K1103, Article 50.

65. In addition to prohibitions on war crimes and crimes against humanity in the Criminal Code, the Criminal Code of the Republic of Serbia includes several restrictions regulating MUP officers in performance of their duties. In addition to general prohibitions on murder,¹³⁵ the Serbian Criminal Code also punishes malfeasance in connection with official duties¹³⁶ and the illegal extraction of confessions.¹³⁷ Such offences would constitute serious breaches of official duty.

Decree on Disciplinary Responsibility at the Ministry of the Interior

66. Pursuant to Article 58 of the Law on Internal Affairs,¹³⁸ the Decree on Disciplinary Responsibility at the Ministry of the Interior¹³⁹ prescribes in greater detail the process of disciplining MUP officials. Articles 8 through 10 address preliminary proceedings, including the role of superior officers in investigating serious breaches of conduct:

Article 8

The immediate supervisor shall conduct preliminary disciplinary proceedings, interview the employee and witnesses, and collect additional evidence to determine whether a serious violation has been committed.

As an exception to paragraph 1 of this Article, preliminary proceedings for serious violations which constitute also a criminal offence shall be carried out by a disciplinary investigator who interviews the employee, witnesses and expert witnesses, collects evidence and investigates ex officio all circumstances which may contribute to the full determination of responsibility.

¹³⁴ Translation of the relevant articles are pending.

¹³⁵ Exhibit K2751, Chapter 7, Criminal Code of the Republic of Serbia, 1 January 1994.

¹³⁶ Exhibit K2751, Article 66, Criminal Code of the Republic of Serbia, 1 January 1994.

¹³⁷ Exhibit K2751, Article 65, Criminal Code of the Republic of Serbia, 1 January 1994.

¹³⁸ Law on Internal Affairs, ERN 0190-3725-0190-3746 at 3739-40, Exhibit K1103, Article 58.

¹³⁹ Decree on Disciplinary Responsibility at the Ministry of the Interior, ERN L000-3172-L000-3189, Exhibit K1098.

The immediate superior shall report any serious violations to the officer in charge.

The report referred to in paragraph 1 of this Article shall be accompanied by any documents obtained in the course of preliminary proceedings.

Article 10

If the officer in charge assesses, based on the report submitted and accompanying evidence, that there is sufficient reason to suspect that a serious violation has been committed, he shall submit to the disciplinary investigator a request for disciplinary action....¹⁴⁰

Articles 11 through 22 deal with the establishment of and procedures before the Disciplinary Court, and Articles 23 through 33 address appeals to the Higher Disciplinary Court.¹⁴¹ Specific provisions include, *inter alia*, the necessary showing to establish guilt¹⁴² and the grounds for appeal.¹⁴³ Like Military Discipline Courts for the VJ, the Disciplinary Courts for the MUP help to establish both disciplinary responsibility and an internal system of justice. Coupled with the Law on Internal Affairs, the Decree on Disciplinary Responsibility at the Ministry of the Interior thus creates the legal mechanisms for enforcing discipline throughout the MUP.

¹⁴⁰ Decree on Disciplinary Responsibility at the Ministry of the Interior, ERN L000-3172-L000-3189 at 3174-75, Exhibit K1098, Articles 8-10.

¹⁴¹ Decree on Disciplinary Responsibility at the Ministry of the Interior, ERN L000-3172-L000-3189 at 3175-85, Exhibit K1098, Articles 11-33.

¹⁴² Decree on Disciplinary Responsibility at the Ministry of the Interior, ERN L000-3172-L000-3189 at 3178, Exhibit K1098, Articles 18.

¹⁴³ Decree on Disciplinary Responsibility at the Ministry of the Interior, ERN L000-3172-L000-3189 at 3179, Exhibit K1098, Articles 20.

Rules Establishing the Internal Organisation of the Ministry of the Interior

67. The Rules Establishing the Internal Organisation of the Ministry of the Interior describe the roles of different MUP offices and provide MUP officials with operational guidance.¹⁴⁴ Most relevant to disciplinary responsibility, Article 54 describes the role of the Inspectorate for Monitoring the Legality of Work.

The Inspectorate for Monitoring the Legality of Work shall monitor, supervise, and oversee the legality of the work and, in conjunction with that, involvement and functioning of divisions-services in terms of their consistent compliance with the law and other regulations and enactments applicable in the work of the Ministry organisational units and employees.

By order of the Minister, the Inspectorate shall carry out regular and periodic (on-the-spot) inspections into the work of basic, internal, regional and other organisational units of the Ministry, and it shall examine and assess certain developments, events, abuses in the Service, and other. The Inspectorate shall report its findings to the Minister or an associate so authorised by the Minister and propose measures accordingly. By order of the Minister or an employee authorised by the Minister, the Inspectorate shall ... shall examine allegations of abuse and overstepping of authority and other deviant conduct in the Service and outside it and recommend further action (criminal, minor offence, or disciplinary proceedings with or without suspension), and/or it shall submit a report if there are no grounds to prosecute.

[...] It shall study instances where authority is invoked and coercive measures are taken (capture, arrest, detention, use of physical force, rubber batons- especially the use of weapons and so forth) and assess (give a true evaluation) whether they are in compliance with the law It shall monitor media reports on abuses and overstepping of authority by workers and participate in the preparation of news releases, replies and official denials.¹⁴⁵

¹⁴⁴ Rules Establishing the Internal Organisation of the Ministry of the Interior, ERN L002-6185-L002-6248, Exhibit K1099.

¹⁴⁵ Rules Establishing the Internal Organisation of the Ministry of the Interior, ERN L002-6185-L002-6248 at 6242-42, Exhibit K1099, Article 54.

pa. Going beyond the duty of superiors to report disciplinary violations by their subordinates, the Inspectorate for Monitoring the Legality of Work thus provides quasi-independent review of MUP activities. As described in the Rules Establishing the Internal Organisation of the Ministry of the Interior, its mandate deals directly with the maintenance of discipline and compliance with the MUP's legal obligations. The quasi-independent nature of this should provide a capability to pick up on allegations of serious crimes and abuses of authority such as those reported in Kosovo.

Decree on Internal Affairs During the State of War

69. The Decree on Internal Affairs During the State of War, issued pursuant to the Declaration of War on 24 March 1999, provided MUP officials with some latitude in their activities, but it did not free them from disciplinary responsibility nor from their legal obligations. The Decree allowed MUP officials greater powers to detain suspects,¹⁴⁶ restrict their movements,¹⁴⁷ and perform searches of persons and property.¹⁴⁸ It also obliged them to carry out orders from superiors, unless those orders required a criminal act:

Authorised official persons are obliged to carry out all orders of their superior officer for the purpose of carrying out their duty, except such orders which would require the commission of activities which constitute a criminal offence.¹⁴⁹

70. The Decree added several new offences to those in the Law on Internal Affairs, including "exhibiting national, racial, or religious intolerance."¹⁵⁰ It also altered the procedures for redressing breaches of disciplinary responsibility, treating all breaches as minor infractions so long as they

...did not cause, or could not have caused, harmful consequences, and which, having in mind their nature, the circumstances under which they were

¹⁴⁶ Decree on Internal Affairs During the State of War, ERN 0073-0598-0073-0599, Article 2.

¹⁴⁷ Decree on Internal Affairs During the State of War, ERN 0073-0598-0073-0599, Article 3.

¹⁴⁸ Decree on Internal Affairs During the State of War, ERN 0073-0598-0073-0599, Article 4.

¹⁴⁹ Decree on Internal Affairs During the State of War, ERN 0073-0598-0073-0599, Article 7.

¹⁵⁰ Decree on Internal Affairs During the State of War, ERN 0073-0598-0073-0599, Article 9.

committed and other circumstances, do not represent serious violations of the rules of service or a serious threat to the interests and reputation of the service.¹⁵¹

71. In terms of disciplinary procedure, the Decree granted the head of a sector or a person he designated the power to discipline without resort to the usual procedures:

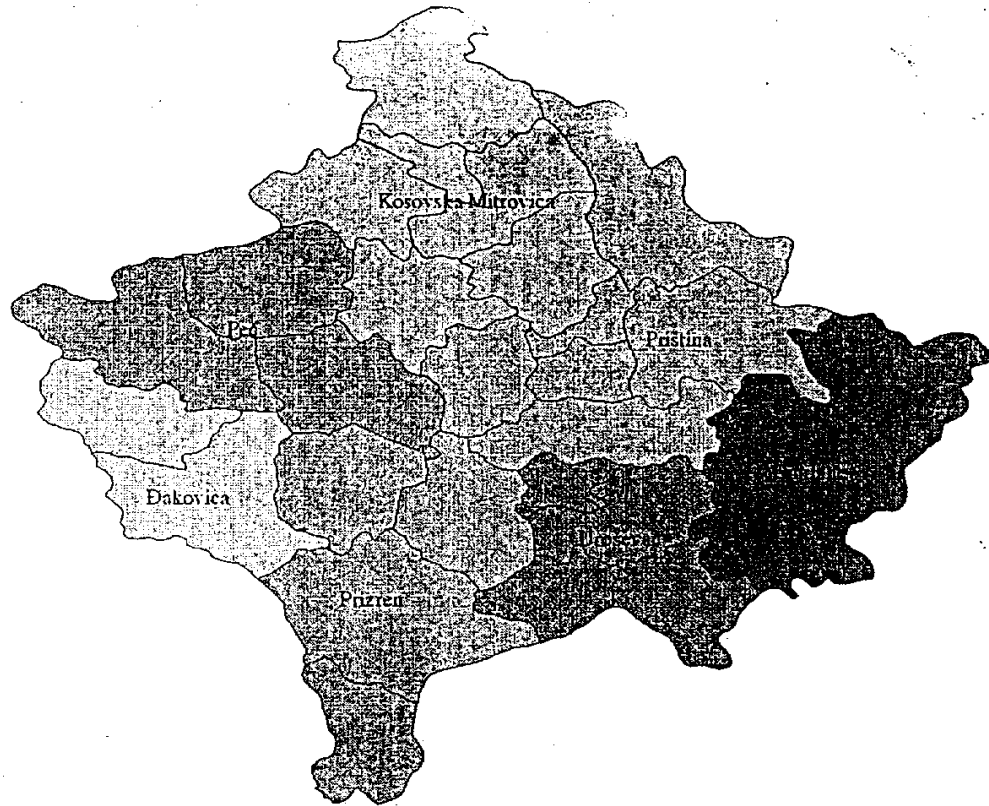
[...] For serious violations of professional duties and responsibilities, prescribed measures and punishment shall be pronounced by the head of a sector of the Ministry or a person authorised by him, at the suggestion of the immediately superior officer.¹⁵²

The decree does not suggest, however, that commanding officers have the discretion **not** to investigate or punish serious violations of professional duties and responsibilities.

¹⁵¹ Decree on Internal Affairs During the State of War, ERN 0073-0598-0073-0599, Article 10.

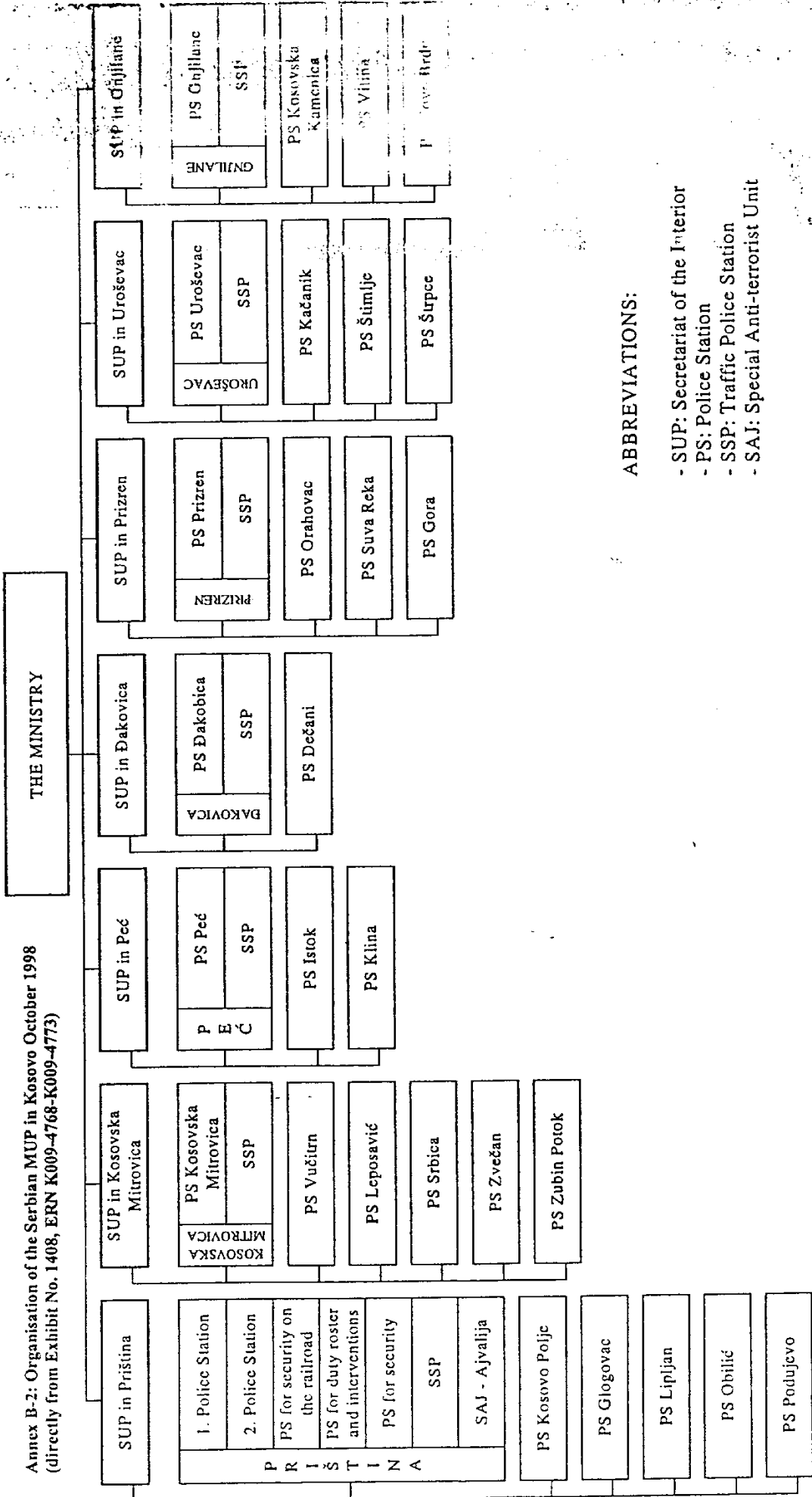
¹⁵² Decree on Internal Affairs During the State of War, ERN 0073-0598-0073-0599, Article 9.

