

**UNITED  
NATIONS**

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International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of the  
Former Yugoslavia since 1991

Case No. IT-09-92-T  
Date: 28 March 2013

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**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Bakone Justice Moloto  
Judge Christoph Flügge

**Registrar:** Mr. John Hocking

**THE PROSECUTOR**

**v.**

**RATKO MLADIĆ**

*Public with  
Public Annexes A & B*

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**PROSECUTION 92<sup>TER</sup> MOTION: ROBERT FRANKEN (RM237)**

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**The Office of the Prosecutor:**

Mr. Dermot Groome  
Mr. Peter McCloskey

**Counsel for Accused Ratko Mladić**

Mr. Branko Lukić  
Mr. Miodrag Stojanović

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

**Case No. IT-09-92-T**

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**PROSECUTION 92TER MOTION: ROBERT FRANKEN (RM237)**

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**I. INTRODUCTION**

1. The Prosecution seeks leave of the Chamber to adduce the evidence of witness Robert Franken (RM237) pursuant to Rule 92ter of the Rules of Procedure and Evidence (“Rules”). Col. Franken is scheduled to testify during the week of 29 April 2013.<sup>1</sup>

2. Colonel Franken has previously provided witness statements to the Office of the Prosecutor, dated 27 September 1995 and 17 October 2003, as well as provided statements to authorities in The Netherlands. He has also testified previously before the Tribunal in the following cases: *Prosecutor v. Radislav Krstić*<sup>2</sup>, *Prosecutor v. Vidoje Blagojević*<sup>3</sup>, *Prosecutor v. Slobodan Milošević*<sup>4</sup>, *Prosecutor v. Vujadin Popović*<sup>5</sup>, *Prosecutor v. Zdravko Tolimir*<sup>6</sup>, and *Prosecutor v. Radovan Karadžić*.<sup>7</sup>

3. After careful consideration of Col. Franken’s evidence, the Prosecution seeks to tender the witness’s signed ICTY Amalgamated Witness Statement, dated 15 January 2012 (“Amalgamated Statement”), comprising 29 pages, derived from his testimony in the *Blagojević*, *Popović* and *Tolimir* cases,<sup>8</sup> as well as additional

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<sup>1</sup> This schedule has been modified from that indicated in the Witness Schedule, circulated on 28 February 2013.

<sup>2</sup> Case No. IT-98-33-T, 4 April 2000.

<sup>3</sup> Case No. IT-04-81-T, 15 September 2003.

<sup>4</sup> Case No. IT-02-54-T, 13 November 2003.

<sup>5</sup> Case No. IT-05-88-T, 16-18 October 2006.

<sup>6</sup> Case No. IT-05-88/2-T, 30 June and 1 and 6 July 2010.

<sup>7</sup> Case No. IT-95-5/18-T, 16 and 17 January 2012.

<sup>8</sup> The witness’s evidence in those three cases comprises approximately 637 pages.

clarifications and observations, including references to documents shown to him by the OTP. The Prosecution tenders 16 associated exhibits, comprising two maps, seven photographs, five short documents (one of two pages; four of one page each), and two lists of names.

4. The Prosecution recognises the strong preference of the Chamber to receive written statements in lieu of previous testimony. The Prosecution further recognises the Chambers' statement regarding the Guidance that "most important is its purpose, namely to achieve a focused presentation of evidence and ensuring that the Chamber is not flooded with evidence that the parties anyway do not intend to rely on in the end."<sup>9</sup> Tendering the Amalgamated Statement and associated exhibits best achieves the Chamber's stated purpose.

5. Attached to this application, at **Public Annex A**, is a chart summarising the witness's Rule 92ter evidence. **Public Annex B** comprises the proposed 92ter Amalgamated Statement.

## II. APPLICABLE LAW

6. The Prosecution incorporates by reference its summary of the applicable law set forth in paragraphs 5 to 6 of its Prosecution 92ter Motion: RM505.<sup>10</sup>

## III. DISCUSSION

### A. The chamber should admit Robert Franken's evidence pursuant to Rule 92ter

7. Robert Franken's Amalgamated Statement satisfies all of the admissibility requirements of Rule 89 and 92ter(A). The witness will attest to the accuracy of his prior testimony; he will be present in court; and, he will be available for cross-examination by the Defence. The Amalgamated Statement is therefore admissible under the Rules, and permissible under the Chamber's Guidelines. The Amalgamated Statement was admitted pursuant to Rule 92ter when the witness testified in the *Karadžić* case.<sup>11</sup>

8. Colonel Franken served as Deputy Commander of the UNPROFOR Dutch Battalion ("DutchBat") stationed in the Srebrenica enclave, between January and July 1995. He will describe the equipment and arms of both the VRS and the ABiH troops in the enclave and talk about the demilitarization efforts by DutchBat. He will testify

<sup>9</sup> *Prosecutor v. Mladić*, Case No. IT-09-92-T, Transcript of Proceedings, T.526.

<sup>10</sup> *Prosecutor v. Mladić*, Case No. IT-09-92-PT, Prosecution 92ter Motion: RM505, 2 April 2012 (Confidential).

<sup>11</sup> *Karadžić* T.23056:24-T.23057:23.

to the restrictions the VRS imposed on both DutchBat and the civilian population in the enclave. Franken will also testify about the attack and shelling of the Srebrenica enclave, and the situation in Potočari. He witnessed the separation of men from women, children and the elderly, as well as the deportation of their women, children and elderly. He will testify that the civilian population did not have any alternative but to leave.

#### **IV. ADJUDICATED FACTS**

9. The Prosecution has analyzed Col. Franken's evidence in light of the Adjudicated Facts, and his Amalgamated Statement has been redacted in reliance on Adjudicated Fact 1400.

10. While the Prosecution recognizes that there is some overlap between the Amalgamated Statement and other Adjudicated Facts, it has elected not to make further redactions where the judicially noticed fact is inextricable from other evidence, including relevant details that the witness provides. For example: while Adjudicated Fact 1486 relates to the nine bodies discovered by DutchBat, the Amalgamated Statement specifies further that the bodies were in a row, a factor in his conclusion that there had been an execution, he also marks on an associated exhibit the precise location of the bodies.<sup>12</sup> Similarly, although Adjudicated Facts 1487, 1488, 1489 and 1492 relate to the separation of men who were then taken to the White House, the witness provides additional important details,<sup>13</sup> including notice of his concerns to VRS Col. Radoslav Janković,<sup>14</sup> as well as details relating to proposed adjudicated facts that have been rejected.<sup>15</sup>

#### **V. RELIEF REQUESTED**

11. For the foregoing reasons, the Prosecution respectfully requests that the Chamber permit the Prosecution to introduce the evidence of Robert Franken through Rule 92*ter*.

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<sup>12</sup> Amalgamated Statement, para. 94.

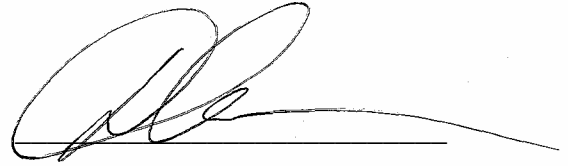
<sup>13</sup> Amalgamated Statement, paras. 86-91, 94 and 100.

<sup>14</sup> Amalgamated Statement, para. 89.

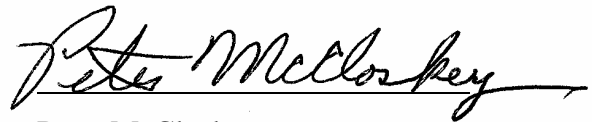
<sup>15</sup> For example, proposed adjudicated facts 1490 and 1494. *See* Amalgamated Statement paras. 88 and 100.

Word Count: 886

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dermot Groome', written over a horizontal line.

Dermot Groome  
Senior Trial Attorney

A handwritten signature in black ink, appearing to read 'Peter McCloskey', written over a horizontal line.

