

(B) Accused's knowledge

1. Accused directly informed of the campaign

4813. A large number of witnesses, mostly representatives of the international community called by the Prosecution, gave evidence that they or their colleagues protested and complained to the Accused about the sniping and shelling of the civilian population of Sarajevo. (#These very same witnesses had already proven their anti-Serb attitude and position. Beside that, neither Okun, Nor Owen, nor even the highest UN Commanders, although being present there, had a direct knowledge, but were informed by their associates on the terrain#. However, they admitted that they didn't have a sufficient monitors#, also that the UNMOs weren't of any use, that their sources can not be considered as reliable. Further, almost every single Prosecution's foreign witness didn't have a minimal idea about the deployment of the forces, and it was easy to dupe and misinform them about who was firing. Some of the UN representatives of the third level, #like Harland and Banbury even didn't know what was their task and the UN mandate#!) For example, Okun testified that, on more than one occasion, Lord Owen directly asked the Accused why the Bosnian Serbs continued to shell Sarajevo when it was giving them such bad public press but the Accused never answered him.¹⁶²⁰⁸ (#How possibly the President could have answered a question in Geneva before he checked in the VRS#? Would it be serious and credible? If the President denied without checking, it would have been be rejected as a deflection of allegations, and since he didn't, it appears as if he admitted a felony of his own Army. Let us see how the Accused confronted Okun with the problem of trust of internationals and his troubles with his own commanders: T.1766: *In the meantime, I would like to inform you - I don't know whether you knew about that - that I always took into account the observations made by representatives of the international community, and I often accused my own military officers on the basis of these allegations, and very often these allegations proved to be untrue. So sometimes I attacked them for no reason whatsoever.* Q. *Do you agree that there were such cases as well?* A. *I could imagine there were such cases. Anyway, the same witness Okun testified that he never doubted in sincerity of the Accused's orders to improve the situation, see Okun's testimony, T.1766: Q:... This is yet another one of the many orders issued to the military so that they could carry out, as specifically as possible, their tasks based on the commitments that we undertook. Do you agree?* A. *Yes. And the conclusion I come -- from the multiplicity of orders, directives, instructions, letters that you sent on this subject to your military, from that I conclude that they were not being followed. If they were listening to you, you would not have had to send so many orders. So apparently the orders, while praiseworthy in themselves, were not being observed by your troops in the field. So, the Okun's testimony wasn't valued properly. Further, on T.1786 Okun testified: As I've*

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Herbert Okun, T. 1635 (26 April 2010), T. 1694–1695 (27 April 2010), P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4211. See also P1482 (Ratko Mladić's notebook, 2–28 January 1993), pp. 59–62 (Owen stating at a plenary meeting attended by the Accused that there was shelling of towns and Silajdžić noting that Sarajevo was shelled by very heavy artillery for 3 hours on the previous day).

mentioned in connection with the other documents, all praiseworthy, they would not have been issued had there not been a need for them to be issued. And it is certainly welcome to see now that the intentions of the Presidency were good. It's a great pity that the reality was different.

Why some of the President or Presidency documents hadn't been implemented could have depended on the reality of these documents. If the SRK attacked, the documents could have, and must have been implemented, but if the ABiH attacked, the SRK had to defend, and no President or Presidency was entitled to ban it! But, the SRK never initiated nor commenced skirmishes. And this is understandable and logical; for the several reasons: 1. The Serbs didn't intend to change the situation with territories; the Muslim side never gave up the idea to capture the entire Sarajevo, and thus never ceased their attacks on the Serb settlements; beside that, any firing towards the city was a very damaging for the Serb political position, while the Muslim side it was useful, which was recognized by the Chamber! Therefore, president Karad`i} was right!# In his book "Balkan Odyssey", Owen wrote that when he asked the Accused why the Bosnian Serbs were shelling Sarajevo, the Accused replied: "We're not, it's the Muslims. We're not attacking, just protecting our homes in and around Sarajevo".¹⁶²⁰⁹ **(So, it was not correct that the President didn't answer to Lord Owen, but Okun maybe haven't heard it. And what President Karad`i} answered appeared to be proven as convincing , for a several reasons: the Serbs didn't want to change the situation concerning the control of territory, and thus didn't need any artillery action; the Muslim side never gave up the idea to "liberate" the entire Sarajevo from the Serbs, and never stopped attacking the Serb suburbs. In addition, any firing in Sarajevo was politically detrimental to the Serb side, while was of a great use to the Muslim side, which the Chamber recognized! Therefore, the Accused was right!).** Okun and others "implored" the Accused to stop the Bosnian Serb shelling of Sarajevo, but the Accused did not order Mladić to stop the attacks.¹⁶²¹⁰ **(#How possibly Okun could have known this? And why the Chamber trusted a witness that was present on the terrain only occasionally, while the same Chamber had seen many orders of the President into the direction of refrain, stopping of activities, banning any firing towards Sarajevo, etc.** A. *I think we're all agreed that violence was committed by all sides. It's one of the reasons, Dr. Karadzic, these incidents that you bring to our attention, it's one of the reasons why we implored with you the Serb shelling of Sarajevo. You'll recall Lord Owen said more than once that it was probably the single biggest item that harmed your side; namely, the daily shelling of an innocent city, which, by the way, one cannot forget, is, in itself, a war crime. I have to admit that even at this late date, I do not understand why you didn't order General Mladic to stop shelling Sarajevo and Gorazde and the other cities that you besieged. It surely did you harm with the rest of the world, and it is something of a mystery to me still, why you continued this shelling, knowing that it was bringing you this harm.* **(The witness would be right had his qualification of the city of Sarajevo as "an innocent city" was right. But, the Chamber and all of people involved knew very well that it was far from any truth: Sarajevo was extremely militarised, and no Accused orders about ceasing fire could have been implemented if the Muslim side didn't want it, i.e. if the ABiH continued attacking the SRK!)** The Chamber heard that

¹⁶²⁰⁹ P799 (Excerpts from David Owen's book entitled "Balkan Odyssey"), e-court p. 10.

¹⁶²¹⁰ Herbert Okun, T. 1694–1695 (27 April 2010).

Morillon repeatedly told the Accused and Mladić that world history would judge them on the way they were using their artillery against cities, towns, and civilians, and that they had to stop.¹⁶²¹¹

(The Defence didn't hear or see General Morillon in the courtroom, and an intermediary shouldn't be sufficient to interpret another hear-say. General Morillon also, as all other UN officers, wanted to achieve something with the sides to the conflict, and their words also were a political persuasion, treats, allusions and other linguistic figures, and no other person should be transferring these words before a court. It would be only General Morillon who could repeat these words and say what he meant!)

[REDACTED] who attended meetings with the Accused, Krajišnik, Koljević, and Mladić on a number of occasions, testified that a primary issue raised in those meetings was the call to cease action against the civilian population.¹⁶²¹²

(This was their own pressure on the Serb side only. They never submitted any credible evidence, except those empty allegations, which the VRS commanders rejected as incorrect. And this was really a dishonest action of the internationals, who only claimed about attacks against civilians, and thus serving the Muslim purposes. There was no evidence, it was their words against the words of the VRS commanders. For a long period the Accused trusted the internationals, which was wrong!)

[REDACTED] during the first months of the conflict, the Accused, Mladić, Krajišnik, Koljević, and Plavšić were fully aware of the general situation in the SRK's zone of responsibility, including the large-scale commission of crimes.¹⁶²¹³

(Had the Prosecution respected the Rule 68, this protected witness couldn't say any lie any longer, but this is the part of unfairness of this trial!) According to Tucker, the Accused's knowledge of military detail was greater for Sarajevo than other parts of BiH.¹⁶²¹⁴

See the comment in fn. 16213. However, the Accused was absent from the Sarajevo region more than a half of this time. First of all, he was away from 19 or 290 May until 31 May. Then soon after that he travelled around, but mainly did his duties, which may be registered in the SRNA reports, and Mladić's diary, which might be used if not for accuracy than for a confirmation of whether there was a meeting, or not!)

4814. Rose frequently met with the Accused during his time as Commander of UNPROFOR BiH Command from 5 January 1994 to 23 January 1995, and testified that when a serious incident occurred, such as the 8 October 1994 sniping of a Sarajevo tram,¹⁶²¹⁵ it was

¹⁶²¹¹ P4203 (Witness statement of Piers Tucker dated 12 May 2010), para. 99.

¹⁶²¹² [REDACTED].

¹⁶²¹³ [REDACTED].

¹⁶²¹⁴ P4203 (Witness statement of Piers Tucker dated 12 May 2010), paras. 69, 281; Piers Tucker, T. 23226–23235 (18 January 2012); P4216 (UNPROFOR report re meeting with Radovan Karadžić, 20 November 1992), para. 7. *See also* Neđeljko Prstojević, T. 13258–13259, 13264, 13267–13268 (11 March 2011) (testifying about frequent meetings with the Accused in Pale involving discussions about the military and political situation in Sarajevo); P1004 (SRK Order, 5 September 1992); P1006 (SRK Order, 12 September 1992), p. 1 (noting that tasks were received at a conference with the RS Presidency in Jahorina held on 6 September 1992). **What does it prove? Nothing! There were meetings, but there was no any information on crimes which could or was being covered up! The fact that there were meetings proves only that the Accused and others had been alive, had been present there and did their own duties.### I izlazili u susret međunarodnim predstavnicima raznih nivoa, raznog obrazovanja, integriteta, predrasuda I pristrasnosti!**

¹⁶²¹⁵ *See* discussion in relation to Scheduled Incident F.11.

always raised with the Bosnian Serb side; he personally raised the issue of the sniping and shelling of civilians with “the Bosnian Serb leadership” at every opportunity.¹⁶²¹⁶ According to Rose, the usual response of the Accused was to blame the Bosnian Muslims for the incident, particularly when accused of a “terrible atrocity”, such as the shelling of Markale market; **(The Markale incidents were never established to be the Serb responsibility. There was a more that sufficient evidence about uncertainties and doubts, that the Chamber was expected to rjecetd this charge on the basis of the “in dubio pro reo” principle. Even if it was a jury court, if only one out of 12 votes was dissenting, the chamber would acquit the Accused, while in the Chamber one of three Judges dissented, but no acquittal! Let us see several testimonies about that incident, Okun was confronted with some reports concerning with the Muslim self-inflicting bombing, T.1694:]** *"The 1995 second market massacre": "A crucial UN report stating Serb responsibility for the market massacre is a classified secret, but for specialists - a Russian, a Canadian, and two Americans - have raised serious doubts about its conclusion, suggesting instead that the mortar was fired not by the Serbs, but by Muslim government forces. A Canadian officer added that he and fellow Canadian officers in Bosnia were convinced that the Muslim government dropped both the February 5, 1994, and the August 28, 1995, mortar shells on the Sarajevo markets. An unidentified US official contends that the available evidence suggests either the shell was fired at a very low trajectory, which means a range of a few hundred yards - therefore under the Sarajevo government control - or the mortar shell, converted into a bomb, was dropped from a nearby roof into the crowd."* [Interpretation] That was published in "The Nation" on the 2nd of October, 1995. A bit further down: [In English] "French managing editor Jean Denir [phoen] put the question directly to Prime Minister Edouard Balladur, 'They,' meaning Muslims, "'have committed this carnage on their own people.' I explained in consternation. 'Yes,' confirmed the prime minister without hesitation, 'but at least they have forced NATO to intervene.'" [Interpretation] Mr. Ambassador, do you have Prime Minister Balladur would be partial or would have any reason to present something that was not the truth? A. I think we're all agreed that violence was committed by all sides. **(#So, the most prominent and responsible statesmen of the time had been acquainted with the issue of the self-bombing with the aim of denigration of the Serbs! When confronted with another international comment of another incident, a “Bread-que” incident in Vase Miskina Street, excluded from the Indictment against the President, Okun admitted that it should be taken seriously: T.1690: "Breadline Massacre. United Nations officials and senior Western military officers believe some of the worst killings in Sarajevo, including the massacre of at least 16 people in the bread queue, were carried out by the city's mainly Muslim defenders, not Serb besiegers, as a propaganda ploy to win world sympathy and military intervention ... Classified reports of the UN force commander, General Satish Nambiar, concluded ... that Bosnian forces loyal to President Alija Izetbegovic may have detonated a bomb. 'We believe it was a command-detonated explosion, probably in a can' ..."** [Interpretation] Mr. Ambassador, should this be taken seriously as well? A. Oh, this should be taken seriously! when accused of shelling generally, the “Bosnian Serb leadership” would state that they were responding to ABiH attacks and that this was their

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Michael Rose, T. 7269 (5 October 2010); P1638 (Witness statement of Michael Rose dated 26 March 2009), paras. 35, 107, 151, 156, 200; P1644 (Letters from Michael Rose to Alija Izetbegović and Radovan Karadžić, 9 October 1994). See also P1762 (Witness statement of David Fraser dated 17 October 2010), p. 44.

method of responding because the ABiH had superior levels of infantry.¹⁶²¹⁷ **That was so, and no one had proven different. Why should the Accused trust more the UN officers than the VRS officers? There was no logics for the VRS to initiate any fire, but it was their legitimate right, and a necessity to respond and to dissuade the emeny to continue with an infantry attack after the artillery preparations. And the internationals should be satisfied with the Serb answers, or to prove otherwise!!! They can not simply doubt what the VRS officers explained to the Accused. The Serb side has every right to doubt in what the UN officers said!**

4815. Harland, who attended a number of meetings with the Accused, also testified that during those meetings he heard his superiors protesting about the sniping and shelling of civilians to the Accused or other members of the Bosnian Serb political or military leadership.¹⁶²¹⁸ **(#Harland is not credible witness, and beside that, Harland was a note taker#, and everything he testified had to be in his superior's reports, or it didn't exist. During the talks there was always a sort of exaggeration from both negotiating sides, but it doesn't mean that everything said was correct! In all the serious reports the high international representatives noted that the President was more and more conciliatory as a meeting lasted, and this is a part of negotiating tactics, but the President interlocutors are the only competent to give their "impressions", nor a note taker!)** The Accused would usually deny that there was a problem, or say that he would look into it or that he had already issued orders that firing should stop.¹⁶²¹⁹ **(So what? How could he say anything else, if not inquired? Or if informed by his own army differently?)** According to Harland, the Accused and Mladić reacted to protests in entirely different ways: Mladić was more confrontational, while the Accused would "often link one problem to another, generally ensuring that the problem could never be resolved".¹⁶²²⁰ **(#Harland never spoke to the President#, he admitted that he was only somewhere in the room for negotiations, taking notes and not participating in the negotiations. But even Okun admitted the difficulties to know what was going on, see T1691: *But there was a good deal of confusion about who was shooting at whom. As we've said several times, it was a very complex war. It was not a two-sided war, side A, side B. It was at least a three-sided war as between the Bosnian Serbs, the Bosnian Muslims, and the Bosnian Croats, and alliances shifted during the fighting. I think we've established that. I think we're all agreed on that. I don't think there's any argument on that. It's important to remember what I mentioned right at the beginning, that since the Muslim side was basically unarmed, that for most of the fighting between 1992 and 1995, about 80 per cent of the front-line on the Bosnian side was, in fact, manned by Croatian soldiers. And yet at the same time, while they were fighting against the Serbs, Mate Boban and Dr. Karadzic had a very important and quite friendly meeting in Graz, Austria, in May 1992. So this was a complex situation.*** Harland concluded that the protests from the international community, both oral and written, had "very little effect" except at times of explicit military threat from NATO forces against the Serbs, in which case

¹⁶²¹⁷ P1638 (Witness statement of Michael Rose dated 26 March 2009), paras. 201, 209 (commenting that the disproportionality of Serb responses undermined the credibility of this justification); Michael Rose, T. 7269 (5 October 2010).

¹⁶²¹⁸ David Harland, T. 2037 (6 May 2010). *See also* P1258 (Witness statement of Hussein Ali Abdel-Razek dated 16 July 2002), e-court p. 21 (testifying that Goulding and Morillon discussed "the shootings and shelling" with both the Accused and Galić).

¹⁶²¹⁹ David Harland, T. 2037 (6 May 2010).

¹⁶²²⁰ David Harland, T. 2037–2038 (6 May 2010).

they might be responded to quite positively and decisions might be implemented.¹⁶²²¹ **(Had it be so, there wouldn't be any NATO attacks, but it hadn't been so. Often when the NATO threatened, the UN warned the Muslim side not to provoke and not to exploit the effects of bombardment, and the Serb side was able to stop shellings. The same was with other bilateral agreements, which obliged the Muslim side too, while any unilateral restraint of the Serb side couldn't survive and last, because of the Muslim provocations. But, the Chamber should not treat these kind of the Prosecution witnesses as if they had been a St. Peter's judges. They hadn't been either informed, or capable and competent, or objective and unbiased!)**

4816. According to Tucker, the parties were “absolutely aware” of the existence of Security Council resolutions, and these resolutions were frequently discussed during negotiations.¹⁶²²² Indeed, on 10 June 1992, the Accused wrote a letter to Secretary General Boutros-Ghali in which he stated that he accepted Security Council Resolution 758 “with satisfaction and great hope”.¹⁶²²³ **(#EXCULPATORY!** Similarly, on 5 October 1994, at a meeting between Akashi, the Accused, Mladić and others in Pale, the Accused discussed and expressed some satisfaction with Resolution 942.¹⁶²²⁴ **(#EXCULPATORY!** While Security Council resolutions in evidence in this case do not explicitly refer to sniping and shelling of civilians in Sarajevo, they allude to the commission of these crimes by expressing deep disturbance at “the situation which now prevails in Sarajevo”, repeatedly calling on all parties to comply with the obligations under international humanitarian law and in particular the Geneva Conventions, and expressing alarm at serious violations of international humanitarian law.¹⁶²²⁵ **(#EXCULPATORY! Then, why the Chamber changes the meaning of those resolutions, and on what basis the Chamber allocated the content of those resolutions to the Serbs as a villains, and on their account and liability? The Chamber and the Prosecution, i.e. the Tribunal generally never respected the original UN documents if not fitted to their presumptions of the Serb guilt!)** In Resolution 824, in which the Security Council declared Sarajevo, Bihać, Srebrenica, Goražde, Tuzla, and Žepa to be safe areas, the Security Council considered that these areas should be “free from armed attacks and from any other hostile acts which endanger the well-being and the safety of their inhabitants” and declared that all Bosnian Serb artillery or paramilitary units should withdraw “to a distance wherefrom they cease to constitute a menace to their security and that of their inhabitants”.¹⁶²²⁶ **(However, #neither the UN SC specified that the Muslim Government's forces were entitled to remain active and armed in those safe zones, nor it could be defined by the UN SC resolutions, but following the resolution, by the bilateral written and signed Agreement, in accordance with the International Law of War, with every detail specified, such as boundaries and regime. On the contrary, the UN officials, such**

¹⁶²²¹ David Harland, T. 2037 (6 May 2010). *See also* para. 4869.

¹⁶²²² P4203 (Witness statement of Piers Tucker dated 12 May 2010), para. 288. *See also* KDZ240, T. 16183–16184 (6 July 2011) (closed session).

¹⁶²²³ D1509 (Radovan Karadžić's letter to UN Secretary General, 10 June 1992).

¹⁶²²⁴ D3500 (UNPROFOR report, 7 October 1994), para. 5(d); Yasushi Akashi, T. 37716–37718 (24 April 2013). *See also* P2489 (UNPROFOR Weekly Situation Report (Sarajevo), 24 April 1995), para. 6 (indicating that the Accused was familiar with Security Council Resolution 988).

¹⁶²²⁵ P982 (UNSC Resolution 764, 13 July 1992); P983 (UNSC Resolution 770, 13 August 1992); P5424 (UNSC Resolution 941, 23 September 1994); P4209 (UNSC Resolution 819, 16 April 1993); P985 (UNSC Resolution 836, 4 June 1993). *See also* P1031 (UNSC Resolution 757, 30 May 1992) (referring to mortar attacks on UNPROFOR in Sarajevo).

¹⁶²²⁶ P984 (UNSC Resolution 824, 6 May 1993), pp. 1–2.

as Harland and Banbury acted as if they were there to protect the “Government” meaning the Muslim/Croat side, #and in accordance with this distorted and ignorant standpoint, the Muslim forces didn’t have any obligation towards demilitarisation. In such a case, everything the Serbs did was “wrong” because the UN officials treated them as an outlaws. Only this fact is sufficient to deny any right to the UN institutions, and to the Tribunal at the first place, to try the Accused and anyone except the direct perpetrators of the crimes! Only two of the “safe zones” had been codified properly, with the agreements and defined borders, Srebrenica and Zepa, but the Muslims never fulfilled their obligations to demilitarise the zones. As the UN Secretary General admitted, these “safe zones” had been a “Muslim armed strongholds” as were other zones, which didn’t have the necessary agreements!) One month later, on 4 June 1993, the Security Council reiterated its alarm at the grave and intolerable situation in BiH arising from serious violations of international humanitarian law, and its alarm at the plight of the civilian population, particularly in the safe areas.¹⁶²²⁷ (So what? Even if the UN SC made mistake, it was due to the wrong reporting from the terrain, which further compromises the UN missions and jeopardizes the future UN mediations and peace-keeping operations!)

Several Defence witnesses also alluded to the Accused’s knowledge of the sniping and shelling campaign. John Zametica, who advised the Accused on international relations from February 1994,¹⁶²²⁸ recalled that, despite rarely discussing military matters, the Accused told him that Bosnian Serb sniping was “stupid” and did not get the Serbs any military advantage; (#EXCULPATORY! Zametica testified that the President had a negative attitude towards sniping and shelling, but it didn’t mean that this happened, that there was any shooting against civilians, and that he knew for a specific incidents. So, one exculpatory testimony about a basic attitude of the President is again used against him!!!) there were also times when the Accused disapproved of irresponsible shelling or thought that it was senseless or unnecessary.¹⁶²²⁹ (#EXCULPATORY! Again, it was a testimony about the President’s attitude, no matter whether the allegations about “senseless or unnecessary shellings were correct, or not! The negative attitude of the President towards irresponsible shelling and firing any kind of projectiles can not be used as a kind of his admittance that the VRS did it in reality, but it is only an evidence that he was against it, and that he had banned it as a practice!) Momir Bulatović, at the time the President of Montenegro,¹⁶²³⁰ testified that he had many conversations with the Accused on the shelling of Sarajevo, during which the Accused recognised that the shelling was a political liability for the Bosnian Serbs and that it damaged their cause in the opinion of the international community.¹⁶²³¹ (#EXCULPATORY! It was the Accused’s attitude provided the allegations were correct, as could be seen from the Accused orders to act with artillery only in a case of the extreme jeopardy. However, there was too many reports that the Serb side never started and never provoked any firing, and that the Muslim

¹⁶²²⁷ P985 (UNSC Resolution 836, 4 June 1993), pp. 1–2. See also P5014 (UNSC Resolution 998, 16 June 1995), pp. 2–3 (condemning the increasing attacks on the civilian population by Bosnian Serb forces and demanding that the parties respect fully the status of the safe areas and in particular the need to ensure the safety of the civilian population therein)

¹⁶²²⁸ John Zametica, T. 42441 (29 October 2013).

¹⁶²²⁹ John Zametica, T. 42458–42460 (29 October 2013).

¹⁶²³⁰ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 2.

¹⁶²³¹ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 23.

side did always, on a daily basis!) Bulatović and the Accused also discussed the allegations made by international negotiators that the shelling was not limited to military attacks but was also aimed at civilian areas, to which the Accused stated that he had banned shelling of civilian areas on a number of occasions and had done everything he could to prevent the unnecessary and disproportionate shelling of Sarajevo.¹⁶²³²

(#EXCULPATORY! It was an intimate conversation, not aimed to any public and it was a genuine standpoint of the both interlocutors!) Vladislav Jovanović, the Foreign Minister of Serbia at the time,¹⁶²³³ questioned the Accused a few times about why Sarajevo was kept under siege for so long and why it was subjected to “all those snipers and misfortunes”, and informed the Accused that this was causing a great deal of damage to the Bosnian Serbs and to the Serbians.¹⁶²³⁴ He testified that the Accused denied that the Bosnian Serbs had a policy of shelling Sarajevo; rather, he would say either that these incidents were sporadic and caused by “a few frustrated individuals” who had lost family members and who were doing it on their own initiative, or that the Bosnian Muslims were responsible because they wanted to draw international attention to the Bosnian Serbs, infuriate the international community, and generate NATO action.¹⁶²³⁵

(#EXCULPATORY! All of that had been said in a private and confidential conversations with the distinguished dignitaries of FRY, who anyway had their sources, but all of the Accused’s statements were consistent with his known attitude!)

4817. In addition, the Chamber heard about a number of specific instances on which the Accused knew or was informed of various incidents of sniping and shelling, including those scheduled in the Indictment. For example, as discussed earlier in this Judgement, in the late May 1992 meeting between, *inter alios*, the Accused, Mladić, Krajišnik, Plavšić, Koljević, [REDACTED].¹⁶²³⁶ [REDACTED] the members of the Bosnian Serb leadership present at the meeting, including the Accused, did not oppose Mladić’s proposal.¹⁶²³⁷ **(There are several deep holes in this finding and testimony. First, this meeting never happened, because neither the Accused was in Sarajevo and in the country at all. Second, there couldn’t be any word about inaccuracy or “imprecision” of the armament, because there was no any new devices. Third, even if there was any meeting, why the Accused would criticise Mladic in front of his subordinates? At that kind of meetings, even when happened, no decisions were made, and there wouldn’t be anything to reject by the Accused. It is interesting how the Chamber doesn’t see when some of the Prosecution witnesses “distanted themselves” from the events by inventing the whole meetings and allocating some words to others!)** On 30 May 1992, while this bombardment was taking place, Morillon and Mackenzie met with the Accused and Koljević to discuss these

¹⁶²³² D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 24. In addition, on 18 August 1992, Bulatović attended a meeting of the FRY Council of Co-ordination of State Policy in Belgrade. At this meeting, Milan Panić told the audience that the Accused said he had no control over the guns and the individuals responsible were acting on their own. See D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 25; D3054 (Notes of session of Council for Co-ordinating Positions on State Policy, 18 August 1992), p. 11 (Milan Panić was the Federal Prime Minister and Chairman of the Council); Momir Bulatović, T. 34525–34526 (28 February 2013).

¹⁶²³³ D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), paras. 4–6.

¹⁶²³⁴ P6150 (Excerpt from record of interview with Vladislav Jovanović), p. 1; Vladislav Jovanović, T. 34333–34336 (27 February 2013).

¹⁶²³⁵ D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 52; Vladislav Jovanović, T. 34253–34254, 34325–34326 (26 February 2013).

¹⁶²³⁶ See para. 4023.

¹⁶²³⁷ See para. 4023.

events.¹⁶²³⁸ **(In Belgrade, after at least ten days of absence of the President and Koljević from the area!)** During the meeting, the Accused indicated that Bosnian Serb forces were inexperienced and self-organised and thus over-reacted to attacks by the Green Berets; in addition, he said that Mladić did not have all the forces under his command.¹⁶²³⁹ **(It didn't pertain to this specific event and period, but was a general explanation of the situation as the Accused saw it. However, any decency of the Accused, any caution not to assert something that wasn't checked, is interpreted as his admittance of the Serb liability. From an intercepted conversation of the Accused with General Gvero the Accused ordered an extremely honest approach: if the Serbs did the crime in question, Gvero was ordered to admit it publicly and to arrest the perpetrators! A self-organised and inexperienced combatants was the official assessment of the Commander of the Artillery of SRK Tadija Manojlović, see D312:**

and chiefs of the brigades' artillery. Therefore, this is an opportunity to speak openly about everything that troubles the commands, commanders, units and soldiers; to set forth both objective and subjective defects and oversights, positive experience with soldiers and units in order to eliminate any defects and to make the best possible use of any positive solutions, thus inflicting the optimal losses upon the enemy. The Anti-aircraft Artillery Regiment/ had to organise their units due to well known situation in the former JNA, when the equipment was still out of use and when they were short of active officers and soldiers. Some reserve officers left for the SRJ /Federal Republic of Yugoslavia/; some of them would not or could not accept the duty of the KV /Platoon Commander/ and the KB /Battalion Commander/, which only additionally complicated the RiK and the establishment of the units. That is why the 4.map and the 4.mpoap would recruit the v/o /conscripts/ of different VES /Military Occupational Speciality/ who were then trained, additionally educated and coached.

¹⁶²³⁸ P1029 (Witness statement of John Wilson dated 4 November 2008), para. 80; P1036 (UNPROFOR report re meeting with Radovan Karadžić and Nikola Koljević, 30 May 1992), paras. 1–2. *See also* para. 4037.

¹⁶²³⁹ P1029 (Witness statement of John Wilson dated 4 November 2008), para. 80; P1036 (UNPROFOR report re meeting with Radovan Karadžić and Nikola Koljević, 30 May 1992), para. 3; John Wilson, T. 4079 (22 June 2010)

only a handful of the RVS. The initial period of the war was also characterised by the fact that we were superior to the enemy when it comes to the equipment and ammunition; as a result, we paid very little attention to engineering works at the VP /firing positions/, at the observation points and at the KM /Command Post/. The commanders of the general military provenance carried out their assignments mainly by use of the artillery, with an increased consumption of ammunition, which was normally used for hitting the targets in Sarajevo. The then communications system supported the commanding over the artillery, whereas the communications between the neighbouring elements were either poor or nonexistent altogether. In the ensuing period of the war, the most part of active servicemen left their units and went back to the SRJ, whereas only a small number of officers came from the Federal Army. Basic shortcomings and defects in the RiK involve the following: incomplete mobilisation, desertion, bad habits such as sticking to one's own territory while fighting the enemy, shortage of commanding officers, poor knowledge about the equipment, poor choice of VP /firing positions/, pounding the targets without necessary observation, high consumption of ammunition, poor maintenance. All the officers and soldiers have been making necessary efforts to train themselves for the combat activities. The enemy artillery made all our units pay due attention to camouflage and reinforcement elements of the combat disposition as well as to a better choice of positions for the

Due to well known defects demonstrated during the mobilisation, when units were mainly consisting of the volunteers and the v/o that fled the territories under the Muslim control, the units stood in need of soldiers and officers with the artillery VES, particularly when it comes to critical specialities (such as the reckoners, topographers, marksmen, POR /anti-armour missile/ operators). The tasks assigned to the artillery

The Prosecution/Chamber knew this document and used it against the Accused, accepting a peculiar and malicious mark of a witness that the Accused was ironical mentioning this inexperience! The Accused also indicated that the Bosnian Serbs were sometimes blamed for attacks for which they were not responsible, and that they were in a no-win situation where they would either be blamed or defeated.¹⁶²⁴⁰ **#EXCULPATORY!** In response, Mackenzie indicated to the Accused and Koljević that an obstacle to progress in negotiations had been the linkage of one problem area to another and that this should be avoided.¹⁶²⁴¹ **(This was their own attitude and their own interest. However, the Serb interests weren't always identical to their. For instance, the #Muslims were privileged for not being under any pressure#, while the Serbs were under an unprecedented pressure to give many unilateral concessions; thus, while the Serbs were under the pressure to release the Muslim POWs without connecting it to the same reciprocal Muslim obligation. The President had not only the troubles with his conscience, but also with the families of those Serbs that had been detained throughout the entire war. This is another shame of the international community, and the UN too, that the detained people hadn't been treated equally, and the detained Serbs suffered in spite of the Serb**

¹⁶²⁴⁰ P1029 (Witness statement of John Wilson dated 4 November 2008), para. 80; P1036 (UNPROFOR report re meeting with Radovan Karadžić and Nikola Koljević, 30 May 1992), paras. 5–6.

¹⁶²⁴¹ P1036 (UNPROFOR report re meeting with Radovan Karadžić and Nikola Koljević, 30 May 1992), para. 9.

releasing thousands of the Muslim/Croat detainees. This period of the recent history is a shame of the international institutions, and the leaders of this world should have known what their clarks had been doing in their name!) When asked during the meeting whether he was in a position to stop the bombardment, the Accused “replied in the affirmative”; this response was qualified by Koljević, who stated that they thought they could persuade the people on the ground to stop the shelling.¹⁶²⁴² **(Certainly, neither the President , nor anyone in this world could order an attacked unit not to respond, but could only beg and persuade to be restraint and cautious. This was the case with all other reminiscences of the President on the incidents he knew nothing about!)** The Accused then agreed that he would travel to Sarajevo to contact Mladić in order to stop the bombardment.¹⁶²⁴³ The Accused eventually reached Mladić by phone and the latter agreed to stop the bombardment.¹⁶²⁴⁴ On the same day, the Accused spoke to a certain Čedo and instructed him to try not to use artillery that night but to use infantry weapons and “let them go to hell [...] [i]f they want to die”.¹⁶²⁴⁵ **(#Exculpatory! This obviously pertained to the Muslim infantry attacks to which the Serb side responded by artillery and mortars, and the Accused said to Čedo, a police officer, to try to defend without a heavy calibres. But, let us see how this short conversation intercept is pregnant with the meanings and informative:**

Karadžić Radovan: I’m alright. Have there been any attacks tonight?
Čedo: Well, yes... There’ve been some in Rajlovac.
Karadžić Radovan: In Rajlovac?
Čedo: They went for that barracks there from Ahatovići and that attack’s been repelled. Now there’s a build-up of troops here, near the shopping centre...
Karadžić Radovan: Yes?
Čedo: The Green Berets are assembling there and there’s a huge build-up... We’re expecting an attack on Vraca.
Karadžić Radovan: Vraca?

Remember Ahatovici? Was it a civilian settlement? See, how the Green Berets were gathering to attack the barracks in Rajlovac, and to attack the seat of the Serb MUP at Vraca. Look further:

Karadžić Radovan: Alright. There’s no artillery usage tonight, is there?
Čedo: No, no, no artillery on either side.
Karadžić Radovan: Uh-uh, alright.

and further:

Karadžić Radovan: Try not to use artillery. Has Mladić called?
Čedo: Yes, yes, we’ve arranged that.
Karadžić Radovan: But, you should use infantry weapons, let them go to hell.
Čedo: Exactly.
Karadžić Radovan: If they want to die, let...
Čedo: They’ll get what they’re asking for.

¹⁶²⁴² P1029 (Witness statement of John Wilson dated 4 November 2008), para. 80; P1036 (UNPROFOR report re meeting with Radovan Karadžić and Nikola Koljević, 30 May 1992), paras. 7–8.

¹⁶²⁴³ P1029 (Witness statement of John Wilson dated 4 November 2008), para. 80; P1036 (UNPROFOR report re meeting with Radovan Karadžić and Nikola Koljević, 30 May 1992), para. 11.

¹⁶²⁴⁴ P1029 (Witness statement of John Wilson dated 4 November 2008), para. 80; P1036 (UNPROFOR report re meeting with Radovan Karadžić and Nikola Koljević, 30 May 1992), para. 15.

¹⁶²⁴⁵ P2332 (Intercept of conversation between Čedo and Radovan Karadžić, 30 May 1992).

Not only, "...let them go to hell", but another explanatory sentence: "if they want to die, let..." obviously, the Muslim side was attacking, and preparing to attacks this very night, and the Accused said that the Serb side should repel it by an infantry weapons. Cedo said that "they will get what they are asking for", which is completely the attacker's responsibility. #EXCULPATORY! WHY THE Chamber didn't depict the entire meaning of this document, but only selectively, part that suit the bad picture of the Serbs? Let us see what the RS MUP knew already on 30 May 92 about the Muslim self-bombardment, P02332, p. 6:

Čedo: Oh, yeah. Yes, yes. They've shelled, they too have artillery. They...point one part of it at us, and with the other they provoke themselves.

Karadžić Radovan: Yeah.

Čedo: So, they're trying to simulate everything.

Karadžić Radovan: Yes, yes. Alright. Here, all Serb artillery shall be silent, and everything that is heard will be theirs.

Čedo: Exactly, sure.

This is not propaganda, this is supposed to be a save line between the President and the on-duty police officer. Does this mean anything to the Chamber?)

4819. The Chamber also heard that, between 3 and 5 June 1992 Thornberry, Wilson, and Abdel-Razek conducted three days of negotiations with the Bosnian Serbs and the BiH Presidency for the opening of the Sarajevo airport.¹⁶²⁴⁶ Wilson testified that during these negotiations he told the Accused, Plavšić, and Mladić that the Bosnian Serbs hit most of the major buildings in the city, that there did not appear to be any restraint applied to the selection of targets, and that from Bosnian Serb positions looking down on the city, they knew what they were engaging.¹⁶²⁴⁷ According to Wilson, the Accused, Plavšić, and Mladić responded that this type of fire was legitimate and that they were defending Serbs.¹⁶²⁴⁸

4820. As discussed earlier in the Judgement, the Accused was also aware of the heavy bombardment of the city between the night of 5 June and 8 June 1992, which the Presidency ordered to be halted on 9 June 1992.¹⁶²⁴⁹ (But, the Chamber is neglecting the most crucial fact, that the Muslim side initiated a huge offensive exactly those days? For such a reasons the UN is gavely damaged in credibility! Just an answer for a question: whether there was a Muslim offensive, a high and particularly intensified between 5 and 8 June 92, or not? If not, then the Serbs are guilty, but if yes, than all others including the UN representatives are guilty in front of the Serbs, as well as the Muslim civilians who were sacrificed! Let see what the then Colonel Sipic reported about 6 June 1992, D577:

¹⁶²⁴⁶ P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 84–86; P1039 (UNPROFOR report re airport meetings in Sarajevo, 3 June 1992); P1045 (UNPROFOR report re airport talks, 4 June 1992); John Wilson, T. 4082–4089 (22 June 2010); P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 79–93.

¹⁶²⁴⁷ P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 48–49.

¹⁶²⁴⁸ P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 48–49. Wilson testified that he observed the Accused in many meetings, and that the Accused always attempted to justify the actions of the people he claimed to represent. See P1029 (Witness statement of John Wilson dated 4 November 2008), para. 122.

¹⁶²⁴⁹ See para. 4051.

In the Hadžići sector, the enemy launched an attack from Kremnik, Batalovo Brdo, Plješevac and Oštrik.

After the Ilidža Brigade provided assistance in manpower and equipment, the attack was repelled, but the positions are under constant pressure. From the direction of Hrasnica, Kovači, Sokolović Kolonija and Butmir, the enemy fired artillery in the direction of Vojkovići, the airport and the SPS *ISlobodan Princip Seljo* Barracks in Lukavica. In the morning, the enemy fired artillery also on the general Trnovo sector. After the KMT *IMaršal Tito Barracks/* pulled out, the enemy infantry attempted to penetrate the Grbavica – *Vodovod* – Dobrinja line with mortar support from the sector of *Viktor Bubanj Barracks*, Butmir settlement (the mosque) and Hrasnica. The enemy attack was repelled. During the day, the enemy shelled redeployment areas of the 1st Rbr */Romanija Brigade/* in the Vrace sector. During the day, grouping of enemy forces was observed in the MT *IMaršal Tito/* Barracks, the railway station, *Tvornica Duvana*, the Assembly Building, and in the Kovačići */sector/* with the aim of penetrating towards Karačica in order to launch an attack towards Jabuka and Žepa and penetrate to Borike.

So, an offensive activities in the entire zone of SRK. See D611, of 11 June 1992, what Col. Sipic ordered to his units:

Based on your combat reports, our assessments, statements from the combatants and commanders and information by the SR BiH Presidency, we reached the conclusion that the Corps units bravely and devotedly stopped the enemy offensive in the wide area of Sarajevo. We would like to give full credit to all participants in this battle and show due respect to all of those who had fallen. Also, we noticed some inappropriate behaviour by certain senior officers in regards to the control and command of the units, as follows:

2. After a very hard battle that lasted several days, some units and groups of soldiers in the forward locations remained disoriented, without ammunition, food and so on.
4. There are many self-organised units and groups of former TO operating in the zone of activities. They seldom join us, and they mostly lead their own combats during which they commit amateur-like mistakes and suffer great losses.
3. Isolated groups of combatants and small units are to be collected, refreshed and placed in Command and Control system, especially those who engage in activities in separate buildings and ranges.
4. Attempt to subordinate all self-organised units that aren't under your command yet, and if they refuse it, inform the Corps command, stating the main information on the commanding officer of that unit. Until the final solution is reached, stop the arrival of supplies for such unit.

So, already on 11 June 92 there was the first phase of the Muslim offensive finished, with consequences and loses of lives and heroism of defenders. Also, there are proves that it was far from being a professional army Corps. The Commander was fully aware that he inherited these independent and self-organised groups from the previous system, and ordered measures to improve the state! The Chamber shouldn't neglect such a genuine evidence!)

4821. Nenad Kecmanović, a Serb politician who was the President of the Alliance of Reform Forces of Yugoslavia political party and a member of the BiH Presidency from 1 June 1992 until July 1992,¹⁶²⁵⁰ testified that in the summer of 1992 in meetings with leading representatives of the Bosnian Serb leadership, including the Accused, he raised the shelling of Sarajevo “several times”.¹⁶²⁵¹ The response he received was that the ABiH was opening fire against Bosnian Serb positions around the city, that the ABiH artillery was located in the most densely populated parts of the city, and that the Bosnian Serb artillery was therefore forced to respond by firing upon these locations.¹⁶²⁵² **(EXCULPATORY! Why the Serb leadership would say that if it wasn't the truth to a fellow Serbian politician? That was true! And nobody had proved anything contrary to it!)**

4822. On 26 August 1992, Vance, Carrington, and Doyle met with the Accused and Koljević at the London Conference.¹⁶²⁵³ Carrington raised Bosnian Serb attacks on Sarajevo, stating that “world opinion was firmly against the Serbs, particularly after the recent escalation of fighting around Sarajevo”.¹⁶²⁵⁴ The Accused responded by stating that the Bosnian Muslims were responsible for the escalation as they regularly shelled their own people and only they could have been responsible for the heavy shelling of Sarajevo in the preceding days.¹⁶²⁵⁵ Doyle told the Accused that the UNPROFOR office in Sarajevo had confirmed that Serbian gunners were to blame.¹⁶²⁵⁶ **(The very same #Doyle didn't have a simple idea whose forces were where, as didn't his sources as well#. They were sitting in the Sarajevo basements and collecting information that the Muslim side served to them. The most frequent proof for this fact is their assertion that the grenades and shells came from the hills above Sarajevo, as if only Serb side had the weaponry on the hills! Okun testified that it was not clear who fired at whom, see T.1691: *But there was a good deal of confusion about who was shooting at whom. As we've said several times, it was a very complex war.*)** To this the Accused said that he was willing to accept UN monitors at all Serbian artillery positions in and around Sarajevo.¹⁶²⁵⁷ **#EXCULPATORY! The Accused offered the same at the very beginning of the war, and certainly at the meeting on 30 May 1992, and this model had been accepted and implemented in the course of time!**

4823. On 8 September 1992, at a meeting between, *inter alios*, the Accused, Mladić and General Simonović, Simonović stated that the blockade of Sarajevo was justified but mass-scale use of artillery against cities was damaging, and recommended that the Bosnian Serbs should prevent the bombardment of cities.¹⁶²⁵⁸ **(That was the President's position too!)**

4824. On 8 December 1992, the Accused sent a letter to an international organisation in which he claimed that the citizens of Sarajevo had been prevented from leaving the city by the BiH

¹⁶²⁵⁰ D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), paras. 3, 9; Nenad Kecmanović, T. 39105 (31 May 2013).

¹⁶²⁵¹ D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), para. 50.

¹⁶²⁵² D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), para. 50. *See also* D1509 (Radovan Karadžić's letter to UN Secretary General, 10 June 1992) (“The Muslim side [...] permanently attacks the Serbian side and the Serbian part of the city of Sarajevo”), p. 1; KDZ240, T. 16183–16184 (6 July 2011) (closed session).

¹⁶²⁵³ P941 (London Conference record of a meeting with Radovan Karadžić, 26 August 1992); Colm Doyle, T. 2676–2677 (21 May 2010), T. 2871–2874 (27 May 2010); P1260 (SRK information on ICFY, 30 August 1992).

¹⁶²⁵⁴ P941 (London Conference record of a meeting with Radovan Karadžić, 26 August 1992), para. 4; Colm Doyle, T. 2872 (27 May 2010).

¹⁶²⁵⁵ P941 (London Conference record of a meeting with Radovan Karadžić, 26 August 1992), para. 4; Colm Doyle, T. 2872 (27 May 2010).

¹⁶²⁵⁶ P941 (London Conference record of a meeting with Radovan Karadžić, 26 August 1992), para. 4; Colm Doyle, T. 2872 (27 May 2010).

¹⁶²⁵⁷ P941 (London Conference record of a meeting with Radovan Karadžić, 26 August 1992), para. 4; Colm Doyle, T. 2872 (27 May 2010).

¹⁶²⁵⁸ P1479 (Ratko Mladić's notebook, 16 July–9 September 1992), pp. 167–173.

government.¹⁶²⁵⁹ Ten days later he received a response from the representative of that organisation, stating that it was unacceptable for him to hold the international community responsible for the situation in Sarajevo, while the responsible party are those who are “shelling and keeping Sarajevo under siege on an indiscriminate basis”.¹⁶²⁶⁰ **(Bravo!!! This is the international community, ready to judge and sentence prior to any considerations. But, there were signed many agreements pertaining to the free passage of the civilians, and only the Serb side respected it, while being accused for “ethnic cleansing”!)**

4825. On 9 December 1992, members of the SDC, including, *inter alios*, Slobodan Milošević, Bulatović, and Dobrica Ćosić, met to discuss the war in BiH.¹⁶²⁶¹ At the meeting, Ćosić noted that the Serbian leadership had advised the Accused on numerous occasions that the shelling of Sarajevo was detrimental to the political position of the Bosnian Serbs.¹⁶²⁶² Bulatović testified that, although the Accused had fully agreed on every occasion, he was unable to solve the problem.¹⁶²⁶³ **(Certainly, because it all depended on the Muslim conduct. Had the Muslims respected agreements on ceasefires, there would be no problem, but why would they respect anything, since they had been privileged by the internationals, and had a benefit from bombardments?)**

4826. As discussed earlier in the Judgement,¹⁶²⁶⁴ on 18 or 19 December 1992, Owen, Morillon, and Abdel-Razek met with the Accused, Mladić, and Koljević in Pale.¹⁶²⁶⁵ The meeting was called due to the intensification of shelling in Sarajevo, including the shelling of the Koševo Hospital.¹⁶²⁶⁶ **(This is false, because Owen wouldn’t come for that reason. He came because of the negotiations of the Vance-Owen peace plan, and the bombardment of Kosevo Hospital was a part of pressure, usually implemented in the occasions of negotiations. It is well known that the Muslim side fired from the Kosevo Hospital to attract the Serb response, and if the Serbs didn’t respond, then the Muslims fired at the Hospital, to achieve what was planned!)** At the meeting, Owen protested the shelling of the hospital.¹⁶²⁶⁷ Tucker, who was also present, testified that Owen and Mladić had a heated argument during which Owen stated that the shelling of Sarajevo was a disgrace and had to stop.¹⁶²⁶⁸ **(That would be right had there wasn’t the Muslim action prior to any Serb response. Lord Owen should be angry with his sources, who misinformed him about the issue! And Lord Owen reactions exactly illustrate why the Muslim side provoked all**

¹⁶²⁵⁹ [REDACTED].

¹⁶²⁶⁰ [REDACTED].

¹⁶²⁶¹ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 28–30.

¹⁶²⁶² D3055 (Record of 6th session of FRY’s SDC, 9 December), pp. 24–25; D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 29–30.

¹⁶²⁶³ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 29–30 (adding that this was indicative of the Accused’s lack of control over the VRS).

¹⁶²⁶⁴ See para. 4540.

¹⁶²⁶⁵ Hussein Abdel-Razek, T. 5503–5505 (19 July 2010), T. 5545–5547 (20 July 2010); P1273 (Video footage of meeting between Lord Owen and Radovan Karadžić, with transcript); P4203 (Witness statement of Piers Tucker dated 12 May 2010), paras. 94–98; P1996 (Witness statement of Martin Bell dated 8 March 2010), para. 82; P2034 (BBC news report re meeting between Lord Owen and Radovan Karadžić in Pale, with transcript).

¹⁶²⁶⁶ Hussein Abdel-Razek, T. 5503–5505 (19 July 2010).

¹⁶²⁶⁷ Hussein Abdel-Razek, T. 5546 (20 July 2010); P1273 (Video footage of meeting between Lord Owen and Radovan Karadžić, with transcript); P4203 (Witness statement of Piers Tucker dated 12 May 2010), para. 98; P1996 (Witness statement of Martin Bell dated 8 March 2010), para. 82; P2034 (BBC news report re meeting between Lord Owen and Radovan Karadžić in Pale, with transcript).

¹⁶²⁶⁸ P4203 (Witness statement of Piers Tucker dated 12 May 2010), para. 95, 98.

these incidents! But, the reactions of the distinguished Lord Owen does not prove that his information were accurate!)

4827. Galić testified that sometime during 1993 the Accused met with the SRK command and expressed concern about the disproportionate use of artillery.¹⁶²⁶⁹ **(#EXCULPATORY!** According to Galić, at these top-level meetings where the Accused was present, the topic of proportionality was always discussed.¹⁶²⁷⁰ **(#EXCULPATORY!** Galić noted that the Accused did not have to inform him that the disproportionate use of artillery by the SRK had caused civilian casualties, because “everybody saw that, there was a war going on and that fire came from both sides”.¹⁶²⁷¹ Galić recalled that the Accused asked to reduce disproportionate fire “to a minimum related to military necessity and military objectives”.¹⁶²⁷² **(#EXCULPATORY! HOW THIS DOES FIT THE Chamber’s findings about the Accused’s intent to terrorize civilians? It is already clear that the Accused was wrong in many cases, because he himself was misinformed by the internationals!)**

4828. On 28 January 1993, a representative of an international organisation met with the Accused in Geneva and asked him why he did not cease shelling Sarajevo at once.¹⁶²⁷³ The Accused responded that the Bosnian Muslims were attacking Ilidža, that the Bosnian Serbs were merely defending themselves, and that the Bosnian Muslims had produced and provoked “fireworks” when the representative of that organisation was visiting the city.¹⁶²⁷⁴ **(#EXCULPATORY! PROVEN BY MANY DOCUMENTS!#)**

4829. . As discussed earlier, on 31 January 1993, Morillon sent a letter to the Accused protesting the shelling of the Koševo Hospital “by Serb artillery or mortars”.¹⁶²⁷⁵ **(All #EXCULPATORY! It is sufficient to read the fn. 16275 and to see that it was established that the Muslim forces did it, and two weeks earlier General Morillon protested to Izetbegovic for this violation of the Geneva Conventions. Remember how the same General Morillon answered a question: why he does not publish the truth, “we have to live here”! for that reason the Chamber shouldn’t dismiss the Accused’s argument that P1275 was an attempt by Morillon to make a balance in blaming the sides!** In the letter, Morillon stated that there can be no excuse for shelling a hospital, and demanded that the Accused take immediate and effective action to ensure that Bosnian Serb gunners respect the Geneva Conventions.¹⁶²⁷⁶ **Let us just remind ourselves what had been in the Morillon’s letter to Izetbegovic, 12 days earlier, D00099:**

¹⁶²⁶⁹ Stanislav Galić, T. 37884–37888, 37897–37898 (8 May 2013). Mladić’s diary records a meeting, on 2 June 1993, between the Accused, Krajišnik, Mladić, Galić and others. However, the diary does not record the issue of proportionality being discussed. See P1483 (Ratko Mladić’s notebook, 2 April–24 October 1993), pp. 182–194.

¹⁶²⁷⁰ When asked how often these meetings took place, Galić failed to answer the question. Stanislav Galić, T. 37886–37887 (8 May 2013).

¹⁶²⁷¹ Stanislav Galić, T. 37888–37889 (8 May 2013).

¹⁶²⁷² Stanislav Galić, T. 37888 (8 May 2013).

¹⁶²⁷³ [REDACTED].

¹⁶²⁷⁴ [REDACTED].

¹⁶²⁷⁵ P1275 (UNPROFOR protest letter to Radovan Karadžić, 31 January 1993). Morillon also wrote to Izetbegović 12 days earlier to protest against the firing of an 82 mm mobile mortar from a derelict house on the western side of the Koševo Hospital. The Chamber does not accept the Accused’s argument that P1275 was an attempt by Morillon to “strike a balance” with respect to the earlier incident; instead the Chamber is satisfied that this is a genuine protest in relation to an incident that occurred on 31 January 1993. See D2034 (UNPROFOR report, 21 January 1993), e-court p. 6; D351 (UNPROFOR report re protest letter to Alija Izetbegović, 21 January 1993); Hussein Abdel-Razek, T. 5552–5553 (20 July 2010). A number of international witnesses confirmed that the ABiH would fire at the SRK from around the Koševo Hospital in order to provoke retaliatory fire. See para. 4035.


¹⁶²⁷⁶ P1275 (UNPROFOR protest letter to Radovan Karadžić, 31 January 1993).

SUBJECT: BREAKING OF GENEVA CONVENTION
FIRING OF MORTARS FROM THE VICINITY OF KOSEVO
HOSPITAL - SARAJEVO - 11 JAN 93

References:

- A. Senior Military Observer (SMO) SARAJEVO 618/5108 dated 14 Jan 93.
B. BH Command SARAJEVO BHCS/8606 dated 19 Jan 93.

1. Please find attached at Reference A a self explanatory report by the Senior Military Observer SARAJEVO. Attached at Reference B is the Protest which I sent to President Izetbegovic.
2. I would be grateful if you could pass this report to your Authorities in Geneva. I am also copying this letter to Lt Gen Nambiar for information.



P MORILLON
Major General
Commander
Bosnia Herzegovina
Command

1. You will have been aware for some time now, from reports submitted to HQ BiH Comd and HQ Sector Sarajevo by this office (References A and B), that both the Kosevo and Citizens Hospitals in Sarajevo have been subjected to frequent artillery and mortar shelling and AAA fire by Serbian Forces. Whenever this matter has been raised with the Serbian military the answer has consistently been that the Bosnian Forces fire mortars from the vicinity of the hospitals.

2. This office has frequently raised the issue and expressed grave concern about such inhumane acts as firing on hospitals; to no avail. On the other hand, and although we have been suspicious, we have not been able to prove that the Bosnian Forces fire mortars or any other weapons from the vicinity of hospitals.

3. We now have conclusive proof, from UNPROFOR eyewitnesses, that the Bosnian Forces fired mortars from the vicinity of the Kosevo Hospital during the afternoon of Mon 11 Jan 93; enclosed is a statement to that effect.

To any reasonable chamber this would be sufficient to dismiss all the allegations that the Serb side fired at hospitals for no reason. What would happen if the UN didn't have their own eye-witnesses? The false accusations of the Serbs and the Accused himself would remain. But, why it remains now, when it was proven that it was a Muslim provocation? It is very important to know that an attacked unit only see from where they sustaine a fire, and respond to the spot! ? See further:

4. It is requested that you take this matter up personally with the Comd 1 Bosnian Corps and express that the crime of using the hospital as a screen to fire weapons from is as inhumane and disgusting as actually firing on the hospital; it is also a cowardly act.