Secretariats of Internal Affairs (SUP) in Kosovo¹



¹ Exhibit K1179, ERN K000-0249 - K000-0252, Organisational changes within Serbian Ministry of Internal Affairs (1996), 19 April 1996

Annex B-2: Organisation of the Serbian MUP in Kosovo October 1998
(directly from Exhibit No. 1408, ERN K009-4768-K009-4773)



ABBREVIATIONS:

- SUP: Secretariat of the Interior
- PS: Police Station
- SSP: Traffic Police Station
- SAJ: Special Anti-terrorist Unit

C. THE LOCAL DEFENCE CONCEPT IN KOSOVO ORGANISATION, COMMAND & CONTROL

SUMMARY

1. The local defence concept in Kosovo in 1998/99 was a relatively complex affair because of the number of entities involved. While aspects of it were specified clearly in legislation, there were modifications particular to Kosovo introduced in 1998 and 1999. Tracking these involved a review of a large number of documents and witness testimony. Much of the detail will be presented in Part II of the report, the Kosovo Operations Narrative. The Prosecution submitted four requests for assistance to the FRY for information related to local defence.¹ There have been no responses addressing the requested information. The term "local defence" is used in this report as a collective and unofficial term to cover the concept and the units taking part.
2. In addition to the primary organisations conducting combat operations throughout Kosovo — the regular VJ and special units of the Serbian MUP — units of other armed organisations were active but had more local operational responsibilities. These units included reserve elements of the MUP; military-territorial units of the Priština Military District; Civilian Defence units; armed civilians; and paramilitaries.
3. The above units acted together, to varying degrees, in a local defence capacity on a municipality basis. Their activation occurred as early as the Spring of 1998. Each municipality had a staff responsible for co-ordinating local defence.
4. **Immediate** command responsibility for local defence units belonged to the MUP, and such units were known collectively as Reserve Task Forces of the MUP. During the state of war which came into effect on 24 March 1999, however, the **overall** responsibility for local defence became a Federal responsibility. Nevertheless, the units engaged in local defence are assessed to have had the same composition as before the state of war.
5. The VJ provided weapons to both the MUP and the Provincial Secretariat for Civil Defence for further distribution to civilians involved in Civil Defence and the reserve MUP units. Administration of the arming programme was a Federal Ministry of Defence responsibility.

¹ OTP Requests for Assistance FRY-123(8423) Vesko PIRIC 31 August 2001; FRY-124(8424) Petar ILIC 31 August 2001; FRY-128(8428) Municipal Defence Staff Heads September 2001; FRY-(Local Police) 5 April 2002

SECTION 1 - INTRODUCTION

This report examines the concept of local defence as it existed during the conflict in Kosovo in 1998-1999. It also describes the means which existed to command and control the organisations which made up local defence units.

SECTION 2 – MILITARY-TERRITORIAL SYSTEM

7. Section A of this report covered the Priština Military District in detail. This section will, however, repeat the main points. With its ties to the Ministry of Defence and VJ, the Military-Territorial organisation came under the ultimate command of the President of the FRY.
8. **Military District:** Subordinate to the 3rd Army, the Priština Military District mobilised and recruited personnel for the VJ in the 3rd Army's area of responsibility.^{2,3,4} It also formed and armed military-territorial units.⁵ The Priština Military District was commanded in 1999 by Colonel Zlatomir Pesić.^{6,7}
9. **Military Sectors:** The Priština Military District had five sub-divisions in Kosovo known as Military Sectors. Military Sector headquarters were located in Priština, Peć, Prizren, Kosovska Mitrovica, and Gnjilane.⁸
10. **Military-Territorial Departments:** Military-Territorial Departments, each subordinate to one of Kosovo's five Military Sectors, existed for each of the province's 29 municipalities.⁹ The Military-Territorial Departments in turn had Military Territorial units under their command.

² Exhibit K1179 ERN DA15-4171-DA15-4570 VJ manual *Command & Control* 1997, pp.100-101

³ Exhibit K2620, ERN K004-6796-K004-6796, Priština Military Sector Regular daily report, 27 June 1998

⁴ Exhibit K1299, ERN K004-7154, Priština Military District report 26-76/22, 7 August 1998

⁵ Exhibit K2260, ERN K004-7231, Priština Military District report 26-76/9 26 July 1998

⁶ Exhibit K2087, Vojska, Wartime Issues, 27 March – 24 June 1999, FBIS translation
FTS19991021001067

Specifically, Vojska 17 May 1999 page 14

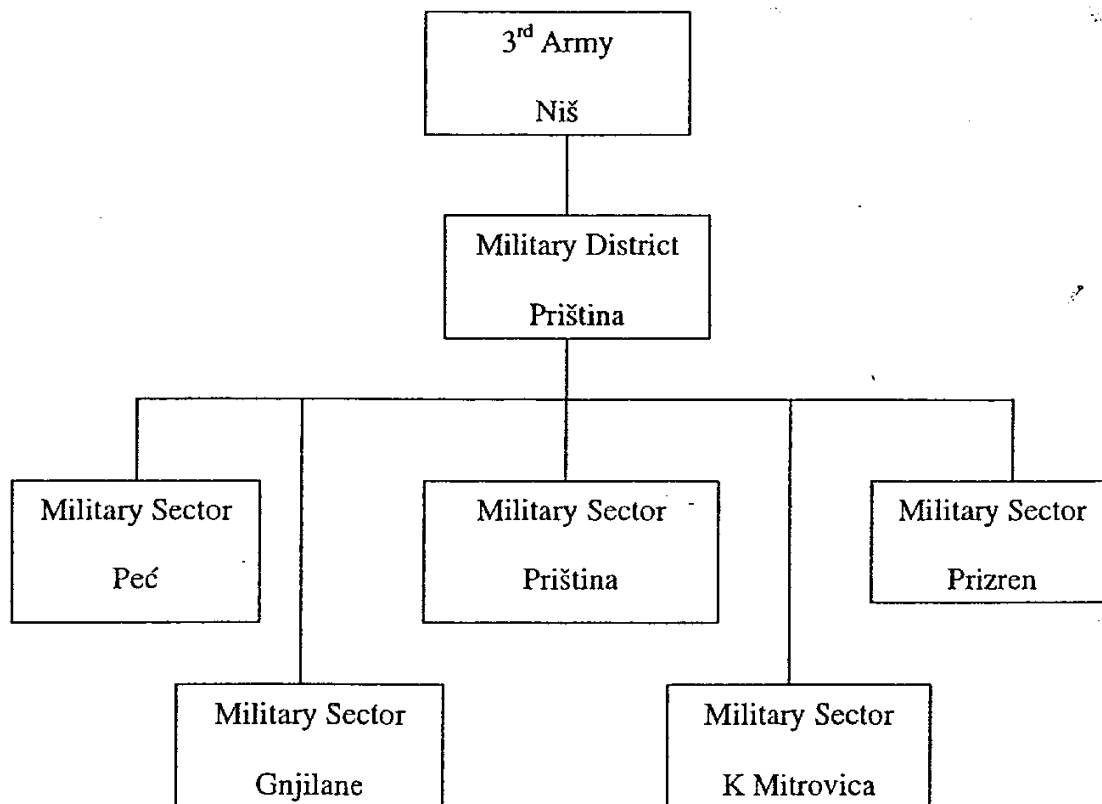
⁷ ERN K003-1726-K003-1729, Minutes of the 20th Session of the Kosovo Temporary Executive Council, 25 May 1999

⁸ Exhibit K2087, Vojska 27 March – 24 June 1999 Wartime Issues FBIS translation
FTS19991021001067

Specifically, Vojska 17 May 1999 page 14

⁹ Exhibit K2087, Vojska 27 March – 24 June 1999 Wartime Issues FBIS FTS19991021001067

11. The regular reporting chain went up from a Military-Territorial Department to a Military Sector to the Priština Military District to 3rd Army HQ.^{10,11} From 3rd Army the reporting continued up the chain to the VJ General Staff (within the Supreme Command during wartime) which, as indicated in Section A of this report, was directly subordinate to the FR Y President. Some Military-Territorial units were subordinated directly to VJ Brigades for combat operations, and would have reported through those Brigades.¹² Similarly, at times the Priština Military District reported directly to the VJ's Priština Corps.¹³ These modifications in the doctrinal subordination of the Priština Military District to the 3rd Army reflect necessary and reasonable adjustments to the reporting chains when engaged in operations. Doctrine – the principles of unity and singleness of command - dictated that Military-Territorial units engaged in combat operations in the area of responsibility of a Priština Corps Brigade or Priština Corps itself would report their activities to the superior headquarters most immediately concerned.



Subordinate to each Sector in the chart above, were Military-Territorial Departments in the 29 Kosovo municipalities.

Specifically, Vojska 17 May 1999 page 14

¹⁰ ERN K004-6856 – K004-6857 KVOd Priština Daily Report to KVOK Priština 30 Sep 98

¹¹ ERN K004-6552 Daily Report KVOK Priština – 3rd Army Operations Centre 30 Apr 98.

¹² Exhibit K1953, ERN K020-2488 - K020-2491, 3rd Army Order 872-125/1, 8 May 1999

¹³ Exhibit K2621, ERN K004-6792-K004-6793, Priština Military District to Command Third Army, 29 June 1998

SECTION 3 - CIVILIAN PROTECTION & CIVILIAN DEFENCE UNITS

12. **Civilian Protection Units:** These federally regulated units filled a non-combat role.

Civilian Protection units were “intended for the protection and rescue of the population and material and other resources from wartime destruction, natural and other disasters, and other threats in times of peace or war in the territory for which they were formed.”¹⁴

13. **Civilian Defence Units:** During extraordinary states, including a state of war, the law included provisions for forming armed units (guards, patrols, Civilian Defence units) to “protect the civilian population and property from attack, secure public buildings (schools, hospitals, and others) and other civilian buildings and resources.”¹⁵ Members of such units were to wear identification in the form of an internationally accepted sign of civilian defence. Establishment of Civilian Defence units required a decision from the FRY Ministry of Defence, and the units themselves fell under the “state organs responsible for civilian defence and protection.”¹⁶ A VJ officer commanding a battalion or higher “may issue special tasks concerning the defence and protection of the civilian population and material resources to units from paragraph 1 of this Article [guards, patrols, and units of civilian defence] and control them in the area of his responsibility.”¹⁷

14. In some reporting, the terms “Civilian Defence” and “Civilian Protection” are used loosely and interchangeably. The point to keep in mind is that both were Federal Ministry of Defence units and in this report, it is the arming of Federal Ministry of Defence units which is important. Their chain-of-command is explained in this section. Elaboration on how Ministry of Defence units operated in Kosovo is in the Kosovo Operations Narrative.

15. **Surveillance and Reporting Service:** In addition to those serving in Civilian Defence and Protection units, other FRY citizens were part of Surveillance and Reporting units which reported on activities related to a crisis. Like the Civilian Defence and Protection units, the Surveillance and Reporting units operated on Federal authority.¹⁸

¹⁴ Exhibit K1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994, article 59

¹⁵ Exhibit K1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994, Articles 61, 62, 63

¹⁶ Exhibit K1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994, Articles 61, 62, 63

¹⁷ Exhibit K1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994, Articles 61, 62, 63

¹⁸ Exhibit K1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

16. Citizens not required to serve in the VJ or MUP could therefore still have certain obligations during extraordinary states. The Law on Defence defines such obligations.

Article 58

Participation in civilian defence and protection shall consist of the obligation to carry out specific duties in units and organs formed for the protection and rescue of the civilian population and material resources from wartime destruction and natural and other disasters and threats.

All citizens aged from 15 to 60 (for men) and to 55 (for women), except for persons serving in the Army of Yugoslavia and organs of the Interior, shall be subject to the obligation under paragraph 1 of this Article.¹⁹

17. The Law on Defence also defines the role and responsibilities of Civilian Protection forces:

Article 59

Civilian Protection units shall be formed by state organs, companies and other legal entities pursuant to the Plan for the Defence of the Country and may be formed by citizens on a voluntary basis.

Civilian Protection units are intended for the protection and rescue of the population and material and other resources from wartime destruction, natural and other disasters, and other threats in times of peace or war in the territory for which they were formed.

Civilian Protection units shall be replenished with persons obliged to participate in units and organs of Civilian Protection and with volunteers.

According to the Plan for the Defence of the Country, Civilian Protection units, teams and other forms of organisation established in order to protect and rescue the population and material and other resources, including public utility and construction companies and other legal entities, shall be involved in operations of protection and rescue from war destruction, natural and other

¹⁹ Exhibit K1102 ERN 0046-1709-0046-1716 (English translation ERN 0300-7480-0300-7492) FRY Law on Defence 1994

...in times of peace or war and shall act according to the instructions issued by the organs competent for these affairs.²¹

18. Civilian Defence comprised General Purpose Units and Specialised Units, both of which could participate in combat operations. Specialised units existed only in the seven largest towns in Kosovo and had more extensive capabilities. Civilian Defence units received arms and were activated automatically in the event of an immediate threat of war. They became part of Reserve Task Forces of the MUP.^{23,24}

19. In Kosovo, Civilian Defence was the responsibility of the Provincial Secretariat for Civil Defence, also known as the Priština Administration of Defence, headed by Petar Ilić and divided into Defence Sections and Departments.^{25,26} Petar Ilić reported to the Federal Ministry of Defence. The regional structure for Civil Defence paralleled that of the Military-Territorial System with the departments representing the municipality level.

SECTION 4 – ARMED LOCALS

20. Recognising that some municipalities were organising themselves for local defence by arming citizens, the Priština Defence Department in May 1998, under Petar Ilić, issued an order to coordinate and formalise these local defence initiatives.²⁷ In that order, Ilić instructed subordinates to liaise with municipal leaders and compile lists to be used by the Ministry of Defence to arm elements of the population. The order also pointed out that those already designated as liable for service in the VJ, MUP, communications units, Observation & Information organisation, and Civil Protection units would be excluded from such lists as their respective organisations would arm them separately.²⁸

²⁰ Exhibit K1102, ERN 0190-2229 1994, FRY Law on Defence, Article 59, 1994

²¹ Exhibit K1280, ERN K000-4739 – K000-4752 *Instructions for the Defence of Populated Areas (Temporary)*, issued by the Joint Command for Kosovo & Metohija July 1998

²² Exhibit K1282, ERN K000-4737, Priština Administration of Defence Strictly Confidential Order NO. 80-31, 28 July 1998

²³ K1261, ERN K000-4764 Cover Page entitled *WEAPONS TEMPORARILY ISSUED TO DEFENCE DEPARTMENT IN ISTOK*, Provincial Secretariat for Civil Defence Strictly confidential No. 80-23, Priština, 2 July 1998

²⁴ K1280, ERN K000-4739 – K000-4752 *Instructions for the Defence of Populated Areas (Temporary)*, issued by the Joint Command for Kosovo & Metohija July 1998

²⁵ K1280, ERN K000-4739 – K000-4752 *Instructions for the Defence of Populated Areas (Temporary)*, issued by the Joint Command for Kosovo & Metohija July 1998

²⁶ Exhibit K1282, ERN K000-4737 Priština Administration of Defence Strictly Confidential Order NO. 80-31, 28 July 1998

²⁷ Exhibit K1237, ERN K019-3904-K019-3905 Priština Defence Department Strictly Confidential Order No. 50-14(?) *Order on the Implementation for of Measures for the Security and Protection of the Population*, 21 May 1998

²⁸ Exhibit K1237, ERN K019-3904-K019-3905 Priština Defence Department Strictly Confidential Order No. 50-14(?) *Order on the Implementation for of Measures for the Security and Protection of the Population*, 21 May 1998

21. A system of placing MUP reservists in villages existed in Kosovo in 1998 and was continued in 1999. These armed reservists with police powers acted as additional eyes and ears for the regular MUP and provided a local security function. Section B to this report already covered the authority of reserve members of the MUP.