Peter McCloskey  
Senior Trial Attorney

Dated this 28<sup>th</sup> day of March 2013  
At The Hague, The Netherlands

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

**Case No. IT-09-92-T**

**THE PROSECUTOR**

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*Public*

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**ANNEX A**

**TO**

**PROSECUTION 92<sup>TER</sup> MOTION: ROBERT FRANKEN (RM237)**

**92<sup>TER</sup> SUMMARY CHART FOR ROBERT FRANKEN (RM237)**

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<b>Robert Franken (RM237)</b>				
<b>Amalgamated Statement to be admitted pursuant to Rule 92ter</b>				
<b>Statement</b>	<b>Date</b>	<b>ERN</b>	<b>Open / Closed Session</b>	
ICTY Amalgamated Statement of Witness Robert Franken	15 January 2012	0681-4293-0681-4321 (Eng) 0681-4293-0681-4321-BCSDT	Open	
<b>Associated Exhibits which the Prosecution seeks to tender pursuant to Rule 92ter</b>				
<b>Description</b>	<b>Statement and Document Reference</b>	<b>RM 65ter Number</b>	<b>ERN (Eng / BCS)</b>	<b>Under Seal</b>
Srebrenica Map Book, eCourt p10: Eastern Bosnia from Zelani Jadar to Konjević Polje	Para 41 <i>Karadžić 65ter#03207</i>	P01087 (MFI) (e-Court p10)	0706-7940-0706-7940	No
Order from Major FRANKEN, Robert to Capt. GROENEWEGEN, Paul	Para 52 <i>Karadžić 65ter#03292</i>	05278	R013-0327-R013-0327-EDT R013-0327-R013-0327 (Ned) BCS R013-0327-R013-0327	No
Map (ERN 0505-4371-0505-4371), marked by Pieter BOERING on 19 September 2006, showing location of blocking positions in Srebrenica area	Para 54 <i>Karadžić 65ter#14079</i>	13602	0545-1411-0545-1411	No
Order from Major FRANKEN to Capt. GROEN	Para 56 <i>Karadžić 65ter#03293</i>	05279	0604-6022-0604-6022 (Ned) 0604-6022-0604-6022-EDT 0604-6022-0604-6022-BCSDT	No
Photograph: Aerial of Potočari (AFCU=99-70-0112), dated 13 July 1995, annotated by OTP: Aerial of Potočari	Para 61 <i>Karadžić 65ter#02701</i>	04786	R041-0611-R041-0611	No
Photograph: Aerial image of Potočari dated 13 July 1995 (ERN R041-0613-R041-0613), marked by Robert FRANKEN on 16 October 2006	Paras 63, 94 <i>Karadžić 65ter#14256</i>	13750	R041-0613-R041-0613	No
Agreement Between General SMITH and General MLADIĆ dated 19 July 1995	Para 72 <i>Karadžić 65ter#03294</i>	05280	R001-1429-R001-1430 (Eng) R001-1429-R001-1430-BCST	No
Photo of Col. Radislav JANKOVIĆ	Para 76 <i>Karadžić 65ter#19508</i>	17864	0335-4557-0335-4557	No
Video still of Gen. Radislav KRSTIĆ taken from second meeting at Hotel Fontana	Para 77 <i>Karadžić 65ter#02295</i>	04408	0103-8811-0103-8811	No
UNMO report dated 12 July 95, 22:45	Para 83 <i>Karadžić 65ter#02352</i>	04460	R111-3273-R111-3273 (Eng) 0052-7583-0052-7583-BCSDT	No
Photograph of White House	Para 86 <i>Karadžić 65ter#02722</i>	04807	0046-0533-0046-0533	No
Handwritten list of 239 names of Bosnian men within the Dutch Battalion compound	Para 91 <i>Karadžić 65ter#03167</i>	05218	R013-5806-R013-5815 (BCS)	No
Aerial image of Potočari marked by witness Robert FRANKEN on 17	Para 95	17875	0545-1418-0545-1418	No

<b>Robert Franken (RM237)</b>				
October 2006	<i>Karadžić</i> 65ter#19521			
Colour photograph showing burning pile of personal belongings at Potočari	Para 100 <i>Karadžić</i> 65ter#03061	05142	0036-5012-0036-5012	No
Handwritten list of 59 names of wounded people in Potočari	Para 101 <i>Karadžić</i> 65ter#03170	05221	0219-8429-0219-8431	No
Declaration signed at the Hotel Fontana	Para 105 <i>Karadžić</i> 65ter#01894	18739	0350-2761-0350-2761 (Eng version prepared by DutchBat) 0084-5445-0084-5448 (BCS) 0088-2988-0088-2989 (Eng)	No

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*Public*

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**ANNEX B**

**TO**

**PROSECUTION 92<sup>TER</sup> MOTION: ROBERT FRANKEN (RM237)**

**AMALGAMATED STATEMENT OF ROBERT FRANKEN (RM237)**

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INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION  
OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS  
OF INTERNATIONAL LAW COMMITTED IN THE TERRITORY  
OF THE FORMER YUGOSLAVIA SINCE 1991

AMALGAMATED WITNESS STATEMENT

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WITNESS INFORMATION:

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Last Name: FRANKEN

First Name (s): Robert Alexander

Father's First Name:

Nickname:

Gender: Male

Date of Birth: 24 August 1950

Place of Birth:

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Ethnic Origin: Dutch

Religion:

Language(s) Spoken:

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Current Occupation: Retired Former: Infantry Officer Royal Netherlands Army

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Date of Interview: 15 January 2012

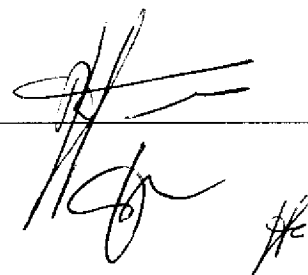
Interviewer: Kimberly West

Language used in interview: English

Names of all persons present during interview: Matteo Costi, Tomasz Blaszczyk,  
Chloe Gall

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Signature: \_\_\_\_\_





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1. I testified as witness before this Tribunal in the case of *Prosecutor v. Krstić* on 04 April 2000, in the case of *Prosecutor v. Blagojević* on 15 September 2003, in the case of *Prosecutor v. Slobodan Milošević* on 13 November 2003, in the case of *Prosecutor v. Popović et al.* from 16 to 18 October 2006, and in the case of *Prosecutor v. Tolimir* on 30 June 2010, 1 July 2010 and 6 July 2010. I further gave statements to the Office of the Prosecutor on 27 September 1995 and on 17 October 2003,<sup>1</sup> as well as several debriefings to the Royal Netherlands Army and gave testimony in the Dutch Parliamentary Enquiry on Srebrenica.<sup>2</sup>
2. This statement is a consolidation and reorganization of my earlier testimonies in *Blagojević*, *Popović* and *Tolimir*, with some additional clarifications and observations, as well as references to documents now shown to me by the Office of the Prosecutor.

#### A. **Background**

3. My name is Robert Franken.<sup>3</sup> I was born on 24 August 1950.<sup>4</sup> I am a former infantry officer of the Royal Netherlands Army, retired after 33 years of service with the rank of Lieutenant-Colonel. Among the positions I held during that time, I commanded a combat support company, a mechanised infantry company, served as an operations officer in an armoured brigade with responsibility for planning and executing air support, served as tactics instructor at the infantry school, as a logistics and intelligence officer at battalion and brigade level and as Chief of Staff of northern command in Holland.<sup>5</sup>
4. As far as I recollect, I arrived in Bosnia on 15 January 1995. I was a major at the time and my position was DCO and S4, *i.e.* deputy commanding officer and officer responsible for logistics of the battalion. I was based at Potočari, headquarters of DutchBat. My immediate commander was Lieutenant-Colonel Karremans.<sup>6</sup>
5. As S4 I was responsible for all the supplies and spare parts a battalion needs for being operational in an area like that. This includes food, fuel, ammunition, spare parts, etc. In my position as DCO, I would stand in for the commander if he were absent for some reason.<sup>7</sup>
6. Our mission was to deter any hostile action by being present, showing our presence, showing the flag. We had to facilitate and assist in humanitarian aid. The mission was as well to demilitarise the enclave.<sup>8</sup>

<sup>1</sup> OTP Witness Statement, dated 27 September 1995, 0044-3276-0044-3283; OTP Witness Statement, dated 17 October 2003, 0341-4874-0341-4878.

<sup>2</sup> Dutch MOD Debriefing Report, undated, 0091-3985-0091-3990; Dutch MOD Debriefing Report, dated 22 and 23 July 1995, 0604-5623-0604-5649; Dutch MOD Debriefing Report, dated 07 September 1995, R013-8834-R013-8843; Dutch MOD Debriefing Report, dated 13 September 1995, R018-4280-R018-4302; Dutch MOD Debriefing Report, dated 20 September 1995, R018-4335-R018-4341; Dutch MOD Debriefing Report, dated 27 September 1995, R018-4303-R018-4313; Parliamentary Enquiry into Srebrenica, stenographer's minutes, dated 11 November 2002, 0308-0462-0308-0511.

<sup>3</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2433.

<sup>4</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1465.

<sup>5</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2434.

<sup>6</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2435.

<sup>7</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2436.

<sup>8</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2435.