5. It is also requested that, in order to protect UNPROFOR personnel, the names of the eyewitnesses NOT be given to 1 Bosnian Corps or published in any public document.

That is how the UN feared from the ABiH, not from the SRK! And here is an excerpt from the eyewitness report to Morillon:

While at the hospital, I personally observed a 82mm Mortar fire a total of nine rounds from a derelict house on the western side of the hospital. That house is about 50 metres from the hospital and is part of the hospital grounds; it is adjacent to the hospital boiler room. Many of my mission crew, as well as a British soldier supporting UNHCR, observed the mortar firing and can verify this statement.

Nine rounds??? Sufficient to force the Serb side to respond!

As we left the hospital, it was attacked by AAA and artillery or mortar fire; presumably in retaliation to the mortars firing from the vicinity of the hospital.

Which reasonable chamber in this world, no matter how rotten, would neglect this facts?

4830. Just after midnight on 2 June 1993, Morillon faxed the Accused to inform him that the shelling of the football game in Dobrinja which took place that morning and which was discussed by the Chamber earlier in the Judgement¹⁶²⁷⁷ caused the deaths of a number of innocent women and children.¹⁶²⁷⁸ **So what? Have Morillon or any other established that the Serbs did it? Did he submit any evidence from this investigation? Let us see: P05059:**

3. The shelling this morning in DOBRINJA caused the deaths of a number of innocent women and children.

Just an information, not even allusion that the Serbs did it. The Serb side sympathised with the victims, and concur with the Morillon point 3. Report. But, it can not be automatically understood that everything bad was caused only by the Serb side.

4831. On 12 October 1993, Andreev, Briquemont, De Mello, and Harland met with the Accused and Krajišnik in Pale.¹⁶²⁷⁹ In the meeting, Briquemont told the Accused that Bosnian Serb shelling of civilian areas in Sarajevo was increasing and that it had no military value but rather caused political damage to the Serbs.¹⁶²⁸⁰ **AGREED!** The Accused responded that this was the action of “rogue individuals” and that he would take further action to curb it if the Bosnian Muslim side did the same.¹⁶²⁸¹ Harland testified that the Accused’s comment concerning “rogue individuals” was disingenuous since often the impugned act was the firing of a heavy weapon such as a howitzer, which required crews of several men to operate.¹⁶²⁸² **(This is a blatant lie. Nobody ever reported that a Serb howitzer fired the city. Particularly none of the incidents in the Indictment had been reported as caused by a howitzer, even if there were howitzers, a “rogue individuals” didn’t use it! Harland wasn’t qualified to establish which of the Accused statements were disingenuous, and**

¹⁶²⁷⁷ See discussion in relation to Scheduled Incident G.4.

¹⁶²⁷⁸ P5059 (Fax from UNPROFOR to Radovan Karadžić, 2 June 1993) (Morillon adding that that the world would not continue to tolerate irresponsible behaviour of this type from “your forces”). The SRK Liaison Officer to UNPROFOR, Milenko Indić, testified that he did not receive any protests in relation to this incident. See D2774 (Witness statement of Milenko Indić dated 19 January 2013), para. 130.

¹⁶²⁷⁹ P820 (Witness statement of David Harland dated 4 September 2009), paras. 60–61; P830 (UNPROFOR Weekly Political Assessment, 16 October 1993); P845 (UNPROFOR report re meeting with Radovan Karadžić, 15 October 1993). While Harland stated that this meeting happened on 15 October 1993 in paragraph 60 of his statement, P845, which is a report on this meeting and is dated 15 October, clearly indicates that the meeting happened on 12 October. The Chamber considers that Harland was mistaken in his testimony and influenced by the date of the report, rather than its content.

¹⁶²⁸⁰ P820 (Witness statement of David Harland dated 4 September 2009), para. 61; P830 (UNPROFOR Weekly Political Assessment, 16 October 1993), p. 5; P845 (UNPROFOR report re meeting with Radovan Karadžić, 15 October 1993), para. 3.

¹⁶²⁸¹ P820 (Witness statement of David Harland dated 4 September 2009), para. 61; P830 (UNPROFOR Weekly Political Assessment, 16 October 1993), p. 5.

¹⁶²⁸² P820 (Witness statement of David Harland dated 4 September 2009), para. 63.

which not. And this is another disgrace of the entire project, to put a note-taker, who even didn't exchange a single word with the Accused, to estimate a psychological profile of the highest officials of the Serbs in BiH. But, let us see what else is in the P00830:

* There is a growing feeling that the problems of BH cannot be solved in isolation. Multi-national BH is almost a thing of the past. The rump BH is increasingly dominated by ethnic Muslims. The Serbs and Croats are increasingly looking towards Belgrade and Zagreb.

It was clear to the internationals in October 93 already.

* The influence of organized crime appears to have reached unprecedented levels -- especially in Sarajevo.

And who were the victims of this organized crime? First of all – the Serbs, but the Muslim civilians too!

Organized crime appears to be spiralling out of control in Sarajevo. UNPROFOR has been drawn into the problem -- its personnel and facilities being used as conduits for black market goods. Civil Affairs personnel have also been touched (the local mafia have evicted Daljeet Bagga from his apartment at 5 minutes' notice; threatening calls have been made to Civil Affairs by black marketeers wanting press cards).

When the Serbs say something like that, it is rebutted for no reason. Had the Tribunal have any respect for the UN official documents, the Accused wouldn't be accused at all! In spite of the fact that the internationals were biased, still the Chamber could have seen "the whole truth"!)

* The food situation continues to be confusing. Convoy deliveries have increased recently, but distribution by the BH government to Sarajevo citizens is still very limited. Large quantity this food is diverted to the military and a smaller amount resurfaces on the black market. The bulk of the missing aid (perhaps 60%), remains unaccounted for. Speculation is that the BH government is stock-piling it.

The same! When the Serbs say that the humanitarian situation is deliberately worsened for the purpose of the black market, it is rebutted. #EXCULPATORY! THE MUSLIM TRICKERY#!

* He claimed to have given written orders halting sniping and shelling in Sarajevo. Briquemont pointed out that sniping and shelling are continuing in Sarajevo. Karadzic stated that this was the action of rogue individuals, and that he would take further action to curb it if the Muslim side would do the same.

The ground for the President statements about the "rogue individuals" was the fact that he issued orders to the regular troops, and had expected it to be complied. But, no mentioning any howitzers firing against the city.

* He stated that his generals had advised him against accepting UNMOs on Serb-controlled territory. Too often, he said, the UNMOs know that it is the Muslim side which breaks a ceasefire but fail to go public with that information. (UNMOs confirm that this complaint is sometimes well-grounded.)

Look at that! So, the UNMOs and their reports can not be used against the President in a criminal court!) At the meeting, the Accused also stated that he had given orders for the

shelling and sniping to stop while Krajišnik said that he would like to see sniping stop.¹⁶²⁸³ The Accused then claimed that Bosnian Muslim shelling and sniping was a major problem and that he might be forced to take the Muslim part of Sarajevo if the sniping did not stop.¹⁶²⁸⁴

(Why the Chamber pays so much attention to this kind of meetings? Some internationals used to come suddenly and to bring some allegations before the Serb officials who were not informed about the subject, and couldn't make any inquiry prior to meeting, and their responses, as interpreted by a note-takers and a third line of officials, are judged as an official position? This is yet another unacceptable practice of this court! Saying that the Muslim practice will not cease unless the Serbs take the whole Sarajevo should be used in another direction, but what to expect from an incompetent witness?)

4832. On 4 January 1994, De Mello and Russell met with the Accused in Pale.¹⁶²⁸⁵ De Mello raised the disproportionate retaliation of the SRK to small levels of firing from the ABiH, which served no military purpose, caused tragic civilian casualties, and was highly detrimental to the Serb image and cause.¹⁶²⁸⁶ The Accused agreed that Bosnian Serb retaliation was inappropriate and counter-productive and said that he would discuss the matter with Galić, but stated also that the ABiH was launching fierce ground attacks from inside Sarajevo.¹⁶²⁸⁷

Correct, and #EXCULPATORY! The only one entitled to decide about retaliatory fire is a commander whose unit is under attack, and he is sovereign in deciding how to defend lives of his soldiers., while he doesn't have such a freedom in a case he decide to initiate armed skirmish. BUT, THERE WAS SOME OTHER MATTERS DISCUSSED AT THIS MEETING: This is the first para of the P05034:

1. On 3 January 1994 I met at Pale with Dr R Karadzic. I was accompanied by my MA, Major J Russell. After a review of those subjects which illustrated good dialogue and mutual understanding between "RS"/BSA and the UN - not least efforts made to provide equitable assistance to all sides, which he acknowledged -, a number of issues and difficulties that have developed at the ground level which require clear orders from the higher levels of command were discussed.

See, a "good dialogue". See further:

4. Clearly the issue of the demilitarization of Safe Areas is a highly sensitive one, requiring urgent consideration and resolution, if we are to credibly expect Serb flexibility on access to and protection of those areas.

But no UN instance took it seriously.! This sentence is sufficient to see the entire issue better, and to drop many charges against the President and his military commanders!

¹⁶²⁸³ P820 (Witness statement of David Harland dated 4 September 2009), para. 61; P830 (UNPROFOR Weekly Political Assessment, 16 October 1993), p. 5; P845 (UNPROFOR report re meeting with Radovan Karadžić, 15 October 1993), paras. 3, 5(i).

¹⁶²⁸⁴ P845 (UNPROFOR report re meeting with Radovan Karadžić, 15 October 1993), para. 3; P820 (Witness statement of David Harland dated 4 September 2009), para. 62. Harland observed that the positions adopted by the Accused at this meeting, two weeks after the Bosnian Muslims had rejected the Owen-Stoltenberg agreement, were consistent with the assessment that the Accused sought to increase the pressure on the Bosnians when he wanted to punish the Bosnian government for not having accepted political arrangements acceptable to the Serbs. See P820 (Witness statement of David Harland dated 4 September 2009), paras. 61-63.

¹⁶²⁸⁵ P5034 (UNPROFOR report re meeting with Radovan Karadžić, 4 January 1994).

¹⁶²⁸⁶ P5034 (UNPROFOR report re meeting with Radovan Karadžić, 4 January 1994), para. 7.

¹⁶²⁸⁷ P5034 (UNPROFOR report re meeting with Radovan Karadžić, 4 January 1994), para. 7.

Disproportionate scale retaliation to small levels of firing, however, served no military purpose, caused tragic civilian casualties and was highly detrimental to the Serb image and cause. Karadzic agreed that Serb retaliation was "unappropriate" and counter-productive and said he would discuss the matter with General Galic, Commander of Romanija Brigade. He nevertheless pointed out that BiH was also launching fierce ground attacks from inside Sarajevo.

So, this honest approach of the President to the issue is used against him! But, stil it has to be noticed that even the highest UN officers were aware that the Muslim side was the first one to fire. A matter of proportion is to be discussed, because it depended on the feeling of security or insecurity of the soldiers in tranches, who were to sustain a massive infantry attackes, unless they "discourage and dissuade" the emeny from their intentions by firing against them!).

4833. On 10 January 1994, Akashi met with the Accused and Koljević in Pale.¹⁶²⁸⁸ It was the first meeting between Akashi and the Accused.¹⁶²⁸⁹ Akashi emphasised that the recent excessive retaliations against the ABiH infantry attack were counter-productive, as they killed innocent people and created an unfavourable climate for the negotiations in Geneva.¹⁶²⁹⁰

Again, the Chamber just like the Prosecution depicts the document #selectively#. Look what had been said yet: D03491

2. During the meeting, Dr. Karadzic informed me that his side was ready to accept, in principle, that Sarajevo be put under United Nations administration. In this context, he alluded to

It was a number of times that the Accused saw the solution of the Sarajevo situation in putting it under the UN administration. This is completely EXCULPATORY! But, the Muslim side rejected it!

3. Dr. Karadzic expressed his frustration about the pressure exerted during the preparatory phase of the NATO summit and the anti-Serb bias of the international media. I emphasized that the recent excessive retaliations against the Bosnian Army infantry attack were counter-productive, as they killed innocent people and created a unfavourable climate for the negotiations in Geneva. He took the point, but expressed his impatience with the Bosnian Government's attitude in the Geneva negotiations. At the end of our meeting he strongly pointed out that if a peace

There is no doubt that first there was an infantry attack of the Muslim army, and Mr. Akashi was aware of it. The President was always of an opinion that the retaliation should be lower, but it wasn't up to him, but it was a sovereign right of those who defended their lives. Had it been a Serb initiation of skirmish, than the Serb side would be rightfully blamed for an excesive fire, but if they had been attacked, it was up to them how to defend!

¹⁶²⁸⁸ D3491 (UNPROFOR report, 10 January 1994); Yasushi Akashi, T. 37680–37683 (24 April 2013).

¹⁶²⁸⁹ Yasushi Akashi, T. 37680–37681 (24 April 2013).

¹⁶²⁹⁰ D3491 (UNPROFOR report, 10 January 1994), para. 3.

4. During the meeting in Pale, there occurred at least four NATO fighter overflights which did not go unnoticed, but appeared to only harden the Bosnian Serb position. I advised Dr. Karadzic of the Secretary-General's position regarding the authorization of close air support. I intend to raise the issue of such overflights with NATO during my meeting with Admiral Boorda tomorrow in Naples. While it is up to NATO to schedule flights of exercises, there is obviously a need for closer consultation with the political representatives of the United Nations.

Look how the NATO influenced these contacts between the Serbs and the UN officials! This is another disgrace of the UN, and Mr. Akashi recognized that this was somewhat excessive and mentioned to discuss it with J. Boorda. Akashi recorded that the Accused "took the point", but expressed his impatience with the Bosnian Government's attitude in the Geneva negotiations and later threatened that if a peace agreement could not be reached soon the RS would have to "declare war".¹⁶²⁹¹ **(The Muslim side had declared the war against the Serbs already 22 June 92, and this state of "no war, no peace" was exhausting the Serbs, and the Serbs had every right to declare a war against those who did it already to them. As a matter of fact, the RS never declared the state of war on the entire territory, although it was attacked and declared the war by the Muslim side.)**

4834. On 30 January 1994, Rose told the Accused, Krajišnik, Koljević, and Zametica that he was encouraged by the reduction in the shelling of Sarajevo in recent weeks and that he hoped this would prove to be a durable pattern.¹⁶²⁹² **(#EXCULPATORY!** He also stated that he believed that demilitarisation was a means to solve the general issue of shelling in Sarajevo.¹⁶²⁹³ The Accused said that the continued shelling of Sarajevo was "senseless", that it should stop, and that there should be a global cease-fire starting with the demilitarisation of Sarajevo.¹⁶²⁹⁴ **(#EXCULPATORY!**

4835. On 4 February 1994, in protest to the SRK's 4 February 1994 mortar attack in Dobrinja discussed earlier in this Judgement,¹⁶²⁹⁵ Rose telephoned "the [VRS]" and wrote letters of protest to the Accused and Mladić.¹⁶²⁹⁶ However, he received no response to these protests.¹⁶²⁹⁷ **(How could he receive response before any inquiry? And the very next day the Markale I happened!)**

¹⁶²⁹¹ D3491 (UNPROFOR report, 10 January 1994), para. 3.

¹⁶²⁹² P1638 (Witness statement of Michael Rose dated 26 March 2009), paras. 26, 30 (testifying that, on his arrival in Sarajevo on 23 January 1994, the intensity of the shelling was approximately 1,500–2,000 shells per day, going both ways, and that sniping was common); D700 (UNPROFOR report re meeting with Radovan Karadžić and Ratko Mladić, 30 January 1994); P1650 (UNPROFOR report on meeting with Radovan Karadžić and Ratko Mladić, 31 January 1994), para. 3.

¹⁶²⁹³ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 30.

¹⁶²⁹⁴ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 31; P1650 (UNPROFOR report on meeting with Radovan Karadžić and Ratko Mladić, 31 January 1994), para. 3; D700 (UNPROFOR report re meeting with Radovan Karadžić and Ratko Mladić, 30 January 1994), para. 3. Rose testified that, at this time, a global cease-fire was in the Bosnian Serb's interests because they held 70% of the territory of BiH, and therefore a cease-fire represented an opportunity for them to consolidate their territorial gains. *See* P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 31. **This is wrong meditation of General Rose, because the Serb side always repeatedly stated that the territorial issues are not relevant, and that they were ready to return a huge amount of the territory they controlled. And the Chamber is aware of it.**

¹⁶²⁹⁵ *See* discussion in relation to Scheduled Incident G.7.

¹⁶²⁹⁶ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 35.

¹⁶²⁹⁷ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 35.

4836. The Chamber also heard that one day after the first Markale incident on 5 February 1994, Akashi and Rose met with the Accused and Gvero at Lukavica Barracks.¹⁶²⁹⁸ During this meeting, the Accused told Akashi that it was the Bosnian Muslims who were responsible for the shelling and not the Bosnian Serbs.¹⁶²⁹⁹ **The UN also couldn't allocate responsibility for this horrifying incident to either side.**

7. I also talked to the international and local media in the Presidency to explain the latest positions clearly, as well as to emphasize that UNPROFOR is not able to blame either party for the 5 February bomb explosion.

4. We then held an arduous, five-hour meeting with Dr Karadzic, accompanied by General Gvero, at Lukavica barracks outside Sarajevo. They would not accept withdrawal of Serb forces, nor placing of artillery and other heavy weapons under UNPROFOR control. They would accept "on-site monitoring". The outcome of our discussions with the Serb side is reflected in the attached Draft Joint Declaration.

By studding what were the Muslim demands, it was obvious that the staged incidents in Dobrinja on 4 February and Markale Market place on 5 February were motivated by these demants of the Muslim side, which showed interest only in what they demanded, and not in anything other. See:

5. Subsequently, we met with Izetbegovic and Silajdzic, who emphatically rejected the draft and insisted on their previously-mentioned conditions. Silajdzic was particularly vehement, insisting that the relevant Security Council resolutions supported the Presidency's position, and saying that to accept the draft declaration would amount to the Presidency agreeing that the United Nations would "continue with its ineffective policy in BH".

Is the Chamber, and the UNSC and it's members, as well as this Tribunal ready to be so primitively deceived and manipulated? The Serbs weren't ready, regardless of an unprecedented pressure both from media and governments!)

This was followed up by another meeting on or about 7 February 1994, between Akashi, Rose, and the Accused, this time in Belgrade.¹⁶³⁰⁰ During the meeting, the Accused repeatedly denied Bosnian Serb responsibility for the first Markale incident.¹⁶³⁰¹ On the same day, the Accused issued an order to the VRS Main Staff and the SRK, stating first that "there is evidence that Serbs are not responding in equal measure to Muslim artillery provocations – sometimes twenty to thirty, or even seventy times more" and ordering as a result that the VRS introduce "the strictest possible control of retaliation to provocations", respond only when threatened and against military targets, and strictly at the commander's commands.¹⁶³⁰²

(#EXCULPATORY! But still it is clear that the Serbs were only responding, not initiating fire! Knowing the ultimate objective of the Muslim side – to conquer the entire Sarajevo and expel the Serbs out of the City and of BIH generally, the SRK combatants #didn't have any space for a negligence, because their families would be the first to be butchered#!)

¹⁶²⁹⁸ D713 (UNPROFOR report re talks with Radovan Karadžić and Alija Izetbegović, 6 February 1994), e-court p. 1; Yasushi Akashi, T. 37688–37689 (24 April 2013); Michael Rose, T. 7547–7549 (8 October 2010). *See also* para. 4205.

¹⁶²⁹⁹ Yasushi Akashi, T. 37688–37689 (24 April 2013).

¹⁶³⁰⁰ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 41.

¹⁶³⁰¹ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 41 (adding that Akashi told the Accused that unless he agreed to a cease-fire and pulled his big guns 20 kilometres away from Sarajevo, the UN would bow to mounting international pressure and agree to NATO air strikes; the Accused agreed to consider Akashi's proposal, but stated that the Serbs would not move until the Muslims moved).

¹⁶³⁰² P846 (Radovan Karadžić's Order to VRS, 7 February 1994); P3033 (Reynaud Theunens's expert report entitled "Radovan Karadžić and the SRBiH TO-VRS (1992-1995)", para. 76.

4837. On 15 March 1994, at a meeting between, *inter alios*, the Accused, Mladić, and Slobodan Milošević in Belgrade, the Accused complained that “[o]ur idiots are firing on Sarajevo” and described the army as acting like a “pampered prima donna”.¹⁶³⁰³ In his diary, Mladić stated that the Accused made these statements for the purpose of attacking the VRS.¹⁶³⁰⁴ **(EXCULPATORY! The Accused never ceased to criticize the VRS for not being cautious and delicate enough, but to bite the Muslim hook and respond clumsily. This attitude of the Accused, proven many times, certainly doesn’t corroborate the Prosecution/Chamber allegations about the Accused’s intent to terrorize the civilians in Sarajevo!)**

4838. On 19 March 1994, Rose sent a letter to the Accused protesting, *inter alia*, the increased level of sniping in Sarajevo, and requesting that the Accused take measures to ensure that the sniping stopped immediately.¹⁶³⁰⁵ On 21 March 1994, the Accused wrote to Akashi in response to Rose’s letter, suggesting that it was “extraordinary” that Rose was surprised at the level of sniping in Sarajevo when the UN was not controlling Bosnian Muslim infantry, and stating that Bosnian Serbs were “constantly” the victims of such sniping.¹⁶³⁰⁶ **(Right and EXCULPATORY! Nobody should judge only one side, without taking even note on the other side conduct!)**

4839. On 20 September 1994, Rose and Andreev met with the Accused, Koljević, Krajišnik, Milovanović, and Tolimir.¹⁶³⁰⁷ During this meeting Rose reiterated his strong denunciation of VRS involvement in attacks on Sarajevo on 18 September 1994.¹⁶³⁰⁸ The Accused gave an “angry diatribe” about ABiH attacks, and stated that “[i]f the international community treats us like a beast, then we will behave like a beast”.¹⁶³⁰⁹ **(#Jokes, sayings, cultural specificity#! This is another problem with such a kind of trials, were there is a #huge lack of knowledge of culture and habits#. This sentence of the President is a paraphrase of a well known saying in the Serb countries, which sais: “if one tells you that you are drunk and you weren’t, just lough, when another tells you the same, just think a bit, and when the third one tells you the same, don’t hesitate, start to totter!” It was more than obvious that the Serbs didn’t intend to “behave like a beasts” after September 94. Had they intended to, that would be before this meeting!)**

4840. On 10 October 1994 Rose sent a letter of protest to the Accused in relation to Scheduled Incident F.11, informing the Accused of the incident and requesting that he “take

¹⁶³⁰³ P1485 (Ratko Mladić’s notebook, 9 January–21 March 1994), pp. 165–179.

¹⁶³⁰⁴ P1485 (Ratko Mladić’s notebook, 9 January–21 March 1994), p. 179.

¹⁶³⁰⁵ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 63; P1656 (Letters from Radovan Karadžić to Yasushi Akashi, 21 and 28 March 1994), e-court p. 5.

¹⁶³⁰⁶ P1656 (Letters from Radovan Karadžić to Yasushi Akashi, 21 and 28 March 1994), e-court p. 3.

¹⁶³⁰⁷ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 151; P820 (Witness statement of David Harland dated 4 September 2009), paras. 134–138; P834 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 20 September 1994); David Harland, T. 2227–2235 (10 May 2010).

¹⁶³⁰⁸ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 151.

¹⁶³⁰⁹ D162 (Michael Rose’s book entitled “Fighting for Peace: Bosnia, 1994”), p. 199; P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 151; P820 (Witness statement of David Harland dated 4 September 2009), para. 135; David Harland, T. 2232 (10 May 2010); P834 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 20 September 1994), para. 3.

all appropriate measures to identify and prosecute the perpetrators of this crime”.¹⁶³¹⁰⁽¹⁶³¹⁰⁾ **(It was an identical letter first to Izetbegovic, then to the President, without a single clue on who was responsible! So, this can not be used against either side, but only against an idea of civil war and those who endorsed the one in BiH. So, an incident of sniper fire against the Serb civilians in Vojkovici was established to be the Muslim responsibility, while the 9 October incident wasn't established regarding liability!)**

4841. In early November 1994, during the 46th Bosnian Serb Assembly session, the Accused himself recounted the “hard time” he had when “that pointless shelling of Sarajevo was going on” and explained that people told him that sometimes soldiers get drunk and fire a number of shells into Sarajevo “without aim and purpose”.¹⁶³¹¹ **(#EXCULPATORY! The Predsjednik had every reason to exaggerate in order to pressure the VRS officers and soldiers to be more responsible and restraint. But, anyway, this only rebuts the Prosecution-Chamber's “finding” that the Accused was pursuing a terror over the citizens of Sarajevo. If it was so, why then he would criticize the VRS so much? And why nobody responded to him in terms that they had been executing only what was ordered and what the Accused ordered or endorsed? No judgement, either Stalin's, or Hitler's or Genghis Khan's, or one of the Inquisition could survive such a kind and number of contradictions!)** The Accused continued by saying:

[T]hen I call General Galić and ask him whether the members of the Corps are shooting at Sarajevo. He tells me that they are not. I ask him how does he know that and he answers that he did not issue the order. I ask him if it could be done without the order and he says it should not be like that. I tell him to check it out. It happened that he did not issue the order but some idiot gave himself a right to waste the shells, which cost 500 German marks each. These acts do not make us look like a military or even like the people. This does not mean that I am attacking the soldiers but this is a request to improve the situation. Believe me, the line between the total triumph and the total disaster is very delicate.¹⁶³¹² **(And how this could be used against the President, or any RS official? Only this speech, aimed only to the MPs and not the public, would be sufficient to drop all the accusations about the Accused's (or Galić's, or any other commander of SRK) intent to terrorize civilians!)**

4842. The Chamber recalls that, following Scheduled Incident G.10, on 7 April 1995, the SRK Command reported to the VRS Main Staff that in the morning the ABiH opened “fierce fire” on Famos with, *inter alia*, infantry weapons and an 82 mm mortar, in response to which the Ilidža Brigade fired one air bomb weighing 250 kilograms “at the centre of Hrasnica”.¹⁶³¹³ The VRS Main Staff then sent a combat report to the Accused, informing him of these events, including the attack on Famos, as well as the fact that “the enemy was adequately responded to whereby an A/B /air bomb/ (250kg) was launched on the centre of Hrasnica.”¹⁶³¹⁴ **(So**

¹⁶³¹⁰ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 156; P1644 (Letters from Michael Rose to Alija Izetbegović and Radovan Karadžić, 9 October 1994) (Rose also protested to Alija Izetbegović for a sniping incident in Vojkovići for which the ABiH was found to be responsible); P1762 (Witness statement of David Fraser dated 17 October 2010), pp. 43–44; P1674 (UNPROFOR report re meeting with Ratko Mladić, 11 October 1994); Vladi Lučić, T. 30817 (3 December 2012).

¹⁶³¹¹ P1403 (Transcript of First Part of 46th session of RS Assembly, 9–11 November 1994), p. 324.

¹⁶³¹² P1403 (Transcript of First Part of 46th session of RS Assembly, 9–11 November 1994), p. 324.

¹⁶³¹³ P1782 (SRK combat report, 7 April 1995), pp. 1–2.

¹⁶³¹⁴ P5943 (VRS Main Staff Report, 7 April 1995), pp. 4–5.

what? Did the Main Staff require any action of the Accused? Let us see how this report sounded to: P5943:

The enemy activity was adequately responded to whereby an A/B /air bomb/ (250 kg) was launched on the centre of Hrasnica. The units have been engaged on additional engineering work on the positions, monitoring of activities being undertaken by the enemy and prevention of surprises.

Was there in this report anything that should alarm the Accused? Wasn't it a regular activity in responding to an attack?)

4843. On 30 April 1995, Akashi, Janvier, Smith, and Banbury met with, among others, the Accused, Koljević, Krajišnik, Zametica, and Bogdan Subotić in Pale.¹⁶³¹⁵ After suggesting that the Bosnian Muslims should be told that there will be no more humanitarian aid because they are killing Serb people, the Accused said during this meeting that “retaliation is productive”.¹⁶³¹⁶ **(#Retaliation is by definition a response, i.e. a reaction on the enemy's action, and thus legal and legitimate. The side that initiate fire is responsible for consequences, and therefore it is a choice of this side. But, let us see what had been said in the P02262, a UN report from this meeting:**

declaration but offered to show a maximum restraint unless provoked. The Bosnian Serbs repeated their offer of an unlimited extension as long as it was permanent, ie preserving the 'status quo ante' and would only accept temporary agreement as long as they were treated as an equal partner in the international community and the sanctions against "Republika Srpska" and Yugoslavia lifted. A copy of the Joint Declaration on which Mr Akashi sought agreement is at Annex A.

As it could be seen, the #Serb side fought for equality to the end of the war#, and the International community kept demanding more from the Serbs than the Muslim/Croat coalition. We will see from this UN document (P02262, p. 3) who was in favour of the anti-sniping agreement, and who violated it:

11 Sarajevo Airport. Dr Karadzic declined to discuss the Airport Agreement saying that this was a matter he wished delegate to Professor Koljevic. However, he agreed to accelerate the process of negotiations towards reaffirming the Agreement. He cautioned that the Serbs would not hold to the Airport Agreement as long as the Sarajevo Anti Sniping Agreement was not being upheld. At this point he revealed information of the death of a Serb civilian in a sniping attack in Sarajevo that afternoon.

If the President was a part of the JCE aimed to terror the civilians in Sarajevo, why would he be for the respect of the anti-sniping agreement, and the Muslims for the violation of the same? However, there was no a word about “retaliations (that were productive) but was something else, see p. 3

UNPROFOR was providing supplies and fuel to the BiH. Of note, Karadzic was heard to remark “we regard humanitarian and UNPROFOR convoys as commercial convoys for the benefit of the Muslims. We are under double restrictions (sanctions), you can expect more restrictions”.

Was it something illegal? #Was it reported to the UN and media#? If not, why it is in this Judgment as an illustration of what? If his superiors at this meeting, Akashi, Janvier and Smith didn't find it worthwhile putting in the report, how come the Chamber payed an attention to what this witness said? The restrictions that the Accused

¹⁶³¹⁵ P2262 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 30 April 1995), para. 9; Rupert Smith, T. 11350–11352 (8 February 2011); Rupert Smith, T. 11657–11658 (11 February 2011); P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 145; P2493 (Anthony Banbury's notes, 30 April 1995).

¹⁶³¹⁶ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 154; P2493 (Anthony Banbury's notes, 30 April 1995), p. 9.

mentioned are not identical to “retaliation”, and this witness is useless, i.e. damaging for the very UN, because he compromises the UN missions!) Janvier responded by telling the Accused that the Serbs were targeting civilians, to which the Accused replied that they only targeted military targets.¹⁶³¹⁷ When Janvier disagreed with this, citing Tuzla as an example, the Accused laughed and, according to Banbury, stated that “[m]aybe some of our gunners have bad eyes”.^{16318 (16318)} **(#This is also a disgrace, since it is well known that it was impossible for the Serb soldiers to reach the Tuzla kapija #(Gate) which had been another staging. Anyway, why the Chamber didn’t ask Akashi instead of Banbury?)**

4844. On 9 May 1995, Smith met with the Accused and Zametica at a hotel near Pale.¹⁶³¹⁹ Smith informed the Accused that he had recommended NATO air strikes in response to a concentrated heavy-weapons attack on Sarajevo and the civilian population on 7 and 8 May 1995.¹⁶³²⁰ **First of all, #General Smith was not entitled to interfere in the war on anyone’s side#. This was very known to all the UN officers, who begged the SC not to involve them in the war, because they would then be exposed to a side against which they acted. It was only envisaged that the UN could use the fire for the close air support (CAS) and under no condition to interfere in fights, and it had been clarified many times among the President and the UN officials. In a document connected with Banbury there was a sentence indicating that the President was not informed about a new UN mandate. From the standpoint of the President and the Serb side, nobody was entitled to change the UN mandate without not only informing the Serb side, but obtaining a consent from it. How possibly the Serb side could act in accordance with the previous agreements if the mandate was changed clandestinely? Who knows how many misunderstandings appeared on this basis.)** According to Smith, the Accused did not deny that the Bosnian Serbs had shelled civilian areas, but expressed disillusionment and dissatisfaction with the UN, stated that he had intelligence that the ABiH had begun an offensive to lift the siege of Sarajevo, and threatened that he “could not allow the UN to help them beat us”.¹⁶³²¹ **(This is already a classic sentence: “the President didn’t deny”#. #Neither he confirmed, too#!#! Why he should deny something to General Smith? Was it a trial? Or a criminal questioning? The President didn’t have any obligation to say anything to a general, but just to listen to what he had to say, and what the President had to say to the internationals, he would say to his counterparts from the political eshalon of the UN, not to Mladic’s counter-part. What could the President confirm and admit if not notified in advance to be able to make any inquiry? #This is not serious!)** The Accused also made clear that in the event of a NATO attack the UN would be treated as enemies.¹⁶³²² **(Clear cut! And legitimate! And every UN military knew that in advance, but General Smith wasn’t a UN officer at all, but rather a NATO pivot man in the BH crisis. Although informed about the Serb position, he ordered an air attack at the end of May, and helped the NATO plains to be very precise, by lending them the FAC (forward air controllers) to**

¹⁶³¹⁷ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 154; P2493 (Anthony Banbury’s notes, 30 April 1995), p. 9.

¹⁶³¹⁸ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 154; P2493 (Anthony Banbury’s notes, 30 April 1995), p. 9.

¹⁶³¹⁹ P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), para. 1; Rupert Smith, T. 11355–11360 (8 February 2011).

¹⁶³²⁰ P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), paras. 2–3; Rupert Smith, T. 11355–11360 (8 February 2011) (testifying that there was no military justification for this shelling of the civilian population). *See* para. 3609.

¹⁶³²¹ P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), para. 3; Rupert Smith, T. 11357–11358 (8 February 2011).

¹⁶³²² P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), paras. 2–3; Rupert Smith, T. 11355 (8 February 2011). *See* paras. 5964, 5978.

aim the Serb targets. Does the UN SC and the countries that are crucial members, support this kind of distortion of the peacekeeping mission?) The Accused expressed his discontent with the international community and emphasised that he would not respect any international bodies or resolutions unless they were in the interest of the Bosnian Serbs.¹⁶³²³ He then stated that the Serbs would make counter-oves against their enemies, particularly in Sarajevo.¹⁶³²⁴ **(So what? If the President was insecure and depressed, the internationals would report it to the UN, to their governments, and certainly the Accused enemies were able to obtain such an information. This particularly pertains to the meetings with Gen. Smith without a normal framework of his meetings with General Mladic. Why otherwise General Smith would request to see the President alone? The President ‘s counterpart in the UN was Ambassador Akashi, not General Smith!)**

In an interview on 13 July 1995 in El País, when asked why he approved the shelling of the civilian population of Sarajevo, the Accused responded that the Bosnian Serbs never shelled the civilian population but were targeting the ABiH.¹⁶³²⁵ **Right and # EXCULPATORY!** He blamed the ABiH for firing their own artillery from or close to civilian areas, to which the VRS would respond.¹⁶³²⁶ The Accused stated that the ABiH were killing the Bosnian Serbs and that the VRS had to “eliminate” them.¹⁶³²⁷

4846. As discussed in the Judgement,¹⁶³²⁸ in the afternoon of 29 August 1995, one day after the second shelling incident at Markale market, the Accused, Mladić, Plavšić, Krajišnik, Tolimir, and Gvero, among others, met with Slobodan Milošević, Bulatović, and Perišić, to discuss the upcoming peace conference.¹⁶³²⁹ During this meeting, Milošević encouraged the Bosnian Serb leadership to criticise the shelling and the killing of innocent civilians in Sarajevo “in a more severe way”, to which Tolimir reacted saying that by 11 a.m. on that day, no one had precise information as to where the shell had come from.¹⁶³³⁰ **Right and #EXCULPATORY!** Milošević retorted, however, that Akashi had informed him that the shell that struck Markale came from the Bosnian Serb side, **(WHICH WAS NOT TRUE, NEITHER AKASHI SAID THAT, NOR IT WAS FROM THE SERB POSITIONS, BUT PRESIDENT MILOSEVIC BLUFFED. What Mr. Akashi meant, he reported to the UN)** to which Mladić stated that the shells could have come only from the Muslim mobile launching

¹⁶³²³ P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), para. 4; Rupert Smith, T. 11358 (8 February 2011).

¹⁶³²⁴ P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), para. 6 (stating that it was “clear that we can expect a further increase in military activity in Sarajevo” and that “a general counter-offensive is not expected but pre-emptive attacks remain likely”).

¹⁶³²⁵ P4359 (Radovan Karadžić’s interview in El País, 13 July 1995), p. 4; Tomasz Błaszczuk, T. 27371–27373 (11 April 2012); Mira Mihajlović, T. 24291–24294 (8 February 2012); P2242 (Radovan Karadžić’s agenda, 2 January–25 December 1995), p. 91.

¹⁶³²⁶ P4359 (Radovan Karadžić’s interview in El País, 13 July 1995), p. 4.

¹⁶³²⁷ P4359 (Radovan Karadžić’s interview in El País, 13 July 1995), p. 5. The Accused also stated that Sarajevo was a divided city, and predicted that Sarajevo would either be transformed into two cities (Bosnian Muslim and Bosnian Serb), or if the Bosnian Muslims did not agree to split the city, “we would take the whole Sarajevo”. See P4359 (Radovan Karadžić’s interview in El País, 13 July 1995), pp. 5–6. **So what? The third was a possibility that the Muslim side counted on: that they take the entire Sarajevo. At least, the Serbs and the President offered a more fair and correct alternative.**

¹⁶³²⁸ See para. 4299.

¹⁶³²⁹ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 35A–35C; D3364 (Witness statement of Dušan Kozčić dated 7 April 2013), para. 28; D3058 (Record of meeting between leaderships of FRY and RS, 29 August 1995).

¹⁶³³⁰ D3058 (Record of meeting between leaderships of FRY and RS, 29 August 1995), p. 8; D3364 (Witness statement of Dušan Kozčić dated 7 April 2013), para. 28. With respect to paragraph 28 of Kozčić’s statement, the Chamber notes that P5039 is a duplicate of D3058.

pads.¹⁶³³¹ Mladić also voiced his doubt about the number of victims, given the size of the crater which he deemed “not bigger than an ashtray”.¹⁶³³²

4847. As also discussed earlier, on 30 August 1995, at around 2 a.m., letters were sent to Mladić, the Accused, and Slobodan Milošević informing them that NATO air strikes had commenced.¹⁶³³³ Both Milošević and the Accused were informed of the UN’s conclusions with respect to the second Markale incident and about the initiation of the air strikes; in the letter to the Accused, Akashi also wrote that the “key to stopping the air action” was in the Accused’s and Mladić’s hands and strongly urged him to ensure that the attacks on Sarajevo stopped.¹⁶³³⁴

(2) Accused informed of the campaign through media reports

4848. The Chamber also heard evidence that the sniping and shelling of civilians was widely covered in the press, and that the Accused closely followed this coverage. **(#Who established that???)** Events in Sarajevo were particularly well covered by the media, reporters from the international press corps were common in Sarajevo, and the media was critical of violations of international humanitarian law in the city.¹⁶³³⁵ **The very same media never noticed any crime of the Muslim side, never payed any attention to the sufferings of ther Serbs, never reported who was initiating fights. Why the biased media should be a relevant source of a supreme commander of an army, which informed him on a daily basis? However, the Chamber wouldn’t make these conclusions, particularly concerning the humanitarian aid, had it took seriously the P830, see above!** Sniping incidents in particular received widespread coverage in the press.¹⁶³³⁶ **(So, what kind of president and his army would it be if a norotiously biased media would govern their country while in a war? Is the Chamber serious? It is understandable why the Muslims were angry for their manipulations and sniping their own people didn’t pay back, but why the UN institutions should share this sentiment?)** Furthermore, UNPROFOR protests would be publicised through journalists and a statement would be made at the daily press point, which sometimes elicited a written response from the Bosnian Serbs or the Bosnian Muslims denying what was said.¹⁶³³⁷ **(So much about their unbiased approach and impartiality, as well as their proper knowledge!)** [REDACTED] the Accused, Krajišnik, Plavšić, and Koljević had information from television and newspapers at their disposal, and were very well-informed about what the international media was saying about events in BiH.¹⁶³³⁸ **(How this protected witness could have known that the people he numbered were sitting in front of TV and watching the Muslim/western propaganda. Are this people serious? As**

¹⁶³³¹ D3058 (Record of meeting between leaderships of FRY and RS, 29 August 1995), pp. 8–9; D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 35C; D3364 (Witness statement of Dušan Kozic dated 7 April 2013), para. 28.

¹⁶³³² D3058 (Record of meeting between leaderships of FRY and RS, 29 August 1995), p. 9.

¹⁶³³³ See para. 4300.

¹⁶³³⁴ P2826 (UNPROFOR report re NATO air strikes, 30 August 1995), e-court p. 4.

¹⁶³³⁵ P5906 (Witness statement of KDZ450 dated 17 January 2011), paras. 131–132. See also P2414 (Witness statement of KDZ182), p. 33 (under seal); P2068 (Witness statement of Jeremy Bowen dated 10 August 2009), para. 6; Jeremy Bowen, T. 10083, 10106 (13 January 2011) (testifying that he attempted to focus his reporting on the plight of civilians). See also para. 4587 (listing various news reports on the situation in Sarajevo).

¹⁶³³⁶ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 201.

¹⁶³³⁷ P6060 (Record of interview with KDZ185), e-court p. 12.

¹⁶³³⁸ [REDACTED] (adding that it was “nonsense” to say that the Accused, Krajišnik, Plavšić, and Koljević did not know anything about the crimes in BiH).

if there was no so many duties to execute!?! And what kind of leadership would it be to rely upon the biased media in running the state matters?)

4849. Martin Bell also thought that the Accused was well-aware of his reports on the situation in Sarajevo, including the sniping and shelling of civilians, and testified that on one occasion the Accused took issue with a specific BBC report and phoned BBC News to complain.¹⁶³³⁹

(So much about the trust of the President in their reports#! What does it mean, he reported? The international journalists, even those impartial, weren't in a position to know who was shooting, as Okun confirmed was the problem even for the permanently deployed internationals!). Similarly, Van Lynden testified that both the Accused and Mladić told him that they watched Sky News and other international broadcasts.¹⁶³⁴⁰

(Particularly Mladić! In which language? This guy is a shame for his profession, and the Chamber is helping him to be a shame by paying any attention to what he had to say. How possibly he could have known who was doing what? The lines and forces were so intermingled, that even the very same forces had a difficulties to prevent a friendly fire!)

According to Van Lynden, the Accused was eager to speak to Sky News because he considered it important to be able to put his point of view on one of the more important news organisations.¹⁶³⁴¹

(It was not only the case with Sky News, it was well known that the Accused was available to all media, because it was his duty to help the public to see the entire picture!) Van Lynden also concluded from meetings with Mladić that Mladić followed the news and was fully aware of what was happening.¹⁶³⁴²

In September 1992, Van Lynden referred to Mladić as the “scourge of Sarajevo” in a Sky News report of an interview conducted with Mladić.¹⁶³⁴³ Van Lynden testified that when he saw him next, Mladić “seemed very happy with the title” and “rather proud of it”.¹⁶³⁴⁴

(All of it is false, and unprofessional, and disqualifies Van Linden as a witness, and jeopardize other journalists that may been reporting from a war zones! Gen. Mladić didn't speak English, and if somebody translated to him something, the interpreter may have mitigated the sentence. But, the most worrying is the fact that the Chamber is paying credit to such a “materials”, mastered by such a “master”!!)

According to [REDACTED], the three parties to the conflict were all “very, very concerned about the international coverage of the events” in BiH and “very, very well informed by different means about what was being said about their activities or actions in the conflict”.¹⁶³⁴⁵⁽¹⁶³⁴⁵⁾ On the basis of the Bosnian Serbs’ comments on news stories by organisations such as BBC or CNN, and on the basis of his visits to Pale, [REDACTED] thought that the Bosnian Serbs received information through

¹⁶³³⁹ P1996 (Witness statement of Martin Bell dated 8 March 2010), paras. 3, 19 (testifying that when he first arrived in Sarajevo, the Accused was courting the international press); Martin Bell, T. 9795–9796 (14 December 2010).

¹⁶³⁴⁰ P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), paras. 12–13; Aernout van Lynden, T. 2417–2418 (19 May 2010).

¹⁶³⁴¹ P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), paras. 69–70. *See also* D4508 (Intercept of conversation between Radovan Karadžić and Manojlo Milovanović, 3 August 1993); *and* P4803 (Intercept of conversation between Radovan Karadžić and General Gvero, 11 August 1993), p. 2 (both showing that the Accused was able to contact the media when necessary).

¹⁶³⁴² P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), paras. 12–13; Aernout van Lynden, T. 2417–2418 (19 May 2010).

¹⁶³⁴³ P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), paras. 13, 72, 76–90; P933 (SKY news report re Sarajevo, with transcript); Aernout van Lynden, T. 2419–2425 (19 May 2010).

¹⁶³⁴⁴ P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), paras. 13, 86; Aernout van Lynden, T. 2424 (19 May 2010).

¹⁶³⁴⁵ [REDACTED].

Belgrade, from all the foreign embassies of Yugoslavia, and were also well-informed in terms of press clippings and international television coverage.¹⁶³⁴⁶ **(Nobody could have known whether the Serbs in BiH got anything from the embassies! But, the Chamber shouldn't pay so much attention and give so much of credit to his "thoughts". This is a unique example that a journalists who didn't know a basic facts had been gratified by so much attention and credit, though it is entirely irrelevant. What if the Serb leaders in BiH had information? That would only mean that the foreign media and governments are interested in the crisis, and nothing more! It would be a disastrous mistake to trust these media, and even a very high officials of some governments, who used to lie in order to instigate a war, an attack or other catartrophy!)** [REDACTED] testified that the Accused "normally had with him all these clippings and reports on the international media".¹⁶³⁴⁷ **(This is a mere stupidity. The President wasn't a PR to keep press clippings with him. He even never gathered any clippings, but only his advisor for the PR informed him in a laconic manner what is domineering in media! If it was otherwise, he wouldn have any time for his principal duty!).** According to [REDACTED], the Accused would blame the international media for being part of a "complex plot against the Bosnian Serbs".¹⁶³⁴⁸ **(Then, why would the President pay any credit to these media? This is #rebuting all the Chambers indications that the President had been (properly) informed by the international media. Why would he make inquiries in his Army on a basis of those non-credible media? If it was a genuine conviction of the Accused, he can not be guilty for this, no matter was he right or wrong. If he was misinformed by his Army and secret services, instead by the foreign media, he could have been stupid, inexperienced or incompetent, but he couldn't be sentenced for that!!! So many contradictions!!!)**

(C) Accused's deflection of criticism and/or denial of crimes

4850. In discussing various meetings and Accused's statements in the preceding section, the Chamber has outlined some of the ways in which the Accused reacted to specific protests and complaints.¹⁶³⁴⁹ In addition, KW570 testified that the Accused often tried to satisfy the demands of the international community and was a "moderating influence" on other members of the Bosnian Serb leadership and the VRS.¹⁶³⁵⁰ **(#EXCULPATORY!** Similarly, Vere Hayes, who travelled with Briquemont to Pale to meet with the Accused, Mladić, Plavšić, and others, found the Accused to be "perfectly civil and reasonable".¹⁶³⁵¹ **(#EXCULPATORY!**

¹⁶³⁴⁶ [REDACTED] (agreeing that the broadcast media—CNN, Sky News, BBC—were being received in BiH in 1992, and that they covered the shelling of Sarajevo).

¹⁶³⁴⁷ [REDACTED].

¹⁶³⁴⁸ [REDACTED].

¹⁶³⁴⁹ See paras. 4813–4847.

¹⁶³⁵⁰ D2770 (Witness statement of KW570 dated 21 November 2012), paras. 17–18 (under seal). See also D2658 (Witness statement of Luka Dragičević dated 9 December 2012), para. 47 (testifying that the VRS's "biggest complaint" about the Accused related to his attitude towards the international community and that ordinary soldiers felt that the Accused "made too many concessions to international elements"); D3321 (Witness statement of Milorad Skoko dated 1 April 2013), para. 30.

¹⁶³⁵¹ D2745 (Witness statement of Vere Hayes dated 14 January 2013), para. 34; P824 (UNPROFOR report re meeting with Radovan Karadžić, 5 August 1993); D2752 (Photograph of a group of men in uniform).

But their note-taker, Harland, who drafted the official report P824, wouldn't say anything proper about the President! That is why the Chamber should listen to Harland's superiors instead to Harland himself, but it is a fake finding!

However, many representatives of the international community gave evidence that the Accused attempted to manipulate and deceive them. For example, Banbury's impression was that the Bosnian Serb leadership "constantly played us".¹⁶³⁵²

(#“Banbury's impression”!?!? Is the Chamber kidding? Who was in a better position to estimate the Accused, Vere Hayes, Akashi, Briquemont, or Banbury and Harland who never exchanged a single sentence with the President? This is a disgrace, to expose the top leaders of the Serbs in Bosnia to a qualifications of the lowest clerks of the UN mission, who didn't communicate with the President at all!

In his opinion, when the Accused made a commitment that was not implemented, this was not because the Accused could not ensure that it was implemented but rather because he, or the Bosnian Serb leaders generally, chose not to do so.¹⁶³⁵³

(Now, a #“Banbury's opinion”# !?!? This is really an insult of common sense, #to let a technical person to judge the highest Serb officials and negotiators, while their counterparts on the UN side hadn't been asked to comment the President 's personality. No a reasonable Chamber all over the world would do so. On the other side, Okun testified that he never doubted in the President Karad'ić genuine intentions, but saw that some of his genuine orders hadn't been implemented. How Banbury could have known that the President commitments weren't implemented due to his will? Did the Chamber get any “duplicity” in the Accused's process an manner of issuing orders, as the ABiH did, see D343 of 16. March 1993:

In connection with received orders, strictly confidential no. 02/398-1 of 15 March 1993 to cease combat activities, I hereby issue the following

ORDER

1. Order strictly confidential no. 02/398-1 of 15 March 1993 is not valid as it was issued for propaganda purposes.
2. Continue the strongest possible offensive operations with the task to reach the areas of Cerska, Konjević Polje and Kamenica as soon as possible and link up with the defence forces of the free territory of Srebrenica.
3. As quickly as possible, by 2200 hours on 17 March 1993 at the latest, select volunteers, prepare them and infiltrate them in the Cerska area.

(Why would the President have a crisis in his relations with the military authorities? Had there been any „duplicity“ it would appear in so many arguments between the President and the VRS commanders! But, the military commanders had a reason to dissagree with the President's orders to restrain!#)

In his book entitled “In the Valley between War and Peace”, Akashi suggested that the Accused had a tendency to “twist the truth rather nonchalantly” in

¹⁶³⁵² P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 205.

¹⁶³⁵³ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 209. *See also* [REDACTED]; D94 (Radovan Karadžić's letter to SDS members, 11 July 1992); D101 (Radovan Karadžić's Order to VRS Main Staff and RS MUP, 19 August 1992). [REDACTED].

negotiations.¹⁶³⁵⁴ **(Akashi is a respected person, but in the negotiations there are many techniques and why the Accused wouldn't have one? But, a negotiations is not informing the other sides, certainly not under an outh, but a fight, a war by other, diplomatic means. ONCE AND FOR ALL, IT SHOULD BE CLEAR THAT THE ALLEGATIONS ABOUT THE PRESIDENT'S DEFLECTING OR COVERING UP THE CRIMES IS NOT TO BE CORROBORATED BY ELEMENTS OF HIS NEGOTIATING TECHNIQUE#! That would be counting apples and oranges together(babe i `abe))** According to Tucker, all three warring parties lied,¹⁶³⁵⁵ while [REDACTED] UNPROFOR received written protests from the commanders of the parties and from the Accused and Mladić, but that these were characterised by “a lot of lies, of fiction” and were in fact attempts at manipulation.¹⁶³⁵⁶ **(The Serb side, majority of those who used to meet the representatives of the international agencies, media, humanitarian organisations, the UN representatives, had been convinced that it was all the way around, and that these organisations were connected to their national governments, with their own interests in BiH, and thus were biased and damagint of the basic Serb interests! Thus, after an experience of the first several months of war it was clear to many Serbs that these internationals they used to meet hadn't been a friends at all, but rather an auxiliary enemies! This Defence has a plethora of evidence that majority of journalists, a middle and low rank officers, humanitarians – were as a matter of fact fake, did spying on the Serbs, but the Defence was so far hesitant to disclose these evidences!)**

4851. Okun gave an example where the Accused repeatedly claimed that Sarajevo was a concentration camp for Serbs, whereas Okun considered that to be “just talk” indicating “that the position taken by [the Accused] and the entire Bosnian Serb leadership was not, to put it charitably, was not based on a fair appreciation of how to solve the problem”.¹⁶³⁵⁷ When the Accused put to Okun that “none of them said that I was a liar”, Okun responded that this was not true since people, such as Carrington, would in fact say that the Accused did not tell the truth and Okun himself had direct experience of that.¹⁶³⁵⁸ When shown passages from Owen's book which referenced the Accused's “bare faced dishonour” and his ability “to deflect and defuse a hostile question with an innocent facial expression and apparent concern in his voice”, Okun agreed that Owen was one of those involved in the negotiations who told him that the Accused did not tell the truth.¹⁶³⁵⁹ **(#This is all rubbish and irrelevant. What they wanted to be said during the negotiations is one thing, #and another is a sincerity of orders#, for which Okun said that he didn't doubt in it. So, to mix up those two things is not productive. Neither the President was satisfied with the sincerity of the foreign negotiators, from the beginning up to Mr. Holbrooke. If the President had another**

¹⁶³⁵⁴ D3489 (Excerpt from Yasushi Akashi's book entitled "In the Valley between War and Peace"), e-court p. 43 (giving two examples from the Goražde crisis); Yasushi Akashi, T. 37757–37759 (25 April 2013) (adding that, as a result, Akashi became much more cautious in relation to the weight given to the Accused's undertakings, representations or agreements).

¹⁶³⁵⁵ Piers Tucker, T. 23264 (18 January 2012).

¹⁶³⁵⁶ [REDACTED].

¹⁶³⁵⁷ Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4191, 4200, 4225–4226; Herbert Okun, T. 1505–1506, 1524–1526 (23 April 2010), T. 1695 (27 April 2010); P809 (Video footage of Radovan Karadžić's Press Conference at ICFY, 18 September 1992, with transcript); D1140 (Letter to UN Secretary General, 2 February 1993), e-court p. 8 (under seal).

¹⁶³⁵⁸ Herbert Okun, T. 1662 (27 April 2010) (testifying that this was true on all three sides).