22. According to a Serbian media article from *Vreme* published in February 1999, the Temporary Executive Council (TEC) for Kosovo "formed a new Commission for Local Security headed by Veško PIRIĆ, provincial secretary for local administration and president of the Kosovska Vitina community."²⁹ The TEC was a government body responsible for administering Kosovo. Its "Commission for Local Security" replaced the TEC's "Commission on Monitoring the Work of Local Security", which was run by Đakovica mayor Momčilo STANOJEVIĆ. When the article was written, Kosovo had local security units in 130 villages broken down by "community" as follows (the number in the last four communities is not specified but presumably brings the total to 130):

- Đakovica (40)
- Peć (25)
- Prizren (16)
- K. Mitrovica (6)
- Dečani
- Klina,
- Lipljan,
- Kačanik

Priština, Vučitrn, Gora, Ištok, and Zvečan also decided to institute their own units in February 1999.³⁰

23. The 1999 *Vreme* article included an interview with the co-ordinator of local defence in Đakovica, Zoran NIKIĆ, who said that the local defence in Đakovica was formed 20 August 1998. He explained that a local defence unit could cover more than one village and had the power to arrest people after which they would hand suspects over to the MUP.

²⁹ Report on Kosovo Village Guards, *Vreme*, page 10-11, 20 Feb 99, FBIS translation FTS19990316001084

³⁰ Report on Kosovo Village Guards, *Vreme*, page 10-11, 20 Feb 99, FBIS translation FTS19990316001084

24. The Instructions for the Defence of Populated Areas (Temporary), issued by the body responsible for co-ordinating the activities of armed organisations and civilian structures in Kosovo – the Joint Command for Kosovo & Metohija – set out the framework within which local defence operated in the municipalities.³¹ This modified previous arrangements:

We hereby draw your attention to the fact that the Joint Command for Kosovo and Metohija has established a new structure for defence staffs in municipalities.³²

From the Federal Ministry of Defence perspective, this meant that its Civil Defence units and headquarters henceforth had a requirement to involve themselves in armed defence through municipal level defence staffs with a composition adjusted by the Joint Command instruction.

25. Collectively, the units engaged in defence of populated areas formed a Reserve Task Force of the MUP. These task forces included MUP, Military-Territorial, and Civilian Defence personnel, civilian companies, and civilians.³³

26. According to the Joint Command, in its Instruction on Defence of Populated Areas, the MUP formed the core of local defence:

[p]ractically speaking, forces intended for the defense of cities and other populated areas consist of MUP units which unite all forces in populated areas and organize, command and carry out combat actions. Also, command and control is the responsibility of the staff which organizes the city's defense. Commander of the unit, which organizes the defense, is a police officer, who also commands the engaged forces.³⁴

27. The Joint Command Instruction identified a:

³¹ Exhibit K1280, ERN K000-4739 – K000-4752, *Instructions for the Defence of Populated Areas (Temporary)* issued by the Joint Command for Kosovo and Metohija, July 1998

³² Exhibit K1280, ERN K000-4736 Defence HQ in Priština Message No. 80-32 to Defence Departments/Sections 1-29 28 July 1998

³³ Exhibit K1280, ERN K000-4739 – K000-4752 *Instructions for the Defence of Populated Areas (Temporary)*, issued by the Joint Command for Kosovo & Metohija July 1998

³⁴ Exhibit K1280, ERN K000-4739 – K000-4752, *Instructions for the Defence of Populated Areas (Temporary)* issued by the Joint Command for Kosovo and Metohija, July 1998

...municipal staff, which organizes the city defence, receives its assignments from the regional or main staff. At times when the municipal staff is not in the position to receive them, it is to take initiative by independently issuing assignments to police units... The commander of the staff responsible for organising the defence of a city is a policeman.

28. A Municipal Defence Staff consisted of representatives of:

...local self-governing bodies, MUP, executive councils of municipal assemblies and the VJ, [and] these staffs now also include the heads of defence sections and departments.³⁶

These staffs are assessed as having united, at the municipal level, all forces engaged in local defence.

29. A situation report from the Priština Military Sector to the Priština Military District describes how the Military Sector provided units for the Municipal Staff and indicated how the concept was implemented. It also reinforces the MUP's role as the organisation commanding local defence units:

8.4. Extending expert assistance to the MUP in the Military Department's zone of responsibility.

Priština:

Establishing and arming units of the Priština Municipal Staff for intervention on endangered axes, two companies with 150 men each for the Ulpijana and Mikro sector and two companies with 150 men each for the Kupusište and Dardanija sector. The manpower will be recruited from the reserve units of the 50th VTOd /Territorial Defence platoon/ which is temporarily part of and under the control of the MUP. The following have been engaged: one PVL /professional/ officer, commander of the 50th VTOd, four representatives of the MUP and three representatives of the Priština SO /Municipal Assembly/ Staff.³⁷

³⁵ Exhibit K1280, ERN K000-4739 – K000-4752 *Instructions for the Defence of Populated Areas (Temporary)* issued by the Joint Command for Kosovo and Metohija, July 1998

³⁶ Exhibit K1280, ERN K000-4736 Defence HQ in Priština Message No. 80-32 to Defence Departments/Sections 1-29 28 July 1998

³⁷ Exhibit K2260, ERN K004-7231, Priština Military District Command, Strictly Confidential No. 26-76/9, Undated but probably 25 July 1998

30. As described above, the 1998 Instruction of Defending Populated Areas put the MUP under the command of local defence operations as the first level of command above the local defence units themselves. During the 1999 State of War, the local defence units came under the command of the military at a higher level in the chain — above the Municipal Defence Staffs.³⁸ An order issued by the Commander of the Peć Military Sector on 30 March 1999 supports this conclusion:

All republican and municipal authorities on the territories of the municipalities of Peć, Istok, Klina and Dečani are put under the command of the Peć VO [Military Sector]. The command of the Đakovica garrison is responsible for the territory of the municipality of Đakovica.

For the municipality of Peć, a staff is to be formed made up of (this staff is superior to the staffs of the municipalities of Istok, Klina and Dečani).

Staff Commander: Commander of the Peć VO [Military Sector].

Deputy Commanders: Jovo POPOVIĆ, Chief of the Peć District, and Simeon RADOVIĆ, Chairman of the Peć municipality Executive Committee.

The Chief of the Peć MUP will issue an order regulating public law and order, prevention of theft, destruction of facilities, maltreatment of citizens, extinguishing of any fires and curbing of all criminal activities, to be submitted to me in writing by 1600 hours on 31 March 1999.³⁹

31. While the Peć Military Sector order does not specifically state that Municipal Defence Staffs would come under its command, the wording “all republican and municipal authorities on the territories of the [listed] municipalities” justifies an assessment that the military did command those municipal staffs. Furthermore, the order reveals the Peć Military Sector Commander ordering the Chief of the Peć MUP to be responsible for local security. The resubordination designated in the Peć Sector order would not have been a local initiative; it is assessed that the other four sectors encompassing the

³⁸ Exhibit K1837, ERN K007-7492-K007-7494, Order *The functioning of life and work in the zone of responsibility of the Peć VO*, 30 March 1999

³⁹ Exhibit K1837, ERN K007-7492-K007-7494, Order *The functioning of life and work in the zone of responsibility of the Peć VO*, 30 March 1999

SECTION 6 - ARMING LOCAL DEFENCE UNITS

32. Prior to his appointment to Head of the VJ Security Service (KOS) in late March 1999, VJ General Geza Farkaš was the Assistant Minister for the Civilian Defence Sector.⁴⁰
33. According to a November 1998 letter from Petar Ilić, head of the Priština Department of Defence, to General Farkaš at the Federal Ministry of Defence's (MOD) Civilian Defence Sector, weapons for Civilian Defence units in Kosovo were provided by the VJ 3rd Army and stored in various VJ facilities for distribution during enactment of the "mobilization plans which have been made and approved by Defence Department – Civil Defence Sector":

With our document, classified No. 80-10/3, we requested from 3rd Army Command to provide armament and ammunition for all units which have been formed and developed by various departments and sections on the territory of KiM [Kosovo and Metohija], such as: Civil Defence departments for 1665 military conscripts, communications units 423 military conscripts, OiO /Observation and Reporting Units/ 1179 military conscripts, civil protection 3365 members or in total 6632 military conscripts.⁴¹

34. Authority to issue the weapons was held by General Farkaš:

[...] further activity regarding the taking, distributing and issuing equipment to conscripts will exclusively depend on your [General Farkaš's] orders if it comes to the realization of mobilization plans.⁴²

35. The Provincial Secretariat for Civil Defence in Kosovo issued a document called "Weapons Temporarily Issued to the Defence Department in Ištók" in July 1998.⁴³

⁴⁰ Exhibit K1200, report on General Farkaš meeting Romanian counterpart, *Yugoslav Defense Team Discusses Civilian Defense in Romania*, 4 August 1998, FBIS translation

⁴¹ Exhibit K2685, ERN K000-4687-K000-4687 Priština Defence Department to Civil Defence Sector of the Federal MOD, No. 863-56, Classified No. 2 November 1998

⁴² Exhibit K2685, ERN K000-4687-K000-4687 Priština Defence Department to Civil Defence Sector of the Federal MOD, No. 863-56, Classified No. 2 November 1998

36. Although only the cover letter to the document exists, the date is sufficient to conclude

that Civil Defence units were armed as a matter of a Federally-mandated policy.

36. In July 1998, General Lukić of the MUP Staff in Pristina issued a covering letter to accompany extracts from a register of weapons issued by the VJ to "citizens engaged in defence of villages and cities through the reserve police squads in the municipalities" falling under the seven Kosovo MUP districts (SUPs).⁴⁴ Lukić directed SUP Chiefs to update their reserve police unit records to support their defence plans. An accompanying page covering only the Kosovska Mitrovica SUP notes that 7436 weapons were assigned to the six municipalities which that SUP covered.⁴⁵ This provides further evidence that the military provided weapons and that the units defending settlements were formed around reserve MUP units.

37. At the same time as arming of part of the population was occurring, "Šiptar" villages were the subject of a programme of disarmament.⁴⁶

SECTION 7 - OPERATIONS

38. The tactics described in the 1998 Instructions require well-trained forces and include offensive operations supported by artillery and mortars:

The combat disposition of the police unit responsible for organizing the city's defence should enable the following: completion of an assignment with minimal losses, efficient engagement of all forces inside and outside the city including the execution of all types of combat actions, simultaneous attack on terrorist forces on the outskirts and inside the city, uninterrupted co-ordinated action between all units, securing of wings, flanks and unoccupied spaces, correct utilization of land and buildings and flexible and continuous command of the forces.⁴⁷

⁴³ Exhibit K1261, ERN K000-4764, *Weapons Temporarily Issued to Defence Department in Istok*, Strictly confidential No. 80-23, 2 July 1998

⁴⁴ Exhibit K1287, ERN K003-9364, *Overview Number of weapons issued by VJ, broken down by municipality on the territory of the SUP in KiM*, Fax from General Lukić to Ministry of Internal Affairs Belgrade, 30 July 1998

⁴⁵ Exhibit K1287, ERN K003-9364, *Overview Number of weapons issued by VJ, broken down by municipality on the territory of the SUP in KiM*, 30 July 1998

⁴⁶ Details are in Part II, *Kosovo Operations Narrative*

⁴⁷ Exhibit K1837, ERN K007-7492-K007-7494, Order *The functioning of life and work in the zone of responsibility of the Peć VO*, 30 March 1999

SECTION 8: CONCLUSIONS

39. The local defence concept ensured Kosovo was saturated with armed organisations.

In addition to the already-high numbers of VJ and MLP units, it was a concept rooted in FRY

legislation and one which brought FRY and Serb forces together in composite units acting ultimately on the authority of the FRY President.

40. The link between the FRY President and local defence organisations was reinforced during the state of war by the imposition of VJ command through the Military-Territorial organisation. Prior to the state of war, i.e. 24 March 1999, the link between local defence and the FRY President can be established through the involvement of the Federal Ministry of Defence in providing weapons, the involvement of Military-Territorial units and military reservists, and the Joint Command's central role.

41. Arguments seeking to show that responsibility for crimes lay with illegal armed groups and individuals acting without official sanction or knowledge, including renegade locals with grudges, are weakened by the pervasiveness of FRY legislation which legitimised the creation of an armed society. Further details on the evolution of this are provided in Part II of this report, Kosovo Operations Narrative.

D. SUPREME COMMAND & JOINT COMMAND

SECTION 1 - INTRODUCTION

1. The Supreme Command was the military-political body, headed by President Milošević as the Supreme Commander, commanding operations by forces of the FRY and Serbia during the state of war declared on 24 March 1999. The direction provided by the Supreme Commander determined the activities of the Chief of the Supreme Command Staff – otherwise known as the Chief of the General Staff of the VJ – and the Head of the Joint Command for Kosovo.
2. The Joint Command for Kosovo & Metohija was a body responsible for co-ordinating the activities of the FRY and Serbian armed organisations in Kosovo on behalf of the FRY President. It had been in operation since at least mid-1998 and continued through the conflict with NATO in 1999.
3. In examining the actual practise of command and control in Kosovo, Part II: Kosovo Operations Narrative will address both the Supreme Command and the Joint Command in more detail.

SECTION 2 – SUPREME COMMAND

4. The term “Supreme Command” refers to a military-political structure operating under Milošević as the Supreme Commander during the state of war declared on 24 March 1999.¹ The Supreme Command was comprised of elements of the political leadership of the FRY and Serbia as well as the VJ General Staff. President Milutinović represented Serbia, as required by his membership on the Supreme Defence Council.
5. A large number of official VJ documents and open source reports show that the Supreme Command existed, in spite of some suggestions that it was not a legal body, and that it operated under the control of Milošević who exercised the command responsibility described in Section A (Command of the VJ) of this report; that is, Milošević as Supreme Commander fulfilled the functions mandated for the FRY President by the FRY

¹ Exhibit K1115 ERN 0073-0593-0073-0593 Decision on the Declaration of a State of War, 24 March 1999

... Constitution and laws such as the 1994 Law on Defence. These details were covered in Section 6.

6. The Chief of the VJ General Staff, General Ojdanić, commanded the Staff of the Supreme Command during the state of war, and in that position he fulfilled his responsibilities as defined in the Law on Defence and the Law on the VJ. The Supreme Command stood at the head of the VJ; its political element provided guidance to the VJ General Staff, which translated that guidance into decisions, orders, and directives for subordinate units.

7. General Nebojsa Pavković, Chief of Staff of the VJ Third Army during the indictment period, explained the role of the Supreme Command and the Supreme Commander in a 20 October 2000 interview with Belgrade RTS Television:

[Pavković] Well, you know, in peacetime, the chief of the General Staff practically commands the Yugoslav Army on the basis of the authority given to him by the President of the Federal Republic of Yugoslavia. But practically that right is in the hands of the President, in other words, the Supreme Commander. In that chain of command, after me come the commanders of the strategic groups, then the operational level of command, the Corps Commanders, Brigade Commanders, and so on...