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7. As for the division of responsibilities between me and Colonel Karremans, in fact the Lieutenant-Colonel was doing all the external contacts, contacts with higher echelons, and I was doing more or less the daily commanding of the battalion, the normal routine things. I was coordinating the staff and giving the company commanders orders within the guidelines of Lieutenant-Colonel Karremans.<sup>9</sup>
8. There was an operations room. You could call that the nerve centre of the battalion where all the information came in and the crew of that operations room had all the disciplines in it. They analysed the information and gave me their results or their conclusions. The chief operations room duty officer was always a captain and he would be the one who contacted me, and if there was anything of interest that I should know.<sup>10</sup>

#### **B. VRS and ABiH: Contacts and equipment**

9. In DutchBat we had a team of liaison officers. In fact, there were three in the beginning at least, and they did the contact as well to the Serbs as to the Bosnian authorities.<sup>11</sup>
10. I would become involved with the officers of the VRS or army of BiH when the S5 could not cope with the problems or did not come any further in the results, then I would come in and do the talking and the negotiations with them. When I failed, the last trick we had was that the colonel himself came in.<sup>12</sup>
11. The problem was that, in fact, there were three confrontation lines, three borders of the enclave. There was a UN border, a Bosnian Serb border, more or less one or two kilometres further within the enclave, and the Muslim border, which was locally one or two kilometres further outside the UN border.<sup>13</sup> The observation posts were on the very edge of the UN border, so directly in front of the observation posts there was the UN border of the enclave.<sup>14</sup>
12. The contacts to the Bosnian Serb army were through the Chief of Staff of the 28<sup>th</sup> Division, Ramiz. In the beginning we contacted of course Oric, the local commander.<sup>15</sup> In the beginning, it was still called the 8<sup>th</sup> operational group. Later on it was called the 28<sup>th</sup> Division.<sup>16</sup> The 28<sup>th</sup> Division had more or less two headquarters. There was one classroom they used in the village of Potočari and they used some rooms in the former post office in Srebrenica.<sup>17</sup> The post and telegraph office was not a headquarters, but just an office, no communication or maps or whatever. In fact the same situation was in Potočari. It was a classroom, or a room, and there were some bureaus in it, but not communications. They had a house in the vicinity of Pale, within the enclave there's a Pale too, and in that house there were communications.<sup>18</sup>

<sup>9</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2436.

<sup>10</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2436-2437.

<sup>11</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2437.

<sup>12</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2437-2438.

<sup>13</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1476-1477.

<sup>14</sup> Testimony in IT-05-88/2-T, dated 30 June 2010, T.3330.

<sup>15</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2437.

<sup>16</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1469.

<sup>17</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2646.

<sup>18</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1470.

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13. There was a formal liaison of the Bosnian Serb army, and that was Colonel Vukovic. I saw him very little. But in fact there was a Major Nikolic of the Bratunac Brigade who actually was our liaison to the Bosnian Serb army.<sup>19</sup> Prior to the fall of the enclave, I think that I saw Major Nikolic four or five times. We were not quite clear what post he had, but it was obvious that he had a post in that way that he could influence the operations of the brigade. I once saw him giving orders at OP Papa, where he ordered some soldiers in the vicinity of the entrance to the enclave to do something. Another time when we had a meeting at the confrontation line directly in the vicinity of OP Romeo, he gave some orders to the troops in the Serbian line present there, which were followed.<sup>20</sup> There was a big problem to establish contact because Nikolic only showed up when he wanted.<sup>21</sup>
14. Regarding the VRS, we had to deal with a couple of brigades, the Skelani Brigade and Bratunac Brigade, and the Milići Brigade (as we called them). We never had contact in the Milići area. That brigade looked like an army. The troops around the enclave were more or less, with exception of the Milići Brigade, militia-like, combinations of uniforms, etc., but they had heavy weapons. In the end phase, we were confronted twice with military units looking and acting like military units as we knew them.<sup>22</sup>
15. With regard to equipment of the BiH army, they did not wear their weapons because that was forbidden, but from intelligence and from information from our predecessors we knew that they had about 4-4.500 small arms and some mortars. Most of the time they were walking around in parts of uniforms, never dressed up completely. That changed somewhere in May, then we suddenly saw that there were new combat suits worn by the BiH.<sup>23</sup> We also saw several new types of Kalashnikovs.<sup>24</sup> There was a divisional structure, a division command with brigades who had all their own area within the enclave. So it looked like an army, but it proved pretty soon that there was no discipline. The brigade commanders had their own policies. They did not obey to what the division commander said or wanted. An example is the brigade commander in the Bandera Triangle who had his own personal army.<sup>25</sup> Especially in the end phase we had to cope with local commanders with their own policies who did not follow the orders of the Bosnian divisional command. So to say it was more or less a bunch of armed militia partly doing and functioning as a whole but mostly on their own interest.<sup>26</sup>
16. We knew of the so-called Pony Express. The Pony Express was up to 15 ponies that went out of the enclave in a southern direction, to Zepa, and came back with whatever. For instance, we later on saw cigarettes on the market.<sup>27</sup> There was also one report by one of the OPs that there were helicopter movements at night. We never actually found out where they landed. We found an area where the trees were chopped, but never found proof of an actual helicopter landing.<sup>28</sup> The Muslims used the location of OP Echo to get wood and things out of the local

<sup>19</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2437.

<sup>20</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1472.

<sup>21</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1478.

<sup>22</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2439.

<sup>23</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2438.

<sup>24</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2537.

<sup>25</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2438.

<sup>26</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2439.

<sup>27</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2538.

<sup>28</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1534-1535.

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furniture factory which was in front of OP Echo. The problem with this factory was that the UN border went right through it. There was a part in the Serb area and a part in the Muslim area. Above that, there was a Serb border, which was such that the complete factory was within Serb territory, and a Muslim border going further south with the opposite result.<sup>29</sup>

### C. Demilitarization

17. With regard to our objective of demilitarisation of the enclave, it was not successful. The two Dutch battalions who were there before us already tried to demilitarise the area. The problem was that we were not authorised to enter civil houses. So if we saw armed men, we tried to catch them, but the very moment they fled into a house, we were not allowed to enter that house. I had to call the local police which a couple of times came out. They never could find any weapon. We stopped trying to chase those guys within a city or within a village because it was absolutely no use. It was, in fact, only a laugh because the population stood around and laughed when we tried again to pick up some guys. A couple of times we caught groups of two or three men in the open, the weapons were then handed over to us. They got a receipt and the weapons went to a so-called weapons collection point, on the base of our B Company in the city of Srebrenica. All the weapons that were handed over were kept there.<sup>30</sup> In the period we were there we only collected small arms but there was already a T55, a main battle tank. As far as I recollect, there were two artillery pieces and all kinds of self-constructed weapons. Most of them were rocket mountings normally under an armed helicopter or an airplane and they made it on a wheeled mount and probably used that as artillery.<sup>31</sup>
18. I think that the Muslims did not hand in all their weapons because they still wanted to have their military potential as the Bosnian Serbs around were pretty heavily armed, and they still saw that as a threat. Probably they did not fully believe in what I call the combat power of the Blue Helmet. I think that out of a wish for self-defence, they kept weapons.<sup>32</sup> So I can understand – not justify, but understand why they kept weapons.<sup>33</sup>
19. I participated myself in patrols. Patrols within the enclave were part of DutchBat's regular activities.<sup>34</sup> During my patrols, I was able to observe personally positions of both Serb and Muslim forces. On both sides there were trenches. On the Serb side there were bunker-like buildings. Trenches on the Bosnian side were pretty shallow, not deep, and the positions on the Serb side were, as far as we could see, pretty well dug out and firm. At least in the beginning, we had identified about 16 artillery and mortar positions of the VRS, especially in the area of the Milići Brigade on the west side of the enclave. There were a couple of positions of self-propelled mechanised guns.<sup>35</sup>

<sup>29</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2645.

<sup>30</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1468.

<sup>31</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1468-1469.

<sup>32</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1469.

<sup>33</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1539.

<sup>34</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2439.

<sup>35</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2440.

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**D. Trade between the Serb and Muslims**

20. There were attempts of trade between the Serb and Muslim sides. There was a discussion. The Serbs proposed that and then we tried to arrange meetings at OP Papa between the Serbs and the Muslims and they had to come to an agreement. There was no trade through these arrangements, because that was stopped by the Bosnian Muslim authorities.<sup>36</sup> The items under discussion for trade were anything but military supplies, which would include basic necessities, food, and amenities.<sup>37</sup>
21. However, the simplest way to ensure that the civilian population in Srebrenica had more than the minimum or below the minimum amount of basic food and amenities was to lift the VRS restrictions on humanitarian aid convoys.<sup>38</sup>

**E. Restriction of supply convoys**

22. The most important items requiring resupply for DutchBat were ammunition and fuel, because we had to raise our energy, any energy, by ourselves and the only way to do that was with generators and they ran on diesel.<sup>39</sup>
23. We made lists and requested supplies, and it was sent to Sarajevo and then over to Zagreb where there was a major logistics base and they were preparing that. There was a logistics base at Busovaca, there was a Dutch unit as well, and they loaded this stuff we wanted on trucks, at least that was the general idea, and then bring it to us by road.<sup>40</sup>
24. For every convoy, there had to be admission by the VRS. They had to consent that. Not only the fact that vehicles were driving down to us, but they wanted to know exactly what was in the vehicles and did approve or not approve the contents of the trucks and the amount of trucks. They had to approve every little item on the list, whether that I was allowed to bring it in or not.<sup>41</sup> There were items which the VRS categorically denied: ammunition; anything that had to do with weapons systems, spare parts or testing devices; spare parts for vehicles, etc; communication radios.<sup>42</sup> Once the list was approved by the VRS, Dutch trucks starting from the areas of Tuzla or Sarajevo would transport the supplies to the enclave. We would be informed that a convoy had been approved and was scheduled by fax from my logistics base.<sup>43</sup> I would see a final document which listed what the VRS ultimately permitted on the convoy. This was in fact the list that was sent to me when the convoy was planned, and mostly I got a corrected list when the convoy came in ultimately, because quite a lot of things disappeared on the way down to the enclave.<sup>44</sup>
25. While driving down the road to the enclave, the trucks were checked at Bosnian Serb checkpoints. They had to step out, identify themselves, and the load of the trucks was checked, and then exactly according to the lists they had to carry.