¹⁶³⁵⁹ P799 (Excerpts from David Owen's book entitled “Balkan Odyssey”), e-court pp. 10, 14; Herbert Okun, T. 1844–1846 (28 April 2010)

information received from his army or secret services, and repeated it with his full conviction, and the foreign negotiators had another, presumably false informations, nobody lied. There shouldn't be "babe I zabe" apples and oranges in a same bag!)

4852. On 10 September 1992, Vance, Owen, and Okun met with the Accused.¹⁶³⁶⁰ In response to the Accused's question as to why sanctions were being tightened when the Serbs were doing everything to help, Okun told the Accused that it was the Bosnian Serbs who shelled Sarajevo first.¹⁶³⁶¹ The Accused responded by stating that it was the Bosnian Muslims who started the war by expelling him from his apartment in Sarajevo.¹⁶³⁶² Okun was surprised that, in light of those already killed or displaced by the conflict and the heavy shelling occurring during this meeting, the Accused considered this to be a convincing argument.¹⁶³⁶³

(Also, a rubbish! It is well known that the Muslim side started the war, and the President's personal situation wasn't used as an argument ever, because he never used that kind of argumentation. He may be saying what happened to him if asked, but even this was the truth, that the Green Berets ruined his family apartment the very next day of war, i. e. mobilisation, on 5 April. But, whatever being said about it, the truth is that the Muslims initiated the war in Sarajevo and elsewhere in BiH, prolonged that as long as they could, and violated all the agreements! Anyway, why the Prosecution didn't confirm that in the Accused's trial?)

4853. Abdel-Razek testified that the Accused "showed respect to me and to the United Nations", but that there were problems with the implementation on the ground of the points of agreement in meetings, and while the meetings took place in a "positive atmosphere", the practices on the ground were "not at all acceptable" and contrary to what was agreed.¹⁶³⁶⁴ When asked whether this was a result of the nature of the civil war in which it was difficult to control everything in the field, Abdel-Razek responded that he did not think he was being deceived at these meetings, but that "the problem was in the chain of command", and that the good intentions of the leadership was not reaching the soldiers.¹⁶³⁶⁵ He later clarified that "the discipline and rules of engagement that should be observed" by subordinate soldiers, and their obeying of orders "was loose on the ground" because there was a situation of civil war with "civilians who carried weapons and who were armed with strong passions".¹⁶³⁶⁶ **(This**

¹⁶³⁶⁰ Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4198, 4201–4202; P784 (First notebook of Herbert Okun's ICFY diary), e-court pp. 45–47; D4474 (Report on visit by Steering Committee to Zagreb, Sarajevo and Belgrade 9–12 September 1992), paras. 18–21.

¹⁶³⁶¹ Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4201–4202; P784 (First notebook of Herbert Okun's ICFY diary), e-court p. 47.

¹⁶³⁶² Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4201–4202; P784 (First notebook of Herbert Okun's ICFY diary), e-court p. 47.

¹⁶³⁶³ Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4201–4202.

¹⁶³⁶⁴ Hussein Abdel-Razek, T. 5528–5531, 5534, 5586–5587, 5597 (20 July 2010), T. 5611, 5615–5616, 5618–5620, 5623–5624, 5640 (21 July 2010).

¹⁶³⁶⁵ Hussein Abdel-Razek, T. 5585–5587, 5597 (20 July 2010), T. 5611, 5615–5616, 5618–5620, 5676 (21 July 2010).

¹⁶³⁶⁶ Hussein Abdel-Razek, T. 5676–5677 (21 July 2010) (concluding that "there was a lack of control by the central command and that there was no full co-ordination between the leadership and the higher command and the subordinates on the ground"). The Chamber considers that this part of Abdel-Razek's evidence should be viewed alongside his other testimony, in particular his testimony that Galić and Plavšić falsely denied Bosnian Serb responsibility for sniping and shelling incidents; that neither side gave any importance to the role of the UN; that, on both sides, "leaders manifested cooperation; however, in reality, they acted differently and undertook different actions that were not cooperative"; and that he sent a letter to the Accused instructing him to stop the shelling, but that Koljević sent a message saying that the letter could not be formally received unless Abdel-Razek properly titled the letter to the Accused as President of the RS. P1258 (Witness statement of Hussein Ali Abdel-Razek dated 16 July 2002), e-court pp. 7, 18, 22 (describing meetings with the Bosnian Serb leaders as "difficult meetings" with difficult discussions "with regard to getting the Serbs to agree to ceasing their activities of

testimony is complementary with the Okun's testimony on the same facts, in this case, not in Krajisnik's one, and this confirms what the Defence was stating all the time: there were a #well-intended orders#, but sometimes #it was not applicable, particularly since the other side didn't follow, and provoked all the time, so that the Serb soldiers found the orders of their President impossible and jeopardizing for their lives#. There should be full stop on this subject, because the Chamber had a sufficient evidence on a sincerity of the Accused, not only in many orders, but also in a closed sessions of the Serb leadership!).

(D)Accused's measures to deal with crimes in Sarajevo

4856. The Accused issued a number of orders to the VRS, which were also applicable to the SRK, to comply with the laws of war and to initiate proceedings against those who broke those rules. **(#EXCULPATORY!** For example, on 13 June 1992, the Accused issued an order on the application of the "rules of international law of war" in the VRS, which stated that the VRS and MUP were to apply and respect the rules of the international law of war and that commanders were responsible for the application of those rules.¹⁶³⁶⁷ **(Clear enough! This also #indicated what forces were the "Bosnian Serb Forces"#: only these that the President could have commanded and ordered#, as in this order. Since the same day the President banned formation and existence of the paramilitaries, and disowned all that wouldn't become parts of the VRS or MUP RS. Making the commanders responsible for implementation of his orders, as of this moment, #all the subsequent orders were their#, not the President's, and if not implemented, it was a violation of THEIR orders, not the President's, which had been executed once being conveyed as an orders of the next level of command! A chain of responsibility is as clear as is the chain of command!)** The order also stated that it was the duty of superior officers to initiate proceedings for legal sanctions against individuals who "violate the rules of the international law of war".¹⁶³⁶⁸ Pursuant to this order, on 19 August 1992, the Accused issued another order to the Main Staff and MUP instructing, *inter alia*, that "all protagonists" fulfil their obligations to observe "international humanitarian law, especially the Third and Fourth Geneva Conventions".¹⁶³⁶⁹ The Chamber recalls here that the Bosnian Serb military courts began to function in August 1992 and that the Accused, as Supreme Commander of the VRS, had influence and authority over the courts.¹⁶³⁷⁰ **(The President's "influence and authority over the courts" was limited only on a formative and organisational matters, and NEVER on judicial matters, rulings and decision making processes. The Chamber heard sufficient evidence to that fact. Let us**

shelling, sniping and blocking the UN efforts in the Sarajevo Sector"). *See also* para. 4695. **So what? Does it mean that the Serbs lied? On the contrary, if they lied, they wouldn't be so tough in negotiations!**

¹⁶³⁶⁷ D434 (Radovan Karadžić's Order on the application of laws of war, 13 June 1992); D1849 (Order of Radovan Karadžić's, 13 June 1992); D4688 (Excerpt from book entitled "Law on Defence and Law on the Army", June 1992). *See also* Momčilo Mandić, T. 5081–5083 (14 July 2010) (testifying that this order was issued due to the shortage of regulations governing the VRS and MUP, with the conflict already two months in progress, directing the VRS and MUP to observe international laws of war and the treaties signed by the SFRY).

¹⁶³⁶⁸ D434 (Radovan Karadžić's Order on the application of laws of war, 13 June 1992).

¹⁶³⁶⁹ D101 (Radovan Karadžić's Order to VRS Main Staff and RS MUP, 19 August 1992), p. 1.

¹⁶³⁷⁰ *See* para. 3412.

see P1379, the transcript of the Assembly session, which was the basis for this Chamber's conclusion: P1379, p.409-411:

So, there is an example of Bihac Brigade, which has no municipality behind it, so nobody supports it. The neighbouring Drvar Brigade has food, and Bihac Brigade has nothing. It means it is not the same Army, they might start fighting for meat, they will transform themselves into two armies, one will be a well-fed army and the other one will be the starving army. Investigate each case of abuse of power, robbery, war booty and other criminal acts, which the members of army are blamed for, they are to be investigated and punished in the most severe manner, and this refers to Ministry of the Interior as well. The state has to be healed, but let us first take care of levers of power in order to be able to apply the power. The efficient work of the Ministry of Defence is to be ensured. We have to have the complete record of names of our soldiers. There are enormous figures reported, salaries are sent on the basis of these figures, and these salaries end up somewhere, only God knows where, they are often late for unclear and unjustified reasons. We don't know how many soldiers we have on the front line, how many at home, their age, and their names. We don't have insight into what is our army in essence, if it is organised, if it is unified and under one command, with the same insignia, if it is a disciplined army. That's the way in which foreigners see our army, most probably being under impression of disorganised army *sic* on the other side. They think that it is the Serb Army which is organised in proper manner, that it is the way it should be, but it is not organised in that way, and a lot is missing to be

that way. We should keep the record on army, military reports and records on functioning of the army and this implies ethical and criminal responsibility/*sic*/. Be sure that we are going in circle, it is known what this Assembly is supposed to do. This Assembly should, in its own way, through its commissions, supervise the work of Government. This Assembly should work upon proposals of Government, and a little initiative may come from Assembly in order to pass Assembly decisions. Initiatives should be drawn from life, and first of all, the initiatives should come from Government. The Government should achieve the best results on the ground through the law. While acting in accordance with the law and if this law is an obstacle, the Government will present it to this Assembly and propose the changes of the Law. In that case, we will be the state, but there shouldn't be improvisations, there shouldn't be just talking that this person or that person robbed the state. If he has robbed it, then the statesmen, meaning people in politics and those in charge of the state, are not allowed to talk, they must not say this to anybody, because any information they are in disposal of should be given to Ministry of the Interior directly. They have to call for responsibility and to forward it to Prosecution. Ask Englishmen what they do when they learn about criminal act. It has to be investigated and nobody is allowed to stop any previous action, any investigation procedure. If we don't do it this way, we will ask ourselves who is guilty, this person or that person, or Government. The Government is always the guiltiest one and it will be always the guiltiest. It will be always the one bearing the burden of it. This is a burden and a destiny of Government. It never happens that Prime Minister of Government has more reputation on leaving the Government in comparison with reputation he had when he was entering the Government. It is such a destiny. Therefore, the Assembly should take some important things into its hands concerning the appointment of personnel because the Government has to keep changing itself as it goes on. If it is felt that a minister, in some government, has exhausted his capabilities and we felt that another minister can offer more, he has to be changed in a painless, fast and efficient manner, like it is done in ice hockey game. Ministry of the Interior, National Security, Prosecutor's Office and Judiciary are to be ready to present information during any hour of the day. They have to be ready to talk about information which are confirmed and to bring them here and say how many criminal acts were committed, what is the destiny of the criminal charges, where they ended up, etc. In that case, there will be no doubts about the information and I think that this special war, which is raising doubts about everything, will be finished. I ask you, if you have any indications that someone, regardless of whether it was I or anybody else, has committed a criminal act, you have to forward it to authorised body. So, if it is the state interest to stop it, we will see that, we will stop it just before the trial, but all of you will know that. All of you will know why something was postponed or why it was stopped for the interest of the state. However, it is not to be stopped without being investigated, otherwise we will be finished having in mind our mentality.

This is the speech taken by the Chamber as a basis for the "finding" that the President had an influence over the courts. However, as everyone can see, it was a lecture in a rule of law, and the President's fight against gossips and propaganda that was ruining the VRS. The President demanded to stop with "special war and propaganda" mainly about and to process everyone that committed any crime. Therefore, the message was: stop the special war and report any crime to the authorised body! The only crimes mentioned to may be postponed or stopped, but fully investigated, were the "white collier" crimes, because the entire discussion was about a dissatisfaction of soldiers for living poorly while listening to a stories how somebody had robbed the state. Had there been any postponement of a process, the Assembly would have to confirm it, while never happened that the President intervene in any court, and the Chamber has a valuable

and credible evidence on that. The Defence can not understand #why the Chamber participated in such a flagrant distortions of the truth#!) On 11 May 1993, the Accused issued a directive to the VRS to, *inter alia*, abide by the “Geneva Conventions for the protection of victims of war and their protocols 1 and 2, as well as the Hague Convention on Laws and Customs of Ground War from 1907, and other provisions of International Law of war”.¹⁶³⁷¹ In addition, the Chamber received a number of other examples of the Accused instructing the VRS and the SRK to avoid firing on Sarajevo and to avoid responding disproportionately to ABiH fire.¹⁶³⁷² **(#All of these documents had been a “strictly confidential”, or a communication among the highest officials without any publicity#!)**

4857. The Chamber also received evidence of the Accused’s ability to order prompt investigations into SRK activities, such as in relation to an SRK memo that criticised him.¹⁶³⁷³

(This is again an incorrect mixing of “babe i zabe” i.e. apples and oranges. The officer who criticized the President was not sanctioned, nor had any consequence, but it was alarming that an officer distributes negative propaganda against his Supreme Commander throughout tranches and to privates, instead at a meetings with the Supreme Commander. This kind of a subversive activity would be severely sanctioned in any army. Generally speaking, the President was not obliged to intervene towards investigations if the organs did their job, and they did most of the times and cases. Those who advocate contrary should say whether their presidents do the same what they expected from the President! No army all over the world would stand a subversive special war while endangered by an enemy!) Some Defence witnesses gave evidence of the Accused ordering investigations into alleged crimes against the civilian population of Sarajevo. In relation to the shelling of Markale market on 5 February 1994, Gordan Milinić, the Accused’s Security Adviser at the time, testified that when the Accused heard about the incident on the day, he expressed astonishment and said that it was “yet another Muslim hoax”; he then “immediately called the military experts” who explained to him that the shell could not have been fired from the SRK positions and that this was a hoax by the Muslim side.¹⁶³⁷⁴ **(#EXCULPATORY!** Similarly, Krajišnik testified that when the Accused received a protest about the shelling of Vase Miskina street on 27 May 1992, he contacted the VRS, and the VRS responded that the shell was not launched by them.¹⁶³⁷⁵ **(#EXCULPATORY!**

¹⁶³⁷¹ D104 (Radovan Karadžić’s Directive to VRS Main Staff, 11 May 1993). This directive is referred to in Mladić’s order to all the VRS brigades. See D3309 (VRS Main Staff Order, 14 May 1993). The Chamber notes that the directive is dated 11 March 1993 but considers this to be a typographical error as the serial number of the directive is referred to in Mladić’s follow up order of 14 May. Furthermore, the directive itself refers to a decision of the Accused of 11 May 1993.

¹⁶³⁷² See Section IV.B.3.ii.D: Accused’s orders relevant to Sarajevo.

¹⁶³⁷³ See para. 4778. Another example of the Accused’s ability to order prompt investigations took place on 15 May 1995 when he ordered an investigation into the causes and consequences of the “unusual incident with tragic consequences” that happened in the Independent Prača Battalion on 10 May 1995. The following day, on 16 May 1995, Mladić implemented the Accused’s order by instructing the SRK Command to, *inter alia*, designate two officers to a joint commission tasked with analysing the facts of the incident and drawing up a report to be submitted to the Accused. See P2682 (VRS Main Staff Order, 16 May 1995). **Usually it is not needed had the regular organs did their job, but if the regular organs didn’t know before the President, he was entitled to warn the Main Staff to procede.**

¹⁶³⁷⁴ D3682 (Witness statement of Gordan Milinić dated 8 June 2013), paras. 9, 15. See also D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 32–35 (testifying that the SDC was informed by Perišić that the incident was caused by the Muslim side). On 10 February 1994, the Accused held a press conference in Geneva calling for a joint commission to investigate the incident, reminding the public that the Muslim side had previously staged shelling incidents and stating that the Serbs had no reason to continue with peace negotiations until a joint commission was established and findings made. See P5974 (Video footage of Radovan Karadžić press conference in Geneva, 10 February 1994); Slavko Gengo, T. 29823–29824 (6 November 2012) (maintaining that every incident caused UNPROFOR and representatives of his brigade to attend the scene and that “controls were stepped-up as soon as something happened”). See para. 4208.

¹⁶³⁷⁵ Momčilo Krajišnik, T. 43333–43334 (12 November 2013).

According to Krajišnik, the Accused immediately demanded that an inquiry be conducted.¹⁶³⁷⁶ **(#EXCULPATORY!** Krajišnik testified that this same procedure was followed after the Markale incidents and after several shellings in Dobrinja.¹⁶³⁷⁷ **(#EXCULPATORY!** Indeed, at around 1 p.m. on 28 August 1995, the day of the second Markale incident, Sladoje issued an order on behalf of the SRK Command banning fire on the city without approval, and asking all SRK brigades to inform the Command, by 2 p.m., as to whether they opened fire on Sarajevo between 10 a.m. and 12 p.m. that day.¹⁶³⁷⁸ **(#EXCULPATORY!** Later that same day the VRS Main Staff reported to the Accused that the SRK brigades did not open fire on Sarajevo between 10 a.m. and 12 p.m..¹⁶³⁷⁹ **(#EXCULPATORY!**

4858. The VRS Main Staff was also able to order investigations into the actions of SRK soldiers. For example, following an order of the VRS Main Staff on 19 August 1993, on 20 August 1993 Galić sent an order to the Ilidža Brigade Command informing it that UNPROFOR had reported mortar fire from Nedžarići over Dobrinja and that there were 14 victims; the order also requested the Ilidža Brigade Command to form a commission to investigate this incident.¹⁶³⁸⁰ **(#EXCULPATORY!** The following day, Dragomir Milošević sent a report to the Main Staff stating that no 82 mm mortars were fired from Nedžarići, but that the ABiH had fired 12 “mines” of 82 mm calibre over the High School in Ilidža to endanger the lives of the students, and stating that the ABiH’s provocation was responded to with infantry arms meaning that 14 victims was not possible.¹⁶³⁸¹ **(#EXCULPATORY! All of it was a strictly confidential and genuine, NOT AIMED TO IMPRESS ANYONE#!)**

4859. In addition to the above evidence of the Accused’s reactions to specific incidents, the Chamber also received evidence of measures taken by him to collect information about crimes in BiH in general and has already outlined those in the preceding section of this Judgement.¹⁶³⁸² The Chamber recalls in particular his attitude that it was important to prevent disagreement among the Serbs, even at the expense of not punishing crimes. **(#This is neither fair nor correct, because this pertained to the Prime Minister’s demands that the MUP leaves everything and investigate the “white collier” crimes#, which can be seen from the Djerić’s testimony, when asked what crimes he meant. It never happened that the war crimes were subject to any intervention, delay or cover up, nor Djerić or any other witness, or document corroborate this “finding” of the Chamber! However, the unity of the Serb nation was needed to bridge over the ideological gap created in the WWII, between the Communists (Partisans) and the Royalists (Chetniks) merging the two is not correct!)**¹⁶³⁸³ As has also been noted in an earlier section of the Judgement,¹⁶³⁸⁴ in a session

¹⁶³⁷⁶ Momčilo Krajišnik, T. 43334 (12 November 2013).

¹⁶³⁷⁷ Momčilo Krajišnik, T. 43333–43334 (12 November 2013).

¹⁶³⁷⁸ D1013 (SRK Order, 28 August 1995).

¹⁶³⁷⁹ D2313 (VRS Main Staff Report, 28 August 1995). *See also* para. 4296.

¹⁶³⁸⁰ D2586 (SRK Order, 20 August 1993).

¹⁶³⁸¹ D2582 (SRK report, 21 August 1993); D2562 (Witness statement of Vladimir Radojčić dated 8 December 2012), paras. 95, 101 (testifying also that this was an example of his brigade carrying out an investigation on the order of the Main Staff and that the accusations of UNMOs in this instance were unjustified). *See also* P2695 (SRK report, 26 August 1994) (SRK Command response to VRS Main Staff order of two days earlier, explaining that, pursuant to the order, an investigation commission was formed, interviews conducted, and that it had been concluded that there was no disciplinary offence so that the investigation should be suspended with a reprimand issued).

¹⁶³⁸² *See* paras. 3212–3215.

¹⁶³⁸³ *See* para. 3413.

¹⁶³⁸⁴ *See* para. 266.

on 15 September 1994, the RS Government, with the support of the Accused, authorised the MUP and the Ministry of Justice and Administration to collect information on crimes against humanity and other crimes violating international law, irrespective of the ethnicity of the victims of those crimes.¹⁶³⁸⁵

(This authorisation was not necessary, since it was their #regular obligation and duty derived from the law#, but it was needed to support and accelerate this activity. However, this wasn't the beginning of this activity. First, the Accused's order of 13 June 92, and all subsequent orders specified the responsibility to prevent crimes, or punish already committed ones. Second, Mico Stanisic, Minister of Interior, issued such an order as early as on 15 April 92, D00404:

1. Persons committing seizure, looting, appropriation of other people's and missing property and other unauthorized acts in order to achieve unlawful gain, are to be identified and subjected to the most rigorous responsibility /measures/, including arrest and detention.

2. This Order shall come into force immediately.

It is clear that these perpetrators on the Serb controlled territory couldn't be any but the Serb criminals. Further: the same Minister, Stanisic, issued another "Warning" to his subordinates, pertaining to the property crimes, obviously under the Djeric's influence, D01671. Further: in an Order of 5 June 92, signed by the Stanisic's assistant Planojevic, it had been ordered, D01527:

In the past two months after the outbreak of war /as printed/ in the territory of the former Bosnia and Herzegovina, a sharp increase has been observed in the rate of property crimes, illegal trade (war profiteering) and especially war crimes. Some property crimes have been committed by police officers, which cannot be allowed. In view of the above, we request that vigorous measures be taken against the perpetrators of all types of crimes, and in more extreme cases, orders should be issued on their detention. In order to combat crime, establish maximum cooperation with judicial organs and the Military Police. Pay special attention to discovering the perpetrators of war crimes, documenting the criminal activities of individuals and groups, arresting them and bringing them to justice. When carrying on-site investigations of mutilated

Mr. Planojevic also, in the same document, warned that the investigators may have some obstacles in their fight against crime, and ordered a proper documentation, so that it can be dealt with later. This is an answer to the questions about some delays in processing crimes. s

conduct autopsies whenever possible. In your fight against crime in the current war situation you will encounter a series of obstacles, including the inability to take appropriate measures, and in such cases record all information in official notes so that necessary measures can be taken, that is, criminal prosecution can be brought subsequently. We also wish to point out to you that in treating civilians and prisoners of war you must strictly observe the provisions of the international laws of war.

And this order had been issued even before the Accused issued his order on 13 June 92.

¹⁶³⁸⁵

D3364 (Witness statement of Dušan Kozic dated 7 April 2013), para. 18; D3373 (Excerpt from minutes of 4th session of RS Government, 15 September 1994), p. 2.

Further, m. Stanisić's document D00450 of 19 July 92, sanctioning all the problems mentioned in the Accused's document D93 see Stanisić's document D00450

c) Problems related to the prevention and detection of crimes and perpetrators, the functioning of combined checkpoints, the seizure of vehicles on the grounds that they may have been acquired or registered illegally, the defence of borders (speciality work, combat support, etc.).

d) Procedures and jurisdiction in the treatment and custody of prisoners, persons evacuated from the combat-operation zones, collection camps into which the Army brings Muslim residents without any documents that might state reasons for such action and then leaves these undefined camps to the organs of the interior;

Further: D01360, M. Stanisić's document:

Proceeding in accordance with the conclusions adopted at the meeting of senior personnel on 11 July 1992, whereby the tasks relating to the discovery and documentation of war crimes or genocide and the submission of criminal reports, as well as in accordance with other enactments (number Strictly Confidential 01-2/92 of 16 May 1992) and orders, were numbered among the priorities of the National Security Service and the Crime Prevention Service, a questionnaire on war crimes and victims of genocide has been compiled in the Information Analysis Administration.

A questionnaire will be completed at security services centres for all persons, regardless of ethnicity, (Muslims, Croats, Serbs and others) against whom criminal reports have been submitted on reasonable grounds for suspicion that they have committed the given crimes, as well as questionnaires for victims regardless of whether a criminal report has been submitted or the procedure of gathering evidence for the submission of a criminal report against a perpetrator is still in progress.

So, a permanent activity of MUP on prevention and investigation of crimes, regardless of ethnicity, far before the document mentioned in the above para of the Judgment. There may be added D04273 of 27 July 92, then D01528, then D03966 of 8 August 92, then D04280, and many other genuine documents. Do we have to wait a decade to have it recognized, like Iraqi lies, or should it be recognized immediately?

On 4 January 1995, the Accused promulgated the Law on the Mandatory Submission of Information on Crimes against Humanity and International Law.¹⁶³⁸⁶ **(#XCULPATORY!** This law required that anyone in possession of information that could serve as evidence of "crimes against humanity and international law committed during the internal armed conflicts and civil war in [RS] and other parts of the former [BiH] which began in 1992" make the information available for inspection and, if necessary, submit them to the body in charge of gathering information on such crimes, and stated that anyone who refused to do so or thwarted the delivery or availability for inspection of such information would be punished with either a fine or maximum one year's imprisonment.¹⁶³⁸⁷ **(#EXCULPATORY! But, it should be noticed that it was only a finish of this fight against crimes, and start of which was in April 92 and on!)** However, on 17 May 1995, Marko Lugonja on behalf of the Intelligence and Security Department of the SRK Command sent out a request to the Commands of all SRK units to "gather all the data and evidence in the zones of your units on war crimes against humanity and international law *committed by the enemy against the Serbs*

¹⁶³⁸⁶ D1424 (Radovan Karadžić's Decree on promulgation of Law on mandatory submission of information on crimes against humanity and international law, 4 January 1995), p. 1; P1405 (Transcript of 48th session of RS Assembly, 29-30 December 1994), p. 129.

¹⁶³⁸⁷ D1424 (Radovan Karadžić's Decree on promulgation of Law on mandatory submission of information on crimes against humanity and international law, 4 January 1995), pp. 2-3.

and Serbian people”.¹⁶³⁸⁸ **(This is a part of the quated document, P02646:**

The Ministry of Justice of the RS /Republika Srpska/ has organised a meeting of the Government’s Commission for gathering data on war crimes against humanity and international law committed on the territory of the RS. On that occasion, it was concluded that the Commission has to intensify its work through a better and more efficient cooperation with all competent organs and organisations, and first of all with the security organs of the RS.

(There are two crucial misunderstandings here: first, in the Part of document where Lugonja repeats the decision of the Government’s Commission for gathering data... there is no any idea about gathering data on war crimes against the Serbian people. So, this was an understanding of Mr. Lugonja, which he added in the second part of his order. Second, a “gathering data” in no case replaces a regular investigations. To gather data was a duty of anyone, particularly journalists, the people who interviewed refugees, and so on. #THIS TWO MISUNDERSTANDING ARE DAMAGING THE DEFENCE INTERESTS, AND ARE FAKE BY ITSELF#.)

In the request, Lugonja stated that the evidence will be delivered to the Military Prosecutor’s Offices, which will prepare criminal reports in co-operation with the Ministry of Justice depending on jurisdiction.¹⁶³⁸⁹

4860. The Chamber also recalls its finding that the VRS had a system for investigating and punishing crimes committed by VRS soldiers.¹⁶³⁹⁰ (16390) Thus, the SRK had its own military police company, military court, and military prosecutor’s office.¹⁶³⁹¹ Galić testified that, when he received protests of shelling or sniping of civilians, he would check with his subordinate units and would always conclude that “[t]here was nothing to investigate”.¹⁶³⁹²

(Certainly, if it was a blatant propaganda and a fake accusation of the Serb side, the VRS would do nothing but investigate those false allegations. Thus, the SRK would be destroyed without a bullet! The SRK Commander could have obtained a reliable data in a short time period, ordering the lower commanders to inform him, aside from their regular reports, and none of them would dare to misinform the Commander! In the stratum of the brigade commanders, the SRK officers had been professional military personnel!) From 8 June 1992 to 31 December 1992, the SRK Military Prosecutor requested the VRS Military Prosecutor’s Offices to initiate 610 investigations, one of which was a request to investigate an officer for crimes against humanity and international laws of war.¹⁶³⁹³ Dragomir Milošević estimated that, during his time as the SRK Commander, he submitted about 70 criminal reports to the prosecutor for further action.¹⁶³⁹⁴ Milošević did not know, however, whether any of the reports he submitted related to the shelling or sniping of

¹⁶³⁸⁸ P2646 (Request of SRK’s Intelligence and Security Department, 17 May 1995), p. 1 (emphasis added). This request followed a meeting of the Government’s “Commission for gathering data on war crimes against humanity [*sic*] and international law committed on the territory of the [RS]”, which was organised by the Ministry of Justice. P2646 (Request of SRK’s Intelligence and Security Department, 17 May 1995).

¹⁶³⁸⁹ P2646 (Request of SRK’s Intelligence and Security Department, 17 May 1995).

¹⁶³⁹⁰ See Section II.D.2: Military justice system.

¹⁶³⁹¹ See paras. 282–292; P2645 (Radovan Karadžić’s order to VRS Main Staff, MUP, and Ministry of Defence, 20 May 1992); Dragomir Milošević, T. 32859–32860 (29 January 2013).

¹⁶³⁹² Stanislav Galić, T. 37807–37809, 37821–37824 (7 May 2013).

¹⁶³⁹³ P3629 (Report on the work of the VRS Military Prosecutor’s Offices for 1992, 10 February 1993), pp. 6–12.

¹⁶³⁹⁴ Dragomir Milošević, T. 32859–32865 (29 January 2013) (adding that he did not interfere with the work of the military prosecutor or court). See, e.g., D2832 (1st Romanija Brigade combat report, 4 July 1992), p. 2; D2833 (SRK instructions, 15 October 1992, with 1992 Guidelines for the Establishment of Criteria for Criminal Prosecution); Dragomir Milošević, T. 32868–32871 (29 January 2013).

civilians in Sarajevo.¹⁶³⁹⁵ Luka Dragičević confirmed that during his time as Assistant Commander for Moral Guidance, Religious and Legal Affairs in the SRK, from the beginning of December 1994 until the end of the war, he received monthly reports from the military prosecutor's office but never learned of any instances where an SRK commander reported a criminal violation of the international laws of war to the military prosecutor in relation to the firing on Sarajevo.¹⁶³⁹⁶ **(So what? And what it has to do with the President? #The entire judicial system was independent, and the President never got any reliable information that the system did not function#)** This was confirmed by SRK soldiers and officers who testified in this case.¹⁶³⁹⁷ Indeed, the Chamber received evidence of numerous reports regarding investigations into and punishments of crimes, none of which relates to the sniping or shelling of civilians in Sarajevo.¹⁶³⁹⁸ **(#That would be as same as the President says that it is evident that no American officer or soldier was indicted and tried for throwing an atom bomb on India. No matter the USA didn't do it. However, the Chamber is making inferences on a reports for one month, November 92, in D04755, let us see it:**

7. CRIMES AGAINST HUMANITY AND INTERNATIONAL LAW

For this type of crime, 17 criminal reports were submitted for 42 people, all of them members of an enemy army.

Since the reports were incomplete and all the evidence had not been collected for all 17 reports, a request was made to gather the information and evidence required to provide grounds for requesting investigations or taking other decisions on the submitted reports.

#How possibly the Chamber would explain which way the SRK investigators could approach the Muslim territory and investigate what happened there#? Whenever a Muslim or Croat had been killed on the Serb territory, as happened in Grbavica, the

¹⁶³⁹⁵ Dragomir Milošević, T. 33211–33213 (5 February 2013), T. 33276–33277 (6 February 2013) (noting that, because of the extent of the activities and tasks he had to carry out as Corps Commander, he did not have the opportunity to personally carry out the full procedure of investigating UNPROFOR allegations about Serb soldiers sniping at civilians; instead, he relied on the assistance of the military police and the prosecutor's office).

¹⁶³⁹⁶ Luka Dragičević, T. 31437–31440 (13 December 2012) (confirming his testimony in the *Dragomir Milošević* case), T. 31461–31462 (14 December 2012); Dragomir Milošević, T. 33213–33216 (5 February 2013) (suggesting that some reports of the SRK Command may not have gone through Dragičević, but through Tolimir).

¹⁶³⁹⁷ Slavko Gengo, T. 29768, 29829–29830 (6 November 2012); D2267 (Vlado Lizdek's interview with OTP), e-court p. 66; Vlade Lučić, T. 30785–30787, 30803–30804 (3 December 2012) (adding that if the question of whether a soldier had opened fire unnecessarily was raised, the unit would always reach the conclusion that no such thing happened). *But see* Blagoje Kovačević, T. 29075–29077 (18 October 2012) (testifying that while he was not aware of any investigations conducted in his brigade into cases of shelling civilians, there were instances of individuals opening unauthorised fire, whereby despite not knowing whether that fire had caused any consequences or killed or injured any civilians, the individual was punished for breach of discipline).

¹⁶³⁹⁸ *See, e.g.* D4755 (Report of VRS Office of Military Prosecutor, November 1992) (noting that only “civilians—members of the enemy armed forces” were prosecuted for crimes against humanity and war crimes); D4880 (Report of Sarajevo Military Court, 2 December 1993); D2836 (SRK information, 23 December 1993) (reporting that, in November 1993, units of the SRK filed a total of 79 criminal reports with the Military Prosecutor's Office, and crimes included willful abandonment and desertion, violation of military duties, property crimes, violent crimes, and other crimes); D4634 (Sarajevo Military Court decision in Šehir Korjenić/Fatuša Korjenić case, 5 July 1993); D3483 (SRK Order, 22 September 1992); D3484 (SRK Order, 22 May 1993), p. 1; D3486 (SRK report, 31 May 1994); Stanislav Galić, T. 37629–37631 (23 April 2013); D2832 (1st Romanija Brigade combat report, 4 July 1992), p. 3; D2834 (Report of 1st Romanija Infantry Brigade, 15 December 1992); D2835 (SRK report, 27 August 1993); Dragomir Milošević, T. 32860–32861, 32865–32866 (29 January 2013); D327 (SRK Order, 18 August 1993); D2610 (Order of the Iliđa Brigade, 26 July 1993); D2568 (Order of 3rd Iliđa Brigade, 11 September 1993) (assaulting the Commander of Herzegovina Company); D2562 (Witness statement of Vladimir Radojčić dated 8 December 2012), paras. 74, 137; P2706 (SRK request to VRS, 25 May 1995) (criminal and disciplinary responsibility against SRK soldiers, officers and commands because of the loss of territory and material and technical equipment and the deaths, wounding and disappearance of combatants in the area of Nišić plateau and Trnovo axis during 1994); P2701 (Report of 4th Military Police Battalion, February 1995); P2702 (SRK order, 18 March 1995); P2705 (SRK Order, 16 April 1995); P2703 (Order of Military Post 7033, 2 April 1995); P2707 (SRK Order, 3 June 1995); P2701 (Report of 4th Military Police Battalion, February 1995); P2708 (Letter from SRK to 4th Military Police Battalion, 4 June 1995); D2331 (Witness statement of Blagoje Kovačević dated 14 October 2012), para. 34; Božo Tomić, T. 30199–30200 (13 November 2012); D2331 (Witness statement of Blagoje Kovačević dated 14 October 2012), paras. 33–34.

same organs investigated, tried and sentenced the perpetrators, but to expect that the VRS investigator could enter the enemy's territory is out of mind. All the document numbered in the fn. 16398 are of the same nature: the SRK investigators investigated what was accessible to them, and had there been a crimes of the SRK soldiers on the SRK area of responsibility, it would be investigated as it happened, there is evidence. But, if something happened on the territory under the responsibility of the ABiH 1st Corps, how the SRK could investigate it? If it is meant that the SRK should investigate and prosecute it's soldiers who fired an illegal fire towards the AOR of 1st Corps of the ABiH, without any investigation, without even investigation of the enemy's side, or without investigating documents of the UN forces, that would be for the first time in history of courts that a military court processes indicted people only on a word of a foreign monitors, who neither made any investigation. Does this Chamber mean seriously that the SRK should do it?)

E Conclusion

4861. In light of the evidence of numerous representatives of the international community, and even some Defence witnesses, about the regular protests that the Accused received throughout the conflict, the Chamber is convinced that the Accused knew that the SRK was sniping and shelling the civilian population of Sarajevo or launching indiscriminate and/or disproportionate attacks on the city throughout the conflict. (#In a chronic absence of evidence, there are inferences#, and this is wrong inference! The only what could be said is: the Chamber is convinced that the Accused knew that he received the regular protests about alleged SRK sniping and shelling of the civilian population or launching indiscriminate shelling! That would be correct to say, but it would be no crime on the Accused's side. The Chamber never established that the "numerous representatives of the international community" – otherwise never mistaken, submitted to the Accused a firme evidence and results of investigations about the SRK crimes. IT WAS TOO FAR FROM THE INFERENCE THAT THE "ACCUSED KNEW" AND MEANT ONLY THAT HE KNEW WHAT THE INTERNATIONALS WERE CLAIMING, NOTHING MORE! There are many evidence that the President believed the internationals too much and too often, particularly at the first half of war, so that he went in a bad relations with his Army Commanders!) This is further confirmed by the fact that he was aware of Security Council resolutions which were discussed at the meetings he attended and thus was fully aware of the international community's statements about the situation in Sarajevo, the plight of civilians, and violations of international humanitarian law. . (So what? Was the Security Council right? Did it ever made mistakes? Who was informing the SC? Who was influencing the UN SC? Couldn't the UN SC be abused by some powers, had it ever happened? And how come the Chamber evaluates the SC documents, #after so many exculpatory documents the same Chamber had neglected#?) The evidence also shows that the Accused was cognisant of numerous media reports regarding the situation in the city and had interactions with journalists who repeatedly brought to his attention instances of shelling and sniping of civilians, as illustrated in his El País interview. (The international media are a shame of our times, and #particularly culpable in the Bosnian civil war#. Even sparrows are chatting about it. Why a state, an army and it's institutions would be so without any brain, integrity and identity to shake as a

notoriously biased media were dictating? With this kind of processing and deliberation the only remedy would be to annihilate everything this Court achieved and not to repeat this experiment ever. The highest officials of the UN in BiH stated that the international media were responsible for disseminating false information, see: D4272, D1211, @ @ @ .

Indeed, the fact that the Accused himself at times raised concerns and attempted to limit disproportionate attacks on the city, according to Galić and some of the orders he issued to the SRK, confirms the Chamber's conclusion that he was fully cognisant of the SRK's firing practices in Sarajevo. **(#No good deeds...#! Bravooo! Again,# wrong inference! The President was cognisant of what the international alleged, which doesn't mean it was true! Again, his naivety and trustfulness, i.e. presumption that some of the objections of the internationals could be correct, and his actions to rectify it, #the Chamber is using against him#. What would please the Chamber: that the President executed his generals and disbanded his SRK, surrendering his people to their enemies? Why the Chamber thinks that it was sufficient that some internationals claimed something to take it for granted? #Had only 10% of those allegations been correct, there wouldn't be any building in the city#, and there would be many tens of thousands of the civilian casualties#. Since it wasn't so, the Muslims themselves had to "produce" a several cases of mass killings in order to attract the world's attention. And it must be said, so that the future generations know that this truth was accessible and was neglected for a political purposes!)**

4862. In relation to the Accused's submission that there were problems with the system of command and control during the war and that his receipt of information must be considered in this light, the Chamber already found that the command and control system, as well as the communication channels, within the SRK and the Main Staff through to the Accused, functioned well.¹⁶³⁹⁹ **(The difficulties with communications were not decisive in dealing with the crimes, but the main difficulty was with so many false allegations and biased conduct of the internationals, who on one hand pressed the Serb side, and on the other neglected the main cause of firing in Sarajevo, that is the Muslim attacks on the Serbian parts of the city. The only command difficulties that could have influenced the control of firing was the communication between the lower commands and soldiers on the confrontation lines. This kind of shifting facts and arguments make the Accused to look as an idiot. #The existence of some "rogue elements" and self-organized groups inherited from the previous defence system had been confirmed many times, and the President never said that his orders couldn't reach the addressat. The President issued his orders to the Main Staff, but the lower instances had difficulties to maintain regular communications. However, once the President orders reached the first instance, his orders reached the executive body!)** Furthermore, the Chamber recalls that the section discussing the Accused's authority over the SRK and his involvement in Sarajevo-related matters contains a number of examples of him receiving information about the military situation in Sarajevo during meetings with various VRS and SRK commanders and during the meetings of the Supreme Command. Additionally, the Accused was based in Pale, not far from Sarajevo, and had direct access to the SRK Commander and SRK troops. Accordingly, the Chamber does not accept that any problems that might have existed with respect to the system of command and control had a significant effect on the information the Accused was

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See para. 4808.

receiving and/or was able to seek out from the VRS and the SRK with respect to Sarajevo.

(Again, the communication was not a decisive obstacle, the main problem was that the allegations were fake. If a serious officers and their agencies inquired and confirmed many times that there was no violations on the side of their Corps, what the President could have done? In such a case, the Supreme Comander of his forces would be a journalist, or a Muslim propagandist, or an international who passes by. #This is madness, to presume that somebody else knew better what was going on in the Sarajevo battlefield than the SRK Commanders#, and that the President should have more trust in the Muslim propaganda and the internationals who were misinformed#! So many instances of the “international community” from media to some low and middle ranked officials had proven their bias, incorrectness and a detrimental impact on the Serb survival!)

4863. That notwithstanding, the Chamber accepts the Accused’s submission that SRK combat reports did not contain information about many of the specific sniping and shelling incidents for which he is now charged. The Chamber has already found this to be the case, with the exception of a few reports which did in fact refer to some of the scheduled incidents.¹⁶⁴⁰⁰ The Chamber recalls here its finding that SRK combat reports generally stated that the SRK returned fire when attacked, but provided very little information about the nature of the SRK response to ABiH fire; they also rarely detailed the specific weaponry used, the quantity of fire used, the exact locations targeted by the SRK, and made no mention of most of the scheduled sniping or shelling incidents listed in the Indictment.¹⁶⁴⁰¹ **((First of all, the SRK #reports didn’t come to the President directly, but primarily to the Main Staff, and then as amalgamated in a general and summarised report of the Main Staff#. Second, why would that be important to the President, who was not a military professional? The main issue was whether the SRK violated the law of war and international norms, or not. This comprises the kind of response, weapons, extent, legitimate targets and legality of the SRK actions. Had there been an investigation, the SRK would be expected to give a details to corroborate its claims. The President was not competent to measure and compare which weapon would be suitable and which not. In his incompetence, the Accused thought that a proportionality of fire was to respond in a rate 1 : 1, which appeared to be wrong, since a proportionality meant not to use more of fire power than it is necessary for an achievement of a military objective. But, after the allegations about crimes, all the Commanders of SRK denied it to the Accused. Nevertheless, as outlined above, the Accused was informed of the occurrence of Scheduled Incidents F.11, G.1, G.2, G.4, G.7, G.8, G.10, and G.19.¹⁶⁴⁰² (#Had the President ever been informed by the VRS, Main Staff or the SRK that the allegations about a criminal nature of those incidents were correct#? If not, what the President could have done? The President called for a #mixed investigation teams which would establish the truth#, but it was always rejected by the Muslim side, and the #UN and other internationals never succeeded to conduct a proper investigation with the participation, or at least an insight of the Serb side#. The VRS or the SRK Command never opposed to those demands of the President. Being so, and being denied the basic right to check the facts, the Serb side, and the President**

¹⁶⁴⁰⁰ See para. 4602.

¹⁶⁴⁰¹ See para. 4602.

¹⁶⁴⁰² See Section IV.B.3.iii.B: Accused’s knowledge.

himself are perfectly entitled to reject all of those accusations and to deny the anyone's right to continue with such an unfounded accusations. Could it be pursued in a judicial systems of the countries from which the Judges come? In which country this would be acceptable? This is a formidable violation of the right to a fair trial, and this is a **butchering of the truth!**) Further, it is clear that he was also informed, by the representatives of the international community, that the SRK was the responsible party. **(How the "internatioanal community representatives" established this SRK responsibility? Were there any objective, impartial investigation? Was the Serb side facilitated a presence to the investigation? #Why the President should trust the "representatives of the International community" more that his officers and soldiers who were defending their families living just several tens of yards far from the frontline#? Even St. Peter couldn't be trusted without a proper and transparent investigation! #Why we need any court and trials, if the internationals present there "knew it better"#!? This kind of demands completely compromises the international presence in such a kind of conflicts, and any nation in a similar situation should think twice before accepting such a "good services" of the so called "international community". The United Nations is in a specific danger to lose credibility, because of several it's officials, who were biased, informed their respective governments rather than the UN Headquarters, and involving the UN in combats and conflicts. This shouldn't happen without a consent of the chiefs of the member states of UN!)** For example, with respect to Scheduled Incident G.1, when made aware that the SRK was responsible for the heavy bombardment he retorted that the fire was legitimate and that the SRK was defending Serbs. **(Just prior to the G.1 incident, which is anyway not precisely defined and separated from the next one, there was a Vase Miskina incident, for which there was no doubts that was the Muslim staging, and anyway there was a Muslim offensive against the Serb settlements in Sarajevo. The Accused was in Lisbon for the peace talks all the time since 20 to 29 May, returning to Sarajevo on late 31 May. Being aware of the staging of Vase Miskina street incident, and being informed by the VRS that there is a huge Muslim offensive, which started even in midd May, what the President was expected to answer?)** Further, as indicated by the intercepted conversation of 30 May with Čedo, while instructing that the use of artillery in the city should be halted, he also ordered that infantry fire should continue and to "let them all die". **(This is really unacceptable, and no chamber all over the world should be allowed to make such a distortions of facts, such as in this sentence. Let us see what the Accused said to Cedo, P02332, already commented:**

Čedo: The Green Berets are assembling there and there's a huge build-up... We're expecting an attack on Vraca.

Karadžić Radovan: Vraca?

Čedo: Yes.

Karadžić Radovan: Alright. There's no artillery usage tonight, is there?

Čedo: No, no, no artillery on either side.

Karadžić Radovan: Try not to use artillery. Has Mladić called?

Čedo: Yes, yes, we've arranged that.

Karadžić Radovan: But, you should use infantry weapons, let them go to hell.

Čedo: Exactly.

Karadžić Radovan: If they want to die, let...

Čedo: They'll get what they're asking for.

There is no ambiguity: the Green Berets were preparing an attack on the Serb suburb Vraca, where the Serb MUP had a seat, and the President asked, not ordered, that Čedo "tries not to use artillery", but if they attack, he may use an infantry weapons, so if they attack, i.e. if they want to die, let them... and Čedo responded: "they'll get what they're asking for" what the Chamber thinks would be a proper recommendation of the Accused to a police officer who expected a massive infantry attack? To surrender? To forbid him to defend at least by the infantry weapons? Let us be serious, and not distort the facts! Similarly, with respect to Scheduled Incident G.2, the fact that the RS Presidency was involved in stopping the bombardment of the city and was successful in doing so clearly indicates that the Accused was aware that the SRK was responsible. **(This kind of inferring is unique in the entire judicial practice. Nothing enabled this kind of conclusion. If the SRK fired, and stopped on the President's demand, it doesn't mean that this fire was illegal and criminal. It only meant that the Accused interfered in a defensive activities of his own army, and it is a wonder why the VRS officer had any respect for the Accused who acted against the interests of his own Army. There is no law or a provision in any international documents that a mere fact that some side fired, it was committing criminal act, and the said side was responsible. Responsible for what? Isn't it a job of a judicial institutions to decide which fire was unlawful? Could any judicial system decide on it without a fair and independent investigation?)** As for Scheduled Incident G.4, Morillon sent a fax to the Accused, which placed the blame on the SRK, and also stated that the world would not tolerate the irresponsible behaviour of the Accused's troops. **(So what? Was Morillon right? How he found out that it was the SRK? Why would the Accused jump on every hint of the UN generals, as if they were something different than his own generals? This arrogance also compromises the UN missions. There is no country all over the world in which it would be sufficient what said an UN officer without a propped investigation in the presence of all the sides interested in. Anyway, General Morillon even shouldn't contact the Accused without Akashi's contribution, but rather to contact and protest to General Mladic.)** Similarly, with respect to Scheduled Incident G.7, Rose wrote a letter of protest to the Accused but received no response. **(#"No response" could have been a legitimate counter protest of the President. Did Rose submit any result of an objective and proper investigation#? Would it be for the first time that a UN officer falsely alleged the Serb responsibility? #Arrogance after #arrogance after #arrogance!!! The UN can not continue that way, otherwise it could be not welcome in the very next conflict!)** With respect to Scheduled Incident F.11, the Accused was informed by Rose that the SRK was responsible for the sniping of Alma Čutuna and that he should investigate and prosecute those responsible, but he failed to respond. **(#Was Gen. Rose a superior to the President? Why would the President act as Rose expected him to act? The SRK had it's investigative organs and the President couldn't do any investigation without those organs, nor a Corps all over the world would allow such an unlawful action. If the Accused informed the SRK about the General Rose's protest and allegations, it was all**

he could and should do in “executing” a Rose’s orders. #Arrogance after arrogance... endlessly! In spite of a proven bias of the UN personnel, there is still this kind of arrogance, which is now corroborated by this court. This must cease, otherwise the UN wouldn’t be let enter any future crisis!) As for Scheduled Incident G.19, the Accused was informed not only by the representatives of the international community but also by Slobodan Milošević, that the information was that the SRK was responsible for the incident and yet continued to deny it. **The late President Milosevic #guessed or trusted the internationals, and this meant nothing to the President. Anyway, President Milosevic was acting against President Karad`i} ever since 1 August 1994, and it was with the full support of those internationals. At the same time, President Milosevic was in a very good relations with General Mladic, they did many things together, behind the Presidents’ back! So, had President Milosevic really trusted the allegations, he would address General Mladic and obtain a solution that would make the internationals happy!)** In addition to the Accused’s knowledge about some of the specific incidents charged, the Chamber also recalls that the representatives of the international community persistently informed the Accused of the SRK’s general sniping and shelling of civilians for the duration of the campaign. **(On the other hand, the SRK commanders denied all the allegations, and the internationals never accepted a neutral investigation, nor submitted any result of an acceptably independent investigation. This also must stop in future, starting from this moment, by the Appeal’s Chamber decision that there must be a thorough independent investigation of each and every incident, with participation of experts of the sides involved! If not, the UN is at the risk to be an accomplice in the most heinous and cunning strategy of waging wars and enabling a favourable side to produce as many incidents as needed, with the aim to denigrate and accuse their opponents!)** The Chamber is therefore satisfied that the Accused knew that the SRK was committing crimes, including in relation to the incidents listed in Schedules F and G of the Indictment, or alternatively that he had reason to know but did not make a genuine effort to ascertain whether the SRK was responsible for these crimes. **(Again, it is an unacceptable conclusion, and the only correct conclusion would be that the #President was informed that the internationals believed that the SRK was responsible for a criminal shooting in Sarajevo#. No other possibility to conclude anything else. #Those were their allegations, their believes, and nothing more#, and it must be treated that way! Otherwise, #the President of the Republic of Srpska would be a “garson” of the present internationals, obeying uncritically whatever they wanted#! Arrogant, isn’t it? !)** Accordingly, the lack of specific information in the SRK reports as to the scheduled shelling and sniping incidents does not undermine the Chamber’s conclusion in the preceding paragraph. **(This is a persistent problem with this court and it’s chambers: #a “strictly confidential”, genuine, almost automatic reports of the SRK, or any other VRS Corps, which were created the way that a grassroot reports were sent and gathered, concentrated and sent to the Main Staff and the President prior to any protest of the internationals#. How this genuine reports are #not credible#, and the allegations of internationals, mainly informed by their “useless” monitors, or their Muslim hosts, are credible? In the regular combat reports, usually sent twice a day, there was also a column on the “extraordinary events” which would contain every single unusual happenings. Also, there was the information on the armament and nature of fire of the enemies, as well as of the SRK units! Apart from this, the President always checked the**

allegations of internationals, and the Commanders either knew immediately, or took some time to check and then to respond to the Accused questions!)

4864. The Chamber also notes that the witnesses who gave evidence of protests and complaints directed at the Accused consistently described a pattern of responses characterised by him (i) denying Bosnian Serb responsibility, (ii) blaming the ABiH for perpetrating or orchestrating the incidents, (iii) justifying the actions on the basis of defending Serbs, or (iv) deflecting the criticism by making promises or raising other issues. **(Which one of those was proven to be false? No one!!! Was there a 1st Corps of the ABiH in Sarajevo? Was it as twice to three times more numerous than the SRK? Was it in the Serb, or the Muslim interests to have Sarajevo under a fire? Why the SRK would fire and thus provoke a response, while been weaker and vulnerable? Why would the Serbs fire, if as proven had never intended to take more settlements in the city? How possibly the conduct of the Muslim side, the 1st Corps of the ABiH and many illegal and secret units are of no value or interest for the Chamber? When it happened that the SRK opened a fire without any preceding Muslim fire? No logics is employed when the Serbs were in question! It is a special question what integrity was of those who testified on something they didn't know a bit, while both they and the Chamber had expected that the President believe the ignorant middle rank officials, and to trust them more that a regular state institutions!)** The evidence shows that the same approach was used by Mladić, Galić, Dragomir Milošević, Krajišnik, Koljević, and Plavšić. **(In an absence of a firm evidence, there are a two possible inferences: either all the named were rotten, or they were right. The later is consistent with the presumption of innocence, and therefore obligatory to the Chamber, unless proven otherwise!)** There were repeated attempts by the Accused and the Bosnian Serb political and military leadership to justify the existence of the campaign of sniping and shelling and promises made to international representatives to improve the situation. **(First of all, neither the President, nor any Serb official or commander justified any sniping and shelling out of the military necessities, and out of the strictest respect of the Law of war! But, for any firing around Sarajevo the exclusive responsibility was on the ABiH, which never gave up an idea to forcefully take the Serb suburbs and chase all the Serbs from Sarajevo. A simple answer to a simple question: who needed, who instigated and maintained the firght around Sarajevo – The Serbs, or the Muslims – would be sufficient to identify the responsible side! No ground for such a deliberation by the Chamber, unless proven that there was no any jeopardy to the Serb suburbs and units from the ABiH stationed in Sarajevo. No chamber all over the world would miss to estimate the contexts and circumstances in which the events occurred, and was it a criminal conduct of any side, or was it a necessary last resort defence!)** However, the Chamber finds, in light of its factual findings as to the situation in Sarajevo during the siege, **(Now #the Chamber keeps as if it was a siege of one side by the other, while it was a #mutual siege#, and the Chamber must have known that, after so many days in the courtroom!)** that these assurances were completely at odds with the reality on the ground. While Abdel-Razek and KW570 testified that the Accused was genuinely co-operative in his interactions with the international community and that the implementation problem lay in the chain of command, this is contrary to the majority of the evidence received by the Chamber, including Abdel-Razek's own witness statement and the credible observations of many witnesses, such as Akashi, that the Accused dealt with representatives of the international community in a

dishonest, disingenuous, and evasive manner.¹⁶⁴⁰³ **(This deserves no less than a label of a lie. Mr. Akashi never said that the President dealt with the internationals on the issue of the war crimes in an “dishonest, disingenuous and evasive manner”, but said that in the negotiations the President used to evade some facts in a nonchalant manner. No other credible witness said what the Chamber concluded here, not to count in those who were taking notes and not dealing with the Accused!)** It is also contrary to the findings above that the chain of command within the SRK and the VRS was functioning well.¹⁶⁴⁰⁴ **(Again, this was not an excuse, this was a fact that the soldiers on the frontline were entitled to defend themselves in a manner they found it suitable, in accordance with their feeling and experience of jeopardy, no matter it would be realistic or exaggerated. The only situation where this “findings” of the Chamber could be acceptable would be if there was no such a numerous and fierce attacks of the ABiH on the SRK lines. Since it was not the case, no allegation without an acceptable investigation should serve as a basis for such a findings!)**

4865. The Chamber does accept KW570’s evidence that the Accused was more moderate than some of those around him; however, it is also clear on the basis of the evidence before it that the Accused was moderate only as long as the Bosnian Serb objectives in relation to Sarajevo were not being jeopardised.¹⁶⁴⁰⁵ **(#Wrong as devil: the Serb objectives pertaining to Sarajevo were legitimate, and a national, not private President’s interest#! This is #another ingenious invention of this court#: it is already decided that the Serb interests and objectives in Sarajevo were illegal, and the President became less polite when somebody jeopardised those illegal objectives. The Chamber was in a position, and had an obligation to notice that the Serb side went far from their optimal objectives, and that the objectives they defended in Sarajevo and elsewhere in BiH were minimal consistent with their survival. Thus the Chamber participate in the denigration of the Accused and the Serb community in BiH. Exactly in accordance with the Banbury’s and Harland’s testimony according to which the United Nations “came to defend the Bosnian Government.” This sole testimonies are sufficient to drop the case against the President, and the UN to reconsider it’s engagements in a crisis areas!)** Further, the Accused was duplicitous in his dealings with the international community, as illustrated by the aftermath of the shelling of Sarajevo in late May 1992 whereby, having been pressured to do so by the international community, he stopped the shelling, but then ordered a certain Čedo to continue using infantry fire. **(Unbelievable!!! The President was out of the country (in Lisbon) all since 20 May till 31 May, and depended only on what he was informed by the VRS Main Staff, and a**

¹⁶⁴⁰³ The Chamber notes that KW570’s and Hayes’ evidence that the Accused was polite and civil is not inconsistent with the Chamber’s conclusion. Further, the Chamber notes that KW570 was in Sarajevo for a short period of time, while Hayes based his evidence on one encounter with the Accused. **How about Van Linden and other journalists who were even shorter periods in Sarajevo? All of a sudden it matters, if against the Accused?**

¹⁶⁴⁰⁴ See para. 4751.