[Pavković] [deep sigh] Well, I was criticised a lot because allegedly I was the first one that used the expression "Supreme Commander." Of course, until that time, that had not bothered anyone. After the aggression against our country and the well-known events regarding the stabilisation of the units of the Yugoslav Army in conditions when they had destroyed installations, when they did not have an existing infrastructure, it was completely logical that in certain moments we used that term. You know, the Supreme Defence Council is an advisory body, which is called for by the Constitution, and it actually, as its name says, gives advice before a decision is made. But as a collective body it cannot issue executive orders. The President of the Federal Republic of Yugoslavia issues executive orders. And that is the principle of seniority and subordination in the army. Orders on deploying certain units cannot be issued collectively. For example, the Supreme Defence Council made a decision to defend the country in case of NATO attack. That was only a decision that the Defence Council made. But commanding, issuing orders for deployment of units, is carried out by that one man. It is true that the Constitution does not provide for a Supreme Commander, but since in

...that pyramid of command, he is at the top, he is also supreme, because at the top of the pyramid the commander is an Army Commander, a commander is a Corps Commander, a commander is a Brigade Commander. They are all commanders on a certain level, but on the final level, at the top of the pyramid, is the Supreme Command, and in that sense that is only a play on words that did not mean anything, but it annoyed some people very much because at that time the Supreme Commander — and the President — was Slobodan Milošević, just as now the Supreme Commander is Mr. Kostunica.²

8. Orders issued during the state of war make reference to the Supreme Command and the Supreme Commander. The Supreme Command Staff issued orders to the 3rd Army, which, as the preceding section on VJ structure explains, stood one level below the VJ General Staff. A few examples illustrate the relationship:

- From the 3rd Army to subordinate units: “On the basis of Supreme Command Staff order, conf. no. 688-1 of 3 April 1999...”³
- 3rd Army Order, str. conf. no. 2924-2 of 27 April 1999: “On the basis of the Order by the Chief of ŠVK /Supreme Command Staff/, str. conf. no. 01/2930-1 of 26 April 1999..., I hereby ORDER...”⁴
- An order from 3rd Army: “We have received order, str. conf. no. 06/4026-1 of 10 May 1999 from the Supreme Command Staff...”⁵
- Temporary Executive Council for Kosovo, Meeting 24 March 1999: “VJ Lieutenant-General Nebojša PAVKOVIĆ underscored that in keeping with the Law on the Defence of the SRJ /Federal Republic of Yugoslavia/, the Yugoslav Army is prepared to carry out the orders of the Supreme Commander.”⁶

² Belgrade RTS Television First Program, 1900 GMT 20 Oct 00, FBIS EUP20001022000003

³ Exhibit K2690 ERN L003-4717 – L003-4899 *The Application Of Rules Of The International Law Of Armed Conflicts*, pp 83, editor Ivan Marković, Vojska, Belgrade 2001

⁴ Exhibit K2690 ERN L003-4717 – L003-4899 *The Application Of Rules Of The International Law Of Armed Conflicts*, pp 103, editor Ivan Marković, Vojska, Belgrade 2001

⁵ Exhibit K2690 ERN L003-4717 – L003-4899 *The Application Of Rules Of The International Law Of Armed Conflicts*, pp 111, editor Ivan Marković, Vojska, Belgrade 2001

⁶ Exhibit K1812 ERN K006-7964-K006-7967 Minutes of the 15th Session of the Temporary Executive Council, pp 5

... from the Military Sector in Peć on 30 March 1999. On the basis of the Supreme Commander's order on the declaration of a state of war.

Thus, Milošević's ultimate command responsibility over the VJ is unmistakable. As the orders above show, the VJ chain of command functioned in a doctrinal manner. Part II will show how these doctrinal chains of command were applied.

10. There is sufficient detail to demonstrate the MUP's subordination to the Supreme Command, both *de jure* and *de facto*: from a *de jure* perspective, the Serbian MUP was subordinated to the VJ for combat operations during a state of war and, through the VJ's subordination to the Supreme Command, the MUP also became subordinate.⁸ At least two other connections existed between the MUP and the Supreme Command. The first came through the Joint Command for Kosovo; the second from the personal connection between Milošević and the MUP leadership. This will be addressed by witnesses. Part II, Kosovo Operations Narrative addresses the links in more detail.

SECTION 3 - JOINT COMMAND

11. The Joint Command for Kosovo existed as early as July 1998 with a mandate to coordinate political, military, and MUP activities in Kosovo. In a post-war public debate between General Pavković, formerly 3rd Army Commander, and General Lukić, formerly head of the MUP Staff in Kosovo, General Pavković made reference to the Joint Command and its role. In Pavković's reference, he provided some indication of the Joint Command's authority over the MUP as well as over VJ-MUP joint operations:

The Police had their own headquarters, headed by their own officers, and the cooperation with the Army was coordinated through political actors in Joint Command, formed for the purpose. Therefore, the information to what the police force units were doing can best be provided by the police commanders and the members of the Joint Command in charge of them.⁹

⁷ Exhibit K1837 ERN K007-7492-K007-7494, *The functioning of life and work in the zone of responsibility of the Peć VO*, 30 March 1999

⁸ Exhibit K2755, ERN K020-2486 – K020-2486, Priština Corps Command Order Strictly Confidential no. 455-172, 20 April 1999

Under this Order, based on a Supreme Command Order, Priština Corps sub-units were ordered to subordinate the MUP for combat operations. The MUP Staff in Kosovo was an addressee. A reference was also made to Article 17 of the FRY Law on Defence which legislates this effort by the VJ.

⁹ Exhibit K2376, Pavkovic Public Announcement, VJ website, 14 June 2001

12. The Joint Command issued, *inter alia*, detailed instructions on how local defence was to be organised in Kosovo,¹⁰ daily Situation Reports on VJ and MUP activities,¹¹ and an Order on "cooperation with units in the zone of responsibility."¹² That Order directed Brigade sub-units not to conduct operations without the approval of both the Brigade Commander and the Joint Command (see Part II for details) thereby demonstrating Joint Command authority over VJ units in Kosovo.¹³

SECTION 4 - CONCLUSIONS

13. The complexities of the political and security situation in Kosovo from January – June 1999 demanded clear political direction for the leaders of armed organisations conducting operations under the authority of such direction. At the top of the hierarchy, the focus of the FRY President's authority was the Supreme Command. This body, despite challenges to its legality, enabled Milošević to exercise his legally-defined authority over armed organisations during a state of war.
14. The Joint Command was engaged at a level below the Supreme Command. It fulfilled a crucial co-ordination role for joint operations involving more than one armed organisation, particularly joint operations by the VJ and MUP. The Joint Command had the authority to issue Orders and Instructions related to defence and security.
15. Having the two headquarters described above, ensured that there were command and control means at two critical junctures between Milošević and the combat units engaged in operations: one, the Supreme Command, that would take his direction and initiate planning by the VJ and MUP, and, two, the Joint Command, another juncture to implement political decisions and co-ordinate military/MUP activities within Kosovo, thereby bringing together some of the still-separate elements in VJ and MUP chains-of-command.

¹⁰ Exhibit K1280, ERNs K000-4736-K000-4736 (Cover Letter), K000-4739-K000-4752 (Attachment), Cover Letter and attached Instructions for the Defence of Populated Areas (Temporary), issued by the Joint Command for Kosovo & Metohija, 28 July 1998

¹¹ Exhibit K1402, ERN K006-9105-K006-9112, Operational Report of the Joint Command for Kosovo and Metohija regarding the security situation in Kosovo, 15 October 1998

¹² Exhibit K 2622, ERN K004-9530 – K004-9531, Command of 125th Brigade Strictly Confidential Order No. 31816-1, 7 July 1998,

¹³ Exhibit K 2622, ERN K004-9530 – K004-9531, Command of 125th Brigade Strictly Confidential Order No. 31816-1, 7 July 1998,

Appendix A

To OTP Military Analyst Report Part 1

RECOGNITION GUIDE FOR THE UNIFORMS¹

- 1. VJ regular**
- 2. VJ regular**
- 3. Police**
- 4. Police, possibly PJP Mechanised unit**
- 5. PJP green camouflage**
- 6. PJP blue camouflage with green camouflage webbing**
- 7. PJP green camouflage with field or "baseball" cap**
- 8. JSO-style**
- 9. VJ, possibly reservists**
- 10. KLA**

¹ Cross referenced to photographs in exhibit K2766

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Appendix F

To OTP Military Analyst Report Part 7

RECOGNITION GUIDE FOR WEAPONS

1. **D-20 Cannon (152mm)**
Range: 17 km²
2. **M-70 Commando Mortar (60mm)**
Range: 1630m Rate of fire: 20-25 rounds/min³
3. **Zastava 84 sub-machine gun (7.65mm)**
Rate of fire: 840 rounds/min⁴
4. **Heckler and Koch MP5 sub-machine gun (9mm)**
Rate of fire: 900 rounds/min⁵

1. **AK-47 rifle with folding butt (7.62mm)**
Range: 800m Rate of fire: 600 rounds/min⁶
2. **AK-47 rifle with wooden butt (7.62mm)**
Range: 800m Rate of fire: 600 rounds/min⁷
3. **Zastava M72 light machine gun with bipod open and metal stock folded (7.62mm)**
Range: 800m Rate of fire: 600 rounds/min⁸
4. **Zastava M76 sniper rifle with telescopic sight (7.62mm)**
Range: 1000m⁹
5. **Zastava M84 general purpose machine gun with bipod open and belt box fitted (7.62mm)¹⁰**

¹ Cross referenced to photos in exhibit K2767

² Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 713

³ Jane's Infantry weapons, Twenty-third Edition (1997-1998), page 422

⁴ Jane's Infantry weapons, Twenty-third Edition (1997-1998), page 121

⁵ Jane's Infantry weapons, Twenty-third Edition (1997-1998), page 95

⁶ Jane's Infantry weapons, Twenty-third Edition (1997-1998), page 169

⁷ Jane's Infantry weapons, Twenty-third Edition (1997-1998), page 169

⁸ Jane's Infantry weapons, Twenty-third Edition (1997-1998), page 301

⁹ Jane's Infantry weapons, Twenty-third Edition (1997-1998), page 205

¹⁰ Jane's Infantry weapons, Twenty-third Edition (1997-1998), page 302



RECOGNITION GUIDE FOR VEHICLES

1. M-60 APC

Armoured Personnel Carrier with machine gun. Capable of carrying 10 soldiers (+ crew). Range of gun: 1000 metres.²

2. BTR-60 PB APC

Armoured Personnel Carrier capable of carrying 14 soldiers (+ crew). Range of gun: 1000 metres.³

3. M-80 APC

Mechanised Infantry Combat Vehicle (armoured) with 20mm cannon. Capable of carrying of 7 soldiers (+ crew). May have anti-tank guided missiles mounted on turret. Range of main weapon: 2000 metres.⁴

4. M-53/59 "Praga"

Twin self-propelled anti-aircraft gun system. Range of weapons: 9700 metres when used against ground (rather than air) targets. Rate of fire: 105 rounds per minute per barrel.⁵

5. M-84 Tank

Main Battle Tank (based on the Soviet T-72) with 125mm tank gun and machine guns. Range of main weapon: 2000 metres but can be used in less precise manner e.g. against villages from over 6000 metres away.⁶

6. T-54/55 Tank

Medium Battle Tank with 100mm tank gun and machine gun(s). Range of main weapon: 1500 metres but can be used in a less

¹ Cross referenced to exhibit K2765

² Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 395

³ Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 482-483

⁴ Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 393-394

⁵ Jane's Land based Air Defence, Fourteenth Edition (2001-2002), page 53-54

⁶ Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 155 (and 87)

precise manner e.g. against villages from over 6000 metres away.⁷

7. IMR A-0.75 (TARA)

Troop and logistics transport Vehicle. Pinzgauer look-alike.

8. TAM-110

Troop and logistics transport Vehicle.^{9 10}

9. BOV-3

Triple self-propelled armoured anti-aircraft gun system. Three 20mm guns. Range of weapon: 2000 metres. Rate of fire: 750 rounds per barrel per minute.¹¹

10. BOV-VP APC

Armoured Personnel Carrier¹²

11. BOV-30

30mm Twin-barrelled self-propelled armoured anti-aircraft gun system. Range: 3000 metres. Rate of fire: 75 rounds per minute per barrel.¹³

12. BRDM-2 APC

4x4 amphibious armoured vehicle. Can have various weapons systems such as, anti-tank missiles, machine-gun. Usually used as a reconnaissance vehicle. Very similar in basic design to the BOV (see number 10).¹⁴

13. Land Rover Defender

4 wheel drive patrol vehicle^{15 16}

⁷ Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 98, 100

⁸ Jane's Military vehicles and Logistics, Fourteenth Edition (1993-1994), page 454

⁹ Jane's Military vehicles and Logistics, Fourteenth Edition (1993-1994), page 455

¹⁰ Exhibit K1929, ERN 0302-6703-0302-6704, Vehicle log, 122nd PJP Intervention Brigade, May 1999

¹¹ Jane's Land based Air Defence, Fourteenth Edition (2001-2002), page 79

¹² Jane's Land based Air Defence, Fourteenth Edition (2001-2002), page 78

¹³ Jane's Land based Air Defence, Fourteenth Edition (2001-2002), page 78

¹⁴ Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 222

¹⁵ Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 528-529

¹⁶ Exhibit K1929, ERN 0302-6703-0302-6704, Vehicle log, 122nd PJP Intervention Brigade, May 1999

14. HUMMER "Hummer"
4 wheel drive patrol vehicle. Can have machine-guns mounted.

The above details are intended as a guide, there were more vehicle types used by the forces of the FRY and Serbia but not specified above. These included the Mitsubishi Pajero (a 4x4 similar to the Landrover), Nissan Patrol, Toyota Landcruiser, and Lada Niva.¹⁸

¹⁷ Jane's Armour and Artillery, Twenty-second Edition (2001-2002), page 252

¹⁸ Exhibit K1929, ERN 0302-6703-0302-6704, Vehicle log, 122nd PJP Intervention Brigade, May 1999



RECOGNITION GUIDE FOR PATCHES

1. VJ 63rd Airborne Brigade
2. VJ Special Forces
3. VJ
4. VJ Military Police
5. VJ Military Police
6. MUP Milijica
7. MUP Policija
8. Paramilitary Black Tigers
9. Paramilitary Serb Volunteers
10. MUP JSO
11. Paramilitary White Eagles
12. MUP SAJ
13. MUP PJP

¹ Cross referenced to photos in Exhibit K2764

6

**GUIDE TO PHOTOGRAPHS
OF FRY/SERB ARMED ORGANISATIONS**

1. The photos associated with this annex provide some insight into the issues surrounding the identification of organisations by their uniforms and ancillary equipment. These issues include the fact that, contrary to the accused's assertions, the military and MUP did not always appear dressed in a uniform or professional manner e.g. with insignia. Also, the MUP often wore ribbons to distinguish themselves from the KLA. Some photos provide evidence of the military and MUP acting in concert along with the use of heavy weapons systems such as the T-55 tank and "Praga" anti-aircraft artillery system.
2. Photos K021-5418 and K021-5417 show VJ special forces personnel. The basis for this is the VJ patch clearly visible on the left arm and the special equipment. This special equipment includes a crossbow (used in special operations), non-standard personal weapons, face-concealing balaclavas, and the generally high quality webbing and uniform.
3. Photo K021-5411 shows VJ soldiers, regular or reserve, showing the variation in appearance of these members of an official armed organisation. One, just visible on the right side, has a headband and the soldier in the centre bears little resemblance to the image of a clean cut, disciplined soldier. The VJ patch is clearly visible on the left shoulder of those in the foreground.
4. Photo K021-5409 shows, by all appearances, a very professional group of VJ personnel, one with a sniper rifle. This photo shows the variation in the wearing of insignia: at least one has the VJ patch on his left shoulder whereas another has no patch.
5. Photo K021-5387 is an example of how well-equipped the PJP were. The uniform is obviously new and the helmet, webbing, and pistol holster are of better quality than the ones commonly issued to the MUP.

¹ Photos with ERN K005-6*** referred to in this section of the report are all under Exhibit K2474
Photos with ERN K021-5*** referred to in this section of the report are all under Exhibits K2476 and K2477

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16. Photo K021-5384 shows the PJP using 60mm mortars. They are all wearing the newer green camouflage uniforms but, notably, not all have insignia. The one who does have insignia has the MUP patch on his left shoulder and the PJP patch on his right shoulder. Only two are wearing headgear and the headgear is a woolen watch cap rather than the PJP peaked cap or Kevlar helmet.