<sup>36</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2659.

<sup>37</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2692.

<sup>38</sup> Testimony in IT-05-88/2-T, dated 6 July 2010, T.3570.

<sup>39</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2442.

<sup>40</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2443.

<sup>41</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2443.

<sup>42</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2443-2444.

<sup>43</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2444.

<sup>44</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2444-2445.

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After all these checkpoints they ultimately came into the enclave. The last check was on the very edge, on the confrontation line near our observation post Pap, what we called Yellow Bridge.<sup>45</sup>

26. The restrictions on the convoys were already in place when I arrived in Bosnia. The restrictions on the resupply convoys intensified, for example when my last fuel convoy came in February.<sup>46</sup> We called these restrictions "convoy terror".<sup>47</sup> It was reported to me by the *opstina* itself that the 28<sup>th</sup> Division always took a part of the supplies the UNHCR brought in for their own purpose.<sup>48</sup>
27. For the humanitarian aid in the enclave, there were in fact two NGOs: UNHCR taking care of food and such things, and MSF taking care of the medical support of the population.<sup>49</sup> To my knowledge the humanitarian aid coming into the enclave was subject to the same process as the DutchBat resupply.<sup>50</sup> I know that at some point around March 1995, MSF stopped providing medical care to the population because of a conflict with the town authorities.<sup>51</sup> My surgeons took the side of MSF and as a consequence refused to go to the civilian hospital. However, the medical aid we provided directly to the population did not stop because of this conflict, but had to be stopped already before due to the lack of fuel as we were not able to operate our mobile medical stations.<sup>52</sup>
28. The role of DutchBat with regard to humanitarian aid convoys was to secure the transport as of the confrontation line. When they came in or appeared at OP Papa, we sent down a squad-like unit that escorted them to the warehouse in the city of Srebrenica. Their food or whatever was brought into the warehouse by people of the *opstina*, the local civil authority. When it was in the warehouse, we would withdraw and that was in fact our job. Distribution and things like that were done by the UNHCR representative in coordination with the *opstina* people. In general, we hardly got any information about these UNHCR convoys. Mostly we discovered them appearing at OP Papa and then had to take action. I know of a convoy that was sent back by UNHCR because they had to give the Bosnian Serb checkpoint diesel fuel or something, and they refused that and returned. So they had more or less the same problems we had.<sup>53</sup> The incident was reported to me by the UNHCR representative within the enclave.<sup>54</sup> I could not understand their reasoning and I questioned their representative as to how 100 litres of diesel was of more importance than starving 25.000 people.<sup>55</sup>

(a) Effect of restrictions on Dutchbat weapons system

29. The battalion needed, in fact, 8 to 9.000 litres fuel a day to do its job. As the supplies diminished we ended, with a daily ration of 250 litres, which meant that we were not able to do our full patrolling. We had to do it by foot. The fuel lack meant that we were not able to heat. We had to chop wood. We were not able to keep our medical dressing station some kind of a hospital, operational. We were

<sup>45</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2444.

<sup>46</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2445.

<sup>47</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2450.

<sup>48</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2538.

<sup>49</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2445.

<sup>50</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2445-2446.

<sup>51</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2642.

<sup>52</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2643.

<sup>53</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2446.

<sup>54</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2691.

<sup>55</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2692.

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not able to purify water because we had to do that with a device that needed fuel as well. We did not have any electricity, and in the end we were hardly able to, as far as food was present, to prepare that because we could not cook it.<sup>56</sup> The OPs had their own stocks of fuel and stayed operational with a minimum level of eight to ten litres a day.<sup>57</sup> In March 1995, UNHCR and MSF still had stocks of fuel in the compound and we used the UNHCR fuel stocks. However, we totally used their supplies during March and April.<sup>58</sup>

30. As for the effects on our weapons systems, for instance, we did not get the test equipment we needed for the TOW, anti-tank systems, that needed periodical tests to be operational.<sup>59</sup> The rockets for the anti-tank systems ran back in quality as far as that they were not usable anymore because of moisture etc.<sup>60</sup> The powder for mortars could not be used anymore due to moisture. I had about 15 percent of the mortar ammunition I should have had, and of that 15 percent up to three quarters was not usable anymore.<sup>61</sup> Regarding the TOW, under normal circumstances we swap them normally every four weeks. Under these circumstances, it proved that they did not last longer than about six weeks on an OP, so we had to swap them for storage which we did not have. The operational readiness of these systems was zero.<sup>62</sup> The average supplies ammunitions was 16 percent and I remember that for small arms ammunition we were up to 30 percent of the supply of the amount we needed. That was brought in 1994 with the first battalion and never changed later on. In normal circumstances when are operational, we swap even the small calibre ammunition every ten days because it goes back in quality being in the rifles, etc.<sup>63</sup>
31. With regard to the rotation of the DutchBat personnel, until the end of March or April there were problems with those personnel convoys, but as of April it was finished and we had quite a lot of guys out who could not come in anymore due to VRS restrictions. When I arrived in January 1995, we had I believe 318 trained soldiers.<sup>64</sup> In the end we had approximately 147.<sup>65</sup>

#### F. Shelling and shooting of the enclave

32. In the months prior to the VRS attack on the enclave in July of 1995, there was shelling and shooting into the enclave. There was an increasing amount of close firing on patrols and on our observation points. The increase started in April, May.<sup>66</sup> It was reported as mostly done from Serb positions. There are a couple of reports where the source of the firing was not destined, was not known, but it was in the majority from Bosnian Serb positions.<sup>67</sup>
33. I would learn about shelling and shooting incident through reports by patrols of by the OPs. Several times, members of the civilian population were wounded. We

<sup>56</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2447.

<sup>57</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2657.

<sup>58</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2639.

<sup>59</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2447.

<sup>60</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2447-2448.

<sup>61</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2448.

<sup>62</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2448-2449.

<sup>63</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2449.

<sup>64</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2449.

<sup>65</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2450.

<sup>66</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2440.

<sup>67</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2441.

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used our means, our armoured ambulances so to say, to bring the people to the hospital in Srebrenica.<sup>68</sup>

34. We did not have freedom of movement within Serb territory. As for the BiH army, with exception of the Bandera Triangle, we were supposed to have freedom of movement. I say supposed to, because in the end we had lots of trouble moving our APCs to better positions.<sup>69</sup> There was already no freedom of movement in the Bandera Triangle when we took over from DutchBat II and we got in January orders to restore that freedom of movement in that area. I led the first patrol into the Bandera Triangle and we got some skirmishing and problems with the ABiH. I was stopped by about 40 armed men to enter the area. Other patrols were stopped as well, and it ended in a blockade, during a couple of days where we had to stay in the area. We could not return to the camp.<sup>70</sup> As far as I recall, we were held back for about four days. The local brigade commander Mr. Zulfo was the one that stopped me in person, backed up by the about 40 men.<sup>71</sup> Lieutenant-Colonel Karremans had to negotiate our release in order for us to be unblocked and be able to move out of the area.<sup>72</sup>
35. In regard to ABiH attacks staged from the enclave towards the territory under VRS control, there appeared to be two before the July VRS attack on Srebrenica. As far as I recollect, it was reported to me by OP Mike that there were burning houses north of the enclave. There was some small-calibre fire heard overnight. Later on, in contact with Major Nikolic of the Bratunac Brigade, he indicated that there has been an attack by the ABiH forces over there.<sup>73</sup> The second one was an ambush in the area south of the enclaves, on the way to Zepa. The VRS told us that seven or nine soldiers were killed in an ambush led by, obviously the ABiH.<sup>74</sup>

#### **G. ABiH/Dutchbat Defence Coordination**

36. Due to the increase in firing incidents on DutchBat patrols and positions, in combination with other things, some discussion with the ABiH was prompted regarding an idea of how to defend the enclave. I personally had a discussion with the Chief of Staff of the 28<sup>th</sup> Division. The problem was of course that we as UN troops were impartial. We had a strange discussion about how that would look like. I was asked by the Chief of Staff what UNPROFOR would do in case of a Serb attack on the enclave, but under my orders I was only able and authorised to defend my own observation posts.<sup>75</sup> So we came to an understanding that when I defended my OPs and the Bosnian army, so the Muslims, would defend the area in between, without integrating the observation posts I would still be that UN impartial force, and they would cover the areas between the observation posts, and we had some coordinated defence.<sup>76</sup> As soon as a real attack would occur, the weapon collection point would be available for the ABiH.<sup>77</sup> However, this was

<sup>68</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2441.

<sup>69</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2441.

<sup>70</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2442.

<sup>71</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2602.

<sup>72</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1532.

<sup>73</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2579.

<sup>74</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2579-2580.

<sup>75</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2450.