¹⁶⁴⁰⁵ See e.g. para. 4663. The Chamber also notes here its finding in fn. 11086 that while he did speak in terms which portrayed him publicly as the peaceful negotiator, the Accused always insisted that this peace was conditional on following the objectives of the Bosnian Serbs. **(But the minimal Serb objectives, not even optimal, let alone maximal, which was a maintenance of the status quo”, i.e. being a part of Yugoslavia. What more the Serb side could give as a concession? Beside that, the affair was not a private Accused’s matter, it was a national matter, and 1,500,000 Serbs had some rights, did they?)**

police officer (Cedo). On 27 May there was a famous Vase Miskina incident, a famous and the first of the Muslim's incursions, which served to the Muslim side to interrupt the Lisbon peace conference. The intercepted conversation with Cedo is explained: Cedo expected a massive infantry attack of the Green Berets on the MUP headquarters and the Serb settlement of Vraca, and the Accused asked him to defend without use of artillery, but only by an infantry weapons! #Is any chamber allowed to do this kind of distortions#? As with the previous assertion, Karadžić was mild and polite, only if the Serbs hadn't been jeopardized. But, if his people was jeopardized and in a danger to be butchered, as happened in many places in BiH, Karadžić had to follow the basic interest of the people, who had been dying daily. Should President Karadžić advise or order Cedo to surrender the people to the Green Berets? Who would obey such a President?)

4866.) Accordingly, the Chamber is convinced that while on notice of crimes that formed part of the campaign of sniping and shelling of the civilian population being committed in Sarajevo by the SRK units, the Accused nevertheless deflected criticism and denied those crimes or provided misleading information about them. (Why the internationals didn't submit anything more convincing than their "beliefs", "impressions" and information received from the Muslim interpreters and other hosts of the internationals. This kind of bias of the UN and other internationals must be unveiled and exposed to the public condemnation, if the UN wants to save the face and have a future in similar crises! The Chamber was blind for a fact that there was the ABiH Corps in Sarajevo, and continued to present the Serb conduct as if there was no other army, but the Serbs attacked an "innocent city"!)

As regards the Accused's alleged failure to prevent or punish the perpetrators of crimes forming part of the campaign of sniping and shelling, the evidence before the Chamber does show that at times he attempted to address the issue of the disproportionate fire on the city and issued a number of orders throughout the conflict to the VRS and/or the SRK to respect the laws of war and stop shelling indiscriminately. However, in the Chamber's view these were few and far between, given that the campaign of sniping and shelling of civilians lasted for over three years. (The Chamber doesn't have any ground for this kind of assertions, because there was no a bit of the Muslim forces conduct mentioned. In such a conditions, whatever the Serb side did, it looked like a crime. But, a single thoughts about a possible deterring attacks shades a completely different light on the SRK conduct. Beside that, the SRK and VRS responses to the Accused's criticism were a hundred times more convincing than the general allegations of the internationals. Moreover, had there really been an unnecessary firing towards the city, the soldiers themselves would protest, because the Muslim responses in fire would jeopardize and kill their families. More than 90% of the SKR soldiers lived just along the confrontation lines, and any unnecessary fire would be protested by them, the Accused would receive a reports about violations from the Serb soldiers and middle and low rank officers, which never happened!) Furthermore, the evidence also shows that despite the existence of a functioning system for investigating and punishing soldiers for criminal actions, there were simply no examples of SRK soldiers being punished for the sniping or shelling of civilians. Multiple Defence witnesses suggested that, as Galić testified, "[t]here was

nothing to investigate".¹⁶⁴⁰⁶ When investigations were conducted, whether pursuant to an order of the Accused or otherwise, the findings invariably stated that the SRK could not have been responsible for the attacks on civilians. However, this is contrary to the Chamber's findings on scheduled shelling and sniping incidents and on the SRK's general conduct which was brought to the Accused's attention continuously and consistently during the conflict.¹⁶⁴⁰⁷ **((Such an orders had been very drequent, although it was sufficient to issue one of them, and if not withdrawn, it had to be obeyed. Atheas two such orders had been issued a month, in the first year of war!# The Chamber didn't receive a single evidence on a deliberate firing against civilians, without a military reasons. Further, whatever the Chamber was presented by the Prosecution before and during the trial, was not available, accessible and known to the SRK commands and investigating organs. Therefore, all of those investigations in which the Serb side was denied participation, or even access and insight (and for some incidents it even hadn't been informed or protested) can not be used against the Accused or other Serbs, and must be rejected, or the judicial history will go a wrong way, and jurisprudence will disable any form of the international justice!) if the SRK Commander wasn't even notified about some incident, how possibly could he make any inquiry? If the Commander didn't have any insight into evidence at the time, but only 20 years later, what could he had done?)** In light of the Chamber's findings as to the existence of the campaign of sniping and shelling of civilians and the knowledge of the crimes on the part of the Accused and others, this pattern of impunity demonstrates that the orders issued by the Accused, as well as the few investigations and inquiries that were embarked upon by him, were not sincere. Instead, the Chamber is convinced that the Accused made no meaningful attempts to establish the accuracy of allegations made against the SRK. **(How could it be executed? Who was the one who would do investigation and report it to the President? All the SRK Commanders had about some alleged crimes, particularly about snipings and indiscriminate shellings, was a general allegations, general protests in form of convictions, impressions or believes, and no a single evidence, investigative materials, parametres or anything that would serve as a starting point of an investigation! There was only a response of the commander on the terrain, and if such a commander denied, General Galic was right stating that "there was nothing to investigate" why it is so difficult for the Chamber to understand?)** When a serious incident was brought to his attention, he would contact the VRS and then simply accept assurances that the SRK units were not responsible; he would also demand a joint investigation which he knew would never be accepted by the international community or by the Bosnian Muslim side.¹⁶⁴⁰⁸ **(Then, why the Serb side would accept as credible anything produced by the "international community" and the Muslim side, both interested in the outcome of these incidents, both on the account of the Serbs. Once and for all: no allegation or investigation done without the saides that had been involved should ever be accepted at any court! And, why the Chamber thinks that the Acussed should have**

¹⁶⁴⁰⁶ See para. 4860.

¹⁶⁴⁰⁷ The Chamber excludes from this analysis Scheduled Incidents F.5, F.7, and G.6 as it was not satisfied that the evidence presented by the Prosecution was sufficient to establish beyond reasonable doubt that the SRK was responsible for these incidents. In addition, for his part in this analysis, Judge Baird does not rely on Scheduled Incident G.8 due to his dissent in relation thereto.

¹⁶⁴⁰⁸ See paras. 4208, 4857.

trusted all others, claiming many unproven, uninvestigated and false things, but not trust only the VRS and SRK commanders, who were able to give an explanation for each Accused's inquiry?) This is in stark contrast to his reaction to Dragičević's report of 2 March 1995, following which he immediately ordered that an urgent report be sent to him. In contrast, when informed of the first Markale shelling and before even inquiring with the VRS officials about it, he immediately labelled it "another Muslim hoax".¹⁶⁴⁰⁹ **Dragicevic was accessible to the SRK, he was doing something that wouldn't be done in any army in the world, he was criticising the Supreme Commander, partly because of his cooperativeness with the internationals, AND FROM A COMMUNIST POSITIONS OF MANY OFFICERS. He did it in tranches, during the war, it was evident and within the reach of the SRK. And yet, he didn't have any consequences. #Contrary to this, all the incidents the Chamber expected the President to order investigation, happened on the Muslim territory, and no access to the Serb officials was granted under any conditions! #IMPOSSIBLE EXPECTATIONS#!** This approach to the accusations made against his troops signifies a failure on the part of the Accused, as Supreme Commander of the VRS, and also on the part of Mladić, Galić and Milošević, to take meaningful steps to investigate and punish the attacks on civilians of which they were well-informed.¹⁶⁴¹⁰

(On what evidence? On whose evidence? The courts in the Republic of Srpska didn't violate the suspect' rights as it happened in this court. This must be a lesson to a possible future sides to a conflict: no unilateral investigations the opposite side should recognise!!! The UN is obliged to establish this rule! Otherwise, the UN is accepting to be manipulated by one of the sides to conflicts! Let us see what R. Mole as a high UN military officer testified about the Muslim tricks in Sarajevo: T.5886: Q, (...) expressed some of that thinking; namely, that there were incidents you inquired into and that inspired in you certain suspicions as to who had actually fired. And in your 1997 statement, on page 12, you said that the Muslims used Sarajevo to perpetuate their victim status -- [In English] " ... sometimes caused that perpetuation ..." [Interpretation] Whereas Mr. Henneberry in the Galic case said that investigations into incidents carried out by the United Nations made him believe that for political reasons it was not emphatically said that the Muslims had bombed their own people, but he, himself, had such information that was collated among other people among UNMOs, that facts strongly pointed to the Muslims as shooters and that on some occasions they also bombed their own people. He says that in his Galic evidence of 22nd May, 2002, on page 80734 and 35. Is his information compatible or consistent with yours? From what you've just read to me, from my personal relationship with the officer concerned, what he has said reflects very similar views, I would suggest, to those that I have just described. There was a full awarnes and evidence in the

¹⁶⁴⁰⁹ See para. 4857.

¹⁶⁴¹⁰ The Chamber recalls that for an Accused to contribute to a JCE by omission, he must have had a legal duty to act, and that failure to act pursuant to that legal duty significantly contributed to the JCE. See para. 566. In that respect, the Chamber recalls that the Accused was the highest authority in the VRS chain of command during the entire campaign of sniping and shelling in Sarajevo and that he was able to exercise authority over the SRK forces. As such, he had a legal duty to prevent and punish crimes committed by those forces. **But, this is done for him by the institutions, and he only can (and must) issue a proper orders in a general terms, or in a specific, provided he was supplied by a proper and credible evidence, which never happened. The allegations of internationals were neither properly accompanied by evidence, nor were credible to be trusted without evidence!**

possession of the UN personnel that the Muslim side committed that kind of crimes against their own people! Why the UN Court doesn't respect the UN findings and knowledge!)

4867. The conclusion above is supported by evidence of a collective attitude of impunity for actions of the SRK taken in furtherance of the campaign as illustrated by Lugonja's call for evidence on crimes "committed by the enemy against the Serbs and Serbian people", which explicitly excluded crimes committed by Serbs.¹⁶⁴¹¹ **(Wrong quotation! The Government's Commission didn't say "against the Serbian people" and also neither Lugonja said "evidence", but "data", which has no similarity with an investigation, but has similarity, and meant, documentation, which would serve for an investigation in future. The Chamber should have known at least the UN SC demands to the sides in former Yugoslavia, to collect documents on the war crimes and convey it to the UN, But, the two main points are:**

1. #The collecting data is not an investigative operation, but just collecting of information, and

2. #Any crime committed on the Serb controlled territory was subject to the MUP regular investigation "regardless of ethnicity", and

3. #There are a horrifying crimes committed against the Serbs on the territory controlled by the Muslim/Croat coalition, which now makes the Federation of Bosnia and Hercegovina. These crimes couldn't be investigated by the Serb Police, but a refugees had information which could be collected before refugees procede to Serbia or Europe. Since the military intelligence anyway collected data about enemy's forces, it was an additional task, to gather information on crimes. Miroslav Toholj, a famous writer, wrote a book on the basis of these information, called Black Book!)

In effect, the Accused encouraged this impunity by his consistent denials and deflections of international criticism and through his failure to insist on investigations and/or punishment of SRK units responsible for attacks on civilians in the city.¹⁶⁴¹² **(Without any evidence? Only on a basis of empty allegations of internationals and propaganda of the Muslim side? On a basis of reputation created for some people by the biased international media and institutions? This would be against all the laws, including a common sense!)**

iv. Accused's modulation of sniping and shelling

(A) Arguments of the parties

4868. The Prosecution alleges that the Accused modulated the campaign of sniping and shelling in Sarajevo in accordance with the Bosnian Serb leadership's political and strategic interests.¹⁶⁴¹³ It alleges that the Accused increased the level of

¹⁶⁴¹¹ See para. 4859.

¹⁶⁴¹² See para. 4739.

¹⁶⁴¹³ Prosecution Final Brief, paras. 604–605, 607, 609, 612(2), 620–621, 623–627.

sniping and shelling, and hence the level of terror, to pressure the BiH government into accepting peace on his terms, to influence negotiations, and to retaliate against the civilian population of Sarajevo for ABiH offensives.¹⁶⁴¹⁴ It also alleges that he “ratcheted down” the campaign of sniping and shelling in response to international pressure, international agreements, and the threat of NATO military intervention.¹⁶⁴¹⁵ The Accused does not respond to the allegation that he modulated the campaign of sniping and shelling; instead, he argues that no such campaign existed.¹⁶⁴¹⁶ **(That was #the only reasonable response#. Why to deny the President’s participation in a crime that didn’t exist#? That would be as if the President admitted that a crime happened, but he wasn’t responsible! But this would be a fake and wrong defence! But, if such a campaign existed during these 1,400 days of a urban war, the number of casualties would be enormous!# But, the Prosecution didnt presen a single convincing and properly investigated case!#**

(B) Accused’s modulation of the campaign

4869. As discussed above, Sarajevo and its surroundings were strategically important to the Bosnian Serb leadership, who believed that the war would be won or lost in the city.¹⁶⁴¹⁷ Harland testified that the overall strategy of the Accused in Sarajevo was to modulate the level of sniping and shelling, and hence the “level of pressure or terror”, in order to achieve his political objectives.¹⁶⁴¹⁸ **((#This is in contrast to all the documents of the fourt sides (Muslims, Crpoats, Serbs and the United Nations and other internationals) as well as in contrast to the statements of relevant and high officials of the UN! The UN military strategists and experts reported to the UN HQ and to their governments that the Serb side implied a “strategy of containment” and stopin the 1st Corps of ABiH to flood the Serb settlements and kill the people, and then to fight the Serbs all over the BiH. Harland wasn’t a competent witness for this subject. He himself admitted that he had no military education or training. Beside that, Harland was a very low UN official, who never spoke to President Karad`i), and the President didn’t remember seeing him ever. This can not be asserted by this level of UN officials. For the higher level officials it would be necessary to have a thorough and provable evidence that the Defence could submit to a checking and challenge. No reasonable chamber all over the world would be satisfied with this kind of “opinion” obtained by a low profile official. For such a general assertion there must be submitted a complete evidence pertaining to motives, ways, technique of modulation, a chain of perpetrators from the Accused to the last shooter, and finally a bit of documentation indicating if not proving that the President was behind it. Nothing of it was presented, and the Chamber had to rely only upon so “impressive experience” of Mr. Harland. This is a violence of rules, presumption of innocence and assault of common sense. Everythinggood that had been done by the**

¹⁶⁴¹⁴ Prosecution Final Brief, paras. 620–621.

¹⁶⁴¹⁵ Prosecution Final Brief, paras. 620, 623–625.

¹⁶⁴¹⁶ Defence Final Brief, paras. 2967–2971.

¹⁶⁴¹⁷ See Section IV.B.3.a.iii: Strategic importance of Sarajevo.

¹⁶⁴¹⁸ P820 (Witness statement of David Harland dated 4 September 2009), paras. 36–38, 41; David Harland, T. 2018–2020, 2034 (6 May 2010).

highest UN representatives is endangered by this kind of conduct on the terrain and testimony in courts!) According to him, the Accused would increase the level of sniping and shelling to force the Bosnian Muslims to accept peace on terms favourable to the Bosnian Serbs and to punish the Bosnian Muslims for their offensives.¹⁶⁴¹⁹ **(Rubish, which the Chamber shouldn't even notice, or at least was obliged to ask him how did he know that, what instruments and methodology he applied, where a evidence and document to corroborate his believes and impressions. Or it is not necessary in the case of Harland, since his opinion doesn't require any corroboration! However, it was completely known that the Muslim side permanently wanted to sabotage the peace talks, and staged some of the cruellest incident for that purpose. Any shelling or sniping in Sarajevo was only in favour of this Muslim intentions, and against any Serb interests. The Chamber recognised that the Accused did so much of pressure on the VRS Commanders to cease activities, or leave Igman and Bjelasnica, or to restrain in many occasions, just to save the peace talks. The Chamber didn't establish that the Serb "terms of peace" were illegal and unlawful, and therefore can not use this instrument to object the Serb military defence!)** He would also reduce it when necessary, usually in response to the threat of NATO military interventions.¹⁶⁴²⁰ Similarly, Banbury testified that the Accused modulated the level of sniping and shelling in Sarajevo in order to place pressure on the civilian population of Sarajevo, UNPROFOR, and the broader international community.¹⁶⁴²¹ **(Rubish! #This guy even didn't know what was his mandate#! The same as with Harland, he couldn't have known this, nor he could have proven it. But, for the Prosecutor's witnesses was sufficient to express their "opinion" and their "believes"! It had been clarified earlier, that within these threats, or after the agreements that had been controlled by the UN, there was an initial decrease of activities. But it was only because the Muslim side didn't risk to be caught "in flagranti" – in felony, and this was the only secret of these initial successes of agreements!)** He testified that the Accused would "squeeze" Sarajevo where the UN was most vulnerable in order to remain "strategically on top".¹⁶⁴²² Bell noted during his evidence that the Accused always struck a balance between military actions in Sarajevo and "peace offensive[s]", and that he applied pressure to the city through the siege in order to force the Bosnian Muslims to accept peace on his terms.¹⁶⁴²³ **(#A passing-by journalists#! A journalists as Mr. Bell who were present in Sarajevo only now and then, and in a short periods, couldn't have known that kind of matters, nor they could even know who was shooting where, as they testified that they never knew which forces were deployed where. Again, the Chamber is relying on an impression of a people who couldn't know anything about a matter they expressed their opinions!)** According to KDZ450, the level of sniping and shelling in Sarajevo was closely related to political, diplomatic, and military events elsewhere in BiH, which indicated that it was the Accused who modulated the pressure on Sarajevo in order to achieve his objectives.¹⁶⁴²⁴ **(#All**

¹⁶⁴¹⁹ P820 (Witness statement of David Harland dated 4 September 2009), paras. 36–37, 291.

¹⁶⁴²⁰ P820 (Witness statement of David Harland dated 4 September 2009), paras. 36–37, 53; David Harland, T. 2019–2020, 2037 (6 May 2010).

¹⁶⁴²¹ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 200; Anthony Banbury 13310–13311 (15 March 2011).

¹⁶⁴²² P2451 (Witness statement of Anthony Banbury dated 19 May 2009), paras. 73, 205 (testifying that the Bosnian Serb leadership "constantly played" the UN).

¹⁶⁴²³ P1996 (Witness statement of Martin Bell dated 8 March 2010), para. 60; Martin Bell, T. 9769–9770 (14 December 2010); P1997 (BBC news report re interview with Radovan Karadžić at Trebević, with transcript).

¹⁶⁴²⁴ KDZ450, T. 10548–10551, 10571–10573 (19 January 2011), T. 10676 (20 January 2011); P5906 (Witness statement of KDZ450 dated 17 January 2011), para. 33.

the evidence at disposal to anyone proves only contrary to this allegations#. There never appeared a single hint, let alone evidence or document, from so many intercepted conversations, so many shorhands and transcripts from a very confidential meetings, not to mention many quarrels among the Serb civilian and military authorities, which would bring a dirth on light. It was the Muslim side which used such incidents to interrupt negotiations and peace conferences, not the Serb side, with or without the Accused's participation. This is an example how the UN presence can be dangerous, even detrimental to a side that is not a favourite of the "international community"!)

KDZ450 further testified that the Accused could order attacks on Sarajevo "just to prove a point" or to "draw media attention to the region".¹⁶⁴²⁵ (#Absurdity# If the President "could" order an attack for the purpose KDZ450 mentioned, that would be known either to the VRS officers, who would oppose so many warnings and criticism by the President, or to the Serb media, officials, or a direct perpetrators. This is a science fiction. And if the President "could" issue such a kind of order, it still doesn't mean that he ever issued it# No evidence whatsoever#! !)

Similarly, Mole testified that it was an "accepted norm" that if the Bosnian Serb side failed to achieve their political or military objectives in BiH, Sarajevo would be subjected to heavy indiscriminate shelling.¹⁶⁴²⁶ (An

"accepted norm" is nothing more that a mere speculation. What were proves for this meditation? But, let us see what another high UN officer confirmed testifying in this case: T

Q. Thank you. In addition to the fact that investigations were being hindered, the Muslim authorities also made three other things possible. They restricted your movements around city. They restricted your access to the hospitals and -- and they hindered your investigations on shelling incidents. The free -- the freedom of movement, instigation on the shelling incidents and access to -- to the hospitals; is that right? **A.** That's correct.

And that pertained to the entire period of war, and never changed, and the international representatives were in a position to know only what the Muslim side wanted them to know. In such a case, no allegation or accusation of the international side is worthwhile any credibility or attention of the Accused, which would make him busy only with their allegations!) Indeed, the Accused himself acknowledged this, speaking at the Bosnian Serb Assembly session in mid-June 1995, when he said: "[T]he Supreme Command and I as the Commander and with the Main Staff, we agreed that the worst for us is a war of low intensity, long duration etc., and that we have to heat up the situation, take whatever we can, create a fiery atmosphere and dramatize, threaten an escalation etc. because we noticed that whenever we advance on Goražde, on Bihać or elsewhere or if the situation escalates around Sarajevo, then the internationals come and diplomatic activity speeds up."¹⁶⁴²⁷

This was a post festum conclusion reached by events, but not generated by the President. This is clear that it was an analysis, and not a practice pursued intentionally, but "we noticed that whenever we advanced..." so, this had never been implemented intentionally, although the side that was declared the war, the Serb side, was entitled to avoid the enemy's strategy of exhausting it by a kind of war that suits them. There are many provisions of the law of war that the Chamber neglected and didn't recognise as a legal and legitimate conduct of the Serb side. No wonder, since Harland, Banbury and probably others too, thought that they were to defend the only one, Muslim side, while the Serbs were outlaws!)

¹⁶⁴²⁵ P5906 (Witness statement of KDZ450 dated 17 January 2011), para. 33.

¹⁶⁴²⁶ P1426 (Witness statement of Richard Mole dated 7 May 2010), paras. 91, 96, 116.

¹⁶⁴²⁷ P1410 (Transcript of 51st session of RS Assembly, 14-15 June 1995), p. 329 (emphasis added).

4870. During the trial, the Chamber was presented with a number of examples of the way in which the Accused, and occasionally other alleged JCE members, used the level of sniping and shelling in Sarajevo in order to further their political and strategic interests.

4871. As discussed earlier, in May and June 1992 Sarajevo was subjected to heavy shelling by the SRK.^{16428 (16428)} **(In May 92, particularly in a critical period since 20 to 31 May the Accused was away from the country, but still he influenced the VRS and SRK as much as he could – literally contrary to the allegations. On the contrary, the Muslim side used the Vase Miskina shelling to interrupt and cancel the Lisbon Conference, which is clear to everybody with a basic honesty! There are a plethora of evidence about this Muslim offensive, as well as of the fact that at that period nobody knew anything about deployment of the forces, nor could have identified whose fire was there! See the SRK daily report of 6 June 1992: D577**

In the Hadžići sector, the enemy launched an attack from Kremnik, Batalovo Brdo, Plješevac and Oštrik.

After the Ilidža Brigade provided assistance in manpower and equipment, the attack was repelled, but the positions are under constant pressure. From the direction of Hrasnica, Kovači, Sokolović Kolonija and Butmir, the enemy fired artillery in the direction of Vojkovići, the airport and the SPS */Slobodan Princip Seljo/* Barracks in Lukavica. In the morning, the enemy fired artillery also on the general Trnovo sector.

After the KMT */Maršal Tito Barracks/* pulled out, the enemy infantry attempted to penetrate the Grbavica – *Vodovod* – Dobrinja line with mortar support from the sector of *Viktor Bubanj* Barracks, Butmir settlement (the mosque) and Hrasnica. The enemy attack was repelled. During the day, the enemy shelled redeployment areas of the 1st Rbr */Romanija Brigade/* in the Vracc sector. During the day, grouping of enemy forces was observed in the MT */Maršal Tito/* Barracks, the railway station, *Tvornica Duvana*, the Assembly Building, and in the Kovačići */sector/* with the aim of penetrating towards Karačica in order to launch an attack towards Jabuka and Žepa and penetrate to Borike.

(#The entire frontline of the SRK, both in the inner and the outer ring, had been attacked by a formidable forces of the enemy. The “civilian” settlements like Hrasnica are the basis for these units, as well as Sokolovi} Kolonija, Butmir, others, as well as all the company objects, Raylway station, Tobacco factory, @ica Factory, Executive Council building, which were a high and dominant over the Serb settlements#! They had been firing against the Serb civilian settlements, Ilid`a, Grbavica, Vraca, Serb part of Dobrinja. The proportion of forces was from 5:1, and on some spots 9:1 in favour of the Muslims! See further: ;

In the Brložnik – SM. /expansion unknown/ Borak – Zlovrh sector, the 2nd Rbr forces, along with the forces that had arrived, were trying to unblock a combat group which had been encircled. By the time this report was sent, our forces had managed to get in touch with the combat group in the sector, drive away the enemy and enable the pulling out of the dead and wounded. Our forces are fighting the enemy near the Zlovrh repeater. We do not have any information yet about dead and wounded soldiers. At approximately 1900 hours, the enemy launched an attack in the Kiseljak – Han Ploča – Kobiljača sector. We do not have the exact information about the size of the enemy forces, but we believe that the ratio of forces is from 1:5 to 1:9 in the enemy's favour. In the Ilijaš sector, the enemy are carrying out an infantry attack combined with artillery fire from the direction of Breza, Župča and Visoko. The attack was repelled, but our forces are constantly under pressure.

#Such a massive offensive activity of the 1st Corps of ABiH, including an attempt to conquer the Serb Grbavica, is completely neglected, but the SRK mere defensive fires were qualified as a felony! This must not be so, the Chamber is owing to the Serbs an apology for that insult#.) The aftermath of that shelling and various meetings and measures undertaken by the members of international community to stop it were also discussed earlier and show that the Accused was able to stop the shelling of the city when pressed to do so by representatives of the international community.¹⁶⁴²⁹ **(The pressure of the international community had nothing to do with it, but the Muslim achieved objective to break the Conference did. Interrupting the conference, and finally failing in it's Sarajevo offensive, they also became a focus of the international attention, and had to decrease it's activity in Sarajevo. The Chamber is not fair for neglecting a very intensive Muslim offensive warmed up since middle may, and intensified by the end of May, and particularly intensified on 8 June and on. If it wasn't so, the Chamber should say it: the Serbs were firing towards Sarajevo without any need and provocation. Could anyone say that? No, no, no! All other that was said is senseless, because it wasn't a unilateral Serb action to provoke or terrorise, as is intended to be presented. And this must not be done, because this is a bigger crime than the Accused ever thought of some, let alone did some!)** As also mentioned earlier, on 15 June 1992, at a meeting between Mladić, the Accused, other members of the RS Presidency, and representatives from the Sarajevo municipalities, the issue of Dobrinja was discussed whereby Koljević urged the others to “treat Dobrinja as our territory into which [Bosnian Muslim] snipers and terrorists have infiltrated”.¹⁶⁴³⁰ **(So what? This was a war, and Dobrinja was in the Serb territory, with a Serb majority of population. Let us see what the SRK Commander Colonel Tomislav Sipic reported on 12 June 1992, D4613:**

¹⁶⁴²⁹ See discussion relating to Scheduled Incidents G.1. and G.2.

¹⁶⁴³⁰ P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 167. The Chamber recalls that Dobrinja was also discussed by the Accused, Mladić, Krajišnik, Plavšić, Koljević, and Đerić several days earlier, on 5 June 1992, and the Accused issued orders to clean up Dobrinja. See para. 4781; P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 93.

12 June 1992

Throughout the day, heavy fighting took place in the zone of the corps, with the enemy trying to push back our forces and capture as large an area as possible. But despite the huge losses suffered, the enemy did not succeed in its efforts. In combat, the enemy also made use of chemical weapons.

Based on the intensity of the fire and the number of troops involved, the assessment is that the enemy tried to push back the forces from Vrace and cut off the road leading out to Lukavica. All our units displayed a high level of morale and showed their worth in combat, but some shortcomings were also identified, such as:

Regardless of a formidable offensive that could have quit the Serb existence in Sarajevo, Sipic warned his units to behave properly:D4613:

When sending out information to the units, especially point out that nobody has the right to taint the tradition of the Serbian people as knights and warriors. In this sense, you need to distance yourself in particular from the dirty acts of irregular formations.

Therefore, in a strictly confidential report the Commander of the SRK ordered the distance from the irregulars!) Following the Accused's instruction that the issue of Dobrinja must be resolved through co-operation with the police and Prstojević's request for deployment of soldiers to Dobrinja to carry out an operation,¹⁶⁴³¹ the meeting concluded with the decision to "clear the Serbian territory", giving priority to Mojmilo and Dobrinja.¹⁶⁴³² (So what? Is the #Chamber of an opinion that the Serb side didn't have any rights in this war that was imposed to it, but to refrain and be defeated#? This is not up to any chamber to neglect the notorious fact that the Serb side had been assaulted, forced to accept the change of their status and finally, after so many concessions, imposed a war!)

This resulted in the shelling of civilian areas in Dobrinja, as recounted by the 26 June 1992 letter of the Secretary General informing the Security Council that Bosnian Serb forces were shelling civilian areas in Dobrinja and calling for the shelling to cease immediately.¹⁶⁴³³ **(The UN SG and UN SC weren't there, #they had been "informed" by their people on the terrain, and that is what compromises the UN presence in crisis areas#. There was no civilian areas in the entire Sarajevo, particularly not in Dobrinja, where the Green Berets infiltrated, expelled the Serb population and continued to act throughout the war with it's 5th brigade and it's between 3,000 to 4,000 soldiers in a small area! The density of the military presence in Dobrinja was so high that it couldn't be considered as a civilian area in any case!)** Thus, at a meeting on 27 June with Mladić, Koljević, and Plavšić, among others, Krajišnik stated that the Presidency was "walking on the edge of the abyss" and that operations against Dobrinja "must urgently stop".¹⁶⁴³⁴ That day, the Accused issued an order to the Main Staff to cease all operations in Dobrinja immediately and warned that disregarding the order would have "political consequences".¹⁶⁴³⁵ Also that day, the Accused sent a letter to Cutileiro and Carrington informing them of the decision to cease operations in Dobrinja and expressing hope that it would "open possibilities" for the continuation of

¹⁶⁴³¹ P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 169–170.

¹⁶⁴³² P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 171–172.

¹⁶⁴³³ P1523 (UNSG's statement to UNSC, 26 June 1992); KDZ088, T. 6662–6663 (13 September 2010) (closed session).

¹⁶⁴³⁴ P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 240.

¹⁶⁴³⁵ P1504 (Minutes of 12th session of SerBiH Presidency, 27 June 1992), para. 3; P1154 (Witness statement of KDZ088 dated 27–29 April 2010), paras. 69–70 (under seal); P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 240 (stating that the Presidency had sent a letter to the Secretary General informing him that operations against Dobrinja had ceased).

international negotiations.¹⁶⁴³⁶ **(And this exactly was the main reason why the President ceased otherwise legitimate action of retaking Dobrinja, not any threats. When fighting on it's own territory, the Serbs didn't react so easily to the threats. The threats anyway compromised all the efforts of the international community and the agreements concluded under these threats, so that one day it may be contested by those who had been under the pressure and threats. But this fact is in contrast with all the allegations about the Serb tactics to influence the Muslim side by pressuring Sarajevo. On the contrary, the Muslim side was interested in sabotaging the peace conference, and the Serb side wanted to save it at any cost!)**

4872. As discussed earlier, in September and October 1992 Sarajevo was again subjected to heavy indiscriminate shelling, resulting in representatives of the international community protesting to Koljević, Plavšić, and the Accused.¹⁶⁴³⁷ **(Such a #permissive and “easy to trust” attitude of the international representatives only encouraged the Muslim side to provoke and secure as much firing in Sarajevo as needed to alarm the international public#! Had the internationals been more critical and demanding proofs, that would discourage the Muslim Army to stage and provoke too many skirmishes and the futile offensives! The Serb side rejected all of this unfounded allegations, and the internationals had lost every single credibility because of not taking into account the Muslim activity that inevitably resulted in the Serb responses!)** On 9 October 1992, at a meeting of the RS Presidency in the Accused's absence, Krajišnik, Koljević, and Đerić decided to order the Main Staff to halt the artillery bombardment of Sarajevo because UNPROFOR was “exerting control”.¹⁶⁴³⁸ **This very control was advised and required by the Accused on May 30 at the meeting with the UN officials in Belgrade. The Chamber is again distorting the document, D00431, let us see how: The Accused was absent from this meeting:**

Apologies: Dr. Radovan KARADŽIĆ and Dr. Biljana PLAVŠIĆ.

Further:

1. It is necessary to determine the way in which the Main Commander regularly informs us about the situation on the front- every day.
2. That the Presidency be informed whether the commander of Bosanski Brod has established the telephone connection with the commander of Slavonski Brod.
3. Make all possible efforts that every agreement reached is respected on our side.
4. That the presidents of municipalities and municipal executive boards control the situation in their municipalities and take steps to fulfil the agreement.

Here is clear that the Serb side wanted to respect every single agreement, as well as that the municipal presidents were obliged to “control the situation in their municipalities”.

Further

Regarding the military operation in Sarajevo, the following was concluded:

1. To halt artillery bombardment and achieve this through the Main Command of the Serbian Army because UNPROFOR is exerting control.

This sentence meant that it can not be achieved on a local level, because the

¹⁶⁴³⁶ D2977 (Letter from Radovan Karadžić to Jose Cutileiro and others, 27 June 1992); D2968 (Witness statement of Jose Cutileiro dated 11 April 2012), para. 30. *See also* para. 338.

¹⁶⁴³⁷ *See* para. 3562; P1258 (Witness statement of Hussein Ali Abdel-Razek dated 16 July 2002), e-court p. 22; Hussein Abdel-Razek, T. 5507 (19 July 2010) (testifying that he wrote a letter to the Accused requesting him to stop the shelling).

¹⁶⁴³⁸ D431 (Minutes of RS Presidency session, 9 October 1992), p. 2; P1270 (UNPROFOR report re administrative issues, 10 October 1992), p. 4 (reporting that Koljević stated that the Bosnian Serb side had decided to stop shelling Sarajevo).

UNPROFOR is involved, and the VRS had to be engaged as a whole, not as a local units. This UN control of the shellings in Sarajevo, as well as the demilitarisation of the city was a Serb initiative, in particular the Accused's one. See what had been said at the same meeting:

The possibility of demilitarising the town of Sarajevo has been considered from the military and every other viewpoint, the good and bad sides of this attempt, as well as the reason why this should not spread to the entire territory of the former Bosnia and Herzegovina.

Conclusion:

- prior to any talks about demilitarisation maximum efforts must be made to achieve a cease-fire,
- free movement of the population,
- establish what belongs to whom in Sarajevo,
- proceed with cantonisation.

This is more important than everything the Chamber noticed from this meeting #EXCULPATORY!

As a result, on 10 October 1992, pursuant to an order from the Main Staff, Galić prohibited the SRK from using all weapons and artillery with a calibre greater than 7.9 mm until further notice.¹⁶⁴³⁹ On 19 October 1992, at a meeting with Mladić, Plavšić, and Krajišnik, among others, the Accused stated that he was “convinced 101% that [NATO] will bomb” and that accordingly it was “crucial” not to fire on Sarajevo.¹⁶⁴⁴⁰ **(A political justification of an action that wasn't welcome by the VRS. So what?)**

4873. Following the collapse of the Vance-Owen Peace Plan,¹⁶⁴⁴¹ the SRK launched an offensive on Mt. Igman and Mt. Bjelašnica in late June 1993 and, while this operation was underway, shelled a water queue in Dobrinja on 12 July 1993, causing a large number of civilian casualties.¹⁶⁴⁴² **(#Not proven to be the Serb liability#! All of those investigations where the Serb participation was denied are not acceptable! It is particularly often manoeuvre of the Muslim side, when in a trouble in some battlefield, they staged some incidents and call for the UNPROFOR mediation, see a General Morillon assessment of 15 February 1993, D1497:**

1. Fighting around SARAJEVO. SARAJEVO is suffering yet more convulsions and hostilities continue in Eastern Bosnia. The cease fire around SARAJEVO agreed last week did not last 48 hours. It was broken by the BH Army however the situation is turning in the Serb's favour after five days of heavy fighting. President Izetbegovic has just asked for UNPROFOR mediation.

2. President's message. After the bombardment of FKBT 2's HQ and the prompt declaration that the attack had been carried out by the BH Army, President Izetbegovic may have come to realise that it is important for his cause and for his image that he be more conciliatory in his negotiations and more firm with his troops. The foolish decision to refuse humanitarian aid has placed him in a difficult situation from which he needs our help to escape. This he has in fact just asked for.

Harland testified that, at this time, the Accused was using the Igman offensive to secure as much territory as possible and “ratchet [...] up the pressure” on the Bosnian Muslims in advance of peace talks scheduled for late July in Geneva.¹⁶⁴⁴³ **(#Harland is speculating.**

¹⁶⁴³⁹ P1264 (SRK Order, 10 October 1992), para. 1. See also Hussein Abdel-Razek, T. 5506–5507 (19 July 2010).

¹⁶⁴⁴⁰ P1481 (Ratko Mladić's notebook, 5 October–27 December 1992), p. 59.

¹⁶⁴⁴¹ See para. 372.

¹⁶⁴⁴² See discussion on Scheduled Incident G.5.

¹⁶⁴⁴³ P820 (Witness statement of David Harland dated 4 September 2009), para. 45–48; David Harland, T. 2020 (6 May 2010).

Bjelasnica and Igman were a strongholds of the ABiH, and it was legitimate to attack and take it#. When the Chamber will realise that it is treating the Serb side as a rebels and intruders, instead as an equal party to the conflict, as they should be obliged by the UN documents?) Indeed, on 16 July 1993, UNPROFOR reported that at a meeting with Briquemont and Andreev, the Accused stated that his “first priority” was to get the BiH government back to the negotiating table.¹⁶⁴⁴⁴ **(#What is wrong with that? To show to a warring side that it can not win but should rather negotiate is not only legal and legitimate, but humane way to stop a war and sufferings. By legally attacking a vastland on mountains there hardly can be more humane way to end a war, particularly since the other side didn’t want to negotiate, but rather to provoke an international military intervention. But Harland didn’t notice that the President ordered his Army to refrain from any victory and any advancement, exactly for the purpose of saving the peace conference. It was the main reason for leaving Bjelasnica and Igman in August 1993, on the order of the President, while the entire VRS was, rightfully against it!)** On the same day, Dragomir Milošević ordered the SRK to cease firing at central Sarajevo, except in self-defence, because the Accused had “reached an agreement” with UNPROFOR and the Bosnian Muslims.¹⁶⁴⁴⁵ **(#EXCULPATORY! It pertained only to Sarajevo, while an attack on the mountain positions of the enemy was legitimate. But the Muslim side always used the international community to prevent their defeat, while never respected any agreed Cease-Fire Agreement!)** However, because of the SRK’s offensive, Izetbegović requested that the peace talks be postponed and NATO threatened to conduct air strikes.¹⁶⁴⁴⁶ Harland recalled that these developments “alarmed” the Accused and that consequently he took steps to “rapidly ratchet down” the pressure on the Bosnian Muslims.¹⁶⁴⁴⁷ **(This is madness! The Accused wanted to save the conference, and this had nothing to do with the Sarajevo situation, since it was already lulled!)** On 4 August, the Accused told Milovanović that NATO was planning air strikes and that SRK forces had to withdraw from Mt. Igman and Mt. Bjelašnica as an expression of “good will”.¹⁶⁴⁴⁸ **(#EXCULPATORY! Therefore, not because of fear, but in the name of good will!)** Then, on 5 August, he told Mladić that, to avoid air strikes, SRK forces should withdraw from Mt. Igman and Mt. Bjelašnica and “[n]ot a single shell must fall on Sarajevo”.¹⁶⁴⁴⁹ **(#EXCULPATORY!)** Also on 5 August, the Accused, Mladić, Krajišnik, Plavšić, and Lukić met with Briquemont, Hayes, and Andreev of UNPROFOR, and the Accused proposed, among other measures, withdrawing SRK forces from Mt. Igman and Mt. Bjelašnica to avoid air strikes.¹⁶⁴⁵⁰ **(#EXCULPATORY! But not exactly as the Chamber quoted, see the UN document on this meeting, P824!**

THE FORMAL AGENDA OF THE MEETING WAS THE PRESENTATION OF A NUMBER OF PROPOSALS DESIGNED TO UNBLOCK THE TALKS IN GENEVA.

¹⁶⁴⁴⁴ P820 (Witness statement of David Harland dated 4 September 2009), para. 47; P835 (UNPROFOR BiH Political Assessment, 16 July 1993), e-court p. 5.

¹⁶⁴⁴⁵ P2661 (SRK Order, 16 July 1993).

¹⁶⁴⁴⁶ See para. 3572.

¹⁶⁴⁴⁷ P820 (Witness statement of David Harland dated 4 September 2009), para. 53.

¹⁶⁴⁴⁸ P4786 (Intercept of conversation between Radovan Karadžić and General Milovanović, 4 August 1993), pp. 1, 3. See also D4508 (Intercept of conversation between Radovan Karadžić and Manojlo Milovanović, 3 August 1993) (in which the Accused tells Milovanović that “everything should be halted around Sarajevo” in order not to “ruin” the peace negotiations in Geneva), p. 2. **(#EXCULPATORY! Not to ruin the peace negotiations, not because of fear from NATO!)**

¹⁶⁴⁴⁹ P1483 (Ratko Mladić’s notebook, 2 April–24 October 1993), pp. 262–263.

¹⁶⁴⁵⁰ P824 (UNPROFOR report re meeting with Radovan Karadžić, 5 August 1993), pp. 2–3; David Harland, T. 2029–2032 (6 May 2010).

Therefore, the two UN senior officials recognized what was the reason to meet! Harland drafted this report, but his testimonies had drastically differed from the official reports#!) The Accused then issued a series of orders to effect the withdrawal of SRK forces.¹⁶⁴⁵¹ Harland recalled that at around this time there was a “dramatic decline” in SRK sniping and shelling of the civilian population of Sarajevo.¹⁶⁴⁵² **(The Muslim side extremely feared the Serb side wouldn’t leave Igman and Bjelasnica, in which case the war would be ended, and they didn’t want to give the Serbs any excuse to maintain the control over the mountains. Whenever the Muslim side was restrained in attacking from Sarajevo, there was no Serb actions at all!)**

4874. On 10 August 1993, on the eve of signing the Military Agreement on Peace in BiH,¹⁶⁴⁵³ the Accused told Milić from the Main Staff that “no shell” was to land on Sarajevo.¹⁶⁴⁵⁴ **(#EXCULPATORY!** On 11 August 1993, in a conversation with Prstojević and Gvero, the Accused ordered “in the strongest terms” that no one was to fire grenades or shoot at Sarajevo.¹⁶⁴⁵⁵ **(#EXCULPATORY!** That same day, Galić ordered the SRK “not to open fire over Sarajevo, at any price”, in order to establish “favourable conditions” for the upcoming peace negotiations in Geneva and to avoid NATO air strikes.¹⁶⁴⁵⁶ **(#EXCULPATORY!** Harland testified that this order from Galić aimed to reduce the level of pressure on Sarajevo and was a clear example of the way the Accused and the Bosnian Serb leadership modulated the level of terror in the city in accordance with their “political interests and conveniences”.¹⁶⁴⁵⁷ **(#Harland is not competent to conclude anything about the Serb strategy and tactics! First of all, #he was not privy of any Serb intent#! Second, it was not properly established that there was any terror which would be “modulated” this is the Prosecution that testified through Harland’s and Banbury’s mouths! It had nothing to do with “terror” it was aimed to save the peace talks, while the Muslim interests were contrary to the Serb interests – to maintain an image of victim and to sabotage the peace talks until the NATO and UN be dragged in the war on their side. The Defence shouldn’t even consider any of those idiotic assertions and allegations by the persons and instances that neglected the obvious presence and activities of the 1st ABiH Corps in Sarajevo, which was always in the very core of reasons for all events in and around the city! Next time the UN want to engage such an official, it should make a psychological**

¹⁶⁴⁵¹ See P5054 (VRS Main Staff Order, 5 August 1993) (in which Milovanović orders the VRS to cease combat operations around Sarajevo pursuant to an “oral command of the Supreme Commander”); D4645 (Letter from Radovan Karadžić to Boutros Boutros Ghali, Bill Clinton, Lord Owen and Stoltenberg, 7 August 1993) (in which the Accused informs the Secretary General that he is prepared to hand over Mt. Igman and Mt. Bjelašnica to the UN and cease all artillery fire around Sarajevo); D3872 (Intercept of conversation between Radovan Karadžić and Tomanić, 11 August 1993) (in which the Accused orders Tomanić to withdraw urgently any remaining troops from Mt. Igman and Mt. Bjelašnica in order to avoid NATO air strikes); P4805 (Intercept of conversation between Radovan Karadžić and Colonel Miletić, 11 August 1993) (in which the Accused orders Miletić to issue a statement to the media that SRK troops are being withdrawn from Mt. Igman and Mt. Bjelašnica); P4806 (Intercept of conversation between Radovan Karadžić, General Gvero, and General Milovanović, 12 August 1993) (in which the Accused orders Milovanović to determine the positions to which SRK troops should be withdrawn); P4783 (Intercept of conversation between Radovan Karadžić and General Gvero, 13 August 1993) (in which the Accused orders Gvero to convey to Galić that SRK troops must be withdrawn far enough to “avoid [...] problems in relation to the international community”).

¹⁶⁴⁵² David Harland, T. 2020 (6 May 2010); P820 (Witness statement of David Harland dated 4 September 2009), para. 55 (testifying further that the withdrawal of forces from Mt. Igman was an example of the way the Accused used “military operations for political purposes”).

¹⁶⁴⁵³ See paras. 379, 3575.

¹⁶⁴⁵⁴ P4802 (Intercept of conversation between Radovan Karadžić and unidentified member of VRS Main Staff, 10 August 1993) (the Accused also stating that he had withdrawn 50% of his forces from Mt. Igman and Mt. Bjelašnica).

¹⁶⁴⁵⁵ P4804 (Intercept of conversation between Radovan Karadžić, Colonel Prstojević, and General Gvero, 11 August 1993), p. 1.

¹⁶⁴⁵⁶ P825 (SRK Order, 11 August 1993). See also P5042 (SRK Order, 13 August 1993) (in which Galić orders the withdrawal of SRK forces around Sarajevo in accordance with an order from the Accused and to “avoid unjust punishment by the US and its allies”).

¹⁶⁴⁵⁷ David Harland, T. 2033–2034 (6 May 2010).

tests of candidates, and forbid them to “meditate” politically and to testify in the courts with their speculations and ‘meditations’, because #this is compromising the UN missions#!)

4875. Following the rejection of the Owen-Stoltenberg Plan by the Bosnian Muslims in late September 1993,¹⁶⁴⁵⁸ the shelling of civilian areas in Sarajevo intensified.¹⁶⁴⁵⁹ According to Harland, the Accused increased the level of sniping and shelling at this time in order to punish the Bosnian Muslims for not accepting the plan.¹⁶⁴⁶⁰ (#Another idiotic assertion! Who was Harland to know that? How he learnt that? What are evidences for this#!? Why the Chamber pays so much attention to a speculations of an militarily incompetent witness? Did the Muslim need for the attraction of the international sympathies ceased after rejecting the Owen-Stoltenberg Peace Plan, or they still hoped for a military intervention? No, the plan to drag the international community into the war was intensified!) On 12 October 1993, Andreev, Briquemont, De Mello, and Harland met with the Accused and Krajišnik, and Briquemont raised this increase in shelling with the Accused.¹⁶⁴⁶¹ The Accused responded that the Bosnian Serbs would reduce the level of shelling only if the Bosnian Muslims did the same.¹⁶⁴⁶² That was a mutual and mutually depended matter. How possibly the Serb side could cease to defend itself? And what international or domestic laws obliged the only one side to refrain from combat activity while the other one is free to fire? Is it a standpoin of the UN SC, and if it was, when it was established, and why the Serb side wasn’t informed about that?

4876. In January 1994, Sarajevo experienced heavy indiscriminate shelling resulting in a large number of civilian casualties.¹⁶⁴⁶³ Let us see how the Chamber is using the document on which is based the para 3580 of the Judgment, D00178:

(a) Military activity

Combat and Shelling Activity: UNPROFOR monitors counted 732 shells landing in the city during the morning, most of them in the Jewish cemetery area of the Grbavica district. 4126/ Reporters who witnessed the combat from the Holiday Inn Hotel said that it was the heaviest fighting in weeks so close to the city centre. 4127/ Source(s): Reuters; Agence France Presse.

Targets Hit: The area of the old Jewish cemetery; the Grbavica district; the airport; the Holiday Inn; the Central Bank; the area near the Presidency building. Source(s): Reuters; Associated Press; Agence France Presse.

Description of Damage: Not specified

Sniping Activity: Not specified

Casualties: Eight persons were killed and 61 others were wounded, including five French UNPROFOR troops. 4128/ Source(s): Agence France Presse.

#Look at that! The most of these 732 shells landed in the Jewish Cemetery area of the Grbavica district, which was the line of defence of Grbavica and other Serb

¹⁶⁴⁵⁸ See para. 382.

¹⁶⁴⁵⁹ See para. 3577.

¹⁶⁴⁶⁰ P820 (Witness statement of David Harland dated 4 September 2009), paras. 35, 63. See also KDZ450, T. 10549–10551 (19 January 2011) (testifying that in October 1993 there was a resumption of sniping and shelling because of the failure of the Owen-Stoltenberg Plan).

¹⁶⁴⁶¹ P820 (Witness statement of David Harland dated 4 September 2009), paras. 60–61; P830 (UNPROFOR Weekly Political Assessment, 16 October 1993), p. 5; P845 (UNPROFOR report re meeting with Radovan Karadžić, 15 October 1993), para. 3.

¹⁶⁴⁶² P820 (Witness statement of David Harland dated 4 September 2009), para. 61; P830 (UNPROFOR Weekly Political Assessment, 16 October 1993), p. 5; P845 (UNPROFOR report re meeting with Radovan Karadžić, 15 October 1993), para. 3.

¹⁶⁴⁶³ See para. 3580.

settlements#. For that reason, for a frequent shelling, the inhabitants, both the Serb and Muslim, had to be removed further from the line. On 30 September 1992 the Serbs went deeper in the Serb territory, while the Muslim have chosen to cross the line and go into the Muslim part of the city! There is no doubt that this majority of shells landed in the Serb held territory! Certainly the Serbs didn't fire their own lines, nor they shelled the Muslim lines on the east side of the Jewish Cemetery, because the SRK never intended or tried to move this c/l towards the city. See further: Reporters reported it as the "heaviest fighting in weeks so close to city centre", which clearly says that it was a fighting and exchange of artillery fire, not the Serb shelling of the residential areas. Further: beside the Jewish Cemetery, the next bombarded area was a pure civilian, residential Serb area of Grbavica. Finally: "eight persons killed" and nobody said "eight civilians". Let us see further:

Source(s): Reuters; Associated Press; Agence France Presse.

That was an "investigation" of the media out of which none were known as impartial and fair towards the Serbs. There is more in this document:

3066. BiH soldiers were reportedly wearing red ribbons to distinguish themselves from the Bosnian Serbs in close-quarter combat. 4137/

How come?# Was there any BH soldiers? Close-quarter combat?!? Does it mean anything to the Chamber?# Does it indicate that there was no any unilateral Serb activity? No reasonable chamber would make such a kind of inferences, neglecting an obvious fact that there was an exchange of fire, that the shells landed mainly on the confrontation lines, or on the Serb territory, a residential area of Grbavica, rarely in the Muslim side of the city.