17. Photo K021-5383 shows a member of the PJP firing an 82mm mortar.

8. Photo K021-5381 shows a MUP special unit, probably the JSO. The camouflage uniforms are a different pattern than those of the PJP and SAJ. The red berets are not worn by the PJP and, although they are worn by SAJ, the uniform is not an SAJ uniform. The inspection of this group by the then Minister of Internal Affairs, Vlado Stojiljković, attests to their MUP membership and official status.
9. Photo K005-6361 shows members of the PJP in the field showing off a collection of KLA patches. The white ribbons on one shoulder correspond to a practice adopted to reduce the risk of MUP being confused with KLA who might wear similar uniforms.² One officer is wearing a balaclava – an observation made by some witnesses. The wearing of a balaclava could serve a number of purposes including an attempt to appear more aggressive or an attempt to disguise an officer's face from recognition by locals or from being captured on film.
10. Photo K005-6355 shows a very unprofessional-looking group of VJ, probably reservists. Their association with the VJ is established by the relative uniformity of dress, weapons, and insignia.
11. Photo K005-6341 shows VJ and MUP on a VJ T-55 tank. It demonstrates the joint nature of VJ-MUP operations. The VJ member is standing on the turret wearing a green camouflage uniform and the VJ insignia is faintly visible on his upper left arm. The MUP are wearing ribbons to distinguish them from the KLA.
12. Photo K005-6331 shows VJ and MUP gathered around an M-53/59 "Praga" self-propelled anti-aircraft artillery gun. The VJ personnel are sitting in the bottom right of the photo. The "Praga" was a VJ weapon system (confirmed by green colour and presence of VJ troops). This is further indication of VJ-MUP acting in concert.

² ERN K005-7435-K005-7436, Ribbon chart for month of May 1999, Priština SUP, May 1999

13. Photo K005-6304 shows MUP, probably PJP, in the field. While there is some variation in dress, the association of all of these men with the MUP comes from the use of ribbons, the commonness of the MUP blue camouflage uniform, insignia (probably "Milicijska Policija") on the left shoulder, the common automatic weapons, and the MUP vehicles in the background - one of which is an armoured vehicle in "MUP blue". The unkempt appearance of these men might cause some witnesses to ascribe their membership to an illegal paramilitary group.

14. Photo K005-6326 shows MUP, probably PJP, members on a MUP armoured vehicle covered in additional armour in the form of Kevlar sheeting. The front has a provocative and unprofessional image of a Serb nationalist sign.

15. Photo K005-6328 shows members of the MUP gathered around an armoured vehicle with a heavy machine gun mounted on the top. The officer on the left is assessed to be a member of the MUP Mechanised unit based on the grey coveralls.

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Appendix F

To OTP Military Analyst Report Part I

UNIFORM OF THE SAJ



¹ Exhibit K2368, Serbian Ministry of Internal Affairs website
See exhibit for colour version and accompanying text

5

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-02-54-T

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Lipton Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Date Filed: 2 July 2002

THE PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

PROSECUTION'S SUBMISSION OF THE SECOND EXPERT REPORT
("PART II") OF PHILIP COO

The Office of the Prosecutor:

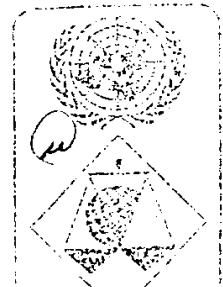
Mr. Geoffrey Nice
Mr. Dirk Ryneveld
Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

Amicus Curiae:

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Mischa Wladimiroff

The Accused

Mr. Slobodan Milošević



THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR

v.

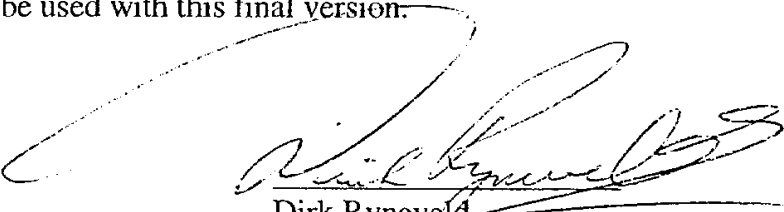
SLOBODAN MILOŠEVIĆ

Case No. IT-02-54-T

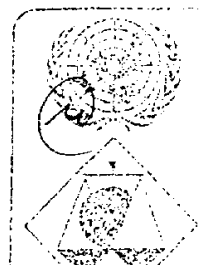
**PROSECUTION'S SUBMISSION OF THE SECOND EXPERT REPORT OF
PHILIP COO**

On 29 May 2002 the Prosecution filed a draft version of the second expert report ("Part II") of Philip Coo. On 14 June 2002 the Prosecution filed all of the supporting materials for Part II with the exception of the OSCE "Bluebook". This item was filed on 21 June 2002.

Pursuant to Rule 94bis of the Rules of Procedure and Evidence, the Prosecution now submits the final version of Part II. The supporting materials filed on 14 June 2002 and 21 June 2002 should be used with this final version.


Dirk Ryneveld
Senior Trial Attorney

Dated This Second Day of July 2002
In The Hague
The Netherlands



IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Lipton Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Date Filed: 14 August 2002

THE PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

PROSECUTION'S SUBMISSION OF
THE EXPERT REPORT OF HELGE BRUNBORG

The Office of the Prosecutor:

Mr. Geoffrey Nice
Mr. Dirk Ryneveld
Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

Amicus Curiae:

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Mischa Wladimiroff

The Accused

Mr. Slobodan Milošević

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR

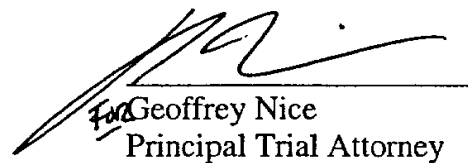
v.

SLOBODAN MILOŠEVIĆ

Case No. IT-02-54-T

PROSECUTION'S SUBMISSION OF
THE EXPERT REPORT OF HELGE BRUNBORG

Pursuant to Rule 94bis of the Rules of Procedure and Evidence, the Prosecution submits the expert report of Helge Brunborg.


Geoffrey Nice
Principal Trial Attorney

Dated This 14th Day of August 2002
In The Hague
The Netherlands

Report on the size and ethnic composition of the population of Kosovo

By

Helge Brunborg
Oslo, Norway

Summary

After a review of several sources and related literature in demography, it is my opinion that the population of Kosovo in the period preceding the conflict there in 1998-1999 was about 2,1 million, or between 2,0 and 2,2 million. Of this total, the percentage of ethnic Albanians would be about 83 per cent, or between 80 and 85 per cent, and that of ethnic Serbs about 10 per cent, or between 9 and 13 per cent, leaving persons in other ethnic groups at about 7 per cent.

There are several reasons for uncertainty about the size and ethnic composition of the population of Kosovo in the 1990s. The primary reason is that the 1991 census was boycotted by the Albanians. The second major reason is that there was substantial but not tabulated migration from and to Kosovo in the 1990s, of Albanians, Serbs and other nationalities. However, several estimates of the size and ethnic composition of the population have been made, and an assessment of their results and methods permit certain conclusions to be made about the population in Kosovo in the relevant period.

The Federal Statistical Office (or, FSO) of the Federal Republic of Yugoslavia (FRY) has itself estimated the size and composition of the population in 1991, based on a projection of the 1981 census population and on certain assumptions about the trends of fertility, mortality and migration since 1981. The FSO estimates, which seem quite reliable, show a total population of 1,956,000 in 1991, of which 82 per cent were ethnic Albanians, 10 per cent ethnic Serbs and 8 per cent others. These estimates are estimates of the *de jure* population, however, since they include people who are temporarily working abroad. The FSO has also estimated the *de facto* mid-year 1991 population at 1,935,000, only 33,000 lower than the *de jure* estimate for mid 1991.

It is more difficult to estimate the population size before the conflict in 1998-1999, because no census was conducted in the 1990s and because migration streams during the 1990s, which may have been significant, are not well recorded.

There are, however, two independent sets of estimates of the population shortly before the 1998-1999 conflict. The first set of estimates, made for 1997 by the FRY's Federal Statistical Office, found a *de jure* population of 2,188,000 and a *de facto* population of 2,166,000 during the relevant time period. FSO has also estimated the *de jure* population in mid 1998 at 2,222,000.

The second set of estimates, by a group of French demographers at the University of Montequieu-Bordeaux, estimated that the *de facto* population of Kosovo on 1 October 1998 was between 2,044,000 and 2,131,000 people. This estimate was based on a large representative household survey conducted in Kosovo during November 1999-February 2000, in collaboration with the United Nations Population Fund, the International Organization for Migration, and the Statistical Office of Kosovo. The research conducted by these demographers included questions about temporarily absent household members. Responses to these questions also permitted the demographers to estimate that the population would have been 2,290,000 if there had been no such departures since 1981.

The *de facto* estimates for 1997 and 1998, 2,188 million (FSO) and 2.044-2.131 million (Blayo et al), are very close, both of them being slightly more than two million. These estimates are probably the best that can be obtained since no accurate data exist, and permit conclusions to be drawn as to the population of Kosovo at the relevant time period.

There are also other estimates for 1998 and the preceding years, which were reviewed for this report. The Federal Secretariat of Information of the FRY estimate for 1998, 1,3 million total in Kosovo, of which 917,000 are Albanians, is markedly lower than other estimates for 1998. For this estimate to be correct an exceedingly high volume of net out migration would have had to take place, about 750,000 from mid 1997 to mid 1998. Thus, the estimate does not seem to be realistic. I do not know the basis for the estimate, however, but it would be highly unusual if the Federal Secretariat of Information had at its disposal migration and other data that another government institution, the Federal Statistical Office, would not have or be provided with to revise its own estimates.

Likewise, another estimate, by Islami (1997) for 1995, that the Kosovo population in 1997 was 2,2 million (probably also intended to be a *de facto* estimate), does not seem to be realistic, being very high.

Finally, the United Nations High Commissioner for Refugees (UNHCR) has also made a *de jure* estimate for 1998, probably for 31 March, as an extrapolation of the 1991 census population, arriving at 2,188,817. This figure is very close to the FSO *de jure* mid-year estimate for 1998, 2,220,000.

All of these three estimates also include the ethnic composition of the population, but as mentioned above the first two do not seem realistic. However, the UNHCR estimate offers a useful estimate of the ethnic composition. As the UNHCR estimate is *de jure*, it is likely that the *de facto* ethnic composition did not deviate very much from the *de jure* composition, since there probably was net out-migration of all ethnic groups from Kosovo in the 1990s.

On the basis of my review of several sources of population, the most reliable estimate of the ethnic distribution appears to be that of the UNHCR estimate, while the most reliable estimate of the total population appears to be that of the Blayo estimate. Thus, I find that there were between 1,708,000 and 1,780,000 Albanians, between 197,000 and 205,000 Serbs, and between 139,000 and 145,000 other nationalities in Kosovo in the first half of 1998. Or, since these numbers may appear to be more accurate than they may be in reality, I conclude that there were about 1,7 million Albanians, about 200,000 Serbs and about 140,000 people of other nationalities in Kosovo in 1998. This corresponds to 83 per cent Albanians, 10 per cent Serbs and 7 per cent other nationalities.

For this report, I have also looked at other aspects of the population development of Kosovo. I found that the population growth of Kosovo has been high but declining during the last half century and that this is likely to continue for the next 20 years, according to population projections made in 1996 by the Federal Statistical Office before the conflict in 1998-1999. The population movements in Kosovo in recent years have certainly changed the population prospects for the province, however.

Finally, I conclude that the major reason for the fast population growth has been the elevated fertility of the Kosovo Albanian population as compared to the Serb and other population groups, but the Albanian fertility is declining rapidly, however, just as in the rest of Europe.

1. Background

I have been asked by the Office of the Prosecutor (OTP) of the International Criminal Tribunal for the Former Yugoslavia (ICTY) to prepare a report on the size and ethnic composition of the population of Kosovo, before the conflict in 1998-1999. The report does not discuss population changes after 1998.

The sources of information for this report are set out in the list of references at the end of the report. Where appropriate, I have made specific references to sources or indicated the extent to which some sources were not available to me.

Because of the limited time available for writing this report, the difficulties in identifying and obtaining statistical and other publications, and also possible language limitations, it is possible that there are relevant publications and statistical sources that I have not been aware of or had access to. The possibility that some of these could have an affect on the findings and conclusions presented in this report cannot be excluded.

2. Introduction

The main statistical office of the Socialist Federal Republic of Yugoslavia (SFRY), and later of the Federal Republic of Yugoslavia (FRY), is located in Belgrade.¹ The Serbian name is *Savezni zavod za statistiku*, which is now translated into "Federal Statistical Office" (or, FSO), has previously also been translated as "Federal Institute for Statistics" (and this term is also used in this report). During the SFRY period there was also a statistical office in each of the six republics and the two autonomous provinces, Vojvodina and Kosovo (called Kosovo and Metohija by Serb authorities). The federal office was responsible for the design and planning of the various statistical activities and for publishing the results, whereas the republican and provincial statistical offices usually did the collection of the data and the data entry.

Population and Housing Censuses were taken in Yugoslavia in 1948, 1953, 1961, 1971, 1981, and 1991.² They were planned by the Federal Statistical Office in consultation with the republic/province offices.³ The enumeration forms were the same in all republics/provinces, ex-

¹ The information in this section regarding the Yugoslav organs that dealt with population statistics and demographics is based on material that is publicly available. This information is set out for background purposes only.

² "Prvi rezultati opstinama" (First results on municipalities), *Statistički bilten* no. 1890, Savezni zavod za statistiku, Belgrade 1991.

³ "The work on the methodology and organization of the census were carried out by the services of the population statistics and industry and construction census of the Federal Institute for Statistics. The final solutions of the methodology were adopted in expert methodological group of the Federal Institute for Statistics in consultation with republican and provincial statistical institutes." (Federal Institute for Statistics 1974).

cept for language and alphabet. In some cases, however, "*the republican institutes were authorized by the federal Statistical Institute to make additional instructions*" for the enumerators. For the 1971 census this was done on the question of nationality - primarily on how those offices should handle responses relating to regional or local affiliation instead of nationality or ethnic affiliation (Federal Institute for Statistics 1974).

Ethnicity, or rather nationality in the sense of national belonging or affiliation (*nacionalna pripadnost*), has been recorded in all SFRY censuses: "...*the question on nationality was asked in the same way and basically the same classification was applied for the results presentation.*" (Federal Institute for Statistics 1974). Nationality has always been recorded through self-reporting in the censuses (Klopčić 2000). In 1971 it became possible for the respondents to express their nationality or ethnic affiliation without any predetermined categories, including the right *not* to state this.⁴

In my opinion, the Yugoslav censuses were conducted by professional statisticians according to recognized international methodologies. One of the 1971 census methodology publications, for example, mentions that when the draft questionnaire was compiled, use was made of the recommendations of the Conference of European Statisticians for the population and housing censuses around 1970 (Federal Institute for Statistics 1974).

The most serious problem with the results of the SFRY census in 1991 is the question of the impact of the boycott of it by Albanians in Central Serbia, Kosovo and Macedonia. Measures taken by the FSO to address this issue are described later in this report.

3. Problems in obtaining population estimates

The most common method to obtain estimates of the size and composition of a population is to conduct a population and housing census. Practically all countries in the world take censuses regularly, usually every ten years. Censuses present many challenges, being very large undertakings, to ensure high coverage and high-quality data.