<sup>76</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2450-2451.

<sup>77</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2539.

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declined eventually because, in my opinion, they did not need the weapons as they had what appeared to be modern, better functioning equipment.<sup>78</sup>

37. The point was to coordinate the operations. For instance, when there were Muslim forces next to an observation post and they would leave without telling us, I had a major problem because my observation post would be out in the Bosnian Serb area alone and surrounded. The problem was that following the order to deter by presence the locations of the observation posts were militarily seen absolutely ridiculous. We were on top of hills; we even had to put lights on them by night to show that we were still there.<sup>79</sup> They were painted white, so we were absolute sitting ducks if anything went wrong. And if to that comes a non-coordinated operation of a third party, being the Bosnian Muslim army, then it is ridiculous to start defending anyway.<sup>80</sup>

#### H. OP Echo – “Test Case”

38. On 03 June 1995, the VRS attacked OP Echo. We got report through Bravo Company, the company responsible for that area, that there was some movement in front of OP Echo. The movement proved to be Serb infantry. Then the Serb infantry used a loudspeaker to tell the OP that they had to go, they had to withdraw because the Serbs wanted to come in. B Company asked me permission to do that which I denied. Then they came under attack and in the end the Serbs took OP Echo over, and the crew withdrew in the very last moment with my authorisation. The attack was conducted by about 40 infantry supported by a tank (T55), a main battle tank, and a gun on the edge, ridge at Zeleni Jadar.<sup>81</sup> The observation tower was hit by the firing main battle tank and the area was fired at by the anti-aircraft gun standing up there used to support the Serb attack.<sup>82</sup>
39. Following the attack, I ordered B Company to send two APCs to block the approach to the city of Srebrenica, which meant in the northern direction, and to block the approach to the Swedish Shelter Project. South in the enclave there was a new built village of barracks with about 3.000 fugitives in there, and having the area of Echo the access to both areas was open for the Serbs. These fugitives were people that probably in 1993 came to that area but were not real locals, i.e. Muslim fugitives from the area around the enclave who came to that area and were housed there.<sup>83</sup>
40. As there were 3.000 refugees, we thought that they could be jeopardised or that there was substantial danger for them when the Bosnian Serb army could move in that area without any problem. That is the reason for my order to establish OPs Sierra and Uniform and block these approaches.<sup>84</sup>
41. I have been shown a map (65ter#03207) on which one can see the surroundings of the enclave and our observation posts. Referring to my order to establish blocking positions after the take-over of OP Echo, this resulted in the creation of OP Uniform and Sierra. Sierra was on the approach to the Swedish Shelter Project

<sup>78</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1535.

<sup>79</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2451.

<sup>80</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2451-2452.

<sup>81</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2452.

<sup>82</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2453.

<sup>83</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2453.

<sup>84</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2455.

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and Uniform was on the higher ground just on the approach in the direction of the city of Srebrenica.<sup>85</sup>

42. Lieutenant-Colonel Karremans made quite a large commander assessment of the situation making very clear that it was a very critical situation. Not only the fact that a part of the enclave was taken by the Serbs but the situation of the battalion and the civilian population as well.<sup>86</sup>
43. OP Echo was exactly on the road that went east-west, the road that goes along what is called Zeleni Jadar. It is an important connection east-west and there was just a small corner within the Bosnian enclave, so they could not use the road. There was a significant mining area, but their connections from east to west were quite impossible there not having that road and we thought that the purpose of the attack was to get control over that road and the possibility to use it to the Serbs.<sup>87</sup>
44. At first I thought that the attack on OP Echo was the start of a major attack on the enclave, but then they did not proceed in northern direction and my troops were able to get that far south as OPs Sierra and Uniform indicate.<sup>88</sup> We did not understand what was going on because obviously it was not a major attack, as normally when you do an attack and you have success, you keep up the momentum, you keep on rolling, because that keeps your opponent out of equilibrium. Then we concluded that it was more or less a test case, and the main effort was done just to get control of that road described before.<sup>89</sup>

#### **I. Attack on the Enclave**

45. When the VRS attack on the enclave began on 06 July 1995, I was in the operations room. It started around 06 July with heavy firing in the area of OP Foxtrot. There was direct firing on this OP, also more shelling in the other area as well, but the main effort was obviously in the area of OP Foxtrot.<sup>90</sup> In combination with OPs Sierra and Uniform we had the Serb penetration at least under observation, and the massive or main effort of the Serb actions were directly in the area of OP Foxtrot on the south-eastern part of the enclave.<sup>91</sup> The type of fire at OP Foxtrot was of all kinds, small calibre machine-gun, tank fire and mortar.<sup>92</sup>
46. B Company reported random shelling of the city of Srebrenica, and there was some shelling of the position at the southern edge of the city already. There was firing at the UN base at Potočari and the direct surroundings. But it was obvious an absolutely massive firing in the area of OP Foxtrot. I also began to receive reports from B Company that civilians were brought into the civil hospital in Srebrenica.<sup>93</sup> As we had armoured ambulances, when we were around, we brought the people to the hospital.<sup>94</sup>

<sup>85</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2454.

<sup>86</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2455.

<sup>87</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2454-2455.

<sup>88</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2455-2456.

<sup>89</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2456.

<sup>90</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2456.

<sup>91</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2457.

<sup>92</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2458.

<sup>93</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2457.

<sup>94</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2458.

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47. On 08 July, OP Foxtrot finally fell. There was increased firing at the OP; it was hit several times. The defence wall was blown away by the tank fire, so they asked permission to withdraw. I gave that because the ABiH was not around anymore. They did not inform us they were gone. Then the soldiers from the OP waited for a pause in firing to withdraw but it was too late. They were run over by Serb forces, but were allowed to withdraw to Srebrenica. About 700 metres away on that route to Srebrenica they were stopped by a position of the 28<sup>th</sup> Division. The BiH would not let them through, so the commander checked with his company commander, went under armour and tried to cross that blockade. During that, one of the BiH soldiers fired at the APC and hit the gunner, Private van Rensen, who was not under armour yet.<sup>95</sup> He died shortly after arrival at the HQ.
48. OP Mike was on the northern border of the enclave, and on 09 July there were reports that Mike was under fire as well, mortar fire and direct firing. Through the commander of C Company, he asked permission to withdraw a couple of hundred metres to avoid that firing. It was granted and as far as I recollect he took a position on the edge of the village of Jaglici. Then the Serbs started what we called "Pacmanning" the OPs.<sup>96</sup>
49. By "Pacmanning" I mean that the OPs were one by one taken over by the Serbs. After the Foxtrot incident, we ordered the OPs only to withdraw when they got permission to withdraw, when there was some kind of agreement with the local Muslim commander, because we were very keen to prevent more soldiers being shot by the Muslim army.<sup>97</sup> This meant in fact to wait until the Serb troops were there and then surrender to them.<sup>98</sup> One by one the Muslims left their positions without telling us and my OPs found themselves absolutely surrounded by the Bosnian Serb army.<sup>99</sup> I know of one occasion that the Muslims tried to communicate their withdrawal. It was on the last period at the OP Sierra, way down south, and they got a fast yell from somebody, probably they should have understood that they were going. Further on it never happened.<sup>100</sup>
50. There were reports that OP crews were blocked by Muslim forces when trying to withdraw from the OPs. OP Delta was in the south, tried to withdraw and then was blocked and surrounded by BiH soldiers who would not allow them to go in the direction of Srebrenica.<sup>101</sup>
51. I do not recollect whether it was on 09 or 10 July, but OP Sierra was taken over by the VRS and then I ordered B Company to send in another APC which again tried to block the approach in the direction of the Swedish Shelter Project. That APC had to go through a western approach and then in the woods it encountered many people, civilians, sheltering there and they concluded that that was the population of the Swedish Shelter Project. Part of these civilians went in the direction of the city of Srebrenica, but I do not know whether they all arrived in Srebrenica.<sup>102</sup>

## **J. Green Order and Blocking Positions**

<sup>95</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2460.

<sup>96</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2461.

<sup>97</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2478.

<sup>98</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2619.

<sup>99</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2478-2479.

<sup>100</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2540.

<sup>101</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2541.

<sup>102</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2462.