In a meeting with the Accused on 10 January, Akashi emphasised that the recent "excessive retaliations" against the ABiH were counter-productive as they killed innocent people and created an unfavourable climate for the negotiations in Geneva.¹⁶⁴⁶⁴ Akashi reported that the Accused "took the point", but expressed impatience with the BiH government's attitude toward the Geneva negotiations, threatening to "declare war" if a peace agreement was not reached soon.¹⁶⁴⁶⁵

(Here is the document D03491, already commented, the part pertaining to this para of the Judgment:

3. Dr. Karadzic expressed his frustration about the pressure exerted during the preparatory phase of the NATO summit and the anti-Serb bias of the international media. I emphasized that the recent excessive retaliations against the Bosnian Army infantry attack were counter-productive, as they killed innocent people and created a unfavourable climate for the negotiations in Geneva. He took the point, but expressed his impatience with the Bosnian Government's attitude in the Geneva negotiations.

Therefore, even the very document says what the Chamber missed and skipped: a Serb retaliation # "against the Bosnian Army infantry attack" which is undoubtedly a Serb defence, not an attack, while the attack was exercised by the ABiH troops.# Whether the retaliation was "excessive" is a matter of a discussion. Among professionals, and on the basis of data!) Then, at a meeting on 14 January between the Accused, Mladić, Krajišnik, Milošević, Galić, SRK unit commanders, and Sarajevo municipality presidents, the Accused

¹⁶⁴⁶⁴ D3491 (UNPROFOR report, 10 January 1994), para. 3; Yasushi Akashi, T. 37680-37683 (24 April 2013).

¹⁶⁴⁶⁵ D3491 (UNPROFOR report, 10 January 1994), para. 3.

discussed the negotiations in Geneva, the problem of “[m]edia pressure in the US”, and the threat that “NATO will kill Serbs”.¹⁶⁴⁶⁶ The Accused stated in the meeting that the Bosnian Serbs “must reach a victorious peace” and that the SRK’s “retaliation” against the ABiH should be in a “1:1” ratio.¹⁶⁴⁶⁷ **(#EXCULPATORY! No matter which arguments or explanations had been used in a political speech while persuading the local authorities to support the negotiators, a “victorious peace” is a legitimate dream of every warring side, and a plea for a more moderate retaliation is exculpatory!)** On 30 January, at a meeting between Rose and the Accused, Krajišnik, Koljević, and Zametica, the Accused stated that the shelling of Sarajevo was “senseless” and should stop.¹⁶⁴⁶⁸ **(#EXCULPATORY!** He further stated that there should be a global cease-fire starting with the demilitarisation of Sarajevo.¹⁶⁴⁶⁹ **(#EXCULPATORY!** Rose testified that, at this time, a global cease-fire was in the Accused’s interests because the Bosnian Serbs held 70% of the territory of BiH, and therefore a cease-fire represented an opportunity for them to consolidate their territorial gains.¹⁶⁴⁷⁰ **(#Wrong, since it was known to all and every mediator that the Serb side never intended to keep even all 64% that was ingabited by the Serb majority. Rose was a soldier, while all the political representatives of the UN and the EC knew that the Serbs were to give back a great portion of territory. Lord Owen said in a documentary movie on the destruction of Yugoslavia that it was a unique example that an undefeated side was ready to return so much of territory. What Rose said was his #opinion#, not a fact, and this should be irrelevant to the Chamber! However, the only damaging testimonies were these of the incompetent people, #like civilians speaking of a military matters#, which even they didn’t include in the written reports, or a military commanders talking about their thoughts and impressions, like this one. But, in all the official documents, from the very beginning of the war, the President took a commitment to return a great deal of the territory! See P941 on that subject: -- recognition, the Serbs had been forced to act in order to protect the Serbian population. The Serbs were willing to return territory and were content to remain part of Bosnia and Hercegovina within the existing boundaries. But the Serbian people of Bosnia wanted full autonomy from the Muslims and Croats. rights in Muslim and Croat areas. Dr. Koljevic said it was clearly in the interests of the Serbs to return land in exchange for full political autonomy. Dr Karadzic said that the precise amount of land that may be returned had not been decided. But the total would be substantial. As far as Sarajevo was concerned, he favoured using the administration of Brussels as a model. The Serbian municipalities would be part of the Serbian constituent unit. Secretary Vance asked how this apparent will to talk about --**

So, the President of the Republic of Srpska took a commitment in front of the most

¹⁶⁴⁶⁶ P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 149.

¹⁶⁴⁶⁷ P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), pp. 133, 149. *See also* D4443 (Radovan Karadžić’s Order, 16 January 1994) (in which the Accused strictly prohibits any combat operations in the direction of Sarajevo airport in consideration of the “attitude” of the international community during the Geneva negotiations).

¹⁶⁴⁶⁸ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 31; P1650 (UNPROFOR report on meeting with Radovan Karadžić and Ratko Mladić, 31 January 1994), para. 3.

¹⁶⁴⁶⁹ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 31.

¹⁶⁴⁷⁰ P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 31.

responsible international representative, and for any court this is THE ONLY relevant, and not anyone's guessing and meditation#!)

4877. On 7 February 1994, faced with the possibility of NATO air strikes following the first Markale incident of 5 February,¹⁶⁴⁷¹ the Accused informed the Main Staff, SRK Commander, and SRK brigade commanders that the “international community” had objected to the SRK’s “scale of retaliation”.¹⁶⁴⁷² **(#EXCULPATORY! This was not for the first time that the President demanded a restraint from the SRK, and it is a sort of malice to connect it with the possible threats by NATO. The President never believed that Markale I incident was done by the SRK, but it was true that the internationals were complaining, and it was the President’s duty to inform the command of the VRS!)** He ordered the SRK to introduce the “strictest possible control of retaliation” and to “[e]xclude any possibility of uncontrolled shelling”.¹⁶⁴⁷³ **(#EXCULPATORY! And that was not the first time the Accused issued this kind of order! Not only for the “strictest control” but because of an evident existence of the “uncontrolled shelling” which could have appeared from the panic in the middle of a massive Muslim infantry attack!)** The Accused also gave Milovanović the authority to negotiate a cease-fire agreement and, on 9 February, at a meeting with Rose, Milovanović agreed to an immediate cease-fire and the withdrawal of all heavy weapons from a 20 kilometre circle around Sarajevo, among other measures, which resulted in a significant reduction in sniping and shelling.¹⁶⁴⁷⁴ **(#EXCULPATORY! But, the entire matter with the staging of the Markale I incident was that the Muslim side gets rid of the Serb artillery, so to achieve a strategic superiority, since the internationals neither controlled their weapons, nor there was any option of punishing their misconduct!)** According to Harland, these were “dramatic concessions” consistent with the Accused’s political strategy of reducing the “pressure” on Sarajevo in the face of Western threats.¹⁶⁴⁷⁵ **(#EXCULPATORY, no matter for what reasons Harland assumed it was done! However, Harland was wrong: the Serb side kept giving many concessions throughout the war, including handing the Airport over to the UN, but it didn’t give any result because the Muslim side wanted the war to prolonge until the foreign military intervention helps them to take the entire BiH. Why Harland was wrong? Because this wasn’t only the Serb side that reduced the activity in Sarajevo, but all the three sides did, and whenever the Muslim side followed agreements, there was a lull in military activity. See what had been said in the UN document, P00827, of 17 February 1994:**

*** NATO’s threat to use air strikes against heavy weapons around Sarajevo is shaping the behaviour of all three sides.**

This is a key for the Chamber’s dilemma about the decrease of shooting when it was

¹⁶⁴⁷¹ See discussion on Scheduled Incident G.8.

¹⁶⁴⁷² P846 (Radovan Karadžić’s Order to VRS, 7 February 1994); Manojlo Milovanović, T. 25475 (29 February 2012) (testifying that the Accused addressed the order in this way so that it reached SRK units “as soon as possible”). See also para. 4776.

¹⁶⁴⁷³ P846 (Radovan Karadžić’s Order to VRS, 7 February 1994); P820 (Witness statement of David Harland dated 4 September 2009), para. 77–78. See also P4493 (VRS Main Staff Order, 7 February 1994) (implementing the Accused’s order); Manojlo Milovanović, T. 25475–25476 (29 February 2012).

¹⁶⁴⁷⁴ See paras. 387–390, 3582–3587.

¹⁶⁴⁷⁵ P820 (Witness statement of David Harland dated 4 September 2009), paras. 79, 86; David Harland, T. 2020 (6 May 2010) (testifying that there was a “sharp dip in the pressure, the terror” applied to the civilian population of Sarajevo after the first Markale incident). The Accused argued that his order of 14 January 1994, three weeks before the first Markale incident, wherein he instructed the SRK to control its retaliation by applying a “1:1” ratio, meant that his response to the Markale incident cannot be considered modulation. See Closing Arguments, T. 47998 (2 October 2014). However, it was only after the Markale incident that the Accused agreed to establish WCPs and withdraw heavy weapons from around Sarajevo. Accordingly, the Chamber agrees with Harland’s testimony that the Accused made “dramatic concessions” after the first Markale incident in response to the threat of NATO military intervention.

agreed: this was possible, because at the beginning of the agreed cease-fire the NATO was “shaping the behaviour of all three sides! By the way, had the Chamber not been able to find anyone else, more competent for the military and political issues than it was Harland? As anyone can see, in the same document, P00827, it was repeated tha the responsible side for the Markale incident couldn’t be established even after a repeated investigation by the UN. Remember, B. Zecevis had already two weeks prior to this document “announced” that he establishe the responsibility, but the UN didn’t accept his assertions! See P00827:

* The circumstances surrounding the massacre at the Sarajevo market place on 5.2.94 remain unclear. UNPROFOR has conducted a second, and more thorough, investigation into the incident. The result of the investigation, however, remains that it is not possible to determine from which side of the confrontation line the bomb was fired.

#Does these UN documents mean anything to this UN court#? Indeed, on 17 February, UNPROFOR reported that Krajišnik stated that the Bosnian Serbs would “do everything to avoid air strikes, except capitulate”.¹⁶⁴⁷⁶ **(#EXCULPATORY! FROM THE ABOVE DOCUMENT (P00827) IT IS CLEAR THAT ALL SIDES CEASED ACTIVITIES, but the Serb side wanted it from the beginning, and accepted all but a capitulation!)**

4878. On 22 September 1994, following the resumption of intense fighting in Sarajevo and the sniping of a civilian and a UN soldier,¹⁶⁴⁷⁷ **This finding is based on the document D00776, built in the para 3599 of thr Judgement: 3599. On 21 September, the SRK reported that the ABiH had opened infantry, sniper, and some mortar fire on SRK positions on both that day and the preceding day. On 22 September, following two sniping incidents in the city--one against a civilian and another against a UN soldier--Rose called for another air strike against a Bosnian Serb tank in the TEZ to the west of Sarajevo, which was followed by a Bosnian Serb attack on an UNPROFOR tank, wounding the driver).** the Accused informed the Main Staff that relations with the UNPROFOR were deteriorating and the Bosnian Serbs were “provoking” NATO air strikes.¹⁶⁴⁷⁸ **(#EXCULPATORY!** The Accused ordered that “there be no incidents since our relationships with England and France are improving”.¹⁶⁴⁷⁹ He further stated that “every attack by NATO is a humiliation” and is “getting the world used to the idea that the Serbs are to be bombarded”.¹⁶⁴⁸⁰ **((#EXCULPATORY! How this is fitting the Prosecution-Chamber’s position that it was in the Serb interest to have Sarajevo inflamed and civilians terrorised? The entire evidence is in contrast to this unbelievable conclusion!)**

¹⁶⁴⁷⁶ P827 (UNPROFOR Weekly Political Assessment, 17 February 1994), p. 6; P820 (Witness statement of David Harland dated 4 September 2009), para. 84.

¹⁶⁴⁷⁷ See para. 3599.

¹⁶⁴⁷⁸ D3521 (Letter from Radovan Karadžić to VRS Main Staff, 22 September 1994), p. 3.

¹⁶⁴⁷⁹ D3521 (Letter from Radovan Karadžić to VRS Main Staff, 22 September 1994), p. 3.

¹⁶⁴⁸⁰ D3521 (Letter from Radovan Karadžić to VRS Main Staff, 22 September 1994), p. 3.

4879. On 19 November 1994, as the military situation in Sarajevo was deteriorating,¹⁶⁴⁸¹ the Accused, Krajišnik, Tolimir, Buha, and Zametica met with Andreev, Gobilliard, Brinkman, Banbury, and Fraser.¹⁶⁴⁸² In the meeting, the Accused stated that if ABiH forces continued to fire on Bosnian Serb forces from within the TEZ, Bosnian Serb forces would retaliate.¹⁶⁴⁸³ He further stated: “The Muslims want a big war in Sarajevo. There is going to be a big war in Sarajevo”.¹⁶⁴⁸⁴ Four days later, the SRK sniped at a tram travelling along Zmaja od Bosne street, injuring two women,¹⁶⁴⁸⁵ and at the beginning of December 1994, the SRK shelled Sarajevo’s downtown area with wire-guided missiles.¹⁶⁴⁸⁶ **(The #Chamber is skipping the main fact: that the Serbs will only retaliate, while it is the Muslim side that is attacking and forcing the Serb side to respond#. And that is completely legitimate, and responsibility is completely on the side which attacks! The Accused tried many times to awake the internationals to see what direction the Muslims were heading to!)**

4880. On 5 March 1995, the Accused wrote to Akashi and stated that the Bosnian Muslims were “completely ignoring” the COHA and that, if the situation did not change in the next 7 to 10 days, “our patience will have run out”.¹⁶⁴⁸⁷ **(#EXCULPATORY!** He further warned Akashi that there would be “calamity” if the Bosnian Muslims did “not abandon their obstructionist policy”.¹⁶⁴⁸⁸ At the same time, in a meeting with Smith on the same day, Mladić explained that the increase in Bosnian Serb sniping in Sarajevo in late February and early March was a response to military offensives launched by the BiH government.¹⁶⁴⁸⁹ **(The COHA that the Accused mentioned was a deal brokered by the President Carter in the eve of New Year, which was sincerely accepted by the SRK, and cunningly abandoned within the following few days, by a duplicitous order, of the ABiH: see: D4837, the SRK 3rd January 95 order for the full compliance with the Agreement:**

3. Via subordinate commands, ensure full and consistent compliance with all provisions of the Agreement vis-à-vis the Muslims forces. On the part of the front facing the OS /armed forces/ of the HRHB (the Kiseljak axis), do not establish and do not observe a cease-fire if they are engaged in combat operations against our forces.

¹⁶⁴⁸¹ See para. 3603.

¹⁶⁴⁸² P2454 (UNPROFOR report, 19 November 1994), para. 1; P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 69; P1762 (Witness statement of David Fraser dated 17 October 2010), p. 70; P1776 (UNPROFOR report re meeting with Radovan Karadžić and General Tolimir, 20 November 1994) paras. 1–2.

¹⁶⁴⁸³ P2454 (UNPROFOR report, 19 November 1994), para. 3; P1762 (Witness statement of David Fraser dated 17 October 2010), p. 70; P1776 (UNPROFOR report re meeting with Radovan Karadžić and General Tolimir, 20 November 1994), p. 1.

¹⁶⁴⁸⁴ P2454 (UNPROFOR report, 19 November 1994), para. 3; P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 69; P1762 (Witness statement of David Fraser dated 17 October 2010), p. 70.

¹⁶⁴⁸⁵ See discussion relating to Scheduled Incident F.14.

¹⁶⁴⁸⁶ See para. 3604.

¹⁶⁴⁸⁷ P2245 (Letter from Radovan Karadžić to Yasushi Akashi, 5 March 1995), pp. 1–2.

¹⁶⁴⁸⁸ P2245 (Letter from Radovan Karadžić to Yasushi Akashi, 5 March 1995), p. 2.

¹⁶⁴⁸⁹ See para. 3607; P876 (UNPROFOR Memo re meeting with Ratko Mladić, 6 March 1995), para. 3; P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 94; P2455 (UNPROFOR Weekly Situation Report (Sarajevo), 11 March 1995), para. 9; Anthony Banbury, T. 13330 (15 March 2011).

4. On the front facing the Muslims, I most strictly forbid any willful or unauthorised fire or attack combat operations that could undermine the Agreement. Any enemy attacks will be responded to only in extreme need and in cases where the lives of soldiers and the civilians are threatened or combat equipment is in danger of being destroyed or captured. Fire from weapons larger than 12.7 mm will be opened solely in response to an order of, or authorisation by, the SRK Commander or NŠ /Chief of Staff/.

And here is the ABiH order of 5th January 95, a five days after the COHA agreed and signed with President Carter: D2016, p.17:

3. I have decided: In the defensive war in the days ahead, firmly hold the reached line of defence, continue carrying out offensive combat operations of operational and tactical importance, with a prominent army focus, with the goal of: liberating the PZT, relieving the blockade of the encircled free territories in the Drina valley, relieving the blockade of Sarajevo, linking up the forces of the 4th and 7th with the 5th Corps, cutting off important routes for the supply and evacuation of the aggressor, taking important routes and industrial facilities for own needs, and creating conditions for the final liberation of the homeland.

Carry out combat operations in accordance with the tasks received or approved by the Commander of the GŠ /General Staff/ of the BH Army.

4. The 1st Corps has the following task: liberate the Crna Rijeka (Nišići) Plateau and the general sector of the Karaula Pass, relieve the blockade of the Srednje – Kladanj road, and reach the following line: Gornji Čevljanovići village – Mednik (tt 1126) – Stijena (tt 1095), liberate the general sector of Mt Treskavica and Trnovo, take control of the Kijevo village – Trnovo – Dobro Polje village road, and then, with the engagement and help of forces from other corps, organised by the GŠ, relieve the blockade of Sarajevo, the free territory of Goražde, and with some of its forces, in accordance with the decision of the GŠ, take part in relieving the blockade of Srebrenica and Žepa.

and let us see what this Order put as a task to Srebrenica and Zepa, which had been supposed to be demilitarized:

5. The 2nd Corps has the following task: liberate the area of Mt Majevisa (Banj Brdo, Stolice, Busija, Površnica, Medednik, Brusnica village and reach the following road: Priboj village – Lopare - Čelić; in coordination with the 3rd Corps, liberate the general sector of Vozuća; on the Klokočnica – Ševarlije route, cut off the Chetnik forces on Ozren; with the help of forces from other corps, relieve the blockade of the free territories of Srebrenica and Žepa and reach the Drina river between Žepa

#This is undoubtable example of the cunning tactics of the ABiH#: while the SRK issued the strictest orders fo a compliance with the COHA, only two day lated the Commander of the 1st Corps of the ABiH ordered a preparations and commencement of the active offensives. And here is what Mladic really said: he didn't say what is quoted here, neither denied nor confirmed, but rather pointed out to the Muslim conduct, let us see, P00876

3. Gen Smith questioned Gen Mladic on the reason for the upsurge in sniping attacks in Sarajevo. Gen Mladic cited recent Serb casualties from BiH attacks. Gen Mladic also accused UNPROFOR of permitting BiH forces to use the Safe Area of Sarajevo to mount attacks against Bosnian Serbs. Gen Smith strongly denied the assertion that UNPROFOR had failed in its mission, rather the parties have failed to cooperate with the UN.

As it is obvious, Mladic only reminded Smith that there are a two way fires. And all of a sudden, Smith recognised that “rather the parties have failed to cooperate with the UN”. All of a sudden there appeared the Muslim side, which is otherwise an invisible fighter, allowed to do whatever suits him, while his opponent, the Serb side, is with his hands tied.

Banbury recalled being “struck” and “surprised” by this comment because it was an overt admission that the Bosnian Serbs were sniping civilians in order to punish the BiH government for its offensives.¹⁶⁴⁹⁰

#As witness as truth#! Banbury should have written down what Mladic said, because this is not in the document that Banbury drafted#. And why would be he “struck” and “surprised” if a Serb sniping was a fact? The Chamber should defend its dignity and not use this kind of arguments and witnesses!)

He further testified that, like the Accused, Mladić had the ability to modulate the level of sniping and shelling in Sarajevo, which he used to influence negotiations.¹⁶⁴⁹¹

This is a kind of “patern” in the testimonies of a low level Prosecutor witnesses. But, this is contrary to everything that the Chamber aldready have known, namely that the Muslim side used every singe incident to interrupt or postpone the peace talks. On the other hand, the Serbs were keen to end the war as soon as possible, and no incident in Sarajevo helped them in any way. Whenever the Serb side didn't respond sufficiently so to enable the Muslim side to leave the talks, the Muslim extreme leaders would arrange an incident with a drastic consequences for their people. This is also well known to the Chamber and other UN people. How possibly the Serb side could “persuade” or force the Muslim side to negotiate by harassing their civilians? On the contrary! Whenever the Muslim side wasn't “satisfied” with the world echo of the events in Sarajevo, they would plan and execute another drastic incident, which would never happen had the Serbs really behaved the way the Chamber found! Garaplija was not a pro-Serb witness, he was a pro-Muslim, astonished with the way their leaders slautered own people! And he was privy of everything that happened in the treasury of the Bank, which was a shelter of Mr. Izetbegovic throughout the war, and his bodyguards were in the same treasury!)

Indeed, in a meeting with Akashi on 12 March, the Accused and Mladić indicated their intention to pursue their objectives through “military means” if they were unable to achieve them at the negotiating table.¹⁶⁴⁹² **(What was “their objectives” that they wanted to**

¹⁶⁴⁹⁰ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 95; Anthony Banbury, T. 13330–13331 (15 March 2011). *See also* P2414 (Witness statement of KDZ182), p. 22 (under seal) (testifying that Mladić ordered the SRK to terrorise the civilian population of Sarajevo and that this was a “line of conduct decided by the Supreme Command”).

¹⁶⁴⁹¹ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 200; Anthony Banbury, T. 13310–13311 (15 March 2011).

¹⁶⁴⁹² P2257 (UNPROFOR Weekly Situation Report, 18 March 1995), para. 3; Rupert Smith, T. 11337–11338 (8 February 2011). *See also* P2245 (Letter from Radovan Karadžić to Yasushi Akashi, 5 March 1995) (in which the Accused states that the Bosnian Muslims were

achieve? That was the end of the war, and a political solution equally un-satisfactory to all sides! All legal and legitimate! The Muslim side had been rejecting every single peaceful solution. But, why the Chamber noticed this ordinary and legitimate matter, as if it was corroborating the Accused's guilt? Since the Muslim side declared the war against the Serbs, with the ultimate objective to "liberate" the entire BiH territory and to expel all Serbs out of BiH, the side that was subject to such a declared war was entitled to end the war by victory, if the other side was rejecting negotiations!

4881. On 5 April 1995, in a meeting with Smith, the Accused stated that if the ABiH conducted an offensive to open a land corridor into Sarajevo, his forces would "take Sarajevo".¹⁶⁴⁹³ **Legitimate!** The Accused further stated that he was prepared to take NATO on and would employ weapons that Bosnian Serb forces had not yet used.¹⁶⁴⁹⁴ Two days later, on 7 April, a modified air bomb exploded in Hrasnica, inflicting civilian casualties; this attack was reported to the Accused that evening.¹⁶⁴⁹⁵ **(#What civilian casualties? The witness KDZ157 said that he saw only a soldier's legs from the trash#, and then had been chasen away and forbidden to attend the procedure. The next day he was allowed to access the spot, and then he saw 3 rocket motors, and was told that an old woman had been killed. Is that a proper criminal investigation siffucient for a criminal court to decide? But, let us see what is in the document P05943, a report to the Accused:**

In the 2nd SLPBR /Sarajevo Light Infantry Brigade/ area of responsibility, at 0600 hrs, the enemy opened very heavy fire on the "Famos" factory, and the neighbourhoods of Grlica and Vojkovići from the direction of Gradina, Igman and Lasica. In the attacks, they used small arms, rifle grenades, RB /rocket launcher/, 82 MM mortar, PAMs /anti aircraft machine guns/ and sniper rifles. They continued with the attacks throughout the morning, the attacks having killed 1 "Famos" worker and wounding two women and a civilian. On the Trnovo axis there was no activity but movements were observed during the night along the axis: Hojta - Dujmovići village. In the 1st Smbr /Sarajevo Mechanised Brigade/ area of responsibility they targeted Grbavica, the Jewish cemetery, Dobrinja 1 and 4 with small arms, hand grenades, rifle grenades, whereby a little girl and a woman were wounded. In the Ilidža pbr /Infantry Brigade/ area of

Therefore, the entire Sarajevo battlefield was engaged by the Muslim forces, inflicting both military and civilian casualties and endangering the Serb community in Sarajevo through breaking defence lines.

C) Losses: 2 killed, 1 of whom in an unusual incident, 2 seriously wounded combatants, of whom 1 in an unusual incident. Civilians wounded: 3 women, 1 man and 1 child.

See what was reported to the Accused, pertaining to the mentioned incident:

"completely ignoring" the COHA and that, if the situation did not change in the next 7–10 days, the patience of the Bosnian Serbs would "run out").

¹⁶⁴⁹³ P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), para. 9(b); Rupert Smith, T. 11344–11346 (8 February 2011).

¹⁶⁴⁹⁴ P2260 (UNPROFOR report re meeting with Radovan Karadžić, 5 April 1995), para. 10 (reporting that it was "not at all clear" what the Accused was referring to).

¹⁶⁴⁹⁵ See discussion on Scheduled Incident G.10; P5943 (VRS Main Staff Report, 7 April 1995), p. 5.

The enemy activity was adequately responded to whereby an A/B /air bomb/ (250 kg) was launched on the centre of Hrasnica. The units have been engaged on additional engineering work on the positions, monitoring of activities being undertaken by the enemy and prevention of surprises.

“#Adequately responded!”# Does this report indicate any illegal or criminal activity? What the Accused was supposed to undertake? The same pertains to a General Milosevic orders from 4 and 6 April, which, when seen together, excuse General Milosevic, because General Fraser agreed that the order from 6 April was not proper, but when added the order from 4 April, all was correct.

4882. On 20 April 1995, as sniping and shelling in Sarajevo intensified, the Accused, Koljević, and Krajišnik met with Akashi, Smith, and Banbury; during the meeting, the Accused stated that if Bosnian Muslim sniping continued he would be forced to retaliate, leading to “renewed war” in Sarajevo.¹⁶⁴⁹⁶ **(Legitimate! If the Muslim side ceased it’s illegal activities, there would be a lull in Sarajevo, which fitted the Serb interests from the beginning, but didn’t fit the Muslim interests to disturb the world public!)** On 30 April 1995, Akashi, Janvier, and Smith met with the Accused, Koljević, and Krajišnik, among others.¹⁶⁴⁹⁷ At the meeting, the Accused stated: “retaliation is productive. When [the ABiH] shell[s] Doboij and we retaliate, it’s effective”.¹⁶⁴⁹⁸ **(First of all, it wasn’t any meeting, it was a dinner, see:**

Pale Dinner, 30/4

It looks really desperate to use a crippled notes taken in a leisure during a dinner that the President gave to Mr. Akashi, Generals Janvier and Smith. Further, Banbury’s notes, p. 11, a #crippled sentence#, but could be understood:

If they kill Serbs by sniper, they can't use support. If they don't respect anti-sniping agreement, we won't respect any other. Do you know we can't get out of this country? U.N. has imposed sanctions against us! Why would we help you.

And #this kind of condition is perfectly legitimate#. The Muslims, or the Serbs equally, can not enjoy benefits from one agreement and violate another. But, let us see how the original hand notes of Banbury looks like, pertaining to the alleged cynical joke of the Accused, and alleged threat of the President pertaining to the humanitarian aid:

¹⁶⁴⁹⁶ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 123; P2487 (Anthony Banbury’s notes, 20 April 1995), p. 2; D3511 (UNPROFOR report, 22 April 1995), para. 2. See also P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 130 (testifying that the general consensus between Akashi, Smith, and himself was that the Accused had made a decision to go for “all-out war”); P883 (UNPROFOR report re Radovan Karadžić’s press conference, 22 April 1995), pp. 2–3 (in which the Accused stated that he believed the Bosnian Serbs would be forced to engage in a “drastic counter offensive” to “put an end to the war by military means”).

¹⁶⁴⁹⁷ P2262 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 30 April 1995), para. 9; Rupert Smith, T. 11351 (8 February 2011); Rupert Smith, T. 11657–11658 (11 February 2011); P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 145; P2493 (Anthony Banbury’s notes, 30 April 1995).

¹⁶⁴⁹⁸ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 154; P2493 (Anthony Banbury’s notes, 30 April 1995), p. 9.

K. Yes, we're prepared to be pointed out when we don't behave - Mus. should be forced to sign comply w/ what they sign. Should be told that no more human because they're killing our people (anti-sniping / Sarajevo).

Retaliation is productive. When they shell Doboja + we retaliate, it's effective.

EL - Civ targets.

IC - No milit. targets.

EL - Tuzla

K. - Maybe some of our ganners have bad eyes (laughs big).

Clearly, the President accepted that the Serbs be "pointed out" when don't behave - the Muslims should be forced to comply with what they signed. Should be said that no more "hum-aid" because they are killing our people (anti-sniping Sarajevo). So, he said: "It should be said" (to the Muslims) that, not that the hum-aid will be stopped. Further: the retaliation pertained to Doboja, and only a military targets, not civil. Asked was this retaliation against Tuzla, the Accused laughed, what else would he do, since Tuzla was on a contra-direction from Doboja, and the Serb forces didn't do this shelling, nor anyone could miss so much. Pertaining to alleged gesture accompanying the remark on "bad eyes of some of our ganners" the verbal substance is out of any doubt, because the chief of the SRK Artillery (T. Manojlovic) made an official document stating that at the beginning of the war there was a great shortage of educated, trained and capable artillerists. So, only Banbury noticed the President's loughther. Let us see what is said in P02262, another document mentioned in fn. 16507:

9. Summary. Accompanied by Gen Smith and Gen Janvier, Mr Akashi met with Dr Karadzic, Prof Koljevic, Mr Krajsnik, Mr Bulha and Gen Tolimir. During the meeting the only items addressed were an extension of the COHA and the Sarajevo Airport Agreement. The Bosnian Serbs appeared to be more cohesive and coherent than in recent meetings. Dr Karadzic, in particular, was more self assured and confident than on recent occasions. The meeting achieved very little of substance, other than an agreement to accelerate discussions on the Airport Agreement. Dr Karadzic cut short the meeting after an hour, stating he felt discussions could continue over dinner.

"The only items were an extension of the COHA..." therefore anything else mentioned "by the way" was not the agenda. See further:

10. COHA. Mr Akashi outlined the response of the Bosnian Government and the Bosnian Croat Party to his proposals of an extension of the COHA and placed a proposal for a "short extension" of the current agreement before Dr Karadzic, "to allow a breathing space for international mediation to progress". Karadzic repeated his position given at the last meeting with Mr Akashi in that the Bosnian Serbs sought peace through a permanent COHA. He explained that a temporary ceasefire was counter to Bosnian Serb interests, but that he could consider some form of public announcement to that end so long as: all terms of the current COHA are respected and fulfilled, that "Muslim" attacks cease and that the Bosnian Serbs are given "equal treatment" by the international community. He continued by stating that, "to withhold his military he must be rewarded with a full sanctions lift for 'Republika Srpska". Finally, he offered to give a similar assurance to the one given by the Bosnian Government on restraint as long as "the Muslims withdraw to the Confrontation Line of 23 Dec 94, and especially from Mts Igman, Bjelasnica and Vlasic". After a brief consideration of the proposal for a joint declaration, the position Karadzic

Evidently, the Serb side is expected to give many concessions, while the other side was violating all the agreements and maintaining a gains facilitated by those violations, such as possessing Igman and Bjelasnica, which the SRK handed over to the UN. See further:

11. Sarajevo Airport. Dr Karadzic declined to discuss the Airport Agreement saying that this was a matter he wished delegate to Professor Koljevic. However, he agreed to accelerate the process of negotiations towards reaffirming the Agreement. He cautioned that the Serbs would not hold to the Airport Agreement as long as the Sarajevo Anti Sniping Agreement was not being upheld. At this point he revealed information of the death of a Serb civilian in a sniping attack in Sarajevo that afternoon.

Obviously, the Muslim side violated the Anti-sniper agreement, while expects the UN to press the Serbs to give further concessions. See further:

12. Other Issues. Over dinner Mr Akashi, Gen Smith and Gen Janvier protested the denial of fuel convoys to the Eastern Enclaves. The Bosnian Serbs persisted with the line that UNPROFOR was providing supplies and fuel to the BiH. Of note, Karadzic was heard to remark "we regard humanitarian and UNPROFOR convoys as commercial convoys for the benefit of the Muslims. We are under double restrictions (sanctions), you can expect more restrictions".

#Not a word about quoted notes of Mr. Banbury#. Mr. Baxter, who created the report, was certainly of a higher position than Mr. Banbury, and Mr. Baxter wrote the report on behalf of his superiors, present at talks and dinner. Now, we need an explanation on #what it was that Banbury wrote down and Baxter didn't report#, nor his superiors ever understood as a position of the Accused? Chatting over the dinner, the President mentioned other battlefield and said that the Muslim side shelled Doboij, and the Serbs retaliated ant the shelling stopped. Somebody asked was the Tuzla incident a retaliation for Doboij, the Accused made a joke that somebody in the Serb Army may have been with a defected eyes, because Tuzla was too far from Doboij, and in the opposite direction, and the Tuzla shelling was also another staging, and the Serbs never accepted responsibility for it. A process is stil going on. So, we are forced to say that #THIS DEGREE OF INDECENCY AND MALICE IS A HIGHLY COMPROMITANT FOR THE UN AND THE TRIBUNAL, the Chamber in particular#. One can only hope that it was done by an inexperienced junior asistents serving for the Prosecution, or somebody's political purposes. But, the most reasonable recommendation to a leaders in crisis areas would be: not to accept the international presence, or not to meet with them, to communicate only in writings, not to socialise with them, not to attend dinners prepared for them... certainly, the principal UN officials do deserve every respect, but there always may be some note-taker who would misunderstand everything and be enthusiastic to testify as required! KDZ450 recalled that following offensives by the

ABiH in Doboj, Maglaj, and the Brčko corridor, the Accused ordered attacks on Sarajevo in order to deter future offensives.¹⁶⁴⁹⁹ **Let us see how this #manipulation went out#. First, a clearly leading question, seeking an opinion of a witness on facts, not a facts: T10551.: “So we could say that there were military operation on the front lines that circled Sarajevo. There were also military operations for the whole of Bosnia. And whenever an offensive was launched by the Muslim forces in order to break the siege of Sarajevo, there were Serb reactions in order to defend themselves. So we had military operations on the front lines, on the confrontation lines, but also on the Sarajevo population. But in times when the Sarajevo sector was calm, we saw sniping activities, or we saw that shots were being fired at the population, and we received the different reports on the situation in Bosnia-Herzegovina. And this is when we realised that there was a link, a correlation between the Sarajevo actions and an offensive which could be launched elsewhere in Bosnia-Herzegovina, on the Brcko corridor, for instance, on Doboj, for instance, or around Maglaj, i.e., outside the Sarajevo area. And this is why we thought that there were links between the military operations in Bosnia-Herzegovina and the reactions from the Bosnian Serbs in Sarajevo.**

Q. To your mind, what kind of command level does this correlation that you've described implicate?

A. This means that when there was an attack outside Sarajevo, there was a reaction, and this could only be organised by the high military command, the command -- the high command in Sarajevo could not take the initiative to react to an action that was no concern to them. And I think it was General Karadzic, in fact, who was telling them, act on Sarajevo in order to exert pressure on the Bosnian Muslim authorities so that they stop their actions elsewhere in Bosnia-Herzegovina. For me, it was very -- it was crystal clear.

What was “crystal clear” to this witness? That Karadzic was a General? That Karadzic was issuing an operational or tactical orders to the VRS? First, he said “And this is why we thought that there were links between the military operations in BiH and the reactions from the Bosnian Serbs in Sarajevo”, then this #“we thought”# as a #speculation and a baseless conclusion#, without any evidence except those ingenious “thoughts ” miraculously became “ a crystal clear” fact. In a case KDZ450 omitted by confusing Karadzic and General Mladic, the Prosecutor was quite satisfied and didn't clarify it, but in the Mladic's case he would correct it, for the purpose of charging Mladic. #A KANGAROO COURT would be more refined#!)

4883. On 1 May 1995, in a meeting with Akashi, Smith, Krajišnik, Zametica, and Bogdan Subotić, the Accused stated that the Bosnian Serbs were ready to accept a cessation of hostilities provided that they were treated equally to the Bosnian Muslims and sanctions against them were lifted.¹⁶⁵⁰⁰ **Natural,# legal and legitimate(Prirodno, legalno I legitimno! Da li je trebalo da Srbi aplaudiraju tolikoj nepravdi koja im je nanesena?)!** He stated, however, that if the international community treated the Bosnian Serbs like “beasts in a cage”, then they would behave that way.¹⁶⁵⁰¹ **(We commented it already: the additional problem with those kind of courts is a #complete lack of knowledge of culture of the area that is**

¹⁶⁴⁹⁹ KDZ450, T. 10551 (19 January 2011).

¹⁶⁵⁰⁰ P2263 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 1 May 1995), para. 7.

¹⁶⁵⁰¹ P2263 (UNPROFOR report re meetings with Bosnian Serb and Bosnian Muslim leadership, 1 May 1995), para. 8; Rupert Smith, T. 11353 (8 February 2011).

subject of litigation#. This is an old saying, as notified above, that if a three acquaintances tell you, one after another, that you are drunk, you better start to stagger. Had the Accused intended really to turn his community into a beasts, he wouldnt tell it to the internationals, and certainly it wouldn't happen on the very end of war, but at the beginning. Is it really serious from the Chamber to accept the Prosecution's patchwork of denigration of the Accused? What would prove this sentence, even understood as the Prosecution-Chamber wanted to be understood?) A week later, on 7 and 8 May, the SRK carried out mortar and artillery attacks on civilian areas in Sarajevo.¹⁶⁵⁰² **(#Rubbish! Everyone, including this indifferent Chamber, already knows that it was a Muslim last and most fierce offensive for deblocking of Sarajevo, for which the attacks on the Serb territory from Srebrenica started, and ended by the fall of Srebrenica! Let us see a Croatian (HVO) military secret document said about that, a report of 18 May 95, D1119:**

Information: conflict in Sarajevo between the BH Army and the VRS

The attack was carried out on 16 May 1995 at 09:00 hrs by the BH Army who fired 2 shells from the barrack of "Bistrik" towards Grbavica and, at the same time, from the barrack-prison of "Ramiz Salcin" (Viktor Bubanj) towards Lukavica. The VRS fired back and afterwards, a general attack of the BH Army started on two axes. The first axis of the activities occurred in the area of "Jewish cemetery-Jevrejsko Groblje" and the second one on "Pointy Rock-Spicasta Stijena" with aim to cut off communications Pale-Lukavica and Pale-Vogosca.

At the same time, political activities were undertaken in order to include the UN into the conflict as well as to provoke the activities of NATO aircraft, accusing the Serbs thereby for starting the conflict and opening fire against the civil targets. In regards to the aforementioned, commander of the UNPROFOR Sarajevo sector, French General Erve /as written/ Gobillard, at the 16 May meeting with the Prime Minister H. Silajdzic accused the BH side for starting with the activities that were carried out from the populated areas and the vicinity of the UN establishments in the town in order to attract the Serbian artillery as well as that the UN will not be involved in the conflict. It shall do so only in case of being under attack.

It is interesting that shortly after such statement fire was opened towards the UN observation point above the Jewish cemetery and UN transport vehicle with the Russian crew.

It happened again on Wednesday morning, around 06:00 hrs when 6 mortar shells fell on the UN base in Zetra and Kos. Stadium.

The fire was opened from the vicinity of RTV Sarajevo, where the UN is located, from the vicinity of the Main UN locality in D. Djakovica street, from the former Student facility on Bjelave (above the Kosevo hospital), garage of MUP, located next to the Embassy, barrack on Bistrik etc. On the axis of Jewish cemetery a certain brigade carried

¹⁶⁵⁰² See para. 3609.

out its activities, respectively the 115th Mountain brigade (the former 15th brigade established by Musan Topalovic Caco). On that occasion more than 20 combatants were wounded and at least 9 of them were killed on Tuesday (we have got names for 9 combatants), whereas we were not able to find out the number of yesterday's casualties. Special police unit (Vikicevei) and the squad "Lasta" reinforced the activities of the brigade.

The so-called Puskina brigade, unit of strength of a brigade, carried out activities on the axis of "Pointy Rock-Spicasta Stijena". The activity on this axis was limited.

On the same day the UN initiated negotiations between the parties Hajrulahovic-Tolimir at Sarajevo airport: a cease-fire was arranged which was not complied with because in the morning of 17 May at 09:00 hrs a mutual fire was opened again from the positions of the Army.

So, this was a contemporaneous document of the third warring side, certainly in 95 allied to the Muslim ABiH, but accurate, indicating a well prepared offensive against the Serbs in Sarajevo!

When Smith explained to the Accused that he had requested NATO air strikes in response to these attacks, the Accused did not deny that attacks against civilians had occurred.¹⁶⁵⁰³

This is the notorious way of obtaining an evidence and the Accused's "admittances", #and whenever the President didn't deny some allegations, it had been taken for granted that he admitted#. When denying, he was qualified as a stubborn or non-cooperative, evasive, liar... The only remedy would be to recommend to everyone in a similar position not to meet internationals at all, and not to accept either the UN forces, or it's agencies. And this Defence may do an effort to make it known to the entire world. Let us see what the para 3609, mentioned in the fn. Contains:

*3609. In response to Bosnian Serb mortar attacks on civilian areas of Sarajevo on 7 and 8 May 1995, Smith requested that NATO conduct air strikes but his request was denied; Smith informed the Accused of his reasons behind the request during their meeting on 9 May, at which point the Accused did not deny that civilian areas were attacked. On 12 May, an ABiH offensive around Sarajevo started and the SRK suppressed the ABiH attacks displaying military prowess and dominant fire power. By mid-May, the TEZ had largely collapsed and both sides were using their heavy weapons liberally, particularly around the confrontation lines. In late May, there was an outbreak of fighting along the confrontation lines and both sides withdrew heavy weapons from the WCPs; the Bosnian Serb side then used them to shell civilian areas in Sarajevo, as a result of which, on 24 May, Smith issued an ultimatum that they would be subject to air strikes if they did not cease firing their heavy weapons on that day. **The very same paragraph confirmed a huge ABiH offensive in Sarajevo!***

Instead, he explained that he had intelligence that the ABiH had begun an offensive to break the siege of Sarajevo and that he would "not allow the UN to help them beat us".¹⁶⁵⁰⁴ **(Wasn't it so? And why it wasn't sufficient to understand what was happening in Sarajevo, and that there was no any Serb unilateral action? But, General Smith perfectly knew and understood the Serb position, see what he said on a meeting with Akashi and Janvier, D1034:**

¹⁶⁵⁰³ See para. 3609.

¹⁶⁵⁰⁴ P2264 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), para. 3; Rupert Smith, T. 11358 (8 February 2011).

Smith:

13. The moment to move toward confrontation has passed, at least for the time being. But our analysis of Serb intentions is different. I remain convinced that the Serbs want to conclude this year and will take every risk to accomplish this. As long as the sanctions remain on the Drina, they risk getting weaker every week relative to their enemy. They will only accept a cease-fire if their political identity is guaranteed.

If there was a #Muslim offensive, there must have been a Serb defence, and this must be "crystal clear", not assumptions and guesses. See what the HVO Intelligence reported about the preparations for this offensive#, D1119, p.2:

One has had certain findings about this action for a while and via radio on 15 May it was announced there will no be classes in schools and that all places for public gatherings will be closed: the lecture of the CZ was organized in the MZ on that day. The basement premises were set up in last month actions whereas the citizens were instructed to bring warm clothes and food supplies.

It is interesting that days before this action started the units of the Army were leaving Sarajevo, followed by the command of 1st K V Karavelic which means that at the certain point, units from outside of the town should also join the battle.

So, if the HVO knew what was being prepare, why the Accused wouldn't know it?

Further:

It is our estimation that the purpose of the activities carried out from the town was to provoke the VRS in order for them to open fire against the UN and civil targets as well as to justify the future action of "lifting off the blockade of Sarajevo" before the international public.

So, the Croatian (HVO) intelligence knew it perfectly, why was it to hard for the UN personnel present there, and the Chamber here, to see the essence of this crisis and the subsequent events?)

4884. As discussed earlier, following the second Markale incident on 28 August 1995,¹⁶⁵⁰⁵ NATO commenced air strikes on Bosnian Serb positions.¹⁶⁵⁰⁶ In response, the Accused agreed in a meeting with Holbrooke on 14 September 1995 to, *inter alia*, cease all operations within and around the TEZ in Sarajevo and remove all heavy weapons from around the TEZ, which led to an improvement in the situation in the city and the ultimate cessation of hostilities by 14 October 1995.¹⁶⁵⁰⁷ **(It is also wrong and insufficient, and leads to a conclusion as if the Accused accepted this COHA with Holrooke because of the NATO bombardment. This bombardment was illegal and criminal, and the Serbs suffered a lot without any cession, just to show to the world what the NATO was doing to them. Even if the Accused ordered some actions in compliance with the NATO demands, the people and the VRS wouldn't comply, because of a huge injustice they felt. What decided that this crisis will end was a heavy work of the Accused, Holbroke, and their military and political teams on establishing a basis for the Dayton Agreement. The first three points of it had been accepted by the sides on 8 September, and after that, when the Serb side was ensured that this time it was a serious peace endeavour, the COHA was concluded.)**

i. Conclusion

4885. In light of the above evidence, as well as the evidence outlined in Section IV.B.1.a, the Chamber is satisfied that the sniping and shelling of Sarajevo was not random but followed a discernible pattern, indicating in turn that it was used by the Bosnian Serb political and military leadership, including the Accused, to achieve their political and military goals. Some of the more striking examples of this, as established by the evidence of international witnesses and contemporaneous UN and other documents, included the events surrounding the SRK's capture of Mt. Igman, **(This is not serious: why capture of Mt. Igman in a war would be felonious? Mt. Igman was a seat of the ABiH powerful artillery that fired the Serb Sarajevo on a daily basis!)** the shelling of the city following the rejection of the Owen-Stoltenberg Plan by the Bosnian Muslims, **(on a basis of somebody's "thoughts", because there is no evidence to corroborate this finding?)** the launch of the modified air bomb on Hrasnica in April 1995, and the aftermath of the Markale shellings. With respect to the first Markale shelling, as outlined above, the Chamber rejects the Accused's claim that he did not reduce the level of sniping and shelling specifically in response to this incident.¹⁶⁵⁰⁸ Indeed, the evidence outlined above clearly indicates that the Accused used his authority over the SRK to reduce the level of sniping and shelling when it furthered his political objectives, for example in the lead up to important peace negotiations, after the signing of significant agreements, and after NATO threatened to conduct air strikes. **(#This is a highly incorrect assertion, since the President repeatedly and throughout the entire war ordered the strictest refrain from any military activity towards the City#. On this fact the Chamber did see many evidence, while there was no a single evidence to the other direction. The only "excuse" for this erroneus conclusion is that some of the Accused's warnings and orders coincided with those event was for the very famous reason: namely, the Muslim**

¹⁶⁵⁰⁵ See discussion related to Scheduled Incident G.19.

¹⁶⁵⁰⁶ See paras. 425–426, 3614, 4297–4301.

¹⁶⁵⁰⁷ See paras. 430, 3614.

¹⁶⁵⁰⁸ See fn. 16475.

side used the tactics of staging incidents just in the eve of such a talks, conferences and other events. Also, after such a dramatic events caused by the ABiH tricks, the Muslim side was satisfied with the world reaction, and respected such an agreed ceasefires, also being cautious not to be noticed by the internationals. The Chamber misinterpreted this notion as an Accused ability to decrease activities when threatened, or when wanted! There is no possibility to defend before such a courts, which do not respect the obvious facts!) Similarly, as discussed above, on several occasions the Accused's threats in meetings with the UN materialised in the form of an increase in the level of sniping and shelling in the city, for example when a modified air bomb fell on Hrasnica on 7 April 1995 just two days after the Accused told the UN that the Bosnian Serbs would employ weapons they had not yet used, and when the city was heavily shelled on 7 and 8 May 1995 just a week after the Accused told Smith that if the international community treated the Bosnian Serbs like "beasts in a cage", then the Bosnian Serbs would behave that way. (#This is neither true, nor correct and fair, to distort the entire factual state#. See above the Croatian intelligence report, D1119, about the huge Muslim offensive on the Serbs in Sarajevo. The Accused informed the UN representatives that the Serbs knew what the ABiH is preparing, and really, there is a plethora of evidence of the fact that the Muslim side initiated the formidable offensive im May 1995, lasting through June 1995. e

4886. This evidence indicates that the Accused had the authority to increase the level of sniping and shelling and in fact did so on a number of occasions in order to influence negotiations with the UN and the Bosnian Muslims and to pressure them into accepting his demands. At other times, the Accused simply allowed the campaign of sniping and shelling to continue and, indeed, to intensify, particularly after ABiH offensives and the rejection by the BiH government of peace plans favoured by the Bosnian Serb leadership. He did so despite having *de jure* authority over the VRS and SRK units, which he was able to exercise in fact.¹⁶⁵⁰⁹ Indeed, the aftermath of the heavy bombardments of the city in late May and early June 1992, the aftermath of the two Markale shelling incidents, and the Accused's order enabling a football match between UNPROFOR and a Sarajevo team to proceed without incident,¹⁶⁵¹⁰ are all testaments to the control and influence he was able to exert to stop the shelling and sniping in the city. Accordingly, the Chamber is satisfied that the Accused modulated the level of sniping and shelling in Sarajevo in order to further his political and strategic objectives. (#This is only a way of expressing believes that it was so#. However, any believe is determined at the first place by a will and readiness to believe in something that is not materially proven. From the believes in God, to this case – there is no believes if not wanted. However, this kind of a high believes and mysticism is not suitable to a court. Instead, there should have been a corps of undoubtable evidence. Even if the Chamber "believed" that the President increased the level of sniping and shelling, no conclusion could have been drawn without any evidence. Where is any clue, let alone evidence, that the President "did so on a number of occasions"? did any document confirmed it? Did any witness testified it? Did any circumstantial evidence, or any intercepted conversation among whoever, confirmed it? No, never. And this would be in contars to the entire Serb policy and interests in Sarajevo!)

¹⁶⁵⁰⁹ See paras. 4805–4809.

¹⁶⁵¹⁰ See paras. 4754, 4776–4777.

4887. The Chamber notes that in reaching this conclusion, it relied to a significant extent on the evidence of David Harland, Anthony Banbury, and a number of other international witnesses. The Chamber recalls that the Accused argued that Harland's evidence was unreliable because he was a political advisor who was neither qualified nor competent to speak on military matters, he merely took notes at meetings and never exchanged a word with the Accused, he did not attend any of the peace conferences and therefore lacked knowledge of the Accused's political views, his weekly UN reports relied on information from UNMOs which in turn was unreliable, and he made sweeping statements about Sarajevo which were not based on investigations and "not even on superficial knowledge" of the military situation.¹⁶⁵¹¹ The Accused further argued that Harland "manifestly showed himself to be partial" in his UN reports, and that he admitted as much during his testimony when he said that UNPROFOR was more supportive of the BiH government than the Bosnian Serbs.¹⁶⁵¹² Similarly, the Accused argued that Banbury's evidence was unreliable because Banbury thought that the BiH government was "always right" while the Bosnian Serbs were "aggressors" and, like Harland, gave evidence on matters "which [he] did not know anything about nor could have known anything about".¹⁶⁵¹³

(The President's arguments and evidence on infisibility of these two witnesses specifically are much more convincing than it was presented here by the Chamber. First of all, #both Banbury and Harland have testified that they came to Bosnia without any Serbian consent, and that they didn't need any consent of the Serb side for anything they had been doing. In such a situation, whatever the Serbs did, no matter how much legal, they experienced it as an illegal activity of rebels and outlaws. No wonder they had been objecting any kind of checking of the convoys contents, or any Serb right to influence anything on their territory#. The Tribunal and the UN SC should immediately dismiss all decisions influenced by their testimonies, because they testified from the position of the Serb war opponents. On the other hand, whatever the Muslim forces (the "Government") did, no matter how vicious, illegal and criminal it be, they had an understanding for this, because this was a legal Government. In such a situation no a simple report of the two, unless authorised by the senior commanders, should appear before any serious court. #Further, Harland and Banbury themselves admitted that the UN came to rescue the BH Government. #Further, Harland said in the testimony that a #demilitarisation of any area meant that all armed forces had to move out except the BIH forces, i.e. the Muslim forces#. With this attitude, those two guys were a great danger for the warring sides#, and for the UN reputation in particular. It was particularly impressive how the testimonies of Banbury and Harland drastically differed from the UN official reports that they themselves drafted! Also, the opinions of their principals, the heads of delegations had never expressed anything similar to what these two favourite-witnesses testified! Some of a very drastic allegations of their would be sensational, and would be reported to the UN seat in New York, and would be in the headlines and front pages of all the world media, had a bit of it been said!)

4888. Addressing first the challenges to Harland, the Chamber notes that Harland served for several years with the UN in Sarajevo, including as a Civil Affairs Officer from May 1993 to

¹⁶⁵¹¹ Closing Arguments, T. 47975–47977 (2 October 2014).

¹⁶⁵¹² Closing Arguments, T. 47976 (2 October 2014); David Harland, T. 2121 (7 May 2010), T. 2231 (10 May 2010).

¹⁶⁵¹³ Closing Arguments, T. 47974–47975 (2 October 2014)

January 1995, as Head of Civil Affairs from January to August 1995, and then as a Political Advisor to the UNPROFOR Commander until the end of the conflict. During this time, he was charged with the responsibility of observing and making contemporaneous notes at multiple high-level meetings with the Bosnian Serb leadership, which included the Accused, where the most important political and military matters in Sarajevo were discussed. Accordingly, rather than being a mere note-taker as implied by the Accused, Harland was an important witness to the events in question and as such is more than qualified to provide evidence on what the Accused and other alleged members of the JCE said and how they behaved at the said meetings.