De facto and de jure

At the outset, a consideration of the FSO's census results requires a brief explanation of certain principles of population statistics. One of these is the definition of the population to be enumerated. The two main concepts are the *de facto* and *de jure* population: "*The total population of a country may comprise either all usual residents of the country (de jure population) or all persons present in the country (de facto population) at the time of the census. For purposes of international comparisons, the de facto definition is recommended.*" (United Nations 1958). Strict conformity to either of these two simple concepts is rare, however (United Nations 1996).

The Yugoslav censuses appear to follow the *de jure* concept since the population is enumerated according to the "*principle of resident population*", although the term "*de jure*" is not used expressly.^{5,6} For the issues discussed in this report the most noteworthy part of the

⁴ "*The data on ethnic nationality are the result of freely expressed ethnic nationality of population, respectively of parents (guardians) in the case of children under 10 in the censuses up to 1961, or under 15 years of age since the 1971 census.*" (Federal Statistical Office 1997)

⁵ "*In all six post war censuses the population was enumerated and the results shown by the principle of resident population. It means that every inhabitant had to be enumerated in the place of permanent residence, even when at the time of the Census he/she was absent from that place due to any reason (travel, education or field work, temporary work abroad, compulsory service in the Army, medical treatment, penal service, imprisonment, etc.). Data on these persons were furnished by their households. Accordingly, data on persons were included in the*

population that is absent but nevertheless enumerated is “*persons at temporary work abroad*”. This is done “*regardless of the duration of stay of a responding person*” (Federal Institute for Statistics 1974). This is not strictly in conformance with the United Nations recommendations since persons temporarily in a country may be considered residents after some time and consequently be included in the census of that country as well. This makes international comparison difficult (UN 1996).

Data on temporarily absent workers are provided by the members of their households, as explained in footnote 5. This implies that such persons will only be included if there is a member of the household to report them in the census. Thus, if all household members have gone abroad there will be nobody to report them.⁷

Most tables on the Yugoslav population include temporarily absent persons. The Federal Statistical Office has, however, also published tables that show the population “*in the country*”, “*Based on the projections of the number of Yugoslav citizens at temporary work abroad.*” (FSO 1997). These statistics correspond closely to the *de facto* population concept. These FSO estimates, when compared with other FSO estimates, show that the difference between the *de jure* and *de facto* population counts for Kosovo are between 28,000 and 91,000 persons (1.7-4.6 per cent of the resident population) for the years for which I have found data, see table 6. These temporarily absent persons appear to include both Albanians and Serbs in other former Yugoslavia republics and outside Yugoslavia.⁸

The FSO estimates of the temporarily absent workers abroad, 28,000-91,000 people, are substantially lower than some other estimates of the number of Albanians living abroad: Malcolm (1998) writes that 368,000 Kosovo Albanians were living in Western European countries in 1993, whereas Islami (1997) estimated that about 500,000 Albanians from throughout the former Yugoslavia lived abroad in 1997 (cited by Grecic 1999). However, the estimates cited by Malcolm and Grecic include many Albanians who have become residents abroad, including many who emigrated with their entire households, leaving nobody to report their absence. Such persons would be counted in neither *de jure* nor *de facto* population estimates. Consequently, the estimates of the absent workers mentioned above need not be inconsistent with each other.

census results for the locality the persons was domiciled, regardless of whether this persons was in that or some other locality at the time of the Census.” (Federal Statistical Office 2001). Emphasis added.

⁶ Federal Institute for Statistics (1974, p.22-23) notes in the section Persons engaged at temporary work abroad: “In the 1971 census as persons at temporary work abroad were considered the citizens of Yugoslavia who stayed abroad and worked there with a foreign employer’s or on own-account. [...]”

Whether a work of an individual is to be considered as “temporary ” was concluded on the basis of statement of those who provided the information (as a rule household members). The response “temporary” work was entered regardless of the duration stay of a responding person. The reason for this is that even persons when leaving for abroad, as well those who already found job abroad, often do not make a firm decision in respect of duration of their stay abroad. [...]

Persons at temporary work are distributed in the tables of results in this book, according to age, ethnic nationality, literacy status, educational attainment and their activities prior to leaving the country in order to find a job abroad, in the same way as other population. However, in order to make possible the use of the census data on economic characteristics of population which lives and works in the country separately from the data on persons at temporary work abroad, these persons are not grouped into individual modalities of the characteristics “employment status” and “industry”, but are shown in summary figures as “persons at temporary work abroad”. Detailed data on these persons are published in Statistical bulletin, No. 679, published in August, 1971.”

⁷ Blayo et al. (2000) found that of those had been absent from Kosovo for more than a year in 1999, between 10 and 34 per cent had left with the whole household.

⁸ FSO (1997: 64) reports that there were 25,000 persons at temporary work abroad, including their family members in 1971 and 39,434 such persons in 1981. It is not clear, however, if these numbers include all persons temporarily absent from Kosovo or only persons absent from Kosovo who are outside SFRY.

Population estimates

For years without population counts, such as those between censuses and after the most recent census, annual population numbers can be estimated.⁹ Several different methods can be used for this. The simplest is to extrapolate the growth rate of the population, but this does not take into account age structure dynamics and trends in birth, death and migration rates.

The most common method is to project the total population from one year to the next, adding births and in-migrations and subtracting deaths and out-migrations. This method, known as the natural increase method, assumes that there are statistics or reliable estimates of these events. Data on births and deaths are usually obtained through the so-called vital statistics system. Yugoslavia has had such a system for many years, like most countries. A problem is raised by the availability of data on migration, which are difficult to obtain, even if a system to register moves was established in SFRY 1988. Consequently, the Federal Statistical Office calculates its annual mid-year estimates of the total population by adding the *natural* growth for each year, that is the surplus of births over deaths.

This method for estimating annual population totals is inconvenient for estimating the population by age and sex. The so-called *cohort component method* is more appropriate for this. According to this method a population for an area is projected by age (cohort) and sex, taking the demographic components mortality, migration and fertility into account for each age group. It is most common to project five-year population groups by sex five years forward at a time, subtracting estimated numbers of deaths and out-migrations and adding in-migrations and births (to women in each age group). The Federal Statistical Office used this method to estimate the 1991 population in Kosovo, projecting the 1981 census population forward for ten years.

4. Migration

Migration to and from Kosovo is a highly political and contested issue. Before I present some data on this I would like to point out some essential aspects on the quantification of migration:

- It is usually very difficult to measure migration. Most countries do not have systems that require people to register moves in the same way as births and deaths are registered in vital statistics systems.
- Even if a country has established a system for registering migrations, like SFRY, people often do not report their moves, especially when they have no incentive to do so.
- Migration between urban and rural areas, and from less prosperous to more prosperous regions and countries is normal all over the world (unless migration is strictly controlled). This also occurred from the poorer to the richer Yugoslavian republics, provinces and municipalities. This factor contributed to out-migration from Kosovo.
- As a general principle, small (or large) net migration streams are normally the result of much larger gross migration stream in each direction.

⁹ Countries with good population registers that are updated regularly can derive register-based population statistics for any year. However, only a few countries in the world have registers good enough for this purpose, mainly the Nordic countries. Although a universal ID number (*matični broj*) was introduced in Yugoslavia in 1981, this was not used to derive statistics on the size and composition of the population. Some of the former Yugoslav republics have developed registers that can be used for this, in particular Slovenia, but not Serbia or the autonomous provinces of Vojvodina and Kosovo. The main difficulty is in updating a population register with data on births and deaths, and particularly with migrations, since moves are often not reported.

There are many examples of migration streams to and from Kosovo in the literature, including migration of both Serbs and Albanians from Kosovo for economic reasons but also due to violence and persecution; migration into Kosovo from Albania; migration into Kosovo of Serbs from Croatia and Bosnia and Herzegovina during the war period 1992-1995, settlement of Serbs from Central Serbia in Kosovo, etc.

The contentious nature of this issue is illustrated by the contrasting views in the literature. Grecic (1999), for example, writes that 150,000 – 200,000 Serbs were forced to leave Kosovo between 1961 and 1981, whereas Malcolm (1998) writes that “*the most careful study of this issue concluded that there was a net emigration of between 80,000 and 100,000 between 1961 and 1981. This estimate is in line with evidence of the 1981 census, which found that 110,675 people living in inner Serbia ... had moved there from Kosovo, of which 85,636 had come there in the period 1961-81.*” (page 350).

The Federal Statistical Office does not regularly publish migration statistics in its statistical yearbooks, but it has done so in connection with its population projections, see table 1.¹⁰

Table 1. Average annual net out-migration from Kosovo

	Historical	Assumed for projections 1991-2021	
		Constant migration variant	Variable migration variant
1961-1971	3685		
1971-1981	5294		
1981-1991	6213		
1991-2001		7298	7161
2001-2011		8797	8182
2011-2021		10430	6683

Average annual crude net migration rate (per 1000)

1961-1971	-3,3		
1971-1981	-3,7		
1981-1991	-3,5		
1991-2001		-3,4	-3,4
2001-2011		-3,4	-3,3
2011-2021		-3,4	-2,4

Source: *Yugoslav Survey XXXVIII* No.1, 1997: 3-34

These figures are the result of migration streams out of Kosovo, both to other parts of Yugoslavia, including Central Serbia, and to foreign countries, as well as migration streams into Kosovo. The annual net migration figure of 6213 persons from Kosovo during 1981 -1991 implies a total net emigration of 62,000 during that 10-year period.

We notice from table 1 that the net migration rate from Kosovo, 0.3-0.4 per cent of the population per year for 1961-1991, is relatively modest. FSO assumed in 1996, when the population projections were made, that this level of net out-migration would continue during the 1990s and for the period 2001-2021.

Blayo et al. (2000) have estimated the impact of migration on the population of Kosovo, based on a representative survey of more than 40,000 persons from November 1999 to February 2000. The sample represents approximately 2.5 per cent of the population estimated in August 1999 by UNHCR, based on information from village authorities, 1,560,000. Because of the risk of overestimation by counting absent persons in certain villages and doubts about

¹⁰ FSO does publish, however, statistics on displaced persons and inter-republic migration, but not migration to other countries.

the intensity of returns by entire households, Blayo et al. bounded the UNHCR estimate by the interval 1.4-1,7 million.

The survey asked the sampled households to list all persons who were absent, finding that 12.3 per cent were absent at the time of the interview, which represents approximately 225,000 persons for all of Kosovo. About 62 per cent of these left before 1998. Blayo et al. note that "*The figure of 225,000 does not cover all persons absent from Kosovo, because it does not include those belonging to household in which all members left Kosovo, leaving no one to report their absence.*" By combining the 1981 census data with vital statistics data and subtracting the UNHCR 1999 estimate, the authors found that between 611,000 and 911,000 left Kosovo during 1981-1999. Breaking this number down to when they left, they arrived at an estimate of the total population present in Kosovo on 1 October 1998 of 2,044,000 - 2,131,000.

Without any emigration since 1981 the population would have been 2,290,000, according to Blayo et al. The difference between this figure and their estimates for the population on 1 October 1998, amounting to between 159,000 and 246,000, would represent migration between 31.03.1981 and 01.10.1998.¹¹

5. The 1991 population census for Kosovo

The 1991 population census for all republics of SFRY was conducted from 1st to 15th April 1991, with 31 March 1991 as the census (reference) day (Savezni zavod za statistiku 1991). In all municipalities of Kosovo and Metohija as well as the Bujanovac and Preševo municipalities in Central Serbia, "*... the majority of the Albanian population boycotted the census, so the actual data on its size are not available*"¹². To compensate for this the FRY statistical office in Belgrade estimated the size of the Albanian population on the basis of the 1981 census results taking into account, then, population changes during the intercensal period 1981-1991, using the cohort component method described in section 3.¹³

The estimated population numbers for 1991 were published in the 3rd volume of the 1991 census publications for each of the about 1400 localities (*naselje*, "inhabited area") and 31 municipalities (*opština*) for every nationality.¹⁴ Volume 17 of the 1991 series explains the methodology and gives more detailed results, including the population by age and sex (Savezni zavod za statistiku 1997).

¹¹ There is a difference of 21,000 between this range, 159,000-246,000, and the range given by Blayo et al. for the number of absent people who left before 1 October 1998, 180,000-267,000. It is not clear to me whether this difference is due to an error or whether there is a conceptual difference.

¹² Savezni zavod za statistiku (1993). Translation provided by OTP.

¹³ "*The estimated size of the population of the Albanian nationality by municipalities was calculated as the difference between the estimated total population (on the basis of an adopted hypothesis on birth and death rates as well as the migration balance in terms of age and sex in the 1981-1991 period) and enumerated (popisanog), or more precisely, enumerated and estimated "non-Albanian" population (the population of other ethnic affiliation, and the population who failed to choose, or rather state, their nationality, or declared themselves Yugoslavs or stated their religious affiliation). Exceptionally, the size of the Albanian population in the Gora, Zvečan, Zubin Potok, Leposavić, Novo Brdo and Štrpce municipalities was estimated on the basis of a specially adopted hypothesis about its birth and death rates as well as the migration balance in the period between the 1981 and 1991 census.*" From "Methodological explanations" in Savezni zavod za statistiku (1993). Translation provided by OTP. The six municipalities that are referred to in the last sentence are municipalities with a non-Albanian majority, see table 1.

¹⁴ From "Preface" in Savezni zavod za statistiku (1993). Translation provided by OTP.

Table 2 shows my summary of these numbers for the municipalities of Kosovo, called Kosovo and Metohija in the publication. I have calculated the number of "Others" as the total population for each municipality less the number of ethnic Albanians and ethnic Serbs. Ethnic Albanians were the majority population in 25 of the 31 municipalities, ethnic Serbs in five (Leposavić, Novo Brdo, Štrpce, Zubin Potok and Zvečan) and Muslims in one (Gora).

The table shows that, according to the estimates made by the Federal Statistical Office, the total population size of Kosovo in 1991 was 1,96 million.¹⁵ Of these 194,000 (9.9 per cent) were Serbs, 1,6 million (81.6 per cent) were Albanians, and 166,000 (8.5 per cent) were "other nationalities" (including Yugoslavs and not declared). The largest of the "other" groups were Muslims (66,189 - 3.4%), Roma (Gypsies) (45,745 - 2.3%), Montenegrins (20,365 - 1.0%), Turks (10,445 - 0.5%) and Croats (8,062 - 0.4%). There were only 3,457 (0.2%) Yugoslavs.