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52. On 09 July, we were ordered to defend the city of Srebrenica with all our military means. I wrote an operational order to B Company ordering to take blocking positions generally on the south edge of the city of Srebrenica (65ter#03292 – P00242). We reinforced with a couple of APC, what we call the QRF, Quick Reaction Forces of the other company. So we tried to the B Company the means to do that. The purpose of these blocking positions was literally to defend Srebrenica, which means to prevent the Serbs to enter the city.<sup>103</sup> The order I issued to Captain Groen was a “seriously meant green order”, i.e. specifically given to tell him that he could use immediately all his means without the restrictions of the UN to execute this order.<sup>104</sup> There were originally planned four blocking positions. They were called Bravo 1 through Bravo 4, and there was one planned position for my forward air controllers, a team able to lead attacking planes on a target. They had problems taking their positions as they were prevented by Serb fire. The blocking positions were actually established about 0630 hours in the morning of 10 July.<sup>105</sup>
53. The commander, Captain Hageman, who had a central position, I recall it as being Bravo 2, was not able to reach his position because he came under fire of a Serb T55 main battle tank, was shot off the road with his APC and had to withdraw. That position was adjusted. The position on the west side, Bravo 1, had to change its position because it was under fire of Serb tanks and Serb artillery. Bravo 4 in the east had no problems originally, and Bravo 3 had to change because it was under fire by machine-guns, but took reserve positions, which means that it could do the same job just on another spot.<sup>106</sup> The recovery vehicles were positioned at Potočari, so I sent one of them down which came under fire right out of the gate of Potočari by the anti-tank gun that was positioned in the area of OP Papa. When it tried to go to the vehicle of Captain Hageman it came under fire by that same Tango 55 main battle tank and had to withdraw, so we did not succeed in recovering that vehicle.<sup>107</sup> I received reports that some DutchBat soldiers had shrapnel wounds, light injuries, but they could stay in position and could keep on working: Bravo 1 and the western position had three or four wounded by shrapnel, and the gunner of Captain Hageman had some injuries.<sup>108</sup>
54. I have been shown a marked map (65ter#14079) on which one can see the positions that were taken when we withdrew out of the area of Uniform and Sierra. I think these were positions taken during 10 July. The positions marked in the area of Srebrenica, are the blocking positions that were occupied for purpose of defence of the city itself.<sup>109</sup> The three markings north of OP Golf are blocking positions ordered by me with the purpose to defend the city. The other markings are positions probably designated by a company commander in order to keep contact with the Serb forces when they would come or came north.<sup>110</sup>
55. On 10 July, my blocking positions were under fire, and there was a massive shelling of the city of Srebrenica, including our compound. There were reports of wounded, but we did not count them because they were taken to the civil hospital

<sup>103</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2462.

<sup>104</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2465.

<sup>105</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2471.

<sup>106</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2472.

<sup>107</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2472.

<sup>108</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2473.

<sup>109</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2543.

<sup>110</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2544.

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and we had our hands full with doing other things. Standard procedure was that then there was a shelling that the patrol or the observer reported the amount and if known the weapon system that was firing. B Company did that on 10 July as well, but I ordered them to stop when they came up to 160 or 200 or something like that. It was no use to report that, just filling paper.<sup>111</sup> At the time, we already knew of about 16 positions, but then we came to a count of about 32 artillery or mortar positions active. We got reports of about six different main battle tanks operational.<sup>112</sup>

56. As far as I recollect, UN sent an ultimatum to the VRS, and they reacted with an ultimatum to DutchBat, in fact saying to stop the hostile activity and with an arrangement that we could leave the enclave though OP Papa in an order with the civilian population and they demanded that we left our equipment and weapons.<sup>113</sup> Obviously the Bosnian Serbs used one of my APCs they took from the OPs and one of the NCOs, being a POW, read that over that radio contact. So it came in on our command net.<sup>114</sup> I have been shown a document which is a written version of the radio message we got from the VRS (65ter#03293).<sup>115</sup> I sent this to the commander of B Company, Captain Groen, as he was in Srebrenica and I could not inform him orally like the other commanders who were around the headquarters.<sup>116</sup> I did not write this message immediately after it came from the VRS. I obviously waited for the UN reaction, then compiled it and sent it to Groen.<sup>117</sup>
57. On the evening or in the night of 10 July, members of the 28<sup>th</sup> Division stopped the column of refugees on the road and asked them to return to the town of Srebrenica.<sup>118</sup> On the road Srebrenica-Potočari there were the civilians, refugees. The last sign we had of the 28<sup>th</sup> Division was in the late evening of 10 July when Lieutenant-Colonel Karremans saw quite a lot of armed men on the market place, in the city itself. By the morning of the 11<sup>th</sup>, the 28<sup>th</sup> Muslim Division had disappeared<sup>119</sup> and afterwards, we never heard or saw them again.<sup>120</sup>

#### **K. 11 July 1995**

58. During that day, I received reports concerning the fate of the remaining OPs.<sup>121</sup> I do not know exactly when which OP fell, but it ended in that OP Charlie and OP Alpha were still in position, and Delta was in another position a bit more north and the rest of them were taken over or withdrawn, with the exception of OP Papa which we kept in the northern entrance.<sup>122</sup>
59. The DutchBat soldiers manning the OPs in most cases had to hand in their small calibre weapons and were taken with their APC to Bratunac. Some of them

<sup>111</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2473.

<sup>112</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2473-2474.

<sup>113</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2474.

<sup>114</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2548.

<sup>115</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2474-2475.

<sup>116</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2475.

<sup>117</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2549.

<sup>118</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2583.

<sup>119</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2479.

<sup>120</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2584.

<sup>121</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2478.

<sup>122</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2479.

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stayed some period in that mining area, the area directly south of the enclave, were brought to Milici, but in the end they all ended in Bratunac, with the exception of the OP Alpha crew which were directed to return to Potocari. The soldiers directed towards Bratunac were taken prisoner there.<sup>123</sup>

(a) Shelling of Srebrenica town and the column of Muslim civilians on their way to Potočari

60. By the morning of 11 July, the Srebrenica civilian population was moving massively within the city itself over to our compound, B Company, and then we tried to lead them in the direction of Potočari.<sup>124</sup> Commander B Company had soldiers on the road who started to walk in the direction of Potočari, and they followed, which meant that defending Srebrenica, the city, an empty city, was of no use. I gave B Company orders to withdraw at the tail of that column of refugees in the northern direction. His mission was to stay between the Serbs and bring them (the refugees) north. If he came to Potocari, he had to take position in the south on the edge of Potočari, front south, and again start blocking any Serb approach.<sup>125</sup> Another reason for ordering him withdraw Srebrenica was that the Muslim 28<sup>th</sup> Division was away, I had Serb infantry on the high edges already past my left and right flanks. So we were in the air and in fact moved out of position.<sup>126</sup>
61. Command B Company informed me in detail where his positions were and how far the ongoing of the column was. I got reports of shelling of the column. We picked up wounded and loaded them on to APCs and brought them to Potočari that way.<sup>127</sup> I ordered base commander Major Otter to find a safe route into the camp because the road in front of our base was in the direct site of Serb artillery and Serb tanks, and I did not want those civilian columns moving up that road because I had reason to believe that they would be fire upon. The attack on the column of refugees was mostly mortar and artillery fire. We then had a line of guides to guide the people into our camp in Potocari and I gave my logistics people and my medics orders to prepare the receiving of the people.<sup>128</sup> I have been shown an aerial of Potočari on which I indicated the route arranged by Major Otter for the civilians (65ter#02701 – P00422).<sup>129</sup>
62. In the area of OP Papa there was a small ridge and a saddle, a lower part, where an anti-tank gun was who had been firing all the time at our base. Directly east of it there was a position of a T55, a main battle tank, and further north there were positions of multiple launch rocket systems.<sup>130</sup>
63. I have been shown an aerial of the area of Potočari (65ter#02700 – P03953) on which I marked the UN base, the bus compound, general area of the abandoned factories, the White House, the general direction where Major Otter had established a route for the reception of the refugees, the building in which the refugees were sheltered (65ter#14256).<sup>131</sup>

<sup>123</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2479.

<sup>124</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2479-2480.

<sup>125</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2480.

<sup>126</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2480.

<sup>127</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2480.

<sup>128</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2481.

<sup>129</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1482.

<sup>130</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2481.

<sup>131</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2482-2484.

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64. I decided to use the building indicated on the aerial for sheltering the refugees because having experienced the situation in Srebrenica regarding the movement with military means when all these people were around, I had to guarantee that on the compound, being the last UN area in the enclave, I was still able to move with my military means, my APCs, if necessary. Secondly, I did not want the refugees to be exposed to the views of the Bosnian Serb army, especially not directly in the line of fire of the artillery and tanks I described before. In fact, it was the only building that gave that cover anyway.<sup>132</sup> When this building was full, they stayed more or less in the area of the bus station, the factories in the area, and on the other side, on the western side of the road.<sup>133</sup>
65. It must have been around 1400 hours on 11 July when we finally got close-air support for the first and only time. I got through the communications means of the APCs that came with the OP crews to that POW site in Bratunac, an English message read by one of my NCOs, which said that close-air support had to stop immediately or VRS would shell to the ultimate the area of our base, including the locations where the refugees were, and they would kill my soldiers, being POW.<sup>134</sup> I did not take the threat to my personnel that seriously as the only thing that in my opinion could be done was to use them as a sort of human shield which they did before in other parts of Bosnia. I did not believe that they would really execute them.<sup>135</sup> However, I did take the threat to shell the headquarters and the compound with the refugees very seriously because they had fired on refugees with all their means before. Shortly after receiving this threat there was a mortar shelling of the area of the bus station and then a full round of the multiple rocket system in the area of Potočari. There were wounded among the refugees, but I do not know how many. Probably the Serb forces wanted to make sure that we believed them.<sup>136</sup>
66. By the evening of 11 July, the mass of refugees was already present. On 12 July there were smaller groups still coming in, but the mass was there by the night of 11 July. I appointed a commander as a guard commander, and we had a ring of outposts around that area. Order was to prevent Serb forces or any forces to enter that area. We had two first aid posts with medics and doctors in the area. We distributed water and some food of which we did not really have ourselves very much. I spent a lot of time in the operations room during that period, but I thought it important to also see with my own eyes and at least twice a day made my rounds outside.<sup>137</sup>
67. The refugees were totally exhausted and in a bad condition. In fact, they were lethargic. They did not react to anything, just turned into themselves, not prepared to help each other or whatever. We were there, and more or less they looked as if the world stopped for them. We estimated that there were about 300 Muslim men inside the compound.<sup>138</sup>
68. Following the first Hotel Fontana meeting on the evening of 11 July, Colonel Karremans briefed me and I had to locate a representative of the Muslim

<sup>132</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2484.