(First, if so, that would mean they were spying on their hosts, and this further compromises both the UN missions and this Court. A behaviour during any negotiations is a matter of diplomatic tactics, and can not be an evidence before any court. Had the sides known that this was his role, he wouldn't be let attend any meeting, let alone a courtesy dinners. Further, how possibly Harland could have been more qualified to estimate the President words and behaviour at the said meetings than his chiefs and the main negotiators to whom the Accused addressed in negotiations? Particularly the President's political views and negotiating chips were known only to the main negotiators, and never to a technical personnel, who joined talks from time to time. Third, the only what matters in such a cases are the final results of the talks and documents, not an intermediary words, gestures, manoeuvres and other instruments of tactics. Even thus spying, the UN would have a huge interest that this remains secret, instead to be exploited in a courts. But, the most vicious is the Chamber's opinion that Harland and Banbury more than qualified to provide evidence on what the Accused and other alleged members of the JCE said and how they behaved at the said meetings, see above, which meant that there was no a matter of only what the Serb interlocutors of the UN delegations said, but how they behaved! What qualified the two precious Prosecution witnesses to estimate the behaviour of the Serb leaders in an experimental, i.e. artificial situation of negotiations? Why it was not sufficient to the Chamber what was officially written down, and what had been confirmed by the heads of these delegations, but accepted the testimonies of these spies? Finally, the UN was obliged to inform the interlocutors that they have in their delegations such a persons who would have the final judgement of the Serb behaviour, without knowing the language, habits, sayings and non-verbal communication! This can not be excused and forgiven to the UN!#)

Having spent so much time in Sarajevo, he was also able to provide evidence as to how the discussions at these meetings corresponded with the general situation in Sarajevo as he observed it. While the Chamber acknowledges that UNPROFOR's mandate was structured at times to support the BiH government, **(But this must not be the case, and an impartiality was a "condition sine qua non" any mission! How possibly a chamber that accepts such a biased mandate could have try this Accused? Whoever death with this crisis and being biased, should be disqualified, at least in a courts!)** and that consequently some UN personnel may have sympathised with the Bosnian Muslim side, the Chamber recalls that on numerous occasions during cross-examination, Harland agreed with propositions put by the Accused which reflected poorly on the BiH government and the ABiH.¹⁶⁵¹⁴ He was a frank witness and the Chamber was left with the overall impression that he was credible. Furthermore, his evidence on the issue of modulation but also on a number of other issues was generally consistent with the accepted evidence of other credible

¹⁶⁵¹⁴ See David Harland, T. 2071–2072, 2075–2077, 2110 (7 May 2010).

witnesses. (#This is a disgrace for the United Nations#! If so, the Chamber should meditate whether Harland adjusted his views to the views of those “credible witnesses”? or the Prosecution orchestrated and homogenised different “views” of it’s witnesses#! Even if the President accepts that some of the witnesses had been honest, and certainly some of them had been, a dishonesty wasn’t the main objection of the President, particularly in the case of those two witnesses. It was their #lack of knowledge of their duties, their mandate and the UN mandate#. If they were “observing” the Sarajevo situation from that kind of platform, they are to be dismissed as witnesses, and banned to participate in any international mission supposed to be impartial#. Thanks to the Chamber for acknowledging that it was acceptable that UNPROFOR’s mandate was structured at times to support the BiH Government, and that consequently some UN personnel may have sympathised with the Bosnian Muslim side. Not to question the issue why this court is titling the Muslim-Croat Government as the BiH Government, because this is a #partiality in acting as well, since the Serbs were an unavoidable part of this government, but to put the main question: what was the “BiH Government” doing to be “supported” by the “impartial” UN force, and to be “sympathised” by some of the UN personnel? While the Serb side did everything to avoid the war, and insisted on its immediate end, and offered many concessions just to turn from the war to negotiations, the Muslim side have always chosen the war, have sabotaged the peace talks even by staging the carnage of their people, and at the top: it had the strategic objective to take the entire BiH only for themselves, and to expel the entire Serb population out of Bosnia. Does these objectives deserved the UN support? When the UNSC decided that the UNPROFOR mandate will be structured to support the BiH Government? Why the Serb side wasn’t informed about it? What kind of recommendation for the UN missions is that?)

4889. Like Harland, Banbury, as a Civil Affairs Officer in UNPROFOR and later an assistant to Akashi, participated in many high level meetings with the Bosnian Serb leadership, including the Accused. Thus, Banbury was also able to provide detailed evidence on a number of meetings and discussions involving the Accused and other alleged members of the Sarajevo JCE. Also like Harland, Banbury made significant efforts to remain impartial during his testimony; for example, he modified the evidence he gave in his examination-in-chief when shown evidence to the contrary on cross-examination, while standing firm on other issues.¹⁶⁵¹⁵ This demonstrated his sincerity. As a result, the Chamber was left with the overall impression that he was a credible witness. (The same as with Harland, Banbury himself recognised that he was instructing the other UN officers just stepping on duty about the UNPROFOR mandate, telling them what he thought, that they were there to help the Bosnian (Muslim, since the Croats were not helped too much) Government against the Serbs, because no others opposed to this Government. See@@...T. Still remains a question: is it OK to have a sided aid official to monitor a process of negotiations and ask him in a criminal court about his opinion about one of the negotiating sides? The UN must stop this practice and annul all that came out of this manner!)

4890. Accordingly, the Chamber rejects the challenges the Accused has made to these two witnesses and is satisfied that the evidence they gave and which was recounted in this section can be relied upon without reservation. **But, the Chamber still owes to the Defence, to the UN and to the entire jurisprudence an answer on a question:**

1. #WHY THE TESTIMONIES OF THOSE TWO CLERKS WERE MORE VALUABLE THAN THE TESTIMONIES OF THEIR CHIEFS, WHO WERE NEGOTIATION AS A COUNTERPARTS TO THE ACCUSED?

2. #AND WHY THE TESTIMONY OF THOSE TWO ARE MORE IMPORTANT THAN THE ORIGINAL AND CONTEMPORANEUS DOCUMENTS OF THE UNITED NATIONS?

3. #AND WHY SOME OF THE MOST DRASTIC ASSERTIONS OF THESE TWO WITNESSES WEREN'T REPORTED TO THE U N IN ANY DOCUMENT AND CONTEMPORANEUS REPORTS?

4. #AND WHY THE CHAMBER NEGLECTS TESTIMONIES OF MANY HIGH U N MILITARY OFFICERS, WHO REPEATEDLY ASSERTED THAT THE AIM OF THE S R K ENCIRCLEMENT OF SARAJEVO WAS TO DETAIN THE ABIH 1ST CORPS FORCES (A DETAINING STRATEGY)?

5. #AND WHY THE CHAMBER DISABLED THE DEFENCE TO DEPICT IN WHAT CIRCUMSTANCES THE S R K ACTED, WHETHER IT HAD ANY OTHER CHOICE, WHETHER IT INITIATED SKIRMISHES OR ONLY RESPONDED?

6. #AND WHY IT WAS SO UNDERSTANDABLE THAT "NEITHER THE BiH SIDE, NOR THE U N WOULD ACCEPT A SERB PARTICIPATION AND INSIGHT IN INVESTIGATIONS OF INCIDENTS FOR WHICH THE SERB SIDE WAS ACCUSED AT THE TIME, AND IS ACCUSED SO FAR? SEE, JUDGMENT, PARA 4866, stating: ; he would also demand a joint investigation which he knew would never be accepted by the international community or by the Bosnian Muslim side! #Nobody is entitled to sue a side that was prevented to participate in an investigation. Not only the "international community or the Bosnian Muslim side would never accept it, but this Court justified it! This way the favoured side could have produced as many incidents as needed!)

b. Conclusion on the Accused's contribution

4891. Relying on the evidence and conclusions outlined above in relation to the actions and omission of the Accused, namely (i) his continuous support of Mladić, who was central in the implementation of the Sarajevo JCE; **(Wrong as everything else! #Mladic never got support for any illegal action, he never reported that he intended to undertake any illegal act, nor he reported that he let anybody's illegal act pass without punishment#. On the contrary, the President #criticised Mladic and the VRS on no basis#, because he was trusting the internationals. Had both, Mladic and the President decided not to defend the Serb areas and people in the zone of Sarajevo, nobody rightfully would comply with their treason, and would continue to defend, as it happened far before Mladic came on the VRS Command. For all other Ml;adic didn't need anybody's support, because he as well as the Accused had to act in accordance with the Constitution and laws. This wasn't either Accused's of Mladic's private matter, it was regulated both in the previous Yugoslav and BiH Constitutions and laws, and the newly**

adopted laws of the Republika Srpska.) (ii) his direct involvement in the military matters in and around Sarajevo at the planning and operational levels; **(#Regardless of a way, content, necessity, legality of a content of this “planning and operations”?** this is the most flagrant evidence that this court does not have any legitimacy to try the Serb side, since a mere existence of the Serbs, the VRS and SRK around Sarajevo (as well as in the entire BiH, as can be seen from the entirety of this Judgment) was a felony and a crime and a criminal basis for everything that happened there#. For the Chamber is not significant the fact that the President participated and influenced the SRK mainly in terms of restraint in military activities and support for cooperation with the internationals on humanitarian issues, for which the Chamber had a huge amount of evidence, in orders, intercepted conversations and testimonies. Instead, for the Chamber there was significant an alleged Accused’s attitude in favour of terror of civilians, for which the Chamber didn’t have any evidence, except some meditations, impressions and thoughts of those internationals who didn’t know where the armed forces of sides were deployed, and who was firing against whom!) (iii) his knowledge of the attacks on civilians in Sarajevo and of indiscriminate or disproportionate SRK fire, together with his persistent denials and deflections of any SRK responsibility; **(The Chamber is constantly and deliberately #mixing up a President’s alleged knowledge of what the internationals told with what the President really knew. This is too different that shouldn’t be mentioned in a same document! Again, remember Galic’s testimony: there was nothing to investigate”. Exactly! An unsupported protests, without documents and a properly obtained evidence so that could be checked and tested, and without any access to investigations or investigating materials, it remained only that the Accused trust the internationals without reserve and comply with their expectations. Isn’t it unjust, unreasonable and a bit arrogant of the internationals to expect an unconditional obedience of a nation that hosted them?)** (iv) his failure to prevent the shelling and the sniping of civilians and to punish those responsible, despite being at the apex of control over the VRS and SRK; **(The Chamber is tireless in drawing conclusions out of false ground! #On what evidence the President could initiate a process against an alleged villains? By the way, the Chamber should have known that the RS wasn’t any *terra incognita*, and the #President wasn’t an all-mighty chief of tribe#. There were laws, and the President was not punishing anybody without a process in an institution that was competent. Only after a final sentence the President could have replaced or dismissed the convict, while the sentence was up to a court to define. But, no evidence whatsoever throughout the entire war time appeared!)** (v) his support for and promotion of the SRK commanders and units while aware of their involvement in the campaign of sniping and shelling of civilians; **(This is also ridiculous and unbearable! #Where is any evidence that these commanders were involved in such a crimes#? Neither the Chamber saw any orders from the top levels, nor from the levels within the SRK pertaining even to tolerance, let alone ordering a criminal conduct.)** and (vi) his modulation of that campaign in accordance with his political goals, **(#Unproven and founded only on a fake and incompetent testimonies of a side aid officials of the UN#)** the Chamber is convinced beyond reasonable doubt that the Accused shared the common purpose of the Sarajevo JCE and had the intent to spread terror among the civilian population of Sarajevo through the campaign of sniping and shelling. Further, relying on the same evidence, the Chamber finds that the Accused provided

a significant contribution to the Sarajevo JCE.¹⁶⁵¹⁶ As was the case with Mladić, the Chamber finds that the Accused's contribution was so instrumental that, without his support, the SRK's attacks on civilians could not have in fact occurred. **(#For heaven's sake, how this Chamber established a Mladic's guilt although they didn't try him prior to this Judgement#? Or Mladi}, the President, and all of the Serbs had been tried somewhere else, and the Chambers had been informed? The same way the Mico Stanisic's Chamber established that he just have been guilty, because he was in a good relations with Karadzic, who even wasn't tried at all, let alone convicted by final, appeal judgment. All of it compromises the United Nations more than it may stand, and it is never going to have the same reputation as it had before the Yugoslav crisis, and particularly before this Tribunal.)**

4892. The Chamber is therefore convinced beyond reasonable doubt that the Accused worked together with Mladić, Galić, Dragomir Milošević, Krajišnik, Koljević, and Plavšić to establish and then to maintain the campaign of sniping and shelling against the civilian population in Sarajevo, the primary purpose of which was to spread terror among that population. In other words, they worked together in furthering the objective of the Sarajevo JCE. Their enterprise started in late May 1992 and continued until October 1995 when the hostilities in Sarajevo ceased. **(#Beside a malice, there is needed a special gift to construct such a kind of deliberation, not only so false, but so transparently fake and senseless.#)**

4. Accused's intent for murder, unlawful attacks on civilians, and terror

4893. The Prosecution claims that the Accused's intent for the crimes underlying the common criminal plan, namely murder, terror, and unlawful attacks, "flows inevitably from [his] contributions" to the Sarajevo JCE.¹⁶⁵¹⁷ (16517) The Accused denies that he is guilty of murder, terror, and unlawful attacks on civilians, and argues in support that he disapproved of the sniping and shelling in the city and repeatedly issued orders insisting that the soldiers adhere to international laws of war.¹⁶⁵¹⁸ (16518)

4894. The Chamber has already outlined above some of the Accused's statements relating to his objective for the Bosnian Serbs to have either the whole city of Sarajevo or parts thereof under their control.¹⁶⁵¹⁹ **(The Chamber is erring or #distorting an obvious facts that the President, first of all, didn't want any change of the Yugoslav inner structure, but when the BiH independence could have been denied only by a military force, the Accused and the entire Serb community in BiH accepted to leave Yugoslavia under the known conditions, to get their authonomy within the BiH#. For Sarajevo, the President proposed either to be a district with the municipalities re-arranged, or to be a united city like the Brussels#. All of it was recognised by the EC, and the political talks went on and reached thus far to agree on a basic principles. Throuout the war the President**

¹⁶⁵¹⁶ The Chamber is satisfied that, in contributing in these ways the Accused contributed to the Sarajevo JCE as alleged in paragraph 14(a), (b), (c), (d), (e), (h), and (i). As noted earlier, the Chamber does not consider that the contribution alleged in paragraph 14(j) was in fact relevant to the Sarajevo JCE. See paras. 4713–4715. With respect to paragraph 14(f) of the Indictment, the Chamber recalls its finding that the Sarajevo JCE started in late May 1992 and that the campaign of sniping and shelling was perpetrated by the SRK units surrounding the city.

¹⁶⁵¹⁷ Prosecution Final Brief, para. 797.

¹⁶⁵¹⁸ Defence Final Brief, paras. 2969, 2971, 2974–2983.

¹⁶⁵¹⁹ See Section IV.B.3.a.iii: Strategic importance of Sarajevo.

remained only on an original proposal, that the Sarajevo Serbs have their own city too. WHAT IS WRONG WITH IT, particularly since there existed the Serb, Muslim and “latin” parts of the City existed yet since the Otoman times? Mentioning of the capture of the entire city was an alternative to end the war, not a genuine claim of the Serb side. Is it possible that the Chamber composed of the three highly profiled professionals didn’t notice this fact?) These statements clearly show that, as the conflict escalated, the Accused intended either to capture the city entirely or to divide it and assume control over part thereof, thereby gaining as much of the territory in the area as possible. (Another #unbelievable manipulation, this time not by the Prosecution, but unfortunately by the Chamber. #There is an overwhelming evidence that the VRS strategy around Sarajevo was strictly defensive#, and that the only side wanting to take more territory was the Muslim side, not even Croat. The Muslim side advanced and elongated the inner ring from 42 km at the beginning of the war to 64 by 1994, which proves who was offensive and who defensive!) The evidence outlined in preceding sections also shows that, in the pursuit of this objective, he had support from Krajišnik, Mladić, Koljević, and Plavšić. (False! It had never been discussed or mentioned to be the Serb objective! No evidence whatsoever! On the contrary, there was a permanent care about regularity of the VRS and police actions, limited exclusively on the defence of the Serb settled places!) As also referred to earlier and testified to by Okun, given the multi-ethnic nature of the city, the only way to achieve this goal was through the “wall of fire”.¹⁶⁵²⁰ (This was a #private opinion and meditation of Mr. Okun, without any evidence, and the Chamber shouldn’t pay too much of attention to a private opinions of witnesses that weren’t expert witnesses#. Is the Brussels established with a “wall of fire”?# If Sarajevo was a “multi-ethnic city” then why one of it’s three ethnicities pursued it’s own policy and interests against the interests of the two other ethnicities? #Is the Chamber, or the Unated Nations in favour of such a unilateral violations of ethnic rights?# Even if it was not a militant Islamic Fundamentalism, such a unilateral and violent change of the state and society system wouldn’t be supported anywhere in the world#! The International community had a prior experience with Beirut, but stil supported Izetbegovic in his intent to subjugate the Christian majority under his domination! #And Karad`i} always had in mind the Brussels example, and never the Beirut one, see Mladi} diaries!###) In that respect, the Chamber has received evidence recounting some of the Accused’s statements concerning the nature of the fighting in Sarajevo, the siege itself, and the use of violence against the civilian population in the city.

4895. For example, in 1991, the Accused was already aware that the encirclement of the city by the Bosnian Serbs was an option when, on 9 September 1991—following the arrest of Milan Martić in the Muslim-inhabited village of Otoka—Malko Koroman, the Chief of the Pale SJB, asked the Accused to tell the Bosnian Muslim side that if Martić was not released promptly, Serbs from the Romanija region would surround Sarajevo.¹⁶⁵²¹ (So what? Was it an President’s opinion and decision? Or have the President deployed the Serb population all around Sarajevo? They were living there for centuries, pulling out of the

¹⁶⁵²⁰ See para. 4660.

¹⁶⁵²¹ Milan Babić, P741 (Transcript from *Prosecutor v. S. Milošević*), T. 13269, 13279; P962 (Intercept of conversation between Radovan Karadžić and Malko Koroman, 9 September 1991), p. 2; D3528 (Witness statement of Milan Martić dated 7 May 2013), paras. 30–41; D3533 (Intercept of conversation between Radovan Karadžić and Muhamed Čengić, 8 September 1991); D3532 (Intercept of conversation between Radovan Karadžić and Milan Martić, 8 September 1991).

urban areas under the Turkish pressure to convert into Islam! Koroman only reported what was the situation on the terrain, not even that he wanted that!) The Accused promised he would convey that message and, after intimating that he had been in contact with Slobodan Milošević and the JNA General Staff in connection with Martić's arrest, he instructed Koroman to "have the people prepared if [the Bosnian Muslims] fuck around" and later instructed him again as follows: "you have the people prepared [...] we will send them all to fucking hell because of this".¹⁶⁵²² **(So what? How possibly the President could have maintained the influence on the people if he completely opposed their intentions. Beside that, the Muslim part of the common authorities must have had a responsibility for a common life, and not to arrest a Serb leader on no basis. Anyway, both the Accused and Coroman maintained some influence on the upset masses, and a skirmish had been avoided!)** He also instructed a number of other Bosnian Serb interlocutors to prepare the population, while at the same time urging them not to make any hasty moves and stay calm until he ensured Martić's release.¹⁶⁵²³ **(#EXCULPATORY!)** He spoke to Momčilo Mandić as well, and told him that the handover of Martić to Croatia would immediately lead to war as Bosnian Serbs were already gathering in Romanija in order to encircle Sarajevo.¹⁶⁵²⁴ **(Exactly, they were gathering, #but not on the President's or anyone's order, but by their sense for a collective jeopardy!)** He contacted Vitimir Žepinić, the Deputy MUP Minister at the time, and warned him that Serbs from Romanija and Ilijaš were ready to set up barricades and block Sarajevo such that nobody would be able to leave the city.¹⁶⁵²⁵ **(So what? Should the President keep silent about his knowledge of the situation?)** Expressing fears that the Bosnian Serbs would rise up because of Martić's arrest, the Accused told Žepinić that if this happened they "will get going, they'll block Sarajevo and then they'll see how it is when Serbs block Sarajevo."¹⁶⁵²⁶ **(#EXCULPATORY! Even the Chamber recognised that the Accused expressed "his fears" not triumphalism, or jubilation!)** Martić was eventually released, without violent clashes, on 9 September, due to the Accused's efforts.¹⁶⁵²⁷ **(#EXCULPATORY! Shouldn't the Chamber be aware of a simultaneous events in a several BiH municipalities, pertaining to the clashes between the Muslim SDA and the Federal Ministry for Defence about the registers of conscripts? It was a crisis widely known to all the participants in power, and all looked like a synchronized action! But, it wasn't something exclusively Balkanic: everyone would have known what would happen in a similar societies, such as Northern Ireland, if a political leader of one community had been arrested on no basis!)**

¹⁶⁵²² P962 (Intercept of conversation between Radovan Karadžić and Malko Koroman, 9 September 1991), p. 2. *See also* P2224 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 9 September 1991). The Chamber notes that while P2224 is dated 20 December 1991, given its context it should in fact be dated 9 September 1991)

¹⁶⁵²³ D3534 (Intercept of conversation between Radovan Karadžić and Trifko Komad, 9 September 1991); D3537 (Intercept of conversation between Radovan Karadžić and unidentified male, 9 September 1991); D3535 (Intercept of conversation between Radovan Karadžić and unidentified male, 9 September 1991);

¹⁶⁵²⁴ P5871 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 9 September 1991), pp. 2–3.

¹⁶⁵²⁵ D2925 (Intercept of conversation between Radovan Karadžić and Vitimir Žepinić, 9 September 1991); D2923 (Witness statement of Vitimir Žepinić dated 11 February 2013), paras. 48–49.

¹⁶⁵²⁶ D2925 (Intercept of conversation between Radovan Karadžić and Vitimir Žepinić, 9 September 1991), p. 3; D2923 (Witness statement of Vitimir Žepinić dated 11 February 2013), paras. 48–49.

¹⁶⁵²⁷ D3528 (Witness statement of Milan Martić dated 7 May 2013), para. 41. *But see* Milan Babić, P743 (Transcript from Prosecutor v. Martić), T. 1626 (testifying that the Accused was in fact trying to raise the tensions during this incident by showing the Serbs dangers they faced from Bosnian Muslims and Bosnian Croats).

4896. The Accused showed his awareness of what encirclement of the city would bring yet again during his telephone conversation of 12 October 1991 with Gojko Đogo in which, angered by the fact that SDA and HDZ delegates in the SRBiH Assembly had proposed a draft declaration of independence, the Accused said: “[T]hey have to know that there are 20,000 armed Serbs around Sarajevo, that’s insane, they will, they will disappear, Sarajevo will be a *karakazan* [black cauldron] where 300,000 Muslims will die, they’re not right in the head”.¹⁶⁵²⁸ **(Still, this doesn’t prove, #or even indicate the President’s intentions or wishes, but rather illustrates his awareness of the inflammable situation and the volatility of the moment when the two other sides are preparing a grave violation of the Constitution at the detriment of the Serb interests. None of this what had been said between the two friends, a #completely unofficial conversation with a lot of guesses and worries, indicated that the President acted in any of the predicted directions. So, the Chamber is #introducing the old Inquisition method of “putting people under the vices” on the basis of opinions, knowledge of situation, fears and predictions of events without any influence on them!)**

4897. Similarly, in another intercepted telephone conversation, on 14 November 1991, the Accused told Božidar Vučurović:

Our /position/ is clear. If you want to change the Constitution, the procedure must be followed. We know that they have prepared something for war, we know where they keep it and what they have, *but we must say that the war will not last long and that it will be terrible and that it really will, first of all Sarajevo and several of these Bosnian cities will be destroyed, so to speak.* I think that all of that would be destroyed in three to five days. They can’t play around.¹⁶⁵²⁹ **(#Words of others#! Does the Chamber keep that a constitution could have been changed out of a prescribed procedure? If the Muslim side could have done that, it wouldn’t prepare for a war far before the war. But #no nation or ethnic group is obliged to accept an illegal and anti-constitutional change of their life conditions, and to facilitate it’s own disappearance!# No international document supports this kind of violations. On the contrary, all of the documents, and the International Covenants of human rights in particular, guarantee these rights! Beside that, it was not a plan or wish of any leadership, it was a decisiveness of the entire Serb population, experiencing a horrible times and events during the previous wars! There is another, separate question of a legal suitability of use of an illegally obtained transcript of a private telephone conversation, particularly with a private person, the poet Djogo!)**

As far as it is concerned with the content of these conversations, Again, this was the President’s dark prediction, such as many Muslim intellectuals had too, (in particular A. Zulfikarpa{i} and M. Filipovi}, who predicted that with this kind of a political development “his people may disappear”) as well as the highest political authorities of the West, particularly of Europe and the UN. There is more than enough evidence that many predicted what the Accused expressed as his worries and predictions. The CIA even had an animation picture of Yugoslavia falling apart and Bosnia exploding into hundred of pieces, and it was issued far before the Accused even meditated to

¹⁶⁵²⁸ D279 (Intercept of conversation between Radovan Karadžić and Gojko Đogo, 12 October 1991), p. 7.

¹⁶⁵²⁹ P5817 (Intercept of conversation between Radovan Karadžić and Božidar Vučurović, 14 November 1991), p. 2 (emphasis added).

participate in politics. Many contemporaneous leaders of Europe and the European countries were predicting that a premature recognition of THE YUGOSLAV REPUBLICS INCLUDING BiH will inevitably bring about a war, see:... #Lord Peter Carrington: Lord Peter Carrington: *I think that what the international community on the whole – the Europeans, and the Americans and the UN – have done, on the whole made it sure there was going to be conflict.* **Source:** George Bogdanich, *Yugoslavia, the Avoidable War, 1999, Part 1, at 0:59* (Time stamps for this movie refer to the subtitled version shown on RTV-BN). Parts of this documentary were played by Slobodan Milosevic during his opening statement (see Transcript of 18 February 2002, T.475 et seq.) and by the Popovic defence during the defence opening statement in Popovic et al (Transcript of 2 June 2008, T.21566 et seq.).

#Lawrence Eagleburger:

I think the major lesson here is when you got involved in something like this with a thousand years of history underlying it all, you need to understand that once the dam breaks, the viciousness can be pretty awful – on all sides. **Yugoslavia, the Avoidable War, Part 1, at 46:00.**

Former Canadian Ambassador to Yugoslavia #James Bissett: *This US intervention guaranteed civil war in Bosnia and the death and displacement of thousands of people. It appeared that the United States was determined to pursue a policy that prevented a resolution of the conflict by other than violent means* **James Bissett, Canadian ambassador to Yugoslavia 1990-1992, Kosovo and Human Rights** **And again:** *The premature recognition of Slovenia and Croatia was a guarantee that the break-up of Yugoslavia would not be resolved by peaceful means. Once again Western intervention had exacerbated and complicated a serious Balkan problem. Again the German intervention had little to do with the actual problem faced on the ground in Yugoslavia.* **James Bissett, Canadian ambassador to Yugoslavia 1990-1992, Western Interference, Part 6: Premature Recognition**

#Colin Powell: *The biggest mistake was recognizing all these little countries when they started to decide they were independent. [...] The Serbs had very good reason to be worried about being in a Muslim-dominated country. It wasn't just paranoia.* **Henry Louis Gates, Colin Powell and the Black Elite, The New Yorker, 25 September 1995.**

#Alexander Solzhenitsyn:

Former GDR Ambassador to Yugoslavia #Ralph Hartmann Cyrus Vance: *Premature recognition of Slovenia, Croatia and Bosnia by the EC and U.S. brought about the war that is going on now.* **Cyrus Vance, UN Special Envoy to Yugoslavia 1991-1993, The New York Times, 14 April 1993**

#Warren Zimmermann

Even #David Owen made a vaguely critical remark on the policy of recognition: *My view has always been that to have stuck unyieldingly to the internal boundaries of the six republics within the former Yugoslavia before there was any question of recognition of these republics, as being the boundaries for independent states, was a folly far greater than that of premature recognition itself.* **David Owen, Balkan Odyssey.**

Warren Christopher:

#George Kenney: Zimmerman told Izetbegović “Look, why don't you wait and see what the US can do for you”, meaning “We will recognise you and then help you out so don't go ahead with the Lisbon agreement, don't accept the Cutileiro Plan and just hold out for some kind of unitary Bosnian state.” So this is a major turning point in our diplomatic efforts. *George Kenney, US Department of State official until August 1992, Yugoslavia, the Avoidable War, at 53:45*

#José Cutileiro,

#James Baker: *Because we said if Yugoslavia does not break up peacefully, there is going to be one hell of a civil war. It nevertheless broke up non-peacefully, it broke up through the unilateral declaration of independence by Slovenia and Croatia and the seizing by these two country's republics of their border posts which was an act of force and which was an act that was in violation of the Helsinki principles, but the European powers and the United States ultimately recognised Slovenia and then Croatia and then Bosnia as independent countries, and admitted them to the United Nations. The real problem was that there was a unilateral declaration of independence and a use of force to gain that independence rather than a peaceful negotiation of independence which is the way it should have happened. Yugoslavia, the Avoidable War, at 13:42.*

#Roger Cohen #A.M. Rosenthal, French Foreign Minister #Roland Dumas Dutch PM #Ruud Lubbers, #Henry Kissinger, Turkish Foreign Ministry Expert and later Ambassador to the FRY #Alev Kilic and others,

. Are they going to be indicted and sentenced? How their predictions differ from those of the President? #Neither the President, nor these excellencies predicted it because they wanted it, but contrary, because they feared from it, and warned the world about a possible catastrophe. Although these excerpts hadn't been tendered, it had been presented during the opening statement, but even if it hadn't been, a UN court with an ambition to understand the BiH crisis should have known what was all of that about. The Prosecution, if a real part of judiciary, should have presented all what was available, instead of indicting the Accused for “predicting and inventing” a possibility of repetition of genocide. But, the #Prosecution wanted to win no matter what!#

4898. A month and a half later, on 1 January 1992, the Accused complained to Krajišnik that in a recent interview, Izetbegović had spoken openly about a sovereign and independent BiH and then asked: “Does he want someone to destroy Sarajevo?”¹⁶⁵³⁰ **(#Exculpatory! Only corroborates what the Defence kept saying, that the Accused only knew what may happen, regardless of his wishes. Due to his wishes, it is sufficient to remind that the Serb side made many concessions, on the Accused's initiative, in order to avoid a war, including the D01833, a Vance-Gensher document Cutileiro talks. Dr. Radovan Karadzic, the leader of the Serbs, was also positively inclined towards these talks. He wanted to avoid a war at all costs in Bosnia-Herzegovina, Secretary Vance observed.** Indicating that he was growing more and more willing to take a hard-line approach, the Accused also added: “[F]uck him [...] We will release our tigers and let them do their job. [...] [W]e've been calming the Serb people for a year because of

[Izetbegović's] foolishness. What can I do? I will not be calming anyone anymore, nor can I. [...] We need to release those people, we shouldn't hold them back".¹⁶⁵³¹ To this, Krajišnik said "we have to use the first opportunity to tell [Izetbegović] that he's playing with fire"; the Accused agreed, stating that they should tell him so in public.¹⁶⁵³² **(All of it is #EXCULPATORY! Anyone would notice what the Accused said: "nor I can", meaning that he was not able to hold the people back in spite of what the Muslim leaders had been doing! The entire conversation was among the two friends who shared duties and worries of the community they represented, and everything that had been said was aimed to dissuade Mr. Izetbegovic from his violent way.)**

4899. Indeed, on 2 March 1992, the Accused spoke to Izetbegović on the phone, complaining about Bosnian Muslims attacking Serb settlements, at which point he said:

What are they doing in Serb settlements? [...] *Believe me Sarajevo can burn, and burn out god forbid, there could be hundreds of thousands of dead people.* [...] Look, we are, we are, we are making a big effort to hold Serbs from around Sarajevo not to scorch Sarajevo [...] please propose anything, but this has to stop absolutely [...].¹⁶⁵³³

A highly #EXCULPATORY! The President frankly said to the main opponent and a protagonist of the war preparations that he can no longer hold the Serbs back, asking him: "please propose anything, but this has to stop absolutely... Unfortunately, neither this intercept had been quoted and understood properly, and this was entirely in the Chamber's control, not in control of the Prosecution. Here is how it was translated in the original document, and how it should be translated:

(Radovan leaves Biljana on hold while speaking with Alija, it can be heard what Radovan says to Alija)

R: Hello, good evening, well, Biljana just called me and said that you had a wish. However, I have to tell you that we have an information that it is organised... Muslims. No, no, no way, we will not let anybody enter Bosnia, no discussion, they have no consent to enter our Bosnia, please, those are people that got organised after they heard what was going on in Sarajevo and we stopped them and told them to... distances remain...that they should not use arms and that all Serbs should stay in their settlements and they are ready only....defence, no way, I can guarantee you that this, we have an information from one source that this has been mobilised by SDA in all Muslim settlements and that they are going towards Serb settlements, well there

It should be translated as follows:

R: Hello, good evening, well, Biljana just called me and said that you had a wish. However, I have to tell you that we have an information that this was an organised mobilisation of Muslims.

No, no, no way, we will not let anybody enter Bosnia, no discussion, they **...don't have our consent** to enter Bosnia.... Please, those are people that got organised after they heard... and we stopped them and we told them to stay at a certain distance... and not to use weapons, and all Serbs to stay... **and so on. But, let us see what Biljana Plavšić said to**

¹⁶⁵³¹ P5779 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 1 January 1992), p. 5.

¹⁶⁵³² P5779 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 1 January 1992), p. 6.

¹⁶⁵³³ P5728 (Intercept of conversation between Biljana Plavšić and Radovan Karadžić, 2 March 1992), p. 2. See also P5605 (Intercept of conversation between Radovan Karadžić, Goran Milić, Alija Izetbegović, and an unidentified woman, 3 March 1992) (during which Izetbegović denied the Accused's claim that Muslims were attacking Serb settlements, stated that this was just an excuse to attack the city, and accused the Accused of bringing Serbs from outside of Sarajevo to encircle the city).

the Accused a minut prior to this conversation with Izetbegovic:

R: That is not true, they started moving from their quarters towards Serb quarters.

B: However, I herd that in, over there in Mojmiilo, that our people are escaping from their houses.

R: Escaping?

B: They are escaping from their houses en masse.

R: Well, the worst thing is that these people that are escaping their houses will get organised and destroy Sarajevo, for

B: For that not to happen, please, I think That this proposal is very good.

R: I have IZETBEGOVIĆ on special line, just a second, just a second

So, Biljana Plavsic is informing the President, who was, as we already know, in Belgrade together with Krajisnik and Koljevic, that there the Serbs escaped from their homes, and the President didn't know, nor he threatened, but assumed that this terrified Serbs would organise themselves for the defence, which is also not translated in the official document. See the crucial parts of the Accused-Izetbegovic conversation:

this, we have an information from one source that this has been mobilised by SDA in all Muslim settlements and that they are going towards Serb settlements, well there are wounded people in Pale, you know ... Muslims attacked first, believe me we have between Pale and Sarajevo, they attacked up there in Lapišnica, they attacked in Sokolovići Kolonija, they have chased the Serbs out.. they are escaping settlements in and they are preparing for defence. I think this now, there is nothing spontaneous about this, and it is completely evident now that this is mobilisation and attack on Serb settlements. What are they doing in Serb settlements? ...Moving toward

There is not properly translated as follows: ...”They have the *Serbs expelled out, and they are escaping in woods and in homognous settlements and they are preparing for the defence.*” And, of course, further misinterpretation, see:

.... and they are preparing for defence. I think this now, there is nothing spontaneous about this, and it is completely evident now that this is mobilisation and attack on Serb settlements. What are they doing in Serb settlements? ...Moving toward

The last sentence is properly translated as follows: *“How come they are in the Serb settlements if a defence is in question? Therefore, the Muslim presence in the Serb settlements was a response on the Izetbegovic’s allegation that the Muslims are only defending themselves.*

4900. Similarly, in late April 1992, during his interview with Le Figaro, the Accused publicly issued a veiled threat to the Bosnian Muslim side. He first openly stated during this interview that his plan for Sarajevo was to establish a “clear separation” between the Serb and Muslim parts of the city, claiming that without this separation there will be “horror and terrorism”.¹⁶⁵³⁴ **(But, certainly the #President didn't threat by the Serb terrorism, since it is well known that the Serbs do not have any tradition in terrorism, but some other Bosnian community does!)** When the interviewer asked him what he intended to do given Izetbegović’s opposition to the partition of Sarajevo, the Accused stated: “We will not bombard everybody. But if the peace terms are not accepted, *the chaos will continue.* And that means war”.¹⁶⁵³⁵⁽¹⁶⁵³⁵⁾ **(This also does not corroborate any President’s intention, but rather his #awareness of what may happen if Izetbegovic continues with his**

¹⁶⁵³⁴ D1591 (Radovan Karadžić’s interview from Le Figaro, 23 April 1992), pp. 1–2.

¹⁶⁵³⁵ D1591 (Radovan Karadžić’s interview from Le Figaro, 23 April 1992), p. 2 (emphasis added).

violation of laws, constitutions and the Serb rights! The #President didn't threaten that he was going to insteal a chaos, but that the chaos that already appeared will continue! Therefore, a wrong quotation that the bombardment had been mentioned in connection to Sarajevo, but with the Izetbegović's denial to transform Bosnia. Beside that, this interview was conducted in English, and published in Italian, and digested and interpreted again in English, and for that reason couldn't be considered as a genuine. See, see the original in Serbian : **D1591:**

[Gautier] Predsjednik Izetbegović se protivi svakoj podjeli Bosne i Hercegovine. Šta namjeravate da uradite?

[Karadžić] Nećemo sve bombardovati. Ali, ako ne budu prihvaćeni uslovi za mir, nastaviće se haos. A to znači rat.

But, there is another question: why the Chamber paid too much attention to only one sentence, and neglected another, much more significant and more explicit, pertaining to the Karadžić's proposal for Sarajevo: D1591:

[Gautier] Koji su vam planovi za Sarajevo?

[Karadžić] Strašni haos koji sad vlada u Sarajevu nastao je zbog opšte mobilizacije o kojoj je odluku donio gospodin Izetbegović. Ali on, istovremeno, i dalje odbija da odluči koji dijelovi grada pripadaju Muslimanima, a koji Srbima. Prije ili kasnije moraće se napraviti jasno razdvajanje.

[Gautier] Da li bi Sarajevo bilo podijeljeno na nekoliko dijelova, kao Bejrut?

[Karadžić] Ja ne govorim o podjeli nego o administrativnoj reorganizaciji. Mi trenutno kontroliramo neke dijelove grada a Muslimani druge. Hrvatska zajednica je najavila osnivanje svoje opštine. Mi tu odluku pozdravljamo. Pomoći ćemo im da održavaju red. Taj model bi se mogao proširiti na cijelo Sarajevo. Ako to ne bude prihvaćeno, imaćemo užas i terorizam.

#So early as before 23 April 92, Karadžić gave this interview:

PM2404133692 Pariz LE FIGARO na francuskom 23. april 92. str. 4

which had been published on 23 April 92, and Karadžić announced to all and everybody that it was only about an administrative reorganisation, and in no way a „fire walls“ or any kind of walls. The Chamber also didn't notice the President's attitude towards a forceful taking of territories, announced so early, so that the war for territories became senseless!# Ili Karadžićev stav o manjinama i povratku izbjeglica:

[Gautier] Kakva će biti sudbina Muslimana ili Hrvata koji žive u srpskim područjima?

[Karadžić] U stvari, takvih ljudi ima veoma malo. Uglavnom su Srbi taoci, naročito u muslimanskim dijelovima Sarajeva. Ne smijemo ponoviti greške iz 1941., kad su Muslimani toliko terorizirali Srbe da su oni morali pobjeći, i ostaviti svu svoju imovinu. Upravo smo potpisali sporazum sa Visokim komesarijatom Ujedinjenih nacija za izbjeglice kako bismo bili sigurni da se svi mogu vratiti kućama.

In spite of such an impressive attitudes, publicly announces through an international media, the Chamber is wrongfully interpreting President's opinion about a possible development, presenting it as his own intentions!#)

4901. Thus, as these conversations and statements reveal, by the end of April 1992, the Accused was not only aware of the chaos that would ensue in Sarajevo if the tensions escalated but appeared to take a more militant approach to the situation and in turn

encourage the option of resorting to violence, which he knew would result in severe consequences for the city. **(So, the Chamber was aware that it was a #President's awareness, not his initial plan or wishes, but then all of a sudden the Chamber found that the President's opposition to the Muslim violations of laws and their pursuing a war policy was the President's crime#. But, this is out of mind, to charge the Accused for being against the detrimental and criminal policy of the Muslim fundamentalist leadership, in spite of knowing that their policy will result in a war! Does the Chamber advocate that a community whose rights are violated and the very survival jeopardized should keep silent and accept everything without objections? Was the Muslim fundamentalist leadership aware that their illegal pushing and pursuing their objectives against the Serbs would be opposed? Of course they did, and that was the reason why they formed the Patriotic League on 30 April 1991, and the political Supreme Command (the Council for protection of the Muslim interests) on 10 June 1991, and the entire secret army in all and every municipality in BiH, even in those where they made less than 10% of population.)** The evidence above also shows that he tried to use the threats of impending violence to advance his political goals and to scare the other side into abandoning their plans for an independent BiH. **(This is also a fake and malicious conclusion. There was no any danger because of a mere independence, since the Serbs made such a concession, provided BiH become transformed into a kind of Switzerland, and Sarajevo into a Brussels-like city. The only source of menace was the Muslim denial of the Serb rights, even the minimal ones, after so many Serb concessions! #The Chamber thus seem to be supportive of the Muslim fundamentalist conduct that led to the war. Is it the position of the UN, and of the presidents-prime ministers of the leading countries of the UN?)**

4902. Indeed, by 12 May 1992, with Sarajevo already under siege **(#At that time the President didn't have any commanding duty, or armed forces under his control, nor there was any VRS existing, but the people on both sides of the confrontation line established this line, which by definition was around Sarajevo, since the Serb settled places were around Sarajevo, and the Muslim settled places just close to the Serb one.)** and the shelling and sniping activities by both sides having increased in and around the city, the Accused indicated his support for this state of affairs by telling the Bosnian Serb Assembly at the 16th Assembly session that the Bosnian Serb forces were doing "quite well" as they were holding the enemy in "complete encirclement" in Sarajevo.¹⁶⁵³⁶ **(By what omission the Chamber admitted this "sniping activities by both sides having increased"? #What is illegal to "completely encircle the enemies"? Should we be shown an international or domestic document forbidding this operation? But, let us see what the Accused really said, P956, p. 8:**

part of Mostar. As far as the Muslim national community and the contact points between our two territories are concerned, it was them who started the fighting. After an incident by the Serbian side in Bijeljina, their Green Berets and snipers imposed terror, and you know how that ended. Then the tension and conflict continued along the Drina river, in which they are very interested, because it would give them good possibilities to be supported by the Islamic countries, especially Turkey, if they establish a “Green Transversal” through Sandžak, Kosovo and the Albanian part of Macedonia, and thus become a stronghold of Islamic, primarily Turkish, interests in

So, it was the President’s reporting to the Assembly on the situation. Let us see what the Accused said about Sarajevo:

Europe. And of course, there is the conflict in Sarajevo, where the Serbian people do not allow a city built at the expense of all parts of Bosnia and Herzegovina, at the expense of the Serbian people, which in the post-war period made up 44 % of the population and over 50 % of the work force... Even today, Serbs account for 44% of all employees in the work force. Thus, the city has developed enormously at the expense of Serbian areas, primarily Serbian - because Zenica and Tuzla did not lag behind in their development, while Banja Luka and Bijeljina did, as well as Trebinje and Herzegovina - which was, therefore, built with our money, primarily with our money, and which was built on Serbian land, according to the cadastre, for the most part on Serbian land. We are not going to allow it to be excluded from our state unit in

Bosnia and Herzegovina. We did not want war in Sarajevo. We wanted the Serbian police to control the Serbian part of the town, to be responsible for what happened in the Serbian part of the town, and Muslims for the Muslim part, and to make the partition without any fighting, both in the whole of Bosnia and Herzegovina and in Sarajevo itself. All that could have been done in a peaceful manner. Sarajevo would not be the first or the only border city. There are many border cities in Europe, and some of them are even prospering. The war in Sarajevo, which has been imposed on us, is full of criminals, both those who used to be thieves and criminals in peacetime and those who are now becoming criminals, war criminals, and that is the war we are enduring there. I must say we are doing quite well, considering the forces that we had at our disposal, we hold the positions we had rather well. We hold all our areas, all the municipalities, all the settlements around Sarajevo, and we hold our enemies - now I must and can say - we hold our enemies in complete encirclement, so that they cannot receive military assistance, either in manpower or in weapons. True, there are war

It is clear that the President didn’t mention any organised armed forces, but clearly said that the “Serbian people do not allow” to be deprived from it’s legitimate interests in the city of Sarajevo/ also, the President specified the rationale of the encirclement: #“so that they cannot receive military assistance, either in manpower or in weapons”#. Therefore, a #strictly military reasons and objectives of the encirclement#! It is not clear why the Chamber accepted so distorted allegations!

As discussed earlier, it was at this session, having heard the Accused enunciate the Strategic Goals, that Mladić then outlined his plan for the city and the fact that Sarajevo could not be taken “by spitting at it from two mortars” but that instead 300 guns should be placed around Sarajevo, including rocket launchers.¹⁶⁵³⁷ **(The Chamber is missing the entirety of picture, forgetting that the President’s plan was #not**

¹⁶⁵³⁷ See paras. 4661, 4902.

to have the city of Sarajevo “devided” but “transformed”#, and never, particularly not before the very end of the war, planed to be taking Sarajevo as a whole. Since the Muslim side waged the war against the Serbs, it was legitimate to, defeding themselves, defeat the enemies! But in Sarajevo the President banned this legitimate operation of defeating them!) The Chamber recalls that the SRK had between 200 and 300 heavy weapons in locations encircling the city and used them not only to fight the ABiH on the confrontation lines but also to target the civilian population in the city.¹⁶⁵³⁸ **(The Chamber doesn’t have a valid evidence for this deliberation, as shown above. On the contrary, there are sufficient evidence that close to 80% of the shells of both sides landed along the confrontation lines. But, all the Muslim heavy weaponry was far from the confrontation lines, deep into the city, including the residential areas, governmental buildings, schools, kindergardens, faculties, factories, radio and television stations, the UN facilities, also with a mobile mortars, but the most drastic – in the hospitals. All of it was well known to the Chamber!)**

4903. On 23 May 1992, in an interview with Duga Magazine, the Accused acknowledged the uncompromising nature of the SRK’s fire on the city and argued that the suffering of the civilian population living there was inevitable, saying: “As for the [Sarajevo] ruins, my heart aches about them, but five to six hundred Moslem snipers, who kill non-selectively, cannot expect the Serbian defence to make no response, which is, of course, *more than fiery*. It must be clear to all of us that Sarajevo *must suffer from both sides*”.¹⁶⁵³⁹ **((The Chamber was obliged to differentiate – whose choice was it, and which side was in an ultimate defence position#! And why the Chamber skipped the most important fact in the same sentence: six hundred snipers are killing unselectively. What would the Chamber consider as a legitimate response? Another word, if the Serb Sarajevo is suffering from the fire coming from Muslim part of city, there must be an answer, and this is perfectly legitimate. Again, the main question is: who wanted fire in Sarajevo, and who initiated it, because everything that was happening in Sarajevo was in a full control of those who initiate fire? Again, the Accused didn’t say that this depended on him or his will or orders. It had been a state of matters, if somebody fires against you, nobody can prevent you not to defend.)**

4904. In another, undated, interview, the Accused stated that the journalists in Sarajevo were “misinformed” and that it was the Bosnian Muslims who were bombarding Sarajevo and killing their own people in order to “accuse Serbs”.¹⁶⁵⁴⁰ **(Is the Chamber about to assert that this was not a case? On what basis? Why so many evidence corroborating the Accused assertions are neglected? Many internationals stated the same!)** When asked about the comment of Colonel Gray from the UN that the Serbs had enough artillery to “demolish Sarajevo 10 times”, the Accused stated:

But we do not want to conquer Sarajevo, we do not want to tear down Sarajevo. Sarajevo is our city too. But, please, when somebody puts a mortal artillery weapon on some skyscraper, and is hitting us, hitting us, and kills 25 of our men in one day, so to say, we must

¹⁶⁵³⁸ See para. 3984. See also fn. 13170.

¹⁶⁵³⁹ P6688 (Interview with Radovan Karadžić in Duga Magazine, 23 May 1992), p. 6 (emphasis added).

¹⁶⁵⁴⁰ P1274 (Video footage of interview with Radovan Karadžić, with transcript), p. 1.

hit this, to neutralize it [...]. So, *housing objects, religious objects in Sarajevo are turned into military objects and forces us, when we became threatened, our lives, then we have to answer to neutralize that.*¹⁶⁵⁴¹

Exactly! #EXCULPATORY! What was wrong with this position? Was it a criminal or legitimate standpoint? Thus everything remained in the Muslim control: if they wanted Sarajevo to be calm and safe, it was just enough if they don't fire! No a reasonable chamber would find this position wrong or illegitimate! Only a chamber that would be against anything that belongs to the Serbs would criminalise their ultimate defence!

4905. The Chamber has already described at various points in the Judgement how the Accused, following the intense negotiations at the end of May 1992, used his influence over Mladić to put a halt to the SRK's heavy bombing of Sarajevo while at the same time justifying his actions, as well as those of the SRK forces.¹⁶⁵⁴² **(#EXCULPATORY! Does the Chamber saw any document allowing or encouraging the SRK to fire at an illegitimate target?)** However, the Chamber also heard that the Accused did not in fact intend for the shooting to stop completely. **(Who was the President to forbid the soldiers and the VRS units for defend themselves? And why the Accused would be "for the shooting to stop completely"? It depended primarily on the Muslim conduct. There are a completely legal and legitimate firings, the Chamber must have known it!)** Instead, in the evening of 30 May 1992, he spoke to a certain Čedo who first reported to the Accused on the military situation in Rajlovac and Vraca and then received the following instructions from the Accused:

Karadžić Radovan: Alright. There is no artillery usage tonight, is there?

Čedo: No, no, no artillery on either side.

[...][...] **Oh, how somebody in the Chamber loves this three full stops! Whenever something exculpatory arises, the three full stops are a remedy to avoid the truth. Instead of those three full stops there is an information which crucially define the next Accused's sentence. See:**

Karadžić Radovan: Alright. There's no artillery usage tonight, is there?

Čedo: No, no, no artillery on either side.

Karadžić Radovan: Uh-uh, alright.

What the Accused said on "No, no artillery on either side" the Accused said, "Oh, very well," (Karadžić || Aha, dobro.) not as translated "Uh-Uh, alright" but neither is presented in the Judgment.

Karadžić Radovan: Try not to use artillery. Has Mladić called?

Čedo: Yes, yes, we've arranged that.

Karadžić Radovan: *But, you should use infantry weapons. Let them go to hell.*

¹⁶⁵⁴¹ P1274 (Video footage of interview with Radovan Karadžić, with transcript), p. 2 (emphasis added).

¹⁶⁵⁴² See e.g. discussion relating to Scheduled Incident G.1.

Čedo: Exactly.

Karadžić Radovan: If they want to die, let ...

Čedo: They'll get what they're asking for.¹⁶⁵⁴³ **Let us see why it is wrong and how it is senseless: as we know, the President returned to Belgrade from Lisbon, where the peace conference was interrupted due to the shelling incident in Vase Miskina Street on 27 May 92. #As of mid May there was a huge Muslim offensive in Sarajevo, and the Accused had to clarify whether the SRK shelled Vase Miskina Street or not, as well as to try to decrease all the firing towards the city. Nota bene! "If they want to die" and "they'll get what they are asking for. Let us see what Čedo, a high police officer, being On-duty this evening, said to the Accused and vice versa: P02332:**

Karadžić Radovan: I'm alright. Have there been any attacks tonight?

Čedo: Well, yes... There've been some in Rajlovac.

Karadžić Radovan: In Rajlovac?

Čedo: They went for that barracks there from Ahatovići and that attack's been repelled. Now there's a build-up of troops here, near the shopping centre...

Karadžić Radovan: Yes?

Čedo: The Green Berets are assembling there and there's a huge build-up... We're expecting an attack on Vraca.

Karadžić Radovan: Vraca?

Čedo: Yes.

So, although the internationals accused the Serbs for bombing Vase Miskina Street and for shelling other parts of Sarajevo, the truth was quite contrary: the Muslim side developed a huge offensive on the Serb suburbs, staged the Vase Miskina Street incident, and shelled even their own territory, as can be seen further from this document. Further, there was a Muslim attack on Rajlovac and Butile barracks from Ahatovic, known to the Chamber, but had been repelled. What is the most important for understanding of this intercept is that the Green Berets were "assembling there and ... We're expecting an attack on Vraca" which was the Headquarters of the Serb MUP. And another wrong translation, and even more wrong presentation in this Judgment:

Karadžić Radovan: Alright. There's no artillery usage tonight, is there?

Čedo: No, no, no artillery on either side.

Karadžić Radovan: Uh-uh, alright.

What the President said on "No, no artillery on either side" the President said, "*Oh, very well,*" (Karadžić || Aha, dobro.) not as translated "Uh-Uh, alright" but neither is presented in the Judgment. Further: The President, being said that there may be an infantry attack because the Green Berets were "concentrating" at the Shopping Centre, just below Vraca, advised Čedo not to use artillery, but to use an infantry weapons. Every granny knows that the infantry weapons can be used only at a short distance, if an infantry attack appears, and not as any offensive weapons. So, the Chamber is about to conclude that the Serbs in Sarajevo, when attacked, shouldn't use even an infantry weapons!!! As known to everyone, when they are attacked, nobody including the Accused could order them not to defend, or decide with what means to

defend, but could only appeal for a lighter weapons, as the President did! Instead of commending such a standpoint of the Accused, the Chamber takes it against him!) Thus, even though he bemoaned to Morillon the inexperience of the forces in Sarajevo and the inability of Mladić to control them, the Accused himself then proceeded to issue instructions to forces on the ground encouraging them to use infantry fire. This in turn shows not only that he did in fact order the use of fire on Sarajevo but also that he was duplicitous in his dealings with the international community.¹⁶⁵⁴⁴ **(#No, this “the Accused himself then proceeded to issue instructions to forces on the ground encouraging them to use infantry fire” #shows in what a miserable state is the “international Justice, and particularly this Prosecution, which didn’t have a bit of case against President Karad`i)#. This is threatening the United Nations to look miserably by sponsoring this kind of a court sharade. The people President Karad`i) talked to (Cedo) was not an inexperienced armed group, it was the professional police at it’s seat on Vraca, and the President called them from Belgrade to get information neede for the next morning meetings with internationals. Then, he encouraged the high police officer to defend the seat without using artillery, but only by a light infantry weapons! There is a special gift needed to distort all the meanings as this one! First, that was a very beginning of the war, and the President trusted the internationals above every reasonable measure. Second, it was exactly as the President said. Remember that General Mladic asked the Presidency of the Serb Republic of BiH in July, six weeks after this day, to facilitate him that only VRS control the use od artillery, which absolutely confirms that on 30- May 92 Mladic really didn’t control even the majority of artillery, let alone the TO artillery rested after the Tito’s doctrine of “all people armed.” See: P01465, of 13 July 1992:**

There were proposals for the appointment by civilian organs of observers who would, together with UNPROFOR monitors, control the use of artillery weapons.

At the proposal of General MLADIĆ, it was agreed that the use of artillery be controlled only by the Army on the basis of the order which the commander will issue to the competent officers.

This was more than six weeks after this conversation of the President and Cedo! It must be noticed that somebody who assisted the Chamber in writing the Judgment was more malicious that would be a direct Serb enemies in BiH!)