Table 2. Population of Kosovo 31 March 1991 by municipality and ethnicity

Opština	Population size			Per cent distribution			
	Total	Serb	Albanian	Other	Serb	Albanian	Other
Dečani	49000	188	47669	1143	0.4	97.3	2.3
Đakovica	115097	1751	106868	6478	1.5	92.9	5.6
Glogovac	53618	23	53562	33	0.0	99.9	0.1
Gnjilane	103675	19370	79357	4948	18.7	76.5	4.8
Gora	17574	60	941	16573	0.3	5.4	94.3
Istok	57261	5968	43910	7383	10.4	76.7	12.9
Kačanik	38010	223	37368	419	0.6	98.3	1.1
Klina	52266	5209	43248	3809	10.0	82.7	7.3
Kosovo Polje	35570	8445	20142	6983	23.7	56.6	19.6
Kosovska Kamenica	52152	12762	38096	1294	24.5	73.0	2.5
Kosovska Mitrovica	104885	9482	82837	12566	9.0	79.0	12.0
Leposavić	16395	14299	951	1145	87.2	5.8	7.0
Lipljan	69451	9713	53730	6008	14.0	77.4	8.7
Mališevo	47817	475	47318	24	1.0	99.0	0.1
Novo Brdo	4611	2666	1845	100	57.8	40.0	2.2
Obilić	31627	5490	20971	5166	17.4	66.3	16.3
Opolje	21861	0	21844	17	0.0	99.9	0.1
Orahovac	59877	3795	55033	1049	6.3	91.9	1.8
Peć	127796	7815	96441	23540	6.1	75.5	18.4
Podujevo	92946	1118	91005	823	1.2	97.9	0.9
Priština	199654	26893	154990	17771	13.5	77.6	8.9
Prizren	178723	10911	135674	32138	6.1	75.9	18.0
Srbica	55471	713	54437	321	1.3	98.1	0.6
Štimlje	23506	971	21716	819	4.1	92.4	3.5
Štrpce	12712	8138	4300	274	64.0	33.8	2.2
Suva Reka	64530	3001	61230	299	4.7	94.9	0.5
Uroševac	113668	8314	100144	5210	7.3	88.1	4.6
Vitina	57290	7002	45078	5210	12.2	78.7	9.1
Vučitrn	80644	5522	71354	3768	6.8	88.5	4.7
Zubin Potok	8479	6282	2079	118	74.1	24.5	1.4
Zvečan	10030	7591	1934	505	75.7	19.3	5.0
Total	1956196	194190	1596072	165934	9.9	81.6	8.5

Source: Table "Stanovništvo prema nacionalnoj pripadnosti", page 226-275 in Savezni zavod za statistiku (1993).

6. Population by ethnicity from previous censuses

Figure 1, which is based on table 3, shows the results from all Yugoslav post World War II population censuses, 1948-1991, for the ethnic composition of the population of Kosovo, as published by the Federal Statistical Office of SFRY. We notice that the proportion of Albanians has been growing throughout this period, from 68.7 per cent in 1948 to 77.4 per cent in 1981. From 1981 to 1991 the Albanian majority grew from 77 to 82 per cent, according to the

¹⁵ Slightly different estimates have been published for the Kosovo population in 1991, for example, 1,966,436 in *Population projections 1991-2021 (Federal statistical office, Belgrade 1996)*. The differences may be due to revisions after the first preliminary figures were published or a mixture of *de jure* and *de facto* population numbers.

FSO estimates, while the proportion of Serbs declined from 13 to 9 per cent. The proportion of other nationalities did not change much.

Figure 1. Population of Kosovo by ethnicity, according to population censuses 1948-1991

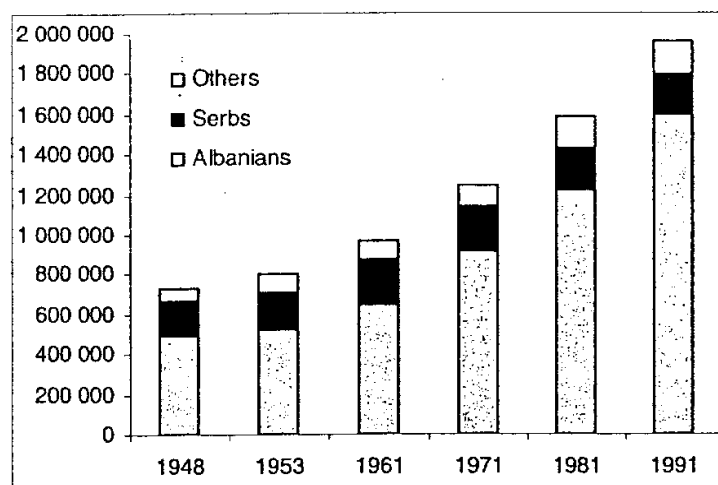


Table 3. Population of Kosovo by ethnicity according to censuses 1948-1991

	1948	1953	1961	1971	1981	1991
	31 March	31 March	31 March	31 March	31 March	31 March
Albanians	498 242	524 559	646 605	916 168	1,226,736	1,596,072
Serbs	171 911	189 869	227 016	228 264	209,497	194,190
Others	57 667	93 713	90 367	99 261	148,207	165,934
Total	727 820	808 141	963 988	1 243 693	1,584,440	1,956,196

Annual population growth since previous census

	2.1%	2.2%	2.5%	2.4%	2.1%
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Per cent distribution

Albanians	68,5 %	64,9 %	67,1 %	73,7 %	77,4 %	81,6 %
Serbs	23,6 %	23,5 %	23,5 %	18,4 %	13,2 %	9,9 %
Others	7,9 %	11,6 %	9,4 %	8,0 %	9,4 %	8,5 %
Total	100 %	100 %	100 %	100 %	100 %	100 %
Source	SZS 1989	SZS 1989	SZS 1989	SZS 1989	FSO 1997	FSO 1997

The 1981 census is regarded as the last census for Kosovo with full participation of all population groups. I am aware, however, that the 1981 and 1971 censuses have faced some criticism (Grecic 1999).¹⁶ The criticism of the 1981 census, which appears to be based on information provided by the Federal Secretariat of Information (1998), seems to focus on the lack of cooperation between the Kosovo authorities and "the statistical organs of the Republic", but there is no explanation of why and how this affected the results. Furthermore, Grecic discusses the results from the censuses in neighbouring Macedonia in 1991 and 1994 and concludes, but not convincingly, that there was a similar overestimate of Albanians in both Kosovo and Macedonia in 1991. Finally, he finds it implausible that the number of Albanians grew 1.7 times faster in Kosovo than in Macedonia from 1948 to 1981 and that the "entire population growth of the Gypsies and Turks in the Province was ascribed to Albanians".

¹⁶ The Federal Statistical Office (1997:7) alludes to the debate on this: "The 1991 Census was successfully implemented¹ (one did not get involved with the justification of the remarks on received results of the 1981 Census especially the ones pertaining to the over assessment of the data about the number of the population of Albanians nationality)¹ The authors made important resignation from this fact only when they were setting up the hypothesis for drafting of the assessment of the agricultural population." Translation provided by OTP.

It is difficult to see that this, even if it were the case, may have had much significance. According to the censuses the total number of Roma (Gypsies) and Turks in Kosovo grew from 12,545 in 1948 to 46,639 in 1981, while the number of Albanians grew from 498,242 to 1,226,736 (Savezni Zavod za Statistiku 1989 and FSO 1997). The number of Roma and Turks is both much less and growing much faster than the Albanians in this period (272 and 146 per cent, respectively).

Grecic's reasoning, which is based on indirect arguments, is difficult to follow and does not seem to be based on solid demographic data and accepted methodology. Thus, I do not find his conclusions very reliable. The same is the case for the estimates made by the Federal Secretariat of Information, to which Grecic refers, but to which I have not had access.

7. Other population estimates for the 1990s

Table 4 shows estimates for 1995 and 1998 made by other institutions than the Federal Statistical Office. Estimates have been made for 1995 by Huizi Islami (1997), and for 1998 by UNHCR (1999), Federal Secretariat of Information (1998), and Blayo et al. (2000).

The numbers in the first column, which were made by Islami (1997, quoted by Grecic 1999), give an Albanian population of fully 1.96 million in 1995, 89.1 per cent of the total population. This number does not seem realistic. It is difficult to see how the Albanian population could have grown that fast from 1991 to 1995, i.e. at 5.1 per cent per year. This growth is greater than in any previous period, see table 3.

Table 4. Population estimates for Kosovo for 1995 and 1998

	1995 Date not known	1998a Probably 31 March	1998b Mid 1998	1998c 1 October
Albanians	1 960 000	1 829 119	917 000	
Serbs	140 000	210 943	221 000	
Others	100 000	148 755	240 980	
Total	2 200 000	2 188 817	1 378 980	2,044,000- 2,131,000
Per cent distribution				
Albanians	89,1 %	83,6 %	66,5 %	
Serbs	6,4 %	9,6 %	16,0 %	
Others	4,5 %	6,8 %	17,5 %	
Total	100 %	100 %	100 %	
Source	Islami 1997	UNHCR 1999	Federal Secretariat of Information 1998	Blayo et al. 2000

The 1998a estimates were made by UNHCR for each village in March 1999. The UNHCR (1999) report says: "Population figures are extrapolated from 1981 and 1991 census data. As the 1991 census was boycotted by the ethnic Albanian population and the extrapolation does not take into account large numbers of ethnic Albanians known to have moved overseas in recent years, these figures should be considered as a guide only and not necessarily accurate." Further explanation is given by Steven Wolfson of UNHCR: "... the difference between the 1981 and 1991 was taken and used to calculate a proportional change to 1998. The exception to this is where an ethnic group showed a decrease between 1981 and 1991; in this case the 1991 estimates was left unchanged." (Letter to OTP dated 21 June 2002).

Thus, UNHCR has done a simple extrapolation.¹⁷ The dynamics caused by the age structure, fertility and morality differences etc. have not been taken into account, as was done by the FSO for their 1991 estimates and in their population projections for 1991-2021, where they made assumptions about the likely trends in fertility mortality and migration during the nineties and later, see section 8. Another limitation on the accuracy of the UNHCR estimates is that migration out of (and into) Kosovo was not included, due to lack of data. This implies that the UNHCR estimate of the total population in 1998, 2,188,817, is a *de jure* estimate. As such it is very close to the FSO *de jure* estimate for mid 1997.

The next estimate for 1998, called 1998b, has been published by the Federal Secretariat of Information (1998, quoted by Grecic 1999). I have no information about the basis for this. The estimate does not seem very reliable, however, as it implies an unprecedented annual decline of the total population from 1991 to 1998 by 5.5 per cent and of the Albanian population by 7.9 per cent. This estimate is highly inconsistent with all estimates for the 1990s made by the Federal Statistical Office as well as by other institutions, see figure 2.

Thus, both the 1995 and the 1998b estimates of the population of Kosovo by ethnicity seem to be unrealistic.¹⁸ I have, however, not had access to the original publications and the methodology and data that these estimates have been based on.

The last estimate of the 1998 total population in table 4, 1998c, was made by Blayo et al. (2000), discussed in section 4 above. As previously note, they found that between 180,000 and 267,000 people had left Kosovo between 31 March 1981 and 1 October 1998, which resulted in a population on 1 October 1998 of between 2,044,000 and 2,131,000. This is slightly less than the UNHCR estimate for 1998 (which is probably for 31 March 1998). Without the departures from Kosovo the population would have been 2,290,000, according to Blayo et al.

Table 5. Population growth per year, based on censuses and other estimates

	Based on population censuses					Based on other estimates					
	1948-1953	1953-1961	1961-1971	1971-1981	1981-1991	1981-1995	1981-1998a	1981-1998b	1991-1995	1991-1998a	1991-1998b
Albanians	1,0%	2,6%	3,5%	2,9%	2,6%	3,3%	2,9%	-2,1%	5,1%	1,9%	-7,9%
Serbs	2,0%	2,2%	0,1%	-0,9%	-0,8%	-2,9%	0,0%	0,4%	-8,2%	1,2%	1,8%
Others	9,7%	-0,5%	0,9%	4,0%	1,1%	-2,8%	0,0%	3,5%	-12,7%	-1,6%	5,3%
Total	2,1%	2,2%	2,5%	2,4%	2,1%	2,3%	2,3%	-1,0%	2,9%	1,6%	-5,0%

8. Development of the total Kosovo population since 1948

In addition to census results the Federal Office of Statistics publishes estimates of the mid-year population for each republic and province. I have located such estimates for almost every year since 1948. These estimates appear to have been made using the natural increase method explained in section 3. Generally, the estimates exclude internal and external migration, according to FSO (1997: 58), thus corresponding to the *de jure* population concept used in the censuses. These estimates are shown in the second column of table 6.

¹⁷ There is a small problem in that the UNHCR report left out the numbers for some localities in the totals for 12 of the 31 municipalities (12,486 persons altogether). This is probably due to an error but it does not affect the overall size and composition of the estimates. I have included the corrected totals in all tables and graphs in this report.

¹⁸ In a discussions of the conflict between Albanians and Serbs in Kosovo in the 1980s Judah (1997: 152) writes: "In the 1980s, however, the bitterest statistics war was waged over the question of population and emigration." and "Although both sides question the official statistics when they do not suit their arguments, they both use them, for example the census returns, when they do"

Table 6. Estimates of the total population of Kosovo, 1948-1998

Year	De jure population	De facto population: excl. citizens at temporary work abroad	Difference between <i>de jure</i> and <i>de facto</i> population	Type and date of estimate	Source
1948	727,820			Census, 31 March	SZS 1989
1952	793,000			Mid-year estimate	SGJ 1991
1953	808,141			Census, 31 March	SZS 1989
1953	813,000			Mid-year estimate	SGJ 1991
1954	832,000			Mid-year estimate	SGJ 1991
1955	842,000			Mid-year estimate	SYY 1997
1957	873,000			Mid-year estimate	SPB 2001
1958	890,000			Mid-year estimate	SGJ 1991
1959	921,000			Mid-year estimate	SGJ 1991
1960	944,000			Mid-year estimate	SGJ 1991
1961	963,988			Census, 31 March	SZS 1989
1961	972,000			Mid-year estimate	SGJ 1991
1962	997,000			Mid-year estimate	SGJ 1991
1963	1,021,000			Mid-year estimate	SGJ 1991
1964	1,046,000			Mid-year estimate	SGJ 1991
1965	1,082,000			Mid-year estimate	SYY 1997
1966	1,101,000			Mid-year estimate	SGJ 1991
1967	1,131,000			Mid-year estimate	SGJ 1991
1968	1,159,000			Mid-year estimate	SGJ 1991
1969	1,189,000			Mid-year estimate	SGJ 1991
1970	1,220,000			Mid-year estimate	SGJ 1991
1971	1,243,693			Census, 31 March	SZS 1989
1971	1,254,000			Mid-year estimate	SGJ 1991
1972	1,291,000			Mid-year estimate	SGJ 1991
1973	1,329,000			Mid-year estimate	SGJ 1991
1974	1,367,000			Mid-year estimate	SGJ 1991
1975	1,405,000	1,377,000	28,000	Mid-year estimate	SYY 1997
1976	1,446,000			Mid-year estimate	SGJ 1991
1977	1,487,000			Mid-year estimate	SGJ 1991
1978	1,526,000			Mid-year estimate	SGJ 1991
1979	1,566,000			Mid-year estimate	SGJ 1991
1980	1,553,000			Mid-year estimate	SGJ 1991
1981	1,584,440			Census, 31 March	SZS 1989
1981	1,595,000			Mid-year estimate	SGJ 1991
1982	1,635,000			Mid-year estimate	SGJ 1991
1983	1,676,000			Mid-year estimate	SGJ 1991
1984	1,717,000			Mid-year estimate	SGJ 1991
1985	1,760,000	1,701,000	59,000	Mid-year estimate	SYY 1997
1986	1,803,000			Mid-year estimate	SGJ 1991
1987	1,848,000			Mid-year estimate	SPB 2001
1988	1,894,000	1,818,000	76,000	Mid-year estimate	SYY 1997
1989	1,939,000	1,857,000	82,000	Mid-year estimate	SYY 1997
1990	1,987,000	1,896,000	91,000	Mid-year estimate	SYY 1997
1991	1,956,196			Census est., 31 March	SYY 1997
1991	1,968,000	1,935,000	33,000	Mid-year estimate	SYY 1997
1992	2,008,000	1,943,000	65,000	Mid-year estimate	SYY 1997
1993	2,044,000	1,977,000	67,000	Mid-year estimate	SYY 1997
1994	2,079,000	2,011,000	68,000	Mid-year estimate	SYY 1997
1995	2,115,000	2,046,000	69,000	Mid-year estimate	SYY 1997
1996	2,151,000	2,100,000	51,000	Mid-year estimate	SYY 1997
1997	2,188,000	2,116,000	72,000	Mid-year estimate	SYY 1998
1998	2,222,000			Mid-year estimate	SPB 2001
1995		2,200,000		De facto? Date not known	Islami 1997
1998a	2,188,817			31 March?	UNHCR 1999
1998b		1,378,000		De facto? Mid-year	Federal Secretariat of Information 1998, cited by Grecic 1999
1998c		2,044,000 low 2,131,000 high		1 October	Blayo et al. (2000)