<sup>133</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2485.

<sup>134</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2485.

<sup>135</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2485-2486.

<sup>136</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2486.

<sup>137</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2488.

<sup>138</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2489.

The image shows several handwritten signatures and initials in black ink. There is a large, stylized signature at the top, followed by a smaller signature below it. To the right of these, there are several sets of initials and a signature that appears to be 'T. J. ...'.

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population for the second meeting.<sup>139</sup> Mr. Mandžić was the first one to take part. When I saw him after the second meeting, he was very nervous and almost panicking, because he felt the weight of the responsibility with which he was confronted. We talked and he wanted to speak to his government. We tried that evening, but we could not reach anybody. There was a responsible minister obviously in that BiH government, but he could not be disturbed because he was dining. So Mr. Mandžić had his problem and I tried to support him. LtCol Karremans also briefed me after the second Hotel Fontana meeting that night.<sup>140</sup> This evening, General Mladic told Colonel Karremans that there would be a ceasefire until 10.00 hours on 12 July.<sup>141</sup>

#### **L. 12 July 1995 to 13 July 1995**

69. On 12 July in the morning, VRS troops deployed in attack formation towards the compound.<sup>142</sup> This was around 1015 or 1030 hours in the morning,<sup>143</sup> the moment the ceasefire mentioned by Mladic the previous evening ended.<sup>144</sup> That advance was a demonstration of a basically trained unit, men in line supported by a main battle tank and coming alongside the road from northern direction in the direction of Potočari, from the area of OP Papa general Bratunac.<sup>145</sup> They were dressed in proper uniforms, all in the same. There was obviously a communication between the tank crew and the infantry outside.<sup>146</sup> Once OP Papa hoisted a white flag, the VRS troops skirted the checkpoint and continued moving towards Potocari.<sup>147</sup> They came deployed to the northern part, and then lined up and proceeded with their formation until a point where they were stopped by a red and white tape, which we used as a boundary for the area where the refugees were in.<sup>148</sup>
70. At some point I got a report from Major Otter that a couple of Serb soldiers wanted to enter the compound not through the main gate but an unused gate.<sup>149</sup> It was a group of about 15 men, swelling up to about 40.<sup>150</sup> I went over there myself and forbade it. To prevent fighting in an area quite close to the refugees, I permitted the soldiers to come in with two guys and to check whether or not, as they declared, parts of the 28<sup>th</sup> Division were in the compound.<sup>151</sup> I wanted to prevent them from seeing the location and the vulnerability of the refugees, that they started to fight or started shooting.<sup>152</sup> So I escorted them with four or five of my soldiers and they were in the compound for about four minutes and then out again. These Serb soldiers were wearing all kinds of uniforms. There were a couple of them in dark uniforms and some soldiers with dogs. They did not appear to be all from the same unit, or at least they did not all wear the same

<sup>139</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2486-2487.

<sup>140</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2487.

<sup>141</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1487.

<sup>142</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2489.

<sup>143</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2490.

<sup>144</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1487.

<sup>145</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2489.

<sup>146</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2489-2490.

<sup>147</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2588.

<sup>148</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1488.

<sup>149</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2491.

<sup>150</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1498.

<sup>151</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2491.

<sup>152</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1499.

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uniform.<sup>153</sup> I did not notice any insignia on their uniforms. There were some badges, but I do not really recollect them. They looked like militia. One had camouflage trousers on, the other a jacket, etc. It was a complete mix of civil and military parts on their bodies.<sup>154</sup>

71. At the time of the "demo"-attack, LtCol Karremans was on his way or already present at the third meeting with Mladic, in Bratunac at the Hotel Fontana.<sup>155</sup> When he returned shortly after 1200 hours, he started briefing me on the meeting, but he could not finish because I got report that there was a lot of buses and trucks appearing from the north. So he stopped his briefing and I started arranging things.<sup>156</sup>
72. I heard of the evacuation first the night before. We knew that something would happen in that direction, because I recollect on the second meeting there was already talk about this event, more or less, and then I got the details when Ltcol Karremans came back from the third meeting.<sup>157</sup> He told me that it was agreed upon that the Bosnian Serb army would perform what was called the evacuation of the population. He had contact with the UN headquarters, and we were ordered to make sure that the evacuation was performed in a humanitarian, correct way.<sup>158</sup> I later on discovered a paper which laid down the agreement between General Smith and General Mladic regarding the evacuation.<sup>159</sup> Having been shown agreement signed on 19 July 1995 (65ter#03294), it does not seem to include any guidelines regarding transportation or assisting in the process.<sup>160</sup> We received guidelines for the evacuation from UNPROFOR. I got them orally from LtCol Karremans; later on I saw them written.<sup>161</sup> I know that General Nicolai said that the battalion should do it themselves, and I made it quite clear that it was absolutely impossible. But further on, I do not know whether the logistical problems of the battalion played any role in their decision to consent in the evacuation.<sup>162</sup>
73. I was reported by the commander in the refugee-area, first lieutenant, that General Mladić came to the red and white tape mentioned before and addressed the refugees. He wanted to enter, but that was refused to him.<sup>163</sup> He was addressing people and had his soldiers give away bread and be nice to the kids, Serbian television was present and probably everybody could see that on television. I saw Mladic another time just passing in a Mercedes jeep, from the area north, in the direction of Srebrenica.<sup>164</sup>
74. LtCol Karremans met in the area outside the UN base General Mladić, on his request, and he said that a Colonel Acamovic would be responsible for the

<sup>153</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2491.

<sup>154</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2493.

<sup>155</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2490.

<sup>156</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2492.

<sup>157</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2553.

<sup>158</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1489.

<sup>159</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2553-2554.

<sup>160</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2688-2691.

<sup>161</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2554-2555.

<sup>162</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2560.

<sup>163</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1500.

<sup>164</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1518.

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evacuation of the population. I was ordered to coordinate the possible support to the Serbs.<sup>165</sup>

75. In the afternoon, maybe around 0200 or 0300 hours, Colonel Acamovic came forward to me and said he was a colonel in the Bosnian Serb army and he was a G4 officer and responsible for the evacuation of the civilians and asked for support and specifically transport and fuel.<sup>166</sup> I could hardly stop laughing because they were very well aware of the fact that I did not have diesel and I refused that support.<sup>167</sup> I do not know what the arrangements were between the VRS and the UN or UNPROFOR. The only thing I know is that I did not have any fuel. They were driving cars around, so they had the fuel. And when the evacuation was ended, I got UN-orders that as soon as we get fuel, to provide the VRS with the amount of fuel that was applicable. I think it was around 27.000 litres.<sup>168</sup> I had been ordered to give them diesel appropriate to their use.<sup>169</sup> To my knowledge, it was given to the VRS around 16 July 1995.<sup>170</sup>
76. It must have been the same day that I met a Colonel Jankovic, and he said to be a colonel from Pale as well, and his mission was to prepare and coordinate the withdrawal of DutchBat out of the enclave.<sup>171</sup> He told me he lived in Belgrade.<sup>172</sup> I have been shown a picture (65ter#19508) on which I identified the man I know as Colonel Janković.<sup>173</sup>
77. When making contact with Acamović for the first time, General Krstić was standing in a group of officers in discussion. I identified him on a picture shown to me (65ter#02295).<sup>174</sup>
78. An evacuation at this level would have to have been coordinated at least at corps level or higher. If you have an evacuation like that, short term, for about 48 hours, and you have transport units within your army, it's pretty easy to do that, because you just give orders to the battalion commanders and they go with all their transport in that direction and perform their job. But I think it's a pretty massive problem if you have to order a concentration of all kinds of civil vehicles, because they're all kinds of factories, or business partners, you have to concentrate all your bus and truck capacity to perform a job like that. And that is a problem. The Bosnian Serb Army performed the evacuation here very smoothly.<sup>175</sup>
- (a) First and second bus convoys escorted by Dutchbat
79. Obviously, we wanted to have some control over the operation, so when the first buses already tried or started to leave, I picked two officers nearby, Major Boering, my S5 and Captain Voerman, who was normally my personnel officer. I put them in the jeep and gave them the word to stay with that convoy whatever happens, and then I gave order to one of my officers, Captain Melchers, to organise a convoy escort which meant one jeep with an NCO or officer and a

<sup>165</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1489.

<sup>166</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2492.

<sup>167</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2493.

<sup>168</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2569-2570.

<sup>169</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1490.

<sup>170</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2583.

<sup>171</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2493.

<sup>172</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1496.

<sup>173</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1496.

<sup>174</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1519.

<sup>175</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1491-92.

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driver in front of that convoy and one at the tail of the convoy. And he started arranging that.<sup>176</sup>

80. In the beginning, when the buses arrived, the population was in a hurry to board them. At that stage, there was to my knowledge no force used to get the people into the buses.<sup>177</sup> They got on the buses voluntarily, but only because there was no other choice, there was no alternative. The only choice they had, in fact, was, seeing the position, the fear they had, is they could get out, they were very willing to get out.<sup>178</sup> The Muslims were subjected to a humanitarian crisis caused by the Serbs giving them no alternative but to get on the bus. The situation was not too nice in the enclave before the attack. That's quite clear. But we could cope with it. And after the attack, that situation increased significantly. Because bringing together so many people in this weather, it was about 35 degrees centigrade, and the food and medical situation known by the Serbs, they knew exactly what our logistics situation was. It's quite clear: the crisis was caused by the Serbs, first by the attack; secondly, by what we call the convoy terror. In fact, they controlled exactly what anybody, UNHCR or the UN brought in the enclave.<sup>179</sup>
81. Later on, however, some force was used by Bosnian Serb soldiers to get a lot of people in a bus, which we reacted on by preparing "busloads".<sup>180</sup>
82. I could not get any communication with my escort team on the initial convoy, but I heard afterwards what happened to that convoy that went well. I got reports from the Pakistani battalion in the area of Kladanj. On my question whether there were people coming in, specifically men and women, they confirmed that. Later on I got reports from my escort teams as long as they were operational.<sup>181</sup>
83. Having been shown an UNMO report of 12 July (65ter#02352 - D01972), I confirmed that it describes exactly the situation at that moment.<sup>182</sup>

(b) Items stolen by the VRS

84. I believe the second convoy all went well, but then there was a massive harassment of my escort teams. They were stopped, sometimes with the argument that the Serb troops were responsible for their security and that it was too dangerous to drive on.<sup>183</sup> But the buses went on. I did not get any reports. The escorts were robbed of anything. Their vehicles, their weapons their flak jackets, ammunition, equipment in the jeeps. There were variations. There were escort teams who were allowed to stay in place, keep their weapons, but it went down to two of my patrols coming back literally in their underpants on and the rest was stolen. When I heard that the weapons were being stolen, I ordered my escort teams to go without weapons. During the course of these events, about 16 vehicles were stolen.<sup>184</sup> As all this started more or less at one moment, I concluded that it was organised.<sup>185</sup> It was ordered, and the reason for that for me was that they did not want us to be around these convoys. They did not want us to

<sup>176</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2494.

<sup>177</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2651-2652.

<sup>178</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1553.

<sup>179</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1574.

<sup>180</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2651-2652.

<sup>181</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2494.

<sup>182</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2652.

<sup>183</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2494-2495.

<sup>184</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2495.

<sup>185</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2495-2496.

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be witness of whatever happens. They wanted us out of the way.<sup>186</sup> None of my escorts came further than the Kabala area, a village somewhere halfway down to Kladanj.<sup>187</sup>

85. In total, we lost quite some APCs that were positioned on the OPs, and two or three were damaged by fire and were taken by the Serbs after we withdrew. We lost two or three jeeps and quite a lot of small calibre weapons, as well as all my TOW systems, as they were positioned on the OPs, and some heavy machine-guns. I complained about that to Colonel Janković and he said he would take care of that. I do not know whether he took any action but I could not see any result.<sup>188</sup>

#### **M. Separation of the Men and the White House**

86. It was difficult to say at the time how many people were outside the compound, but on the basis of the number of buses that left, we reckoned that there were about 30.000, and an estimated 600, 700 men among them.<sup>189</sup> At the very moment that the evacuation proceeded, Mladić had said that he wanted to interrogate the men in the age of 16 up to 60, because they were potential soldiers. To check, as he called it, whether there were war criminals. When they were not war criminals, they would be sent out to Kladanj as well.<sup>190</sup> I did not see the actual separation. Once in a while, I saw columns of men going in the direction of the White House.<sup>191</sup> I have been shown a picture on which I recognised the building called White House (65ter#02722 - P00414).<sup>192</sup>
87. Separation of men was from the very beginning. The first convoy went away with men, but then probably on the Serb side it was better organised and men were taken out directly after they left the perimeter we secured.<sup>193</sup> The separated men were brought to the White House building, about 150 metres out in front of our main gate, and were interrogated there. I personally observed that men were brought there. Outside the White House I observed, although not directly at the beginning, that the men had to leave their probably personal belongings which were piled about 30 to 40 metres from the White House alongside the road. When I was informed that there were men held at the White House, I sent the UNMOs there to monitor what was happening.<sup>194</sup>
88. In the beginning I got report that many men were going in and the exact same number of men coming out and that they were put on a specific bus, a light blue bus.<sup>195</sup> They were transported in the direction of Bratunac in the beginning, at the end of every convoy and later on apart. The bus drove along, not in the convoy. We gave order to one of the escort jeeps to escort specifically that bus. However, this was unsuccessful as the escort was stopped again at OP Papa and when it tried to drive on it was blocked by a tank or by men, so they always tried to separate the escort jeep from that blue bus. And when the escort was held up in the area of

<sup>186</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2496.

<sup>187</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1503.

<sup>188</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2496.

<sup>189</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1500.

<sup>190</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1501.

<sup>191</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2570.

<sup>192</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1503.

<sup>193</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2496-2497.

<sup>194</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2497.

<sup>195</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2497-2498.

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Bratunac and later came up to the tail of the convoy, the blue bus had already vanished.<sup>196</sup>

89. During the course of the day, I received reports that the men in the White House were badly treated. I sent patrols of my own men in the course of the afternoon. They were blocked by far outnumbering Serb forces which did not allow them to go to the White House. I informed Colonel Janković who said that they were POWs and that if the Serb soldier's actions were too aggressive, he would take steps to prevent it. I did not see a result. Janković confirmed in fact that he had nothing to do with that because he was only there for the withdrawal of DutchBat. That was in fact the answer I always got from Colonel Janković.<sup>197</sup>

#### **N. Franken's List of 251 Muslim Men**

90. The reports made clear to me that the treatment of the men was getting worse. There were all kinds of rumours, and somewhere around there was a report of yelling and things like that from the White House. So I tried to figure out a way to protect these men a bit more than we did at that very moment.<sup>198</sup> First, I tried to make as much UN IDs as possible, so that they could prove that they were UN personnel. But we did not have the means for it.<sup>199</sup> I then in fact tried to imitate a trick that was done before, getting the unknown people, giving them a face and a name. So I tried to register all the men within our UN area.<sup>200</sup> My ultimate intention was to send this to the higher echelons, including the General Staff in Holland, and request them to make it public, to mobilise the public by telling them exactly who it was, the names, etc., and hoping that it would work better than if there was some unknown mass of men nobody had a name or any identity of.<sup>201</sup>
91. I spoke about this with the committee of Muslim representatives that met with Mladić at the third Hotel Fontana meeting, Mr. Mandžić, Ibrahim Nuhanović and the female whose name I do not recall. I asked them whether they would take care of the registration and explained the purpose. They started registering the men.<sup>202</sup> Of the men inside the compound, there were about 60 or 70 who refused to be registered, but 239 were willing to be registered. We also tried to register the men outside the compound. But the committee was massively intimidated by the Serb forces to the extent that the female committee member had a complete nervous breakdown and had to be brought to the hospital. So they did not dare anymore to go out.<sup>203</sup> I have been shown a document which I confirmed to be the list of men that was compiled, registration of the men within the compound, with my signature on the right side (65ter#03167). I miscounted at that time; it was actually 251 men that were registered.<sup>204</sup> I sent this list up my chain of command to make it public and also told Colonel Janković that I registered the men and that the names were known not only within the UN but to the Dutch government as well. I did not show the list to him or any other VRS officer as there was no use and since it did not want in any way that the information on this list to go directly

<sup>196</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2498.

<sup>197</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2499.

<sup>198</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2500.

<sup>199</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1507.

<sup>200</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2500.

<sup>201</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2500-2501.

<sup>202</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2501.

<sup>203</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2502.

<sup>204</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2502.

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to the Bosnian Serbs. In order to ensure this, I transmitted the list on secure communications to Tuzla, Sarajevo, both UN headquarters, and to The Hague Crisis Staff. The original list I brought out on my body when the battalion came out of the enclave and went to Zagreb.<sup>205</sup>

(a) Ibrahim Nuhanović

92. Ibrahim Nuhanović, one of the representatives present at the meetings in Hotel Fontana and who assisted with the list, was the father of one of the UNMO interpreters.<sup>206</sup> In the