- 4906.** This duplicity was openly verbalised in a meeting that took place at 4 p.m., on 5 June 1992, attended by Mladić, Koljević, Plavšić, Krajišnik, and Đerić, where the Accused first reported on the meeting the political leadership had had with Thornberry that day and then instructed them that “Sarajevo has to be resolved politically *while acting quietly, inch by inch.*”¹⁶⁵⁴⁵ **(So what? Should the Serb side, on a proposal of it’s President, allow to be cheated? It is well known that the Accused did everything possible to avoid the war (see: D1833, and many other documents) and that he always preferred a political solution for Sarajevo, which at the end happened in Dayton, in spite of the fact that the Serbs controlled all of their neighbourhoods. What “duplicity”? and, again, this was the Mladic’s “diary”, the unfinished sentences! There wouldn’t be any political solution had**

¹⁶⁵⁴⁴ The Accused showed his duplicity again in May 1995 following the SRK’s withdrawal of weapons from WCPs described earlier. During a 25 May 1995 telephone conversation with Milovanović, he first urged the latter to return the weapons but when told that the weapons were unaccounted for, he told Milovanović to “give them back something that’s old”. See D987 (Intercept of conversation between Radovan Karadžić and General Milovanović, 25 May 1995).

¹⁶⁵⁴⁵ P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 93 (emphasis added). See also para. 4574.

the Serbs been militarily defeated, because from the beginning to the end some countries and parts of the international community encouraged the Muslim side to go for a military solution!) He also instructed the attendees to “clean up” Butmir, Hrasnica, Dobrinja, Sokolović Kolonija, and Hrasno.¹⁶⁵⁴⁶ **(The Chamber already knows that the term “clean up” always meant chasing the armed forces from a certain area, as far as the reach of their weapons exceeded. But, this “clean up” never happened, but is persistently repeated in this Judgment, which indicates a lack of evidence against the President!)** The SRK forces launched an attack on Sarajevo later that evening, that was indiscriminate and disproportionate, lasting three days and causing a number of civilian casualties.¹⁶⁵⁴⁷ **(This distortion of facts must not be allowed to anyone. It was well known and documented that at this time the Muslims initiated a huge offensive against the Serb suburbs. The documents confirming this are already depicted above. How this #distortion of facts is called in the judicial practice? An obstruction of justice? Or some worse deeds?)** The next day, while the bombardment of Sarajevo was continuing, the Accused attended a meeting in Jahorina with other political and military leaders, including Krajišnik, Koljević, and Mladić, during which he discussed the Strategic Goals, claiming “we have to protect our territories militarily” and that “the birth of a state and the creation of borders does not occur without war”.¹⁶⁵⁴⁸ The bombing stopped only when the members of the RS Presidency and Mladić decided to put a halt to it.¹⁶⁵⁴⁹ **(#What was wrong in “defending our territories militarily”#, if the territories full of civilian population were attacked militarily?# How else to defend them? Or not to defend them at all? And reminiscences about “the birth of a state and the creation of borders does not occur without war” was merely an academic reminiscence pronounced with sorrow, but this pertained more to the Muslims and other secessionists than to the Serbs, because the Serbs had their state Yugoslavia, and didn’t need any new state or borders. Anyway, this Judgment is composed mainly of a *sui generis* salade of words, said by who knows whom and where. The documents didn’t matter!)**

As outlined earlier, on 15 June 1992, the Accused met with Mladić, other members of the RS Presidency, and representatives from the Sarajevo municipalities, during which Koljević urged the others to “treat Dobrinja as our territory into which [Bosnian Muslim] snipers and terrorists have infiltrated”.¹⁶⁵⁵⁰ **(So what? Wasn’t it correct? It was correct, and the settlement with vast Serb majority had been re-taken by the Muslim Green Berets!)** To this, the Accused responded that the issue of Dobrinja must be resolved through co-operation with the police.¹⁶⁵⁵¹ **(So what? According to our laws, a matter of terrorism deep in our territory was a matter for police to resolve. As known, this is so in many other countries. President Milosevic was criticised for using the VJ (Yu Army) on Kosovo, instead of police sole!)** Prstojević then requested the deployment of soldiers to Dobrinja to carry out an operation and the meeting concluded with the decision to “clear the Serbian territory”,

¹⁶⁵⁴⁶ P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 93.

¹⁶⁵⁴⁷ See discussion in relation to Scheduled Incident G.2.

¹⁶⁵⁴⁸ P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), pp. 95, 97. As also explained earlier, this resulted in the issuance of Directive 1 on the same date. See para. 4724.

¹⁶⁵⁴⁹ See para. 4051.

¹⁶⁵⁵⁰ P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 167.

¹⁶⁵⁵¹ P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 169.

giving priority to Mojmir and Dobrinja.¹⁶⁵⁵² **(Why would it be wrong, to clear the Serbian territory? As known, this always pertained only to clean it from a terrorists, i.e. armed people!)** As described earlier in the Judgement, Dobrinja was heavily shelled throughout the war by the SRK, such that it was utterly destroyed by February 1994.¹⁶⁵⁵³ **(Dobrinja had never been destroyed, nor demilitarised. The part of Dobrinja possessed by the Muslim forces was full of military facilities and of a heavy weapons in particular, and their fire had to be responded to. Otherwise, how the Serb parts of Dobrinja would be defended throughout the war?)**

The Chamber also recalls a meeting on 10 September 1992, when Vance, Owen, and Okun met with the Accused and during which the Accused, having been told that his forces shelled Sarajevo first, responded that it was the Bosnian Muslims who started the war by expelling him from his apartment in Sarajevo.¹⁶⁵⁵⁴ **(This is again nothing but a malice#. The PRESIDENT NEVER STARTED WITH HIS CASE. IT MAY HAVE BEEN MENTIONED DURING THE TALKS, BUT NOT AS AN AGENDA OF THE MEETING, #NOR WAS REPORTED BY ANYONE, NOR HAD BEEN REPEATED IN THE TESTIMONY IN THIS CASE!#)** Okun testified that the Accused was portraying an “anomalous picture” as Sarajevo was at that point being mercilessly shelled by the Accused’s forces and yet he was complaining about the other side receiving weapons and about being expelled from his own apartment.¹⁶⁵⁵⁵ **(#Deadly combination#! This is also a confused memory said in another case, where nobody, either Krajisnik, or his Council had any interest to contest it. The matter was that the President and his side didn’t want any war, while the other side wanted it, prepared for it very meticulously, and was supported in prolonging it. Was it so, or not? But, repeating this false statement so many times will not make it any better and more true! It is rather a desperate attempt to establish a personal motive of the Accused for his misdeeds, which is pretty low and dishonest!)**

Several days later, on 18 September 1992, the Accused indicated his acceptance of disproportionate fire by the SRK during a press conference in Geneva, when he stated that when the Bosnian Muslims stopped killing Serb civilians with snipers located on buildings, the Bosnian Serb side would stop shelling those buildings.¹⁶⁵⁵⁶ **(So what? Which international or domestic document forbade an army to defend against a snipers that are killing many it’s civilians and some soldiers? Who posted the Muslim snipers in those buildings? If this Judgment would survive, there would be a completely new jurisprudence and a change of the international and domestic, local laws on war! But, what “indicated the Accused acceptance of disproportional fire by the SRK? Let us see what was the basis for this finding, in para 4659 of this Judgment” “Sarajevo is my state, my country, my city! [...] The entire ground where Sarajevo was built up was Serbian, is Serbian ownership!**

¹⁶⁵⁵² P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), pp. 170–172.

¹⁶⁵⁵³ See paras. 3783, 4059.

¹⁶⁵⁵⁴ See para. 4854.

¹⁶⁵⁵⁵ Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4198, 4201–4202.

¹⁶⁵⁵⁶ See para. 4659.

*We are there 200,000 Serbs, 300,000 Muslims and 50 or 60,000 Croats. Sarajevo is my city. I have an apartment in the middle of it [...]. I used to have. Which is broken the second day of the war [sic]. And fire **[sic]. When they stop to kill our civilians by snipers they pose on the skyscrapers, there will be stop shelling of these buildings [sic] I'll tell you, when they stop posing their own artillery in the city, we will stop responding ...”?* But, #the replique of the President is crippled for the unknown purpose#. The crippled sentence “and fire” market with the two stars, is meaningless, and not original. Here is what the Accused responder to the journalist question, P809, p. 10

Reporter:

On several occasions you have insisted that the international community must treat all parties in conflict equally. How would you feel if the international community were to proceed with systematic bombing of Serbian cities as the Serbs have done to for example, Dubrovnik, Sarajevo, ?..., Vukovar and so on.

Karadžić:

Sarajevo is my state, my country, my city!

Karadžić:

The entire ground where Sarajevo was built up was Serbian, is Serbian ownership! We are there 200.000 Serbs, 300.000 Muslims and 50 or 60.000 Croats. Sarajevo is my city. I have apartment in the middle of it, which is...

Karadžić:

I used to have. Which is broken second day of war. And I'll tell you when they stop posing their own artillery in the city, we will stop responding fire. When they stop to kill our civilians by snipers who they pose on the skyscrapers, there will be stop shelling of these buildings. So, peace has to be seen as a whole, not partially.

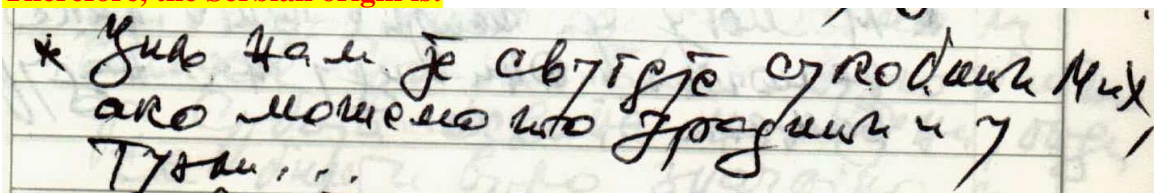
Nothing “indicated his acceptance of disproportionate shelling”, but to the contrary, it was confirmed that everything depended on the Muslim side: if they fired, there must be a response!

Similarly, in a meeting of 29 January 1993, attended by VRS officers, including Galić and Mladić, the Accused stated that the Bosnian Serb objective was to be in conflict with Bosnian Muslims and Croats everywhere **(This is completely misunderstood: the President said that the Serb interest was to have the Muslim and Croats confronted to each other, not that the Serbs should be in conflict with them, which is translated as: P1485, p.77:**

* Our objective is to be in conflict everywhere with the M/uslims/ and C/roats/, if we can we ought to achieve this in

Tuzla as well...

Therefore, the Serbian origin is:



* *Naša je ciljna svuda u sukobu sa muslimanima i Hrvatima, ako možemo to postići u Tuzli...*

which should be transkated as: “Our objective is to have the Muslims and Croats

confronted everywhere in BiH, if we can do it in Tuzla!") and then emphasised importance of Sarajevo after which he stated "the Muslims *should be hit hard enough* for the world to realise it's not worth going to war with Serbs".¹⁶⁵⁵⁷ **(So what? #It is a perfectly legitimate to destroy an enemy's will to continue with fighting, and to dissuade their allies and supporters to prolong a war#. Regardless of a repeated use of a short notes, always containing a thoughts and meditations of a note-taker, we have to ask: did the Chamber consult the laws and conventions on war, accepted by the UN too? If they did, there wouldn't be even this Indictment, let alone the Judgment. Anyway, let us see what was written down of what the Accused said, P1485, p.77 - 78:**

* The military might of the M/uslims/ must be broken for them to overcome their desire for

a long war, because a long war is not in our favour because of the sanctions...

* The M/uslims/ should be hit hard enough for the world to realise it's not worth going to war with the Serbs...

So, all of these theses had been discussed in a manner "should be" and with the purpose to dissuade the Muslims to prolong the war until they take the entire BiH over only for them, which was not a legitimate objective! Not a bit of order!

4910. As noted earlier, at a meeting in Jahorina on 2 June 1993 with the SRK commanders, the Accused proclaimed that nothing could be achieved by negotiating with Izetbegović and that Izetbegović had to be defeated militarily, stating "if war is what he wants, we have to defeat him".¹⁶⁵⁵⁸ **(Again, so what? This is also #EXCULPATORY! It is clear that the Serb priority was a negotiation, why a war outcome was a choice of Izetbegovic (meaning the Muslim side) there is nothing more legitimate than to defeat an enemy. The sooner the better, because a sufferings would last shorter. But, what this kind of "findings" expect of an accused to do? To surrender? To sacrifice his entire community? What is this? Is there any common sense to stop this kind of terror over all of the Serbs?)** As also discussed earlier, it is during this meeting that Mladić advocated for "keeping constant the negative effect on the moral [*sic*] of Muslim forces and population, keep them in fear and constant wondering as to the activities of our forces" and argued for "incessant activities and combat actions with all available SRK forces" in order to "cause as many losses as possible to the enemy and develop feelings of dependency, fear and insecurity".¹⁶⁵⁵⁹ **(The only in this Mladic's alleged words that is not acceptable is mentionin the population, all other is a legitimate in a war that was imposed to one side. But let us see whether it was said as quoted: the "keeping constant the negative effect on moral of Muslim forces and population" is in the document P2710, #WHICH IS NOT A LEGAL DOCUMENT, NOR A DOCUMENT AT ALL, but only a reminder for Mladic what to say at the meeting. Mladic couldn't speak and make notes of his speech at the same time. Or, that could have been somebody else speech, to which Mladic added some corrections. That it was a reminder, it would be clear if the first sentence was translated correctly. See the English and Serbian version:**

¹⁶⁵⁵⁷ P1485 (Ratko Mladić's notebook, 9 January–21 March 1994), e-court pp. 77–78 (emphasis added).

¹⁶⁵⁵⁸ See para. 4728; P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), e-court p. 194.

¹⁶⁵⁵⁹ See para. 4728; P2710 (VRS conclusions, 31 May 1993), pp. 3–5, 9.

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→ Mr. President

Date: 31 May 1993

→ Give recognition to members of RSK. MUP and all levels of authority in AOR of the Corps for achieved success and results in this one-year long war that was imposed on us.

Conclusions from the evaluation

and here is the Serb version:

31.05.1993. godine.

Zaključci iz procjene situacije u zoni SRK dostavlja .-

→ Поздравити присутне
→ Овакво призивање припадника СРК, МУП-а и свих других власти у зони Сарајева са циљем да се створе услове и резултате једног успешан таква на менталном плану.

It said, in a manner of reminder: #“To greet the attendees” instead of “Mr. President” and all further in terms of advises. Since there is no signature or the seal, it is not a document, but a sort of draft, without any clue about an author! Therefore, no evidence that Mladic repeated the sentence at the meeting. Even if so, to ruin a moral of an enemy forces is completely legitimate. And even if a population was mentioned, it meant a militant moral of population, as the NATO does always, and did in Serbia and Republika Srpska. It has nothing to do with a civil life, and from the rest of text it is clear that it dealt only with the combat moral. It was clear if seen another paragraph of the same document, p. 1.:

a significant part of Sarajevo city and surrounding areas, which influenced the motivation for further combat, caused fear and lack of faith in *handwritten*: their/ military and political leadership and is resulting in conflicts and splits. Doubts in the validity of the policy ~~longing for~~ in favour of unitary Bosnia. *handwritten*: and this will produce new and even deeper split within Muslim ranks, similar to the split in the coalition/

So, no evidence whatsoever that this sentence, among many added by handwriting, had been said!#) The Accused then proclaimed that he supported everything that was said at the meeting.¹⁶⁵⁶⁰ **(The above sentence, “merged” with the President’s attitude of support for what had been said is in a previous document (P02710), not in this one in which the Acused’s support appeared, P01483). This way the Chamber creates evidence merging parts from different documents, no matter pertaining or not to the same event, while the both documents are not valid: the first one is a prepared speech of General Mladic, never read but spoken out not verbatim, and the other is a Mladic’s notebook and his short, unfinished notes of what was said by the participants. This shouldn’t be allowed and forgiven even to a prosecutor, let alone to a chamber expected to establish a truth, and from which an accused expects a high protection of his rights and a presumption of his innocence!)** Ultimately, this resulted in the issuance of Directive 5 and the Lukavac ’93 operation.¹⁶⁵⁶¹ **Nothing unlawful in this Directive!** As noted earlier, the directives issued and/or approved by the Accused ensured that the city remained blocked and under siege, which in turn allowed for the sniping and shelling to continue unabated. **Wrong! The city as it was not blocked or under the siege. Let us see what Mladic wrote in the same reminder for his speech, P02710, p. 1:**

¹⁶⁵⁶⁰ P1483 (Ratko Mladic’s notebook, 2 April–24 October 1993), p. 194.

¹⁶⁵⁶¹ See para. 4728.

Muslim forces engaged in SRK zone are of strength of 3 Corps and one operative group. Those are: 1, 3 and 4th Corps and IBOG /Eastern Bosnia Operative Group/.

According to our estimate, it totals up to 64.000 soldiers. The mentioned forces are

Therefore, in the blockade of the SRK was this 64,000 of the Muslim soldiers: further: considerably to the general un-safety. The analysis of the operative position of certain Corpses indicates unfavourable operative and tactical situation. Forces of the 1st Corps are blocked within the most urban part of the town for over a year. The greatest success of these forces is taking over the positions: Vis - Žuč - Hum and ~~Grdonja~~ /handwritten: Dobrinja/ area as well as Mojmiilo. All attempts to join forces with 3rd Corps and de-block the city of Sarajevo in axis Sarajevo – Vogošća – Ilijaš - Visoko, failed, and their forces remain partly surrounded. /handwritten: they will try to improve their position by digging a tunnel underneath the airport./

General Mladic explicitly pointed out the 1st Corps of ABiH as an objective of this encirclement. What was illegal with it? But, what is more interesting is: #HOW THIS “DOCUMENT HAD BEEN TENDERED AND ADMITTED? No witness is mentioned, so it must be through the bar table, otherwise it would be contested by the Defence!!!)

4911. In the same vein, during the 34th Bosnian Serb Assembly session in August 1993, the Accused stressed that “Serbian Sarajevo is of priceless importance” and then, in the context of the separation between Muslims and Serbs, stated as follows:

[T]hey write about the large barbed-wire fences that will be set between us. Furthermore, this implies for both across Bosnia, and in Sarajevo. Sarajevo is the most serious problem, as there must be water, electricity and gas, and no shooting. According to the international war laws we are not allowed to use weapons to move Sarajevo from the front-line television news, and then, for us everything is accomplished with less difficulty. I am convinced that we will not see this for another two years, *as there will be a lot of blood-shed*, and as Njegoš said “sorrow for the one whose forehead breaks”. *We have to prepare for two important wars: one to gain Sarajevo, and another to gain Krajina.*¹⁶⁵⁶² **First let us see what the President said at the same Assembly session, P01379,p. 11, pertaining to Sarajevo:**

The paper referring to Sarajevo is in front of you and we can later discuss it either at the Deputies’ Club or at the Assembly. As you have seen, Pale has been separated from Sarajevo, but Pale separated by itself before the war at the municipal parliament completely legally and immediately joined Republika Srpska. The remaining territory of the Sarajevo region is left for a later period as it has been here envisaged. I can tell you that Sarajevo region is the union of municipalities the same as the BiH Union is the union of Republics.

Therefore, #no mentioning any division, any partition, any walls, let alone a “fire wals”. The City as envisaged by the President would be a “union of municipalities, as envisaged by the Constitution, aranged so that nobody could rule opver another community. Speaking about a fate of Sarajevo in the light of the Strategic objectives, President

Karad`i} said:

The fifth goal is to maintain our part in and protect our rights to Sarajevo, because that part is very important for integrating the territories of East Herzegovina, Old Herzegovina and Romanija and because our interests in concentrating education culture, science and economy are met in this valley.

Thus, that interest is to create Serb Sarajevo, whatever it is to be called, but to create it of the Serb territory in the town of Sarajevo.

#The Serb Sarajevo was to be formed of the Serb territories in Sarajevo, nothing else#. Why would it be illegitimate? Let us see how the Muslim interest had been treated by the President, p. 27-28:

we are loosing our territory, our identity and our freedom. We must accept logic of the international community that Muslims need to get 30 percent in order to have some kind of state. That is not true, they are not right saying that their state is not good. Their state is larger than most of the European states. And it can survive and it can exist. And it can exist only if it is in good relation with Serbs and Croats. The survival of Muslim state does not depend on the territory, and neither is ours, it depends on what is happening on that territory. Therefore, we accepted that logic because we have to separate. We claim, and we do not wish to be the winners, we claim that we should get out of this war through an agreement, without a winner and without defeated. And Muslims who are now deciding the same thing we are deciding, the Muslim people needs to know that with this map they are getting a state that can survive, of course in co-operation with Serbs and Croats, just as Yugoslavia and everyone else can survive only if in good relations with neighbours. No one can survive in hostility. And I am not afraid of anyone, that they will use some hills

#President Karad`i} sees the interests of the Muslim people identically as the interests of the Serbian people#. He advises a life in peace and cooperation with the neighbours, without any domination over each other. See further:

By means of this map that represented some compromise solutions trying to be found by copresidents through compromise, we have made up a formula that the Muslim territory, according to the recommendation of the international community, should cover 30%, the Croatian territory between 16 and 17% and Serb territory 52 and 53% of the territory of Bosnia and Herzegovina. During these two days, we have heard, here, all sore points and all sore facts as regards this map. If such a package is accepted, it seems that this division, i.e. separation from our neighbours, who were two-three times in this century our biggest enemy, our annihilators, will cost us some traditionally and centuries-old Serb territories. We have heard all these remarks. They are the most painful and the most difficult as regards the valley of the river Neretva, where genocide was committed on us during the Second World War and our number thus artificially and forcefully reduced /as written/, where all three parties have appeared to be interested in. All the more so, because the international community

I beg you to meet our interests, that people from Sarajevo have another meeting and study all that, to see if they have strength, if they could endure all that. Personally, I think that we gain more. Sarajevo is not in the Muslim state it is in the Serbian state because everything around is Serbian. And we keep everything. We are not going to cede a single footstep. If we would cede a single footstep on their pressure we will finish the job. Therefore, Sarajevo has more chances to become entirely Serbian than to become entirely Muslim. The most probable option is to divide Sarajevo and create two cities. We will not cede Sarajevo, gentlemen, we frankly said that to delegations. Do not be deceived. Not a single skirmish will pass, we will keep everything that is Serbian in Sarajevo. We have said that to the co-presidents. For us Sarajevo incorporates Eastern Herzegovina, Ancient Herzegovina and Romanija. Pale and Sokolac would not survive if they would have to go to Bjeljina. Romanija has its own downtown in Sarajevo. And it will remain like that. Ancient Herzegovina and Eastern Herzegovina too. We have to educate these kids. We cannot send the kids from there to Banja Luka. We will build the polycentric development and for such development Serbian Sarajevo is of priceless importance to us and we are not going to cede it. It is

And this was a legal and legitimate reason to maintain the Serb part of Sarajevo, which was the basis for defence of the Serb Sarajevo and the Serbs in Sarajevo, without any mean intentions towards the civilians in the Muslim part of the city. Let us see further, pertaining to the quotation above, which as a complete looks as follows:

I believe that they are ready to exchange Posavina sooner or later, but I do believe that they are. None of them will return for a long time, and nor will we depart long, not before the Yugoslav crisis is sorted, or rather Krajina crisis. That will not be a Croatian territory, not unless Herceg-Bosna separates.

That has to be Herceg-Bosna now, and the system will be as it is in Herceg-Bosna, for the money is theirs, as the one on our side will be ours. They have stated that there will not be any borders, as is modern now in Europe, but we all know when there is money concerned there must be a border. There will be strong control of the monetary manipulation, and of the bringing in of currency, for the world will not believe it. Everybody knows about this, and they write about the large barbed-wire fences that will be set between us. Furthermore, this implies for both across Bosnia, and in Sarajevo. Sarajevo is the most serious problem, as there must be water, electricity and gas, and no shooting. According to the international war laws we are not allowed to use weapons to move Sarajevo from the front-line television news, and then, for us everything is accomplished with less difficulty. I am convinced that we will not see this for another two years, as there will be a lot of blood-shed, and as NJEGOŠ said “sorrow for the one whose forehead breaks”. We have to prepare for two important wars: one to gain Sarajevo, and another to gain Krajina. Even if TUĐMAN would want to give it over to us, he could not due to the fact that it is politically impossible, so he has to loose it through combat.

Now, it is clear that it was a #discussion about the peace negotiations and the territorial issues between the Serbs and Croats, more than the Serbs and Muslims. Pertaining to Sarajevo, it is clear that the Serb expectations were both legitimate and humble#, and justified from the standpoint of survival of almost 200,000 Serbs from Sarajevo and it's surrounding. #The “Barb wire” was mentioned by others, who advocated and even pressed the sides to accept a unique currency, and if the sides do not accept it, there

would be a “barb wire”, and it wasn’t a Serb idea#. The President expressed his doubts that the Muslim side would negotiate *bona fide* as the Croats would, and envisaged an additional two years of fierce fighting around Sarajevo, not because the Serbs demanded the entire Sarajevo for themselves, but because the Muslims wanted it, which was not a legitimate demand. But, let us see what had been said about the “notorious” homogenisation of the ethnic territories, P01379, p.13:

A map that you have in front of you was discussed during these two days. I can tell that there was a little bit of a self-management and delegate principle. A majority of us talked on behalf of the environment we come from, although we are, what is completely understandable, representatives not only of our municipality we come from but also of people of Republika Srpska. Every delegate is a delegate of Trebinje, and Mostar, and Kupres, and Banjaluka. All delegates represent delegates of the whole nation. But we could not evade certain local orientations and sufferings /as written/. It is probably unavoidable in this phase. We have confronted and realized it. Our cartographers wrote down some of the remarks. There are possibilities that they are corrected during the work of border commissions /as written/, because there is a general consent that the villages being along the borders can declare themselves where they want to belong to. Thus, we shall lose some Muslim and Croat villages and join some Serb villages to our territory, that, we suppose, will not disturb the general proportion – 30% for Muslims and the rest for Serbs and Croats in the so far proportion.

This is the first class proof what the homogenisation meant: only by exchange of the villages, exclusively due to the will of inhabitants of those villages. Further, p. 14:

some parts and that this is incurable for the people coming from these areas. It seems to me that this is too painful for Serb people as a whole in Republika Srpska, it is painful but it can be cured. More precisely, when realizing all interests of Serb people, a majority of the delegates has a positive attitude towards this project, having in mind, that peace costs, that a state costs, that full political and territorial autonomy costs, that all divisions and separations cost, that they somewhat cost materially /as written/, but they carry some other qualities due to which this is worth to be done.

This clearly indicates that it was a painful discussion with a lot of political speeches

aimed to get the MPs consent for the Owen-Stoltenberg peace plan.)

I believe that they are ready to exchange Posavina sooner or later, but I do believe that they are. None of them will return for a long time, and nor will we depart long, not before the Yugoslav crisis is sorted, or rather Krajina crisis. That will not be a Croatian territory, not unless Herceg-Bosna separates.

That has to be Herceg-Bosna now, and the system will be as it is in Herceg-Bosna, for the money is theirs, as the one on our side will be ours. They have stated that there will not be any borders, as is modern now in Europe, but we all know when there is money concerned there must be a border. There will be strong control of the monetary manipulation, and of the bringing in of currency, for the world will not believe it. Everybody knows about this, and they write about the large barbed-wire fences that will be set between us. Furthermore, this implies for both across Bosnia, and in Sarajevo. Sarajevo is the most serious problem, as there must be water, electricity and gas, and no shooting. According to the international war laws we are not allowed to use weapons to move Sarajevo from the front-line television news, and then, for us everything is accomplished with less difficulty. I am convinced that we will not see this for another two years, as there will be a lot of blood-shed, and as NJEGOŠ said “sorrow for the one whose forehead breaks”. We have to prepare for two important wars: one to gain Sarajevo, and another to gain Krajina. Even if TUĐMAN would want to give it over to us, he could not due to the fact that it is politically impossible, so he has to loose it through combat.

4912. In a meeting in Pale on 14 January 1994, which was attended by the Accused, Krajišnik, Mladić, Galić, Dragomir Milošević, Mićo Stanišić, Nedeljko Prstojević, and other presidents of Sarajevo municipalities as well as commanders of SRK brigades, the Accused stated that “the Muslims must not win a single victory in Sarajevo”, **(a legal and legitimate position. Why not? Is the position of this Court the same as Harland’s and Banbury’s, that the Serbs in Bosnia had been outlaws without any right to self-defence?)** that the Serbs must secure the Ilidža–Lukavica road, and that they must defeat the Muslims in Sarajevo so the international community will accept the factual situation on the ground.¹⁶⁵⁶³ **(#All legal and legitimate#, for a several reasons: first, the Serbs wanted to live in their parts of Sarajevo, and to manage it with their authorities, while the Muslim side wanted the entire Sarajevo to be theirs, as they wanted the entire BiH. Second, the Muslim side abandoned the Cutileiro’s peace plan, the Serbs didn’t. Third, the Muslim side initiated the war, particularly in Sarajevo, preventing any peaceful and relaxing solution, such as a permanent ceasefire, demilitarisation, a COHAs and a UN administration of Sarajevo, while all of it was accepted, some of it proposed, by the Serb side. If the Muslim side decided for a military outcome, the Serb side was perfectly entitled to defeat them. Also, the most important was the issue of the international support to the Muslim side, enlarged whenever the Muslim army had some territorial successes! So, even a small successes of the ABiH, particularly around Sarajevo, meant that the war was going to last longer, and the**

¹⁶⁵⁶³

P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), pp. 133–134. See also D2660 (Article from Srpski Borac entitled “We are Sovereign over Sarajevo”, 2 August 1995), p. 8 (in which the Accused stated that the Serb victories around Sarajevo were important as they would create a factual situation on the ground that would have to be recognised by the international community). For more on the issue of importance of factual situation on the ground to the Accused, see paras. 2844–2845, 3090–3096.

peace conferences to be postponed!) Following the presentation by the various SRK brigade commanders about the situation on the frontline, Mladić stated that Sarajevo is “strategic goal number one”, to be resolved militarily not politically.¹⁶⁵⁶⁴ **(#So what? A military official didn’t believe in a political outcome. #So what?)** Krajišnik then spoke and insisted on Serbs keeping Sarajevo, stating that the whole of Sarajevo must be taken, as one cannot have two masters in such a small area and one cannot share with the Muslims.¹⁶⁵⁶⁵ **(So what? An opinion, so what? Not built-in in any decision!# and Mr. Krajišnik was an MP, not in the executive power, and he was free to propose anything!#)** Following all these presentations, the Accused agreed with Mladić that “Muslims will break down in Sarajevo”, instructed the participants to make sure that the Muslims keep suffering defeats and feel inferior, and then stated that “retaliation should be 1:1”.¹⁶⁵⁶⁶ **(So what? #EXCULPATORY!!! It was perfectly legitimate to disable the enemy in it’s military prospectives, but not with an excessive fire, but only with a 1:1 retaliation!)**

4913. As recounted earlier, following the incidents in Dobrinja and Markale market on 4 and 5 February 1994, the city went through a period of relative peace and improvements in living conditions, which slowly deteriorated in the second half of 1994.¹⁶⁵⁶⁷ **(No evidence on the Serb violation of the agreements was submitted! Only if and when the Muslim side feared from the internationals there could be maintained a peace conditions. Also, after a huge incident staged by the Muslim side, the Muslim strategists had been satisfied with the world attention gained, and wouldn’t take a risk to lose the international support and be condemned!)** On 19 November 1994, following the ABiH take-over of Mt. Igman, and a number of ABiH offensives,¹⁶⁵⁶⁸ the Accused and Krajišnik, among others, met with Gobilliard; during the meeting, the Accused expressed his belief that the ABiH was trying to de-block the city and threatened to take the city if the ABiH tried to do so.¹⁶⁵⁶⁹ The situation in Sarajevo deteriorated again, until 31 December when the COHA was signed.¹⁶⁵⁷⁰ **A “laconic” way the Chamber passes over the “ABiH taking over of Mt. Igman” is not fair: it was a violation of an agreement of the Serb side with the UN forces, to hand them over Igman and Bjelasnica, to make it a demilitarised zone. The Muslim forces unpunished violated this agreement and killed about 20 Serb military medicine aid workers. Had the Serb side done anything like that, it would be bombed for several weeks on and sustaining a great loses. But, let us see what the Accused rally said: P01776, p.1:**

¹⁶⁵⁶⁴ P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), pp. 139–144.

¹⁶⁵⁶⁵ P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 147.

¹⁶⁵⁶⁶ P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), pp. 148–149.

¹⁶⁵⁶⁷ See paras. 3582–3587.

¹⁶⁵⁶⁸ See paras. 3601–3602.

¹⁶⁵⁶⁹ P1762 (Witness statement of David Fraser dated 17 October 2010), p. 70; P1776 (UNPROFOR report re meeting with Radovan Karadžić and General Tolimir, 20 November 1994), p. 1.

¹⁶⁵⁷⁰ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 69; David Fraser, T. 8118–8121 (19 October 2010); D778 (UNPROFOR report, 17 November 1994); P2454 (UNPROFOR report, 19 November 1994); P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 168; D162 (Michael Rose’s book entitled “Fighting for Peace: Bosnia, 1994”), p. 197; Michael Rose, T. 7485 (7 October 2010); P2414 (Witness statement of KDZ182), pp. 47–48 (under seal); P2419 (VRS Main Staff Order, 6 November 1994); P2420 (Report of 2nd Light Infantry Brigade re VRS Main Staff order, 7 November 1994); D2823 (SRK combat report, 6 November 1994).

3. DMZ. Dr. Karadzic made it clear that until the Bosnian Muslims cleared the DMZ in accordance with the signed accord the Serbians would not entertain any new initiatives. General Gobilliard stated that he hoped that the withdrawal from the DMZ would be completed by 20 Nov or within few days of that target. In order to do this it was necessary to maintain our freedom of movement and have fuel to accomplish our missions. Dr. K made it very clear that before discussing any other issues including fuel it was necessary that the DMZ be cleared of the Bosnians. He was particularly critical of the lack of effectiveness by the UN in maintaining agreements and threatened that if the UN could not maintain these agreements the Serbians would. This included attacking KRUPAC, and clearing the DMZ. Dr. K repeatedly stated that there would be no further consideration of any new concept until the DMZ problem was solved. He said that if the Bosnian Muslims want a war, which they appear to be trying to create with their new offensives, he would oblige. His believe was that the Bosnians were trying to deblock Sarajevo and if they tried this he would take the city. He went on to blame the international community, NATO and the United States for the current problems. **Until the DMZ problem was resolved the Serbians would not respect any of the signed agreements.**

What else to say?!? The UNPROFOR was given the DMZ on Igman and Bjelasnica, and they enabled the Muslim side to approach the Serb rear through this undefended area and butchered 20 nurses. However, having in mind the Banbury's and Harland's testimony, the UN allowed to the Muslim side to do a criminal attacks on the Serb side. Banbury and Harland said that a "demilitarisation" meant removal of all the forces except the Government's one. In the same document, p.2

7. Escalation of Violence. The increased attacks around the city and Bihać were discussed. The seriousness of these attacks was explained and the possible repercussions in accordance with the UN Resolution 836 referring to the TEZ. The largest problems is the WCPs and it was stressed that there should be no attempt to withdrawal weapons from them or use weapons. The Serbians asked if there was a similar plan for the use of Bosnian infantry. It was strongly suggested that the escalation stop in order to stabilize the situation.

Even the UN representatives didn't deny the biased position in favour of the Muslim side. Further:

9. Assessment. The Serbians were confident and not concerned about the possible ramifications. They appeared prepared to prosecute the conflict with the Bosnians. :

The situation in Sarajevo deteriorated again, until 31 December when the COHA was signed.¹⁶⁵⁷¹ **(Entirely the Muslim responsibility! The UN should immediately cease this practice of bias, because this is going to be made public! It is well known to the Chamber that only few days after the President Carter's COHA the Muslim Commander issued an order to prepare an overall offensive, see D2016 OF 5 January 1995, p.17**

3. I have decided: In the defensive war in the days ahead, firmly hold the reached line of defence, continue carrying out offensive combat operations of operational and

¹⁶⁵⁷¹ P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 69; David Fraser, T. 8118–8121 (19 October 2010); D778 (UNPROFOR report, 17 November 1994); P2454 (UNPROFOR report, 19 November 1994); P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 168; D162 (Michael Rose's book entitled "Fighting for Peace: Bosnia, 1994"), p. 197; Michael Rose, T. 7485 (7 October 2010); P2414 (Witness statement of KDZ182), pp. 47–48 (under seal); P2419 (VRS Main Staff Order, 6 November 1994); P2420 (Report of 2nd Light Infantry Brigade re VRS Main Staff order, 7 November 1994); D2823 (SRK combat report, 6 November 1994).

tactical importance, with a prominent army focus, with the goal of: liberating the PZT, relieving the blockade of the encircled free territories in the Drina valley, relieving the blockade of Sarajevo, linking up the forces of the 4th and 7th with the 5th Corps, cutting off important routes for the supply and evacuation of the aggressor, taking important routes and industrial facilities for own needs, and creating conditions for the final liberation of the homeland.

Carry out combat operations in accordance with the tasks received or approved by the Commander of the GŠ /General Staff/ of the BH Army.

So, this was a duplicity, like a duplicitous order for Srebrenica on 16 April 1993, after the Accused stopped his forces to enter Srebrenica and accepted the demilitarisation, the very same day the Muslim Commander ordered a clandestine offensives against the Serbs in the zone:)

4914. As also noted earlier, on 19 November 1994, in a meeting with Krajišnik, Andreev, Gobilliard, Banbury, and Fraser, among others, the Accused stated that if ABiH forces continued to fire on Bosnian Serb forces from within the TEZ, Bosnian Serb forces would retaliate.¹⁶⁵⁷² **(But, see in the previous document, and the para that is pasted here, the UN took an obligation to clear the demilitarised zone by 20 November, and only after they failed to accomplish their obligatin the Accused warned that the Muslim side would not be tolerated any longer in firing from the DMZ which was vacated by the Serbs and entrusted to the UN.)** He further stated: “The Muslims want a big war in Sarajevo. [...] There is going to be a big war in Sarajevo”.¹⁶⁵⁷³ **(What is wrong with that? If the Muslims wanted a peace in Sarajevo, there would be a peace, and the Chamber know that, and had seen many evidence to it! But, if the Muslims wanted a big war in Sarajevo, the Serbs had only two possibilities: to surrender, or to fight!)** Four days later, the SRK sniped at a tram travelling along Zmaja od Bosne street, injuring two women, and at the beginning of December 1994, the SRK shelled Sarajevo’s downtown area with wire-guided missiles.¹⁶⁵⁷⁴ **(None of this had any connection with this meeting, nor was proven to be a SRK responsibility. Particularly pertaining to an alleged sniper incident, a firing towards the tram, there was no any visibility of a wounded women and shooter, which can not be considered that they had been aimed. Also, the most important, no investigatina acceptable to the SRK had been conducted!)**

4915. The Chamber also heard that in 1995 the Accused was ready to intensify the fighting in BiH, including in Sarajevo. **(To intensify the fights in order to end the war. What is wrong with that?)** On 5 March 1995, the Accused wrote to Akashi and stated that the Bosnian Muslims were “completely ignoring” the COHA and that, if the situation did not change in the next 7 to 10 days, “our patience will have run out”.¹⁶⁵⁷⁵ **(So what? The UN was participand in the conclusion of the Carter’s COHA!)** He further warned Akashi that there

¹⁶⁵⁷² See paras. 3603, 4879.

¹⁶⁵⁷³ P2454 (UNPROFOR report, 19 November 1994), para. 3; P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 69; P1762 (Witness statement of David Fraser dated 17 October 2010), p. 70.

¹⁶⁵⁷⁴ See para. 3604. See also discussion relating to Scheduled Incident F.14.

¹⁶⁵⁷⁵ P2245 (Letter from Radovan Karadžić to Yasushi Akashi, 5 March 1995), pp. 1–2.

would be “calamity” if the Bosnian Muslims did “not abandon their obstructionist policy”.¹⁶⁵⁷⁶ **So what?** On the same day, Mladić met with Smith and told him that the SRK’s increased in sniping in Sarajevo was in response to Serb casualties suffered in the military offensives launched by the ABiH, which to Smith was an explicit recognition that sniping was used by the SRK as a punitive measure rather than for any military gain.¹⁶⁵⁷⁷ **(False assertion, #Mladic neither denied nor confirmed the Smith’s allegation that there is an increase of sniping#. Mladic didn’t confirm that there was any “punitive action”, but only reminded Smith that there were fights, #not a unilateral Serb sniper fire. Let us see the “UN Memo” from this meeting:**

1. A meeting took place today between Gen Smith and Gen Mladic at Jahorina, a ski resort south of Pale. The meeting was at the invitation of Gen Mladic. This is the first occasion, in the memory of HQ BHC, that Mladic has been the instigator of a meeting. The invitation was issued during a telephone conversation the previous day when Gen Smith obtained Gen Mladic’s clearance for a resupply of DUTCHBAT in Srebrenica.

So, for this courtesy Mladic really deserves a blame and punishment! First, he pleased General Smith in delivery of resupply of DUTCHBAT, then Mladic invited Gen. Smith to meet.

escorted by members of RUSSBAT. At the end of the meeting Gen Mladic introduced his wife to Gen Smith.

Kind, private, friendly conduct of Mladic...

a. Detention of Serbian UNHCR Employee. Gen Mladic requested release of Svetlana Boskovic a Serbian UNHCR employee arrested by Bosnian authorities on 9 Feb. Gen Smith responded that a release of detainees held by the Bosnian Serbs could secure the woman's release. Mladic refused to accept any linkage.

So, when the Serbs employed in the UNHCR are apprehended by the Muslims, Smith considered it as same as a combatants captured in combats. Had the Serbs arrested a Muslims employed in an UN agency (such as was Popovic, although he was a policeman and spy) the entire RS was under the pressure, even the Accused was engaged several times. #Arrogancy!

3. Gen Smith questioned Gen Mladic on the reason for the upsurge in sniping attacks in Sarajevo. Gen Mladic cited recent Serb casualties from BiH attacks. Gen Mladic also accused UNPROFOR of permitting BiH forces to use the Safe Area of Sarajevo to mount attacks against Bosnian Serbs. Gen Smith strongly denied the assertion that UNPROFOR had failed in its mission, rather the parties have failed to cooperate with the UN.

Therefore, any contact of the Serb officials with this kind of the UN representatives, #particularly those who were closer to the NATO than to the UN#, was a big mistake, and is compromising for the United Nations. It would be advisable for other nations either not to accept the UN on their territories, or to avoid any meeting with it’s officials.

¹⁶⁵⁷⁶ P2245 (Letter from Radovan Karadžić to Yasushi Akashi, 5 March 1995), p. 2.

¹⁶⁵⁷⁷ Rupert Smith, T. 11309–11311 (8 February 2011); P876 (UNPROFOR Memo re meeting with Ratko Mladić, 6 March 1995), para. 3; P2451 (Witness statement of Anthony Banbury dated 19 May 2009), paras. 94–95; P2455 (UNPROFOR Weekly Situation Report (Sarajevo), 11 March 1995), para. 9; Anthony Banbury, T. 13330–13331 (15 March 2011).

At least, Smith admitted that “parties have failed to cooperate with the UN, and thus involved the Muslim side too!”

4916. In April 1995, UNPROFOR reported that, in response to VRS defeats in BiH, the Accused announced on 26 March 1995 a general mobilisation of the “entire human and material potential, with the goal of defense of the country”.¹⁶⁵⁷⁸ **(So what? This wasn’t a defeat of any of the Serb offensive actions, but a #result of a procrastinated war# and the sanctions against the Serbs by the world and by FRY, which was a reason for the President to mention that such a low intensity of the war wasn’t in the Serb interest. See P02483:**

The Serbs have clearly been stung and angered by their defeats on the ground. Dr. Karadzic announced on 26 March a general mobilization of the “entire human and material potential.. with the goal of defense of the country.” The Bosnian Serb news agency SRNA announced in its report on the Karadzic statement that “the mobilization of all subjects of the Republic is ordered with the aim of crushing the enemy offensive.”

But the Serb anger wasn’t because of the defeats, but because the #Muslim side was exploiting the international pressure on the Serbs#, see, the same document, p. 3:

of the BSA. Karadzic also sent a letter to world leaders² asking them to stop the BH offensive, or be confronted with BSA ripostes. “If the Muslims continue to pursue the war option, a major conflict will erupt. For, in that case, the Serbs will have to defend themselves by all available means and for as long as necessary.. I have to tell you that we shall never accept a humiliating solution, or defeat, even if we have to fight for decades” (Reuters, 27/3). Meanwhile, senior Bosnian Serb political and military leaders have been unwilling to meet with senior officials from BHC.

let us see how the world leaders responded, the same document, p. 3:

and to exercise self restraint. On 27 March, the German Foreign Minister, Klaus Kinkel, called “on President Izetbegovic to adhere to this declaration (made earlier not to launch offensives) and to do everything he can so that a conflagration does not ensue in Bosnia.” Although other leaders have made similar pleas to the Bosnian government to cease offensive activities, condemnation of government violation of the Cessation of Hostilities Agreement (COHA) has been relatively mild, given the severity of the violations. With

#Just this part of the document, skipped by the Chamber even to be mentioned, is sufficient to rebut all the Prosecution/Chamber constructions of the Serb and the President responsibilities!#EXCULPATORY#) The Accused was further reported as saying that if the “Muslims continue to pursue the war option, a major conflict will erupt” and that the Bosnian Serbs would be willing to fight “for decades”.¹⁶⁵⁷⁹ **(So what? Is the President indicted and sentenced for being ready to follow his people to defend themselves? From everything that the Chamber could have quoted, it is clear that the President was thinking and acting only in terms of defence!)** The UNPROFOR report also recounts that, on 28 March 1995, the Accused stated on Bosnian Serb TV that unless the war was resolved “soon” by peaceful means, his soldiers “will determine the face of the map of former BiH”.¹⁶⁵⁸⁰ **So what?** He further stated that if the UN called air strikes he would break off all relations with the UN and “consider them hostile troops”.¹⁶⁵⁸¹ **It was fair to notify in advance that all of those who participate in combats, out of a self-protection and CAS**

¹⁶⁵⁷⁸ P2483 (UNPROFOR Weekly Situation Report (Sarajevo), 1 April 1995), para. 3.

¹⁶⁵⁷⁹ P2483 (UNPROFOR Weekly Situation Report (Sarajevo), 1 April 1995), para. 3.

¹⁶⁵⁸⁰ P2483 (UNPROFOR Weekly Situation Report (Sarajevo), 1 April 1995), para. 7.

¹⁶⁵⁸¹ P2483 (UNPROFOR Weekly Situation Report (Sarajevo), 1 April 1995), para. 7.

will be considered and treated as enemies, how else? For that reason no hostages had been taken, it was not only a rear of a beleaguered side, but the advance, such as the FAC (Forward Air Controllers) who were more dangerous than those in the aircrafts!)

This was followed up by a meeting between the Accused and Smith, on 5 April, during which the Accused indicated that the Bosnian Serbs would employ weapons they had not used yet.¹⁶⁵⁸² His threat eventuated when, on 7 April, a modified air bomb was launched on

Hrasnica inflicting civilian casualties.¹⁶⁵⁸³ **(#What civilian casualties#? Who verified them?**

What were names of them? The Muslim Commander detained the UN MOs for the whole day, preventing them to have an insight of the scene, see testimony of KDZ157.) In

addition, in April 1995, the situation in (Sarajevo escalated with an average of close to 1,000 firing incidents daily.¹⁶⁵⁸⁴ **(A simple answer on only one question would decide the**

destiny of these findings: was the Serb side cornered by a synchronised hostile actions by the Muslim/Croat forces, the FRY leadership and the entire (western part of the) international community? If any of this is wrong, then there should be a suspicion that the Serbs were responsible for instigation and escalation of the conflict!)

4917. Then, on 20 April 1995, the Accused met with Akashi and Smith, together with Gvero, Koljević, and Buha, and told Akashi that the constant sniping by the Bosnian Muslim side “could lead to a renewal of the war” and could force the Bosnian Serbs to retaliate, which would mean a “total war”.¹⁶⁵⁸⁵ **(So what? Who facilitated the Muslim side to do whatever**

it wanted? How come the Muslims had never been punished in any way for so many violations of agreements, commitments and the International norms? This was a perfidious orchestration of diminishing the Serb abilities to defend themselves, with aim to force them to accept a peace plan against their interests. A politics maybe can do such a things, but a courts shouldn't support that by a fake indictments and judgments!) On

22 April, the Accused held a press conference, referring to ABiH offensives and stating, “we shall be forced to engage ourselves into a *drastic counter-offensive* i.e. to put an end to the war by military means.”¹⁶⁵⁸⁶ He also added that it was detrimental to the region to maintain

the low intensity war and that the Bosnian Serbs were ready to achieve peace through victory.¹⁶⁵⁸⁷ **(So what? It is out of mind to blame the one who was warning on the**

offensivnes of the other side! A low intensity war was envisaged to exhaust the entire region to the very colaps of the regional states and communities!)

4918. On 9 May 1995, Smith reported that during a meeting held in Pale earlier in the day, the Accused had made it clear to him that the Bosnian Serbs were not going to let go of Sarajevo.¹⁶⁵⁸⁸ Smith explained to the Accused that he had recommended NATO air strikes against VRS positions because of the concentrated artillery attack against Sarajevo and its civilian population.¹⁶⁵⁸⁹ When Smith questioned the Accused on the military options that the

¹⁶⁵⁸² See para. 3608.

¹⁶⁵⁸³ See discussion relating to Scheduled Incident G.10.

¹⁶⁵⁸⁴ See para. 3608.

¹⁶⁵⁸⁵ D3511 (UNPROFOR report, 22 April 1995), para. 2; Yasushi Akashi, T. 37733–37735 (24 April 2013) (testifying that during their meeting he thought the Accused’s position was uncompromising and that he was at that point ready to defy the international community).

¹⁶⁵⁸⁶ P883 (UNPROFOR report re Radovan Karadžić’s press conference, 22 April 1995), p. 2.

¹⁶⁵⁸⁷ P883 (UNPROFOR report re Radovan Karadžić’s press conference, 22 April 1995), p. 4 (emphasis added).

¹⁶⁵⁸⁸ P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 3.

¹⁶⁵⁸⁹ P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 6.

Bosnian Serbs thought were available to them, the Accused stated “we will watch what our enemies do, intend to do or we believe are capable of doing and make counter moves against them particularly in Sarajevo.”¹⁶⁵⁹⁰ On the basis of this meeting, Smith concluded that the Bosnian Serb political and military leadership were confident that they could contain and defeat the ABiH offensives in Sarajevo through vigorous defence and that a further increase in military activities in and around Sarajevo was to be expected.¹⁶⁵⁹¹ Smith also mentioned that during the meeting, the Accused was calm, rational, and less prone to his usual overstatements and wild assertions.¹⁶⁵⁹² **(To #“contains and defeat the ABiH offensives in Sarajevo through vigorous defence” was not a crime, but a legal obligation and a necessary measure of the ultimate defence!# That was exactly the President’s intention, having Smith to bring this kind of message, but this is another evidence, a proof that they hadn’t been a mere mediators, but another warring side, very active and “assymmetrically cooperative”, which means – spies!)**

4919. The Accused himself confirmed that at this time his goal was to escalate the violence in Sarajevo. **(#Mean and unacceptable distortion#! #Neither the President said “in Sarajevo”, but “around Sarajevo” # which is contrary to what the Chamber implied, #nor it pertained to any civilians or civilian facilities! (Neither President Karad`i} said “in Sarajevo” but around Sarajevo” which is in contrast to what the Chamber implied, nor this pertained to civilians or civilian objects. In particular, President Karad`i} didn’t say, nor had in mind any “violence” but only a legal counteroffensive and military victory over the adversary militaries, with the aim of ending the war. In the previous paragraph (4918) General Smith himself accurately described the President’s answer to his question: “... the military options that the Bosnian Serbs thought were available to them”, the President answered: “we will watch what our enemies do, intend to do or we believe are capable of doing and make counter moves against them particularly in Sarajevo.” Then the Chamber built in the Smith’s conclusion: “On the basis of this meeting, Smith concluded that the Bosnian Serb political and military leadership were confident that they could contain and defeat the ABiH offensives in Sarajevo through vigorous defence and that a further increase in military activities in and around Sarajevo was to be expected” Now, a crucial question requires a strait answer: WHO already in the next (this one) paragraph #REDEFINED the legitimate defensive and counteroffensive military activities that could have been expected, INTO A VIOLENCE? Neither President Karad`i} aluded, nor General Smith understood it to be a violence implying civilians, but somebody close to the Chamber changed it to be a violence against civilians. Is that allowed to be done?)** Speaking at the Bosnian Serb Assembly in mid-June 1995, just a day before a number of modified air bombs were launched on the city,¹⁶⁵⁹³ (16592) he said:

I must say that we decided to opt for an aggravation of the situation, and the Supreme Command and I as the Commander and with the Main Staff, we agreed that the worst for us is a war of low intensity, long duration etc., and that we have to heat up the situation, take whatever we can, *create a fiery*

¹⁶⁵⁹⁰ P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 7.

¹⁶⁵⁹¹ P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court p. 8.

¹⁶⁵⁹² P2265 (UNPROFOR report re meeting with Radovan Karadžić, 9 May 1995), e-court pp. 3, 6.

¹⁶⁵⁹³ See discussion relation to Scheduled Incidents G.14 and G.15.

*atmosphere and dramatise, threaten an escalation etc. because we noticed that whenever we advance on Goražde, on Bihać or elsewhere or if the situation escalates around Sarajevo, then the internationals come and diplomatic activity speeds up. We did that around Sarajevo, we took these artillery pieces, there are four artillery pieces, maybe they weren't crucial, but they resulted in the well-known bombing that unfortunately caused us material damage because we didn't disperse these weapons, although that would have been possible and dreadful had the depots been full, there would have been great, massive damage, which was significant anyway.*¹⁶⁵⁹⁴

4920. Similarly, in an interview he gave in early June 1995, complaining about the international community's failure to understand that Bosnian Serbs had been in BiH for centuries and therefore had a right to their own state, the Accused stated:

[W]e are not going to indifferently watch each of our breathing pores being closed; *we are going to close the Muslims theirs.* That is our legitimate right. No one can demand from us that we act in a tolerant and correct manner, and that we are, at the same time, treated as wild beasts in a cage. *If we are treated that way, we are going to treat other people in that manner as well.*¹⁶⁵⁹⁵ (16594) **(So what? A #reciprocity il legitimate#! But the Serbs were always better to their enemies than vice versa. In all the wars. But, if it was a meditation in June 1995, it was clear that until this time it hadn't been a Serb practice!)**

4921. As recounted earlier, on 2 August 1995, several weeks before the second Markale incident, the Accused gave an interview to Srpski Borac newspaper where he threatened that if the Muslims did not accept "peaceful transformation of the city into two entities Sarajevo will suffer the fate of Beirut, where working hours are until noon and gunfire in the afternoon."¹⁶⁵⁹⁶ **(#This was not any "threat", this was a prediction# of the near future of Sarajevo, if the Muslim insisted to have it all and to expel the Serbs out. There were in a colloquial language two examples of a complex cities: #Beirut and the Brussels,# and the President repeatedly warned that Sarajevo should adopt the Brussels model of co-existence! All of it is under a big "SO WHAT? That wasn't any action, this was a warning on the wrong course of events. Had it been a genuine interest of President Karadzic to achieve it, he would never threat and disclose his alleged intentions. It was rather a cryin out for an understanding by the international community which managed this war from the beginning to the end!)**

4922. Accordingly, all these statements and the activities of the Accused show that, while not necessarily issuing orders to target civilians in Sarajevo on a daily basis, he did nevertheless adopt a hard-line position, threatening and encouraging violence on many occasions and particularly during meetings with Mladić and the other members of the Sarajevo JCE. This in turn resulted in the perpetuation of, and at times escalation in, the sniping and shelling directed at the city and its civilians throughout the period of the siege. As such it inevitably

¹⁶⁵⁹⁴ P1410 (Transcript of 51st session of RS Assembly, 14-15 June 1995), p. 329 (emphasis added).

¹⁶⁵⁹⁵ P5063 (Video footage depicting interview of Radovan Karadžić on "Ask the President", undated, with transcript), e-court p. 13 (emphasis added). The Chamber notes that the video footage contains no date but that based on the events discussed in it, namely the downing of the US plane above Bihać, the time period is early June 1995.

¹⁶⁵⁹⁶ D2660 (Article from Srpski Borac entitled "We are Sovereign over Sarajevo", 2 August 1995), pp. 2-5.

resulted in the killing and wounding of many Sarajevo civilians. (#This is a cocktail of a half-truths and a fake accusations taken as a proven facts, not worthy of any comment#. Not only that the President didn't "necessarily issued orders to target civilians in Sarajevo on a daily basis" but the President, on the contrary, repeatedly if not on a daily basis, forbade any action against any civilians, and ordered the most moderate defence and responses in returning a fire! Had there not be the 1st Corps of ABiH with its violations of each and every agreement and the international norms, the Chamber would have some ground to suspect the President for instigating incidents and crimes, that should be investigated and sued on a basis of undoubted findings. However, neither of the findings is correct. The President's statements and orders never pertained to civilians, except those that forbade any violation of the civilian rights and security. The Chamber erred in everything about Sarajevo, and a gathering of many irrelevant data will not birth any true fact. It is rather a compromitiation of the very idea of the international justice!)

4923. That is not to say, however, that the Accused never made any attempts to calm the fighting in Sarajevo and it is clear that at times he did do so, such as in the aftermath of the first Markale incident. The Chamber also received evidence suggesting that the Accused did not always approve of the SRK's shelling and sniping of civilians in the city. (#Neither President Karadzic ever missed to disapprove any firing towards the city that could have been avoided#. But, if for the Chamber is already a felony the mere existence of the SRK, then what we could do? And it was just like that: for that reason every military activity of the SRK was treated by the Prosecution/Chamber alliance as a crime! However, the manipulation made by the Chamber is unacceptable and should be forbidden, stating that "*that the Accused did not always approve of the SRK's shelling and sniping of civilians in the city*" this kind of manipulation wouldn't be allowed in some of the worst regimes in history. If Karad'ić didn't approve it always, implies that he did approve it the rest of the time. This is a very cunning and mean manipulation that requires an apology, both by this Court and the UN Security Council. Or to submit at least one tiny evidence that President Karad'ić ever approved any criminal conduct against civilians in Sarajevo. For example, as already mentioned earlier, Galić stated that the Accused wanted to reduce the use of force to a "minimum related to military necessity and military objectives".¹⁶⁵⁹⁷ (#EXCULPATORY!!! What else the President could wish and order? But it had been misunderstood as a Serb weakness, and such a humble attitude of the President enabled the Serb enemies to prolong the "low intensity war" as long as they wanted!) He also testified that sometime during 1993 the Accused met with the SRK command and expressed concern about the disproportionate use of artillery.¹⁶⁵⁹⁸ (And this happened only under the President's presumption that the internationals were correct in complaining about a disproportionate responses, which was not the case, at least in majority of occasions!) According to Galić, at these top-level meetings where the Accused was present, the topic of proportionality was always discussed.¹⁶⁵⁹⁹ Similarly, Dragomir Milošević testified that the Accused and others in the Main Staff were constantly reminding

¹⁶⁵⁹⁷ Stanislav Galić, T. 37888–37890 (8 May 2013).

¹⁶⁵⁹⁸ Stanislav Galić, T. 37884–37888, 37897–37898 (8 May 2013). The Chamber notes that Mladić's diary records a meeting, on 2 June 1993, whereby the Accused met with Krajišnik, Mladić, Galić and others. However, Mladić did not record the issue of proportionality being discussed. See P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), pp. 182–194.

¹⁶⁵⁹⁹ When asked how often these meetings took place, Galić failed to answer the question. Stanislav Galić, T. 37886–37887 (8 May 2013).

him never to take any military action that would threaten the civilian population in Sarajevo.¹⁶⁶⁰⁰ **(#All of it EXCULPATORY! A HIGHLY EXCULPATORY#)** As an example, Dragomir Milošević testified that Mladić told him to only destroy military targets.. **(#EXCULPATORY!** Vladimir Radojčić, Commander of the Ilidža Brigade from 1993,¹⁶⁶⁰¹ also testified that the Accused would repeatedly point out during meetings that any actions against civilians would violate international humanitarian law and the laws of war.¹⁶⁶⁰² **(#EXCULPATORY!** Milorad Šehovac, Commander of the 2nd Sarajevo Light Infantry Brigade,¹⁶⁶⁰³ testified that at the meetings he attended with the Accused, the latter always insisted that the forces act in accordance with the Geneva Conventions and the provisions of international humanitarian law.¹⁶⁶⁰⁴ **(#EXCULPATORY!**

4924. The Accused’s adviser, Zametica, recalled that the Accused stated once that the sniping by the Bosnian Serb side was “stupid”, that it did not get the Serb side a military advantage, and that he was against it.¹⁶⁶⁰⁵ **(#EXCULPATORY!** Similarly, with respect to shelling in Sarajevo, Zametica testified that the Accused disapproved of “irresponsible” or “senseless” shelling.¹⁶⁶⁰⁶ **(#EXCULPATORY!** Bogdan Subotić testified that the Accused never issued an order to shell Sarajevo and that, if there had been such an order, he would have known about it.¹⁶⁶⁰⁷ **(Right, because Gen. Subotic drafted all the President orders and military documents created in the Presidency, unlike the documents created somewhere else and signed during the President visits. #EXCULPATORY!)** He also testified that the Accused wanted a peaceful solution for Sarajevo from the very beginning of the conflict.¹⁶⁶⁰⁸ **(#EXCULPATORY!** According to Krajišnik, there was no one in the civilian authorities that supported the shelling of Sarajevo.¹⁶⁶⁰⁹ **(#EXCULPATORY!** In relation to shelling incidents, Krajišnik testified that the Accused would insist on having an immediate investigation conducted and Mladić, or someone else from the Main Staff, would deny that the shell originated from Bosnian Serb-controlled areas.¹⁶⁶¹⁰ **(#EXCULPATORY!** The Accused would also issue warnings that the VRS should not attack Sarajevo because that would be a “pretext” to attack the VRS with air strikes.¹⁶⁶¹¹ **(#EXCULPATORY!**

4925. Vladislav Jovanović, the Foreign Minister of Serbia, testified that on the occasions when they met, the Accused told him that he did not have a policy of shelling and targeting

¹⁶⁶⁰⁰ Dragomir Milošević, T. 32736 (28 January 2013), T. 33115–33116 (4 February 2013).

¹⁶⁶⁰¹ D2562 (Witness statement of Vladimir Radojčić dated 8 December 2012), paras. 1–2.

¹⁶⁶⁰² D2562 (Witness statement of Vladimir Radojčić dated 8 December 2012), paras. 29, 31.

¹⁶⁶⁰³ D2633 (Witness statement of Milorad Šehovac dated 8 December 2012), para. 2.

¹⁶⁶⁰⁴ D2633 (Witness statement of Milorad Šehovac dated 8 December 2012), para. 13. *See also* D2658 (Witness statement of Luka Dragičević dated 9 December 2012), para. 16; D2667 (Witness statement of Ratomir Maksimović dated 14 December 2012), para. 30; Nikola Mijatović, T. 30762–30763 (30 November 2012); D331 (Intercept of conversation between Danilo Veselinović and Radovan Karadžić, 13 April 1992), p. 2.

¹⁶⁶⁰⁵ John Zametica, T. 42458–42460 (29 October 2013).

¹⁶⁶⁰⁶ John Zametica, T. 42458–42460 (29 October 2013).

¹⁶⁶⁰⁷ D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 229.

¹⁶⁶⁰⁸ D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 268–269.

¹⁶⁶⁰⁹ Momčilo Krajišnik, T. 43903 (20 November 2013).

¹⁶⁶¹⁰ Momčilo Krajišnik, T. 43331 (12 November 2013). Krajišnik gave an example of a shelling on 27 May on Vase Miskina street, after which the Accused was informed about the incident and contacted the VRS. The VRS responded that the shell was not launched by them. The Accused immediately demanded that an inquiry be conducted. According to Krajišnik, the same procedure was followed after the two Markale shellings and the shelling in Dobrinja. *See* Momčilo Krajišnik, T. 43333–43334 (12 November 2013).

¹⁶⁶¹¹ Momčilo Krajišnik, T. 43332 (12 November 2013).

Sarajevo and that this was not part of the Bosnian Serbs' military aim.¹⁶⁶¹² **(#EXCULPATORY!** If such incidents did occur, the Accused told Jovanović, they were sporadic and caused by “soldiers, a few frustrated individuals” who had lost family members and he did his best to prevent them.¹⁶⁶¹³ **(#EXCULPATORY!** Jovanović was also told by the Bosnian Serb leadership, including the Accused, that the Bosnian Muslims were responsible for a number of incidents, and that it was a method by which they used to infuriate the international community against the Bosnian Serbs and provoke a NATO reaction.¹⁶⁶¹⁴ **(#EXCULPATORY!**

4926. Momir Bulatović testified that he had many conversations with the Accused on the topic of shelling in Sarajevo during which the latter recognised that the shelling was a political liability for the Bosnian Serbs and that it damaged their cause.¹⁶⁶¹⁵ **(#EXCULPATORY!** **This “recognition may have happened only at the beginning of the war, while the President had an unlimited trust in the internationals!”** The Accused also told him that he had inquired with Mladić about whether the shelling could be stopped but was told that it was necessary in order to avoid VRS positions being overrun by the ABiH forces.¹⁶⁶¹⁶ **(#EXCULPATORY!** When Bulatović raised with the Accused the allegations that the shelling was not limited to military attacks, but aimed at civilian areas, the Accused stated that he had banned shelling of civilian areas on a number of occasions and had done everything he could to prevent the unnecessary and disproportionate shelling of Sarajevo.¹⁶⁶¹⁷ **(#EXCULPATORY!** In Bulatović's opinion, the shelling of civilian areas in Sarajevo was not the result of a policy of the Accused but was perpetrated by local soldiers who were untrained and were protecting their own homes and families.¹⁶⁶¹⁸ **(#EXCULPATORY!**

4927. It is indeed true that the Accused issued several orders, either written or oral, instructing the forces in Sarajevo not to target civilians and/or to respect the laws of war. The Chamber has outlined these orders in more detail in Sections IV.B.3.c.ii.D and IV.B.3.c.iv. The Chamber notes, however, that almost all¹⁶⁶¹⁹ of these orders were issued either while the Accused was engaged in the process of negotiating with foreign diplomats and/or had agreed to cease-fires¹⁶⁶²⁰ **(#EXCULPATORY!, no matter for what reason, but also without those**

¹⁶⁶¹² D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 52; Vladislav Jovanović, T. 34325–34326 (26 February 2013). Jovanović also testified that he stood by his previous testimony in the *Slobodan Milošević* case in which he stated that he and Slobodan Milošević condemned the shelling and demanded that “the parts of [RS] cease that activity”. Vladislav Jovanović, T. 34325 (26 February 2013).

¹⁶⁶¹³ D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 52; Vladislav Jovanović, T. 34325–34326 (26 February 2013).

¹⁶⁶¹⁴ Vladislav Jovanović, T. 34253–34254, 34325–34326 (26 February 2013) (also adding that he personally had doubts about the responsibility of the Bosnian Serbs for the incidents such as those that took place in Markale market).

¹⁶⁶¹⁵ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 23.

¹⁶⁶¹⁶ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 23.

¹⁶⁶¹⁷ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 24.

¹⁶⁶¹⁸ D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 31.

¹⁶⁶¹⁹ The Chamber notes that the Accused's message to the SRK units outlined in D314 is one such order but that it does not contain a date or a stamp making it difficult for the Chamber to place it in context. As also indicated earlier, Guzina's evidence on the issue of the date was unclear. *See* fn. 16064. Accordingly, the Chamber considers that the probative value of this order is low.

¹⁶⁶²⁰ *See* D920 (Intercept of conversation between Radovan Karadžić and Radovan Pejić, 23 April 1992), p. 2 (wherein the Accused instructed Pejić to refrain from launching any attacks due to a cease-fire being signed that day); D3755 (Intercept of conversation between Radovan Karadžić and Milenko Karišik, 24 April 1992) (wherein the Accused told Karišik that one of the “white” ones will be coming to see who is violating the cease-fire and thus not to retaliate unless threatened); D4491 (SRNA news report, 8 June 1992) (issued following the Accused's meeting in Geneva); D434 (Radovan Karadžić's Order on the application of laws of war, 13 June 1992) (issued one day after the Accused offered a cease-fire in Belgrade); D431 (Minutes of RS Presidency session, 9 October 1992), p. 2 and P1264 (SRK Order, 10 October 1992) (both of which were issued following the Accused's meeting during the ICFY conference in

reasons it happened many times. First in a form of general orders, pertaining to the entire Army and all the times and circumstances, and later in a form of single orders. A cease-fires anyway comprised the cease of shellings too. The negotiations were always sabotaged by the Muslim side, provoking the Serb responses, in order to have the talks ceased. The President was constantly engaged either in the peace talks, or other international activities, so that all of his orders had been issued in the shade of these activities, regardless of any causality!) or during times when he was being pressured by the international community and/or threatened with air strikes, such as in the aftermath of the SRK's capture of Mt. Igman in 1993 and in the aftermath of the first Markale incident in February 1994.¹⁶⁶²¹ As such, the Chamber does not consider that these orders necessarily indicate that the Accused disapproved of the shelling and the sniping directed at the city, but rather that the shelling and sniping conducted by the SRK were at times inconvenient to him. (This is an unseen #reductionism: the Chamber didn't have any clue that President Karadzic was in favour of any illegal shelling ever, and this fact is more powerful than a negative search for a negative fact#. Why a "strictly confidential" orders should be questioned? A direct disapproval of any shelling, expressed by the President both orally and in writings, were so numerous that anyone knew this attitude of his, and nobody ever have heard or seen any sign of "approval". Anyway, those orders that the Chamber

Geneva on 30 September); D4512 (Intercept of conversation between Milan Gvero and Radovan Karadžić, 2 May 1993) (wherein, on the day that he signed the Vance-Owen Plan, the Accused ordered Gvero not to fire anywhere in Sarajevo); D104 (Radovan Karadžić's Directive to VRS Main Staff, 11 May 1993) (issued some days after the Accused had signed the Vance-Owen plan); P5058 (Order of the VRS to SRK, 15 July 1993) and P836 (SRK Order, 15 July 1993) (both of which were issued during the Accused's talks with Owen and Stoltenberg); D4507 (Summary of intercepted conversation between Milan Gvero and Radovan Karadžić, 30 July 1993) (issued on the day a cessation of hostilities agreement was signed by the Accused); D4508 (Intercept of conversation between Radovan Karadžić and Manojlo Milovanović, 3 August 1993), p. 3 (which took place during the ICFY conference peace talks when the Bosnian Serbs had agreed, in principle, to open the Sarajevo airport by 4 August 1993); D4610 (Radovan Karadžić's Order, 13 March 1994) (issued during the cease-fire signed following the Dobrinja and Markale incidents in February 1994). See also P1643 (Letter from Radovan Karadžić to Ratko Mladić and Stanislav Galić, 19 March 1994) (which the Accused issued in order to appease UNPROFOR). **This "appease" qualification is completely unusual and unacceptable. How anyone could establish that is wasn't a genuine tendency instead of a "cunning manoeuvre a bilo je primjera kad su zvani-nici Republike Srpske stavljali UN oficire "na njihovo mjesto, ili odbijali da ih prime. Aija je ovo arogancija? "appease" qualification is completely unusual and unacceptable. How anyone could establish that is wasn't a genuine tendency instead of a "cunning manoeuvre"? UNPROFOR was not in any sense superior to the President or the RS! Here is this P1643:**

This is to inform you that I have given permission for a football match to be played between an UNPROFOR team and a team from *Sarajevo* Football Club at Koševo Stadium between 1200 and 1600 hours on 20 March 1994.

UNPROFOR will play a similar match against the Serbian *Željezničar* Club at Grbavica at a time to be agreed.

During the time the match is played, it is necessary to prevent the Serbian side from provoking an incident at all costs, as this might bring condemnation from the whole world.

Moreover, the further normalisation of life in Sarajevo is in our interest, all the more so because it does not cost us anything in terms of territory.

Inform all brigades in the area that they shall absolutely comply with this order.

"...the further normalization of life in Sarajevo" is a genuine motive and not trickery! This kind of undermining of documents and intentions shouldn't be allowed to Prosecution, let alone to a Chamber.)

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See P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), p. 263; P5054 (VRS Main Staff Order, 5 August 1993); P4802 (Intercept of conversation between Radovan Karadžić and unidentified member of VRS Main Staff, 10 August 1993); P4804 (Intercept of conversation between Radovan Karadžić, Colonel Prstojević, and General Gvero, 11 August 1993); P846 (Radovan Karadžić's Order to VRS, 7 February 1994). Other orders provoked by threats from the international community were: P1504 (Minutes of 12th session of SerBiH Presidency, 27 June 1992), para. 3 (order to stop attacks on Dobrinja); P1481 (Ratko Mladić's notebook, 5 October–27 December 1992), p. 59 (wherein the Accused argued it was crucial to stop firing on Sarajevo due to the danger of a NATO attack); D4510 (Intercept of conversation between Radovan Karadžić and Matišić, 21 February 1993) (wherein the Accused refers to Morillon's request to cease fire); D3521 (Letter from Radovan Karadžić to VRS Main Staff, 22 September 1994), p. 3 (wherein the Accused stated that every attack by NATO was a humiliation).

“didn’t consider” as genuine were very few in comparison to those numerous that had been issued without any external incentives, and as a “#strictly confidential”!)

4928. Having therefore analysed all of the Accused’s statements, orders, conversations, and activities mentioned above and bearing in mind all the preceding findings made by the Chamber in relation to the existence of the common plan, as well as the Accused’s various contributions to that plan, the Chamber is convinced beyond reasonable doubt that the Accused had the intent to (i) commit unlawful attacks on civilians in Sarajevo, (ii) perpetrate acts of violence designed to cause terror among Sarajevo’s civilian population, and (iii) murder civilians in Sarajevo.¹⁶⁶²² **(So, #no matter how huge is a hard evidence on the proper attitude and conduct of the President, all this existing proofs and documents – became nothing when confronted with an unexisting “common plan” which couldn’t exist and be established without exactly the same profs and evidence which exists, but indicates contrary to the Chambers deliberations. On one hand, there is a huge evidence contrary to the charges, on the other is the “Chamber’s conviction” built up on a wrongful “inferences after inferences, after inferences...”** His hard-line approach and tendency to, at times, threaten and/or encourage the use of violence against the city for his own political purposes necessarily means that he also intended the consequences of that violence, including the killing, the wounding, and the terrorisation of the civilian population. **(#This is more fantastic than any ferry tale#! This wouldn’t survive even if there was no a three times more numerous ABiH 1st Corps, because even in this case there would be needed an investigation and finding that the SRK targeted or endagered the civilians deliberately or by negligence. But, to conclude that way, knowing that the Muslim Army initiated all and every single armed skirmish from within Sarajevo is senseless, and unacceptable in any country, in any case, and is a #highly compromising to the United Nations and it’s leaders!#)** Accordingly, given the pattern and the longevity of the campaign of sniping and shelling, the fact that indiscriminate and disproportionate shelling of the city would necessarily bring about civilian casualties, and the above findings in relation to his knowledge and conduct, the Chamber is satisfied that the only reasonable inference is that the Accused, together with the other Sarajevo JCE members, had the intent to commit unlawful attacks against civilians, terror, and murder. **(#As court as inference#! A sniping and shelling was an accessory feature of the permanent fights initiated by the Muslim side. Whenever there was a cease-fire (CF) respected by the Muslim side, there was no any firing or shelling. Why, if it was a Serb objective, to harras the civilians? Why this didn’t happen out of the Muslim attacks? Although the Chamber used to mention the ABiH fierce attacks and offensives, in deliberating the Chamber neglected at leas a half of the picture – the agressivnes of the 1st Corps of ABiH in and around Sarajevo!)**

4929. This is confirmed by a number of other factors. Starting first with the Accused’s plans for the city, namely a division into two ethnically separate parts (as per the fifth Strategic Goal), the Chamber recalls that it could have been achieved only through what Okun labelled the “wall of fire”, that is, through the sniping and shelling of the non-Serb parts of the city. **(This is a #completely arbitrary deliberation, particularly since there was a majority of the city neighbourhoods for a centuries ethnically defined. It had been presented to the**

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In addition, based on all the evidence, the Chamber finds that the Accused was aware that his conduct as discussed in the preceding sections was part of a widespread and systematic attack directed against a civilian population.

Chamber, it was known to everybody: the very core of the city was structured as the Latinluk, the Catholic quarter, the Taslihan, the Serb quarter, and Carsija, the Muslim part. All the surrounding settled places were, with a minor exceptions, either the Serb, or Muslim or Croat vast majority. What had been proposed far before the war was to reorganize the city municipalities, ten of them, to look like the Brussels. Beirut was mentioned as a negative example, as well as Berlin, but the Brussels was acceptable to everybody, and was a peaceful transformation. How Okun, on what basis could say anything like that and be credible? How come the Chamber completely neglected the entire evidence, a contemporaneous documents stating that the Serb vision of the future independent Bosnia would be a sort of southern Switzerland, and Sarajevo as a Balkans' Brussels? What Okun alleged was his projection, made on the basis of his knowledge of Muslim unconciliatory decisiveness to have the entire Sarajevo and BiH only for themselves!) While in the very early stages of the war the Accused may have had some concern for the fate of the civilians in the city,¹⁶⁶²³ (#EXCULPATORY! this subsided once he realised that the wall of fire was the only way in which he could achieve the fifth Strategic Goal. (How the Chamber, #on what evidence concluded that now the President, not Okun, "realised" that he needed a "wall of fire" in the city#? And why the President didn't obtain this "wall of fire" during the war and after the war, since there was the Serb Sarajevo throughout the war, and is existing now, with some commons infrastructure and activities with the Federal Sarajevo? Why the Okun's words are allocated to the President? To enable this construction? Why a city that had ten municipalities couldn't continue to have ten municipalities, but differently shaped, such to have Rajlovac as it was far before the war a separate Serb municipality?#THE CHAMBER MUST NOT NEGLECT THE OFFICIAL UN DOCUMENTS AND THE PRESIDENT'S COMMITMENTS IN IT! SEE P941!#) Furthermore, the siege of Sarajevo, as well as the shelling and the sniping directed at the city and its civilians, also had an effect which was highly desired by the Accused: undermining the Bosnian Muslim authorities in Sarajevo and their desire to have Sarajevo be the capital of the independent BiH. (This #sounds exactly the same as Muslim propaganda, without any basis#. There was no a Serb opposition that the Muslim parts of Sarajevo become the capitol of the Muslim part of BiH, i.e. of the Muslim entity, but not the Serb parts of the city. There was enough territory to have the Republic of Srpska capitol too, and it would be more favourable for the "unity" of BiH. As it is now, the Serb capital in Banja Luka, the Croat capital in Mostar, BiH can hardly stay together! The Chamber is critical of the Serbs for their insistence on their rights, while favourising the Muslim side in pretending to the entire BiH and Sarajevo, regardless of the Serbs and Croats!)

4930. The Accused's statements in 1991 and early 1992, that is, prior to the Sarajevo JCE coming into existence, show that he recognised the possibility of the Bosnian Serbs encircling the city, the chaos that such encirclement would cause, and then used it to threaten the Bosnian Muslim side. By the time the Sarajevo JCE did come into being in late May 1992, the Accused embraced the siege and the very violence he predicted, all in order to retain the Serb-held territory around Sarajevo and undermine the Bosnian Muslim authorities in the city. This is yet another reason why his intent to commit the crimes outlined above is the only reasonable inference to be drawn from the evidence before the Chamber. (This is #as wrong

as are all other wrong assertions and inferences#. Why? There was no any puzzle, the entire Sarajevo was built up on the Serb territory. Since the Muslims gathered in the urban core, the Serbs remained on their areas so far. The Serbs threatened to encircle Sarajevo as they did during the First and Second World wars, and when Milan Martić was illegally arrested as well. For instance, in WWI Austro-Hungarians hardly reached Pale, and during the WWII it was a while before the Ustashas went to Pale. It was far before the President even had been born. No matter what would any Serb leader order or recommend, the Serbs around Sarajevo wouldn't follow any policy that would expose them to the will of the Muslims in Sarajevo. But, the Chamber itself is fully aware of this absurdous inference, by stating *the Accused embraced the siege and the very violence he predicted, all in order to retain the Serb-held territory around Sarajevo and undermine the Bosnian Muslim authorities in the city.* So, the Serbs are guilty for retaining their own territory around Sarajevo, since it was known that the Serbs controlled only their settlements, no matter the Muslim side wanted to deprive them from the basic rights and expel them out of BiH and Sarajevo! What would happen if the Muslim side accepted the Historic Serb-Muslim Agreement, pursued by the President and other Muslim parties? Or, what would happen if the Muslims didn't renege on the Lisbon Agreement and accepted a peaceful transformation of BiH? What would happen if the Muslims recognised to the Serbs and Croats the same rights they wanted for themselves? Finally, what would happen if the Muslim side didn't attack the Serb parts of Sarajevo? The only peaceful solution the Chamber sees was that the Serbs surrendered and escaped out of BiH!)

4931. The fact that the Accused had the intent to commit the crimes outlined above is further confirmed by his unwavering support of Mladić's strategy in Sarajevo, as illustrated by, among other things, the events surrounding Scheduled Incident G.1. In that respect, the Accused's argument that no one in the higher VRS command ever issued orders to target civilians is plainly wrong as the evidence analysed above shows that Mladić did issue such orders in his telephone conversations on 28 and 29 May 1992.¹⁶⁶²⁴ (At that time the President still was in Lisbon, but the Chamber is forgetting that the Muslim side staged the Vase Miskina street incident on 27 May, and in middle May started a great offensive against the Serbs. Still, Mladić didn't make any crime, because he asked the subordinate at artillery whether he had the targets in Velesici aimed! And Velesici was full of the military targets!) Further, the Accused himself, after ensuring that the bombing was brought to a halt on 30 May 1992, then issued orders for infantry fire to continue, showing in turn that he was involved in daily operations in Sarajevo, that he would issue orders to troops to open fire on Sarajevo, and finally, that he was duplicitous in his dealings with the international community, as ultimately confirmed by his own witness Akashi. (#Akashi didn't say anything like that about the President.# Akashi only described the President's negotiating techniques and maneuvers, but in no way it pertained to the accuracy of the exchanged informations. Everyone could check it by re-reading this Akashi's testimony. President Karadžić, being informed that the Green Berets were to attack the Headquarters of the Serbian MUP, asked the officer on duty Cedo, not to use artillery, but if they attack the Serbs, use the infantry weapons in defence. If the attackers wanted

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See discussion relating to Scheduled Incident G.1. Similarly, Dragomir Milošević issued an order to the Ilidža Brigade to launch a modified air bomb on the centre of Hrasnica, as discussed earlier in the Judgement. See discussion relating to Scheduled Incident G.10.

to die, let them die, and Cedo said “they will get what they are asking for”. In any interpretation, this pertained only to the defence against the infantry attack which was imminent. This Chamber is really exceeding all boundaries of decency, justice and a judicial practice. There is no a reasonable chamber that would neglect the fact that there was going to be an attack, and that the infantry weapon instead of artillery would be used. In the same document Cedo informed the President that the Muslims fire their artillery a half against the Serb suburbs, a half to “their territory, to provoke their people”! The President was callin Cedo from Belgrade, in oprder to have an accurate information on situation, after and befor the foregoing meeting with the internationals! Being the last ten days in Lisbon, the President lacked of information of the events on terrain!)

4932. The Accused’s control over, and close involvement with, the SRK forces and their officers continued, as illustrated by numerous oral and written orders he issued to them. (Only if the Serbs had been deprived from the right to defend themselves and their families, this inferences would have some sense, but this is so senseless that sounds like a provocation and denigration, not as a judgment! Why the President wouldn’t be in contact and issue “numerous orders”, particularly since the majoprity of the orders were issued on the international requests, in order to help them exercise their job? President Karad`i} didn’t issue his orders directly to the CorpSES, but always through the Main Staff, UNLESS the internationals asked him to intervene urgently, about a restrain of military action, or a humanitarian issues – and all of it in accordance with the Constitution, and the Law on Army This too leads to the inevitable conclusion that the activities those forces engaged in during the period of the siege of Sarajevo were intended by the Accused. (Is the Chamber of an opinion that there was no any legal presence and activity of the SRK? If so, then the Chamber should enlight us with this knowledge, but if the SRK was legally present there, the Chamber must differentiate the legal activities supported by the President , from an illegal and criminal ones, and submit a basis for their inferences that the President supported any of the criminal activities. This way, the mere existence of the Serbs around Sarajevo and consequently their defence formation is criminalised!) This is particularly so given the longevity of the siege and the campaign of sniping and shelling of civilians in Sarajevo as it is simply inconceivable that this state of affairs would have continued for over three years had it not had the active support of the Accused. (#This can not be a conclusion of a learned judges, but of somebody to whom the Chamber entrusted the technicalities about construction of the Judgment. The longevity of the “siege” and the fights was not decided by the President , but by the nature of the urban war: the Serbs didn’t want to take the whole city, and the Muslims wanted to take the whole city including the Serb parts, but couldn’t achieve it. #The only three ways that this “longevity” could become a “shorter” were as follows: 1. first, that the Muslims prevailed and took all the Serbian suburbs; 2. second, that the Serbs took over the entire Sarajevo, i.e. both the Serb and the Muslim parts; and the 3. third one: that the UN took the city under it’s administration, which was rejected by the Muslim side. 4. The fourth one was – the end of the war, and that is what happened, leaving the two cities aside each other, without any “wall of fire” or barb wires. And this rebuts all the allegations about impossibility of reorganisation of Sarajevo, as the entire Dayton Agreement rebuts everything that was said against the Serb demands and objectives!) In this respect, the Chamber recalls the Accused’s knowledge of the SRK’s targeting of civilians

in the city from the very beginning of the conflict, his persistent failure to punish the perpetrators and/or stop that targeting, his continued support for various individuals implicated in crimes, such as Mladić, Galić, and Dragomir Milošević, and the control that the VRS and the SRK officers had over the heavy weapons and sniper units encircling the city.

(This is wrong inference: the President believed to the internationals and their allegations about an excessive firing towards Sarajevo, and got in a quarrel with the officers of the JNA, and later of the VRS about it. There was the same allegations even during the JNA presence in Sarajevo, till 20 May 92, and to the beginning of June, if taken into account the withdrawal of the JNA cadets. But, it appeared that those allegations were false. Also, there was no possibility to “punish” anyone without evidence. And the Serb side was offered only an empty allegations, being deprived from any insight into investigations and materials. So, the Chamber is in an accord that the President, as the highest official of the RS should be an obedient boy of the internationals, and when they blink with their eyes, he should punish some high officer, because the Chamber decided that the President requested an unreasonable matter – to have the Serb experts participating in the investigations of incidents that possibly involve the SRK liability! At the time suggested by the Chamber Generals Mladic, Galic and Milosevic hadn't been President, indicted or sentenced by any court, and according to the general knowledge of these officers, they didn't deserve anything more that they received from the President : a warnings about possible lack of discipline, on the basis of the international's allegations. So, they had been unjustifiably sentenced in this Court!)

The Chamber also recalls the Accused's own admission in mid-June 1995 that creating a “fiery atmosphere” in the city and escalating the conflict inevitably leads to diplomatic activity speeding up and his subsequent efforts to intensify the terror in the city in mid-1995 through, among other things, supporting the use of a new weapon on the city. **(False,**

deliberately distorted. The President never said that it ever happened within the city, or that it will in a near future be imposed in the city. What he was saing is without any ambiguity – around Sarajevo. He didn't “admit” any felony! He just expressed his impression that when the war is steady but at a low level, nobody insist on a resumption of the peace talks, but when it intensifies by itself, everyone is concerned whether there may be an escalation on the neighbouring countries!)

As found earlier, a number of modified bombs were launched on the city following this threat to use a new weapon. All these facts indicate that there was a clear intent on part of the Accused to support the SRK's shelling and the sniping of the civilians in the city. **(Not civilians, this is a deliberate lie.**

This must be warned, no a chamber all over the world should be allowed to distort facts so easily, and with such a possible consequences for the peace in the region. All of these wrong inferences are delying the peace and a reasonable co-existence, if not a reconciliation!)

4933. Many of the Accused's statements outlined above also show that, from the beginning of the conflict, the approach he adopted with international negotiators and in the public domain was that the Bosnian Serb side was not to blame for anything but was instead to be defended at all costs. **(#This is also false.# The Chamber itself many times “established” as if the President “admitted” the Serb crimes. Many times the President said, before the war and during the war, that a civil war, if we facilitate it to appear, is going to be more horrible than the one in Croatia, that the order that is in a peacetime in our hands would disappear, and we will be in the hands of a chaos. During the war**

the President said many times that all the three sides are committing crimes. Of course, there is a confirmed fact that all the three sides did have so called “uncontrolled elements”. Also, some of the members of the legal armed forces, such as the armies and polices, could have committed crimes. But, as we established, by committing their private crimes, they have hiding it from the most immediate superiors. That is a basis that the Accused said that the legal formations didn’t commit crimes, but individuals may have! For that reason President Karadžić have never accused the Muslim and Croat leadership for the crimes their sides committed, because Karadžić never believed they ordered it, knowing that this wasn’t something beneficial for them!) Thus, the Accused made numerous claims throughout the conflict that the Bosnian Muslims were at fault for all the major incidents in the city, either because they were launching attacks on the Bosnian Serb-held territory or because they were sniping and shelling their own civilians. (It is sufficient just to review the contemporaneous combat reports to see whether this President claims were fake or not. No a reasonable chamber would decide neglecting such a convincing documents that were created at the time and were aimed to the Main Staff, and thus “strictly confidential”, as well as many UN documents confirming what the President stated!) In the early stages of the conflict, as illustrated by statements outlined above, he also claimed that the Bosnian Muslims, due to their failure to abandon their political aims, would be and were to blame for the Bosnian Serb violence. This tendency of the Accused to automatically shift the blame to the other side for the civilian casualties in Sarajevo remained his approach throughout the conflict and he rarely acknowledged the SRK’s responsibility for anything, even in private conversations with his peers.¹⁶⁶²⁵ (Had it been really the SRK’s responsibility, the President would not take it on his shoulders and would never cover up anyone, but would use it in his argumentation with the army officers. But, we saw from the intercepted conversation with Cedo on 30 May 92, that Cedo confirmed, not for a public or media, but for his President, that the Muslims are shelling both, the Serb and Muslim territory. But, generally responding to these general allegations of the Chamber, not only the SRK informed the Accused that they didn’t do what they had been accused for, and didn’t initiate any fights, but they were a very convincing, since every single Serb in the AOR of SRK knew that any firing was detrimental to the population in the SRK AOR and the Serb settlements. The SRK didn’t intend to advance, and didn’t have any order or approval for it. In such a case, why the SRK would fire toward the city and sustain a retaliatory fire and casualties? And this is not decent to neglect the very obvious fact and allege that the President deliberately duped somebody with his assertions!) However, given that he was physically close to the city and to the SRK forces surrounding it, given the extensive information he would receive in relation to the Sarajevo battlefield from various sources, and recalling the great interest he took in the events there, the Chamber considers that the Accused adopted this approach of shifting blame not because he actually believed that the SRK was not responsible but because he wanted to deflect that responsibility and continue the pursuit of his political goals. (All of a sudden, the distance of the President from the battlefield and a quantity of information became essential, while when deciding about Krajina (Banja Luka, not Knin) it wasn’t found to be important, since the President could have used a parapsychology to be informed about Ključ, Sanski Most, Prijedor and B. Novi. Pretty

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An example of this approach is the aftermath of the first Markale incident when, according to Milinić, before even speaking to anyone in the VRS, the Accused concluded that the incident was yet another Bosnian Muslim hoax. See para. 4208.

consistent? Had the Chamber remember how many days the President spent out of Pale, and out of the country, on conferences, and how many duties a president has, these inferences would sound to the Chamber as ridiculous as it sounds to the Defence!)

4934. This being his approach, the Accused made no genuine attempts to ensure that the civilian population in Sarajevo was protected from attacks by his own forces, even though he was obliged to do so given his position as the Supreme Commander. **(How any Supreme Commander would do that? By issuing the strictest orders banning any unnecessary fire? The President did it! Would any other Supreme Commander do something else? What? To disguise himself and watch? To order an investigation? The President did it, but an inquiry of the SRK commanders never obtained any convincing evidence that something had been done by the SRK soldiers. Since the orders were recorded, it was clear that the SRK commanders never ordered any illegal move. As for a possible individual misconduct, there was inevitable to have a comprehensive investigation or an investigation materials done by others, but this Chamber agrees that the UN and Muslim side were right in denying the Serb's participation and insight in investigations. And this must cost those who denied a participation of side that is involved or is going to be charged. Once and for all, the UN must establish a rule that no charging without a fair investigation!)** While he did occasionally issue orders for the Bosnian Serb Forces to stop the shelling and sniping attacks on the city and to respect the laws of war, as explained above, this only happened when he was pressured by the international community, under the threat of NATO air strikes, or when it was in his interest to do so in order to achieve his political goals. **(#This is a shameless lie,# and no chamber all over the world should afford itself this luxury and extravagance to blame an President as if it was a prosecution. But, probably this is an inevitable consequence of the rarity that both the Prosecution and the Chamber are a "twin brothers" under the same roof. Why this is a lie? Because there is many, many examples that the President, and prior to his election in the Presidency, also others like Prime Minister Djeric, General Mladic, officials of the Serb MUP, issued the strictest orders towards the respect of civilian rights. The President himself, once elected to the office, issued many orders and appeals in this respect, as of 13 June, and several times during the summer 1992 when there was no any threats or pressure!)** In other words, he never made any genuine attempts to stop the firing on the city outside of those situations. Furthermore, given the length of the siege of Sarajevo and of the SRK's campaign of sniping and shelling, the Accused's orders to stop the fire, particularly the indiscriminate and disproportionate fire, were few and far between. **(Wrong! Once issued an order is on power until withdrawn by the same instance that issued it. But even without this remark, it was not true, and we could make a table of this interventions, which by the way were not necessary, since the VRS officers knew it always, and by the President appeal the entire Serb public knew that!)** More importantly, they were never followed up by proper investigation and/or punishment for those who failed to obey his orders and therefore had no practical effect on the situation on the ground.¹⁶⁶²⁶ **Wrong! First of all, there is no any valide evidence that the SRK committed crimes. And**

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The one occasion when the Accused can be said to have made genuine attempts to prevent the shelling and the sniping of the civilian population in Sarajevo was in the immediate aftermath of the first Markale incident when he issued an order directly to the SRK commanders and units threatening to hold them personally responsible for any attacks on the civilians. This in turn resulted in a period of relative peace for the city. However, as the political pressure on him decreased and the ABiH forces grew more confident, the Accused allowed the shelling and the sniping commence again.

that is mostly because there was no a fair investigation, with the participation of the SRK investigators. Further, for many alleged crimes of the SRK, the UN never notified the SRK either by a protest, or by any other notification, such as quesues!) The fact that the Accused did not exercise his extensive influence more regularly and rigorously, which would have in turn prevented severe physical damage to the city, the terrorisation of civilians, and a large number of civilian casualties, indicates to the Chamber that the cessation of attacks on civilians in the city was not in the Accused's interests. Accordingly, the Chamber does not consider that these orders undermine its ultimate finding that the Accused had the intent to commit the crimes outlined above. **(One must have a special gift to conclude like that, without taking into account the existence of a huge 1st Corps of the ABiH in Sarajevo, and neglecting it's objectives!)**

4935. The Chamber was not persuaded by the evidence of various Defence witnesses who testified to the Accused's state of mind. For example, Bogdan Subotić's evidence that the Accused always wanted a peaceful solution to the situation in Sarajevo is clearly incorrect given the various statements the Accused made and the activities he engaged in, such as giving the order to Bosnian Serb Forces to use infantry fire on 30 May 1992, threatening the destruction of Sarajevo, and signalling the use of modified air bombs. **(This is so weak argument, that the Chamber didn't find any more fresh and more convincing! To be in favour of a peaceful solution, it doesn't mean that there will be no a defence. The 30 May recommendation to use infantry weapons against an incoming infantry attack of the Green Berets instead of artillery was in favour of a peaceful solution. Anyway an attacked unit would defend itself, but the President asked not to use artillery, expressing a minute prior of this the President satisfaction (not translated properly) with the fact that none of the sides used artillery this moment!)** Further, while the Accused may have told Jovanović and Momir Bulatović that the shelling and the sniping in Sarajevo was the work of rogue soldiers and elements outside of his control, this clearly was not the case, as outlined earlier in the Judgement.¹⁶⁶²⁷ The Chamber considers that when making these claims the Accused was simply trying to avoid any personal responsibility in front of the various FRY officials. **(What responsibility in front of the FRY officials? The President used wasn't an operational commander of the Army. Being so, there couldn't be any responsibility of his without his active orders to fire. And the fact that Mladic asked far in July 92 that the control over artillery be subjected to the VRS confirms that there was a rogue elements!)**

4936. The Chamber also does not accept Krajišnik's evidence, and the evidence of the various SRK soldiers and officers, that no one in the civilian authorities supported the shelling of Sarajevo. The evidence before the Chamber clearly shows otherwise.¹⁶⁶²⁸ **(Here is again another manipulation with an intercept anyway obtained in an illegal way. But, let us pretend as if it was legal, let us see what it was, and how this served to the Chamber for a serious deliberation:**

¹⁶⁶²⁷ See paras. 4648, 4751.

¹⁶⁶²⁸ See e.g. P5599 (Intercept of conversation between Momčilo Mandić and Tomislav Kovač, 24 April 1992) (wherein Mandić told Kovač that Sokolović Kolonija should be razed to the ground despite the presence of moderate Muslims there); P5638 (Intercept of conversation between Nedeljko Prstojević and Radimir Ristić, 16 June 1995) (wherein Prstojević told Ristić that his side pounded the "Turks" and sent a "krmača" [modified air bomb] or two to them, to which Ristić responded: "we need to shake them up a bit by all means").

SUBJECT: Conversation held on 24/04/1992 between Momčilo MANDIĆ and Tomislav KOVAČ

This is a conversation between Kovac and Mandic on 24 April 92, while there was no any Serb army, only JNA and the territorials on a municipal level. Let us see what was the situation:

Momčilo Mandić	Tell me, what's new in Ilidža.
Tomislav Kovač	Well, there's everything, fuck it.
Momčilo Mandić	Big problems?
Tomislav Kovač	Well, damn it, we're still holding that territory of ours that we had, you know... under control...
Momčilo Mandić	Aha. Anything critical at the moment and so?
Tomislav Kovač	You know what is critical, fuck them.
Momčilo Mandić	What?
Tomislav Kovač	Have you seen the way they were taking your mother from headquarters to headquarters yesterday?
Momčilo Mandić	I heard everything, I went there last night.
Tomislav Kovač	From the headquarters! Did you hear them putting words in her mouth and ...

As can be seen, it was a very beginning of the war, Ilidza was attacked, and Mandic's mother was mistreated by the Muslims. See further:

Tomislav Kovač	In Hrasnica, er, they're arresting SDS members en mass, the lot of them.
Momčilo Mandić	Tut-tut-tut...
Tomislav Kovač	Their families are being arrested and taken to certain places, en masse...

Is this a conduct that the International community and it's court support? See futher:

Momčilo Mandić	They are taking my parents as well, what can I do, man, you can't expect me to...
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So, Mandic's parents are taken away. See further:

Momčilo Mandić	Tomo, do you have problems regarding the thing in Ilidža, that is what I am interested in...
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Tomislav Kovač	We are controlling Ilidža as such. However, we have information from three sides. Juka Prazina has already installed those... mortars to shell us.
Momčilo Mandić	Yes, yes, yes. Well, warn them, put them on maximum alert, Tomo, please...
Momčilo Mandić	... and inform me, I am in Vraci, I came to Vraci, and if something happens, give us a call, fuck, and ten of us will come or something like that... I don't know, these TO members from Novi Sad, fuck them, I don't know who controls them and what... and Vojkovići and Lukavica should be informed in time to shell down on Sokolvić Kolonija if they attack you.

So, Mandic, whose parents had been taken away, recommends to Kovac to warn the Territorials to shell Sokolovic Kolonija ih the Muslims attack Ilidza. Not without reason, but in a retaliation: see further:

Tomislav Kovač	We cannot manage here and keep on defending ourselves across Ilidža, you understand. We have to clear it up once and for all, organise ourselves and clear things up – it’s either or... We cannot stop any more – they make a start, we halt; they make a start... If it happens, man, they should be <i>rasćeskat</i> /term unknown/ here and that’s it...
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So, the Muslims attack, the Serbs defend and stop, the Muslims again attack, :

Tomislav Kovač	I suggest this Sokolović Kolonija from both sides once and for all, man...
Momčilo Mandić	It should be destroyed, Tomo. As far as I am concerned, I would level it to the ground, as far as I am concerned.
Tomislav Kovač	...Well, I am sorry about some moderate Muslims who are not for it...
Momčilo Mandić	Well, they should be... They are from Sandžak, man, it is for... for...
Tomislav Kovač	It is so when they are pushed into it, and people who shouldn’t be killed got killed in Butmir or Hrasnica, fuck them, and why they do not restrain them...
Momčilo Mandić	Yes, just like that...
Tomislav Kovač	I restrained all in Ilidža, I restrained all extremists and held them in my hands, fuck it, there is nothing to it anymore...
Momčilo Mandić	Tomo, please, call me if anything happens and prepare heavy artillery and that, well, to act on movement if anything happens. And burn this Sokolović Kolonija to the ground, fuck them. I’ll go to Lukavica to these people who keep them covered to shoot if there is any movement in Ilidža.

See what Mandic said: “It should be destroyed, Tomo. As far as I am concerned, I would level it to the ground, as far as I am concerned.” So, a man whose parents are taken away is saying “it should be destroyed” not will be destroyed, and only if they attack from it. Several times Mandic repeated : “as far as I am concerned”. But, beside this conditional “should be”, the most important fact is that it never happened, and Mandic, who was tried in the BiH court had been acquitted from all the charges. Remember, the intercept was taken by the Muslim side! Indeed, Krajišnik himself advocated taking the whole of Sarajevo, something that could not have been achieved without an all-out shelling of the entire city, including of its civilian population.¹⁶⁶²⁹ **(This was an option to end the war in Sarajevo, not with an ambition to keep the whole Sarajevo for the Serbs. This option was mentioned only as a response to the Muslim and Izetbegovi rejections of any peaceful solution. But, Mr. Krajišnik was an MP and therefore was free to meditate different options, particularly since it wasn’t adopted and built in any decision!)** As noted earlier, he also supported the use of modified air bombs in Sarajevo.¹⁶⁶³⁰ **(For the President and the SRK, this was as same as any rocket, but with another head. Nowhere in the world the air bombs are banned!)** Given the continuous shelling and sniping in the city between late May 1992 and October 1995, the Chamber also does not believe Galić, Dragomir Milošević, and the other SRK witnesses who testified that the Accused always emphasised the protection of civilians in Sarajevo and was genuine in his concern for the civilians. In any event, given the lack of any effect of those instructions on the ground, they must have been understood among all those present that the Accused was, on most

¹⁶⁶²⁹ See P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 147.

¹⁶⁶³⁰ See para. 4388.

occasions,¹⁶⁶³¹ simply paying lip service to the protection of Sarajevo's civilians. **(None of those to whom the President directed his orders never believed it was a "lip service" – otherwise they would oppose to the President frequent criticism. Since the Chamber avails itself to differentiate between a genuine orders and a "lip service", could the Defence be informed about the technique and criteria used? Also, how the Chamber "established" what the people on the ground have understood? If it was so, why the Chamber didn't confront those witnesses with it's suspicion and clarified it?)** As indicated earlier, his failure to launch investigations and prosecutions against those in the SRK who were sniping and shelling civilians,¹⁶⁶³² coupled with his habit to blame the Bosnian Muslim side for the incidents in the city and for provoking SRK fire, was a clear sign to everyone in the VRS and the SRK that they could continue sniping and shelling at the Sarajevo's civilian population as they wished. **(This is a baseless speculation that shouldn't be allowed to a serious chamber. General Galic testified that "there was nothing to investigate" and it is clear a UN and Muslim side responsibility, because nothing except those empty allegations had been submitted to the SRK!)** Accordingly, none of the Accused's witnesses undermine in any way the Chamber's conclusion that the Accused had the intent to commit murder, unlawful attacks on civilians, and terror in the city of Sarajevo. **(This is the most ridiculous: did the Chamber pose this conclusion of it's in front of the witnesses? Did the witnesses knew about this Chamber's conclusion, and when they could have learnt about it? Or somebody from the Chamber could have read the witnesses' thoughts? By implication, all of the witnesses testified abou their full conviction that the President was in favour of the protection of civilians in Sarajevo, and nothing shaked this conviction of the witness. This is for the first time that the witnesses had to guess what the Chamber believed, not the Prosecution, but the Chamber, and to rebut these believes.)**

5. Conclusion: Accused's individual criminal responsibility

4937. The Chamber found above that the Sarajevo JCE came into existence in late May 1992 and continued until October 1995; that it involved a plurality of persons, including the Accused; that the Accused significantly contributed to, and worked in furtherance of, the common plan embodied in Sarajevo JCE; and that he shared the intent with respect to the common plan and the Sarajevo JCE crimes. The Chamber also found that the crimes of murder, unlawful attack

¹⁶⁶³¹ The Chamber considers that the aftermath of the first Markale incident is one example where the Accused made genuine attempts to stop the firing on the city and its civilian population. As noted earlier, it was prompted by the pressure exerted on him by the international community.

¹⁶⁶³² As discussed in relation to the two Markale incidents, the Accused would instead insist on establishing a joint commission comprised of both sides to the conflict, to which he knew the Bosnian Muslims would never agree. See paras. 4208, 4857.

on civilians, and terror were carried out by the members of the SRK units.¹⁶⁶³³ **(#All unproven, all unfounded!**

4938. The Chamber recalls that in order to hold the Accused criminally responsible for crimes committed by non-members of the Sarajevo JCE, in this case the SRK units, there must be a link between the Accused or another JCE member and the criminal conduct, which is established if the Accused or another JCE member used the non-member in accordance with the common objective of the JCE to carry out the *actus reus* of the crimes included therein.¹⁶⁶³⁴ This may be inferred from the close co-operation of the Accused—or any other Sarajevo JCE member—with the non-member in order to further the common criminal plan.¹⁶⁶³⁵ In that respect, the Chamber recalls that it found that the Accused, Mladić, Galić, and Milošević all exercised in fact their *de jure* authority over the SRK forces. **(So, the SRK is a direct perpetrator of crimes, and everyone who related to this Corps is a criminal himself???** The Chamber never took into account a fact that it was not a professional army, but an “armed people” due to the domestic Law of All-Peoples Defence! Instead of “inferring” the responsibility of superiors, the Chamber would do better if properly established whether a criminal incident happened, and whether the superiors ordered or tolerated it, or maybe didn’t know anything about it! In such a situation of conflict, after their duties on the line the combatants didn’t go to the barracks and under the control of superiors, but were free at least two third of time!) Similarly, all of the Sarajevo JCE members used their authority and influence over the SRK units in order to carry out the crimes envisaged by the common plan of the Sarajevo JCE. Accordingly, the Chamber is satisfied that there is a link between the Accused and other Sarajevo JCE members on one hand, and the criminal conduct of the SRK units in Sarajevo on the other. As a result, the acts of murder and terror, as well as the unlawful attacks on civilians committed in Sarajevo can be imputed to the Accused and the other Sarajevo JCE members. **(Imputed can be anything to anybody, but a serious chamber and a serious court should prove beyond a reasonable doubt somebody’s guilt, if something basic is not meanwhile changed in the world legal theory!)**

4939. The Chamber therefore finds that the Accused bears individual criminal responsibility pursuant to Article 7(1) of the Statute for murder, a crime against humanity (Count 5); murder, a violation of the laws or customs of war (Count 6); terror, a violation of the laws or customs of war (Count 9); and unlawful attacks on civilians, a violation of the laws or customs of war (Count 10).

4940. As noted earlier, in addition to the Accused’s liability through his participation in the Sarajevo JCE, the Prosecution also alleges that the Accused is individually criminally responsible for planning, instigating, ordering, and/or aiding and abetting murder, unlawful attacks on civilians, and terror.¹⁶⁶³⁶ It also charges the Accused with individual criminal responsibility pursuant to Article 7(3) of the Statute.¹⁶⁶³⁷ However, having considered all of

¹⁶⁶³³ The Chamber excludes from this analysis Scheduled Incidents F.5, F.7, and G.6 as it was not satisfied beyond reasonable doubt that the SRK was responsible. In addition, for his part in this analysis, Judge Baird does not rely on Scheduled Incident G.8, due to his dissent in relation thereto.

¹⁶⁶³⁴ See para. 567.

¹⁶⁶³⁵ See para. 567.

¹⁶⁶³⁶ Indictment, paras. 30–31; Prosecution Final Brief, paras. 1115–1118.

¹⁶⁶³⁷ Indictment, para. 32; Prosecution Final Brief, paras. 1113–1114.

the evidence and in light of the findings made above, the Chamber finds that commission through JCE pursuant to Article 7(1) most accurately and appropriately reflects the Accused's responsibility for murder, unlawful attacks on civilians, and terror as charged in the Indictment. The Chamber will therefore not analyse the Accused's responsibility under the other modes alleged by the Prosecution in the Indictment.