SGJ: Statistički Godišnjak Jugoslavije (Statistical Yearbook of Yugoslavia)

SZS: Savezni zavod za statistiku (Federal Institute for Statistics / Federal Statistical Office)

SYY: Statistical Yearbook of Yugoslavia

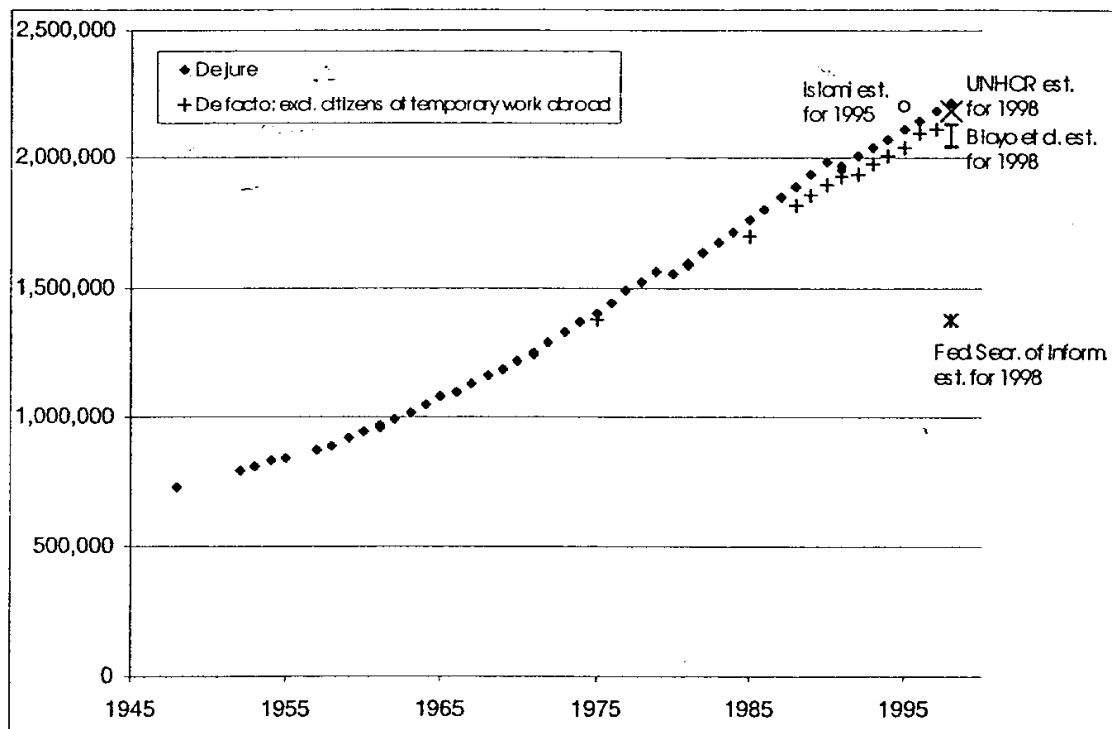
SPB: Statistical Pocket Book

However, FSO has also made estimates of the population "in the country", which are "Based on the projections of Yugoslav citizens at temporary work abroad" (FSO 1997: 64). This corresponds to the *de facto* population concept. These estimates have also been included in table 6 and figure 2 below, together with the independent estimates for 1995 and 1998 discussed above.¹⁹

Note that the FSO numbers are consistent with each other, i.e. both census and midyear estimates. The UNHCR estimate for 1998 also seems consistent with the FSO estimates, whereas the Federal Secretariat of Information estimate is far off the trend that the Kosovo population growth has been exhibiting during the last fifty years, whether migration is included or not.

The difference between the FSO *de jure* estimate for 1998, 2.2 million, and the Federal Secretariat of Information estimate for 1998, which appears to be an estimate of the *de facto* population, is more than 800,000. This difference is very large, 758,000, greater than in the previous year, and it is not likely that all of this can be explained by migration in the course of only one year, from the middle of 1997 to the middle of 1998.

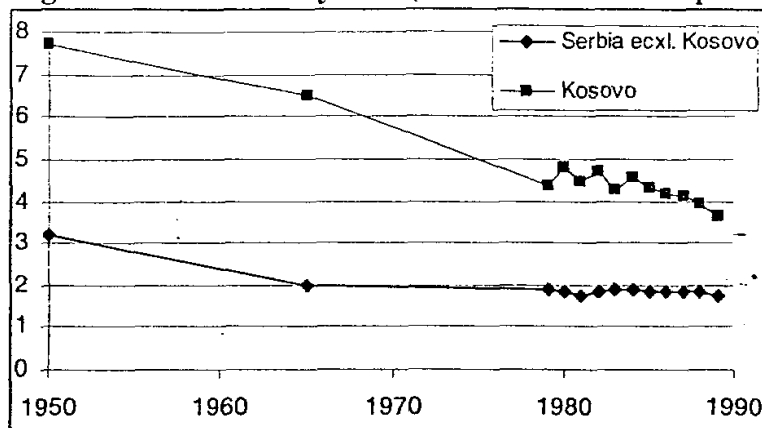
Figure 2. Total population of Kosovo according to official censuses and mid-year estimates for 1948-1998, and other estimates for 1995 and 1998



According to the FSO estimates, from 1981 to 1991 the total population of Kosovo grew by 2.1 per cent per year on average. The Serb population declined by 0.8 per cent per year, whereas the Albanian population increased by 2.6 per cent per year. These growth rates are within the plausible range. The decline of the Serb population is most probably due to net out-migration from Kosovo. The fertility levels in both Central Serbia and Kosovo have been declining to a low level as in the rest of Europe, see figure 3, but it is not likely that the fertility level of Serbs in Kosovo already was already so low as to cause population decline.

¹⁹ To be accurate the census figures refer to 1 March and the mid-year estimates to 30 June, but this difference would not be visible in this graph. The dates of reference for two of the independent estimates for 1998 are not known.

Figure 3. Total fertility rate (number of children per woman) in Serbia and Kosovo,



Source: *Demografska statistika 1989*, Savezni zavod za statistiku, Beograd 1991.

The relatively high growth of the Albanian population, more than 2 per cent per year, is primarily due to a large surplus of births over deaths. This growth is consistent with the demographic development of a population that has not completed the demographic transition, i.e. it has a relatively high but declining fertility level and a relatively low but still declining mortality level. Table 4 shows that the growth rate has been declining in recent decades.

The total fertility rate (TFR) for Kosovo, i.e. the expected number of children per woman, declined from about 6.5 in 1961 to 3.5 in 1991 and was assumed to be 3.15-3.25 for the period 1991-1996 in the FSO population projections for 1991-2021. (See below for more on the FSO population projections. This is about twice the level of TFR assumed for Central Serbia and Vojvodina, 1.63-1.77, which is at the current Western European level. The life expectancy in Kosovo also changed considerably since the 1960s, and is assumed to be only slightly lower than in Central Serbia and Vojvodina. The projections publication shows a youthful population pyramid for Kosovo, which is an indication of high but declining fertility in the last two decades (Federal Statistical Office and University of Belgrade 1996).

9. Discussion of the ethnic composition of the population of Kosovo

The best source for data on the ethnic composition of the population of Kosovo is the population censuses. They show that there has been a gradual increase in the proportion of Albanians from 68.5 per cent in 1948 to 81.6 per cent in 1991, except for a small decline from 1948 to 1953, see figure 4. For Serbs there has been a uniform decline, from 23.6 per cent in 1948 to 9.9 per cent in 1991. As explained above, the ethnic composition set out in the 1991 census derives from a FSO projection, because the census was boycotted by ethnic Albanians. The FSO estimates for 1991 yields a smooth increase in the proportion of Albanians from 1981 to 1991, as is the case for the previous periods. The growth of the proportion of Albanians relative to Serbs is both due to higher fertility among Albanians than among Serbs in Kosovo and to net out-migration of Serbs.

Figure 4. Proportion of Albanians and Serbs of the Kosovo population, according to censuses 1948-1991 and independent estimates for 1995 and 1998

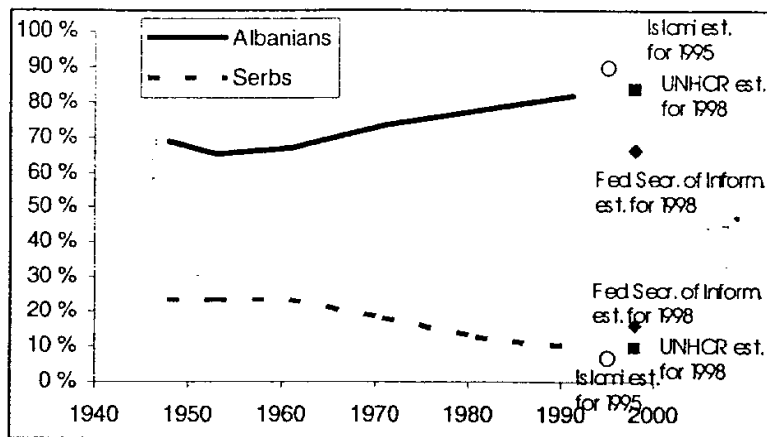


Figure 4 also includes other estimates, of which I found the Islami and Federal Secretariat of Information estimates to be unrealistic, as discussed above. The UNHCR estimates, on the other hand, are a smooth continuation of previous trends.

It has been claimed that the 1981 census overestimated the number of Albanians, but the increase from 73.7 to 77.4 per cent during the period 1971-1981 seems plausible, given the high fertility level of the Albanians in Kosovo.

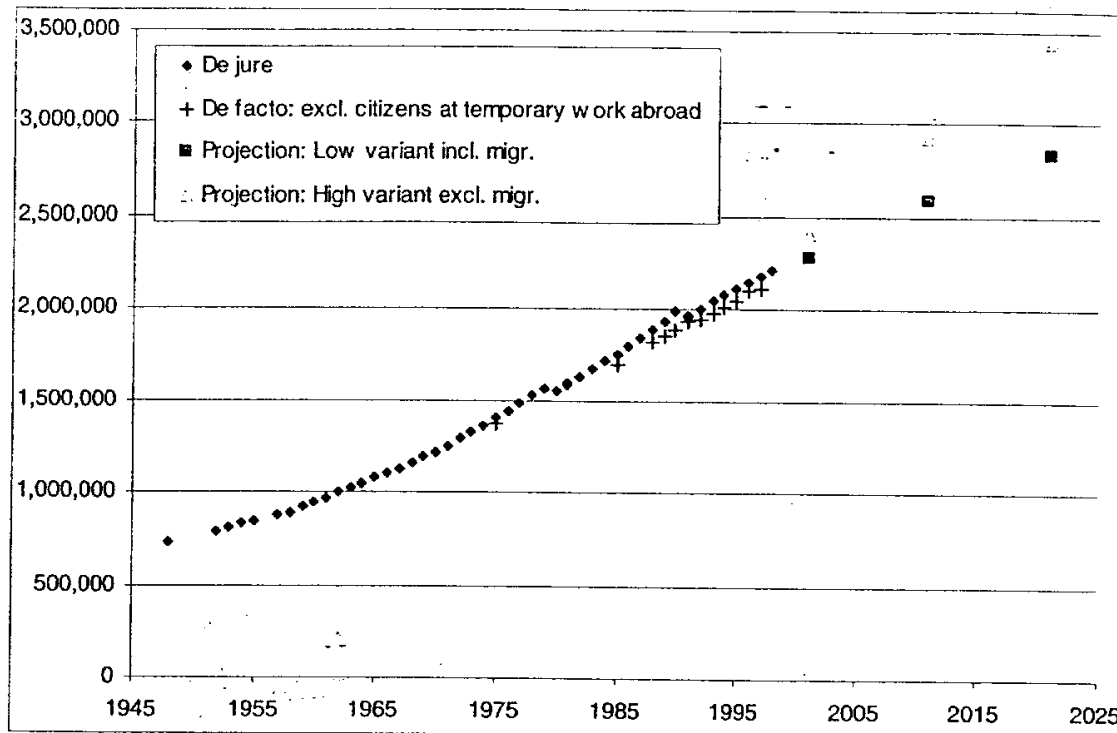
My conclusion is that the proportion of ethnic Albanians in Kosovo in 1998 is probably close to the UNHCR estimate of 83.6 per cent. It is certainly lower than the Islami estimate of 89.1 per cent (for 1995) and higher than the Federal Secretariat of Information of 66.5 per cent. The proportion is most probably also higher than the proportion found in previous censuses, due to the high natural growth of the Albanian population. Even if the 1981 results may have overestimated the number of Albanians - although I have no information about the magnitude of this - the proportion in 1998 is almost certainly higher than the 1971 proportion of 73.7 per cent due to the trends in population and growth rates of the different ethnic groups as reflected in the (S)FRY's censuses and population estimates.

It is difficult to give a *range* of plausible values of the proportion of ethnic Albanians in 1991. According to all available estimates, including those I find implausible, the range could be between 67 and 90 per cent. A more realistic range would probably be between 80 and 85 per cent, taking into consideration trends in population and growth rates as reflected in the (S)FRY's censuses and population estimates, as well the more reliable independent population assessments. A plausible range for the proportion of ethnic Serbs in Kosovo in 1998 is probably between 9 and 13 per cent.

10. Population projections

For this report, I have also looked at population projections for FRY, including Kosovo, made by the Federal Statistical Office and the Demographic Research Centre of the University of Belgrade in 1996. The projections are made for each republic and province of FRY by age and sex, but not by ethnicity. The projections are based on the 1991 enumerated (or estimated) population and an application of the cohort component method, as explained in section 3 above. Several different variants were made, based on different assumptions about the future trends of these demographic components. Figure 4 shows, together with the FSO estimates for the past, the two most extreme variants, i.e. the low variant with migration and the high variant without migration.

Figure 5. De jure, de facto and projected total population of Kosovo, 1948-2021 (Federal Statistical Office)



The population of Kosovo was in 1996 projected to grow to between 2.28 and 2.38 million in 2001 if there is migration, and to between 2.36 and 2.41 million if there is no migration. In both cases a continued high but declining population growth is projected, i.e. a continuation of the development in the previous decades. Both variants exhibit a growing population, but the growth is significantly lower in the low variant, primarily because it assumes very low future fertility. The migration assumption is based on the observed and estimated migration balance in previous periods. In the projections it is assumed that the migration balance will reach the highest level in the first part of the projection period, i.e. 1991-2001, and then decline. For Kosovo it is assumed that a negative migration balance will continue throughout the projection period 1991-2021. Still, the population will continue to grow, due to the relatively high fertility level. The events in 1998-1999 have dramatically changed the degree of realism of these projections, but it is nevertheless interesting to see how the Federal Statistical Office assessed the population trends in the middle of the 1990s.

Thus, the estimates and projections made by the Federal Statistical Office in the 1990s are consistent with the estimates made by UNHCR and Blayo et al., which indicate that the total population of Kosovo in 1998 was slightly above 2 million.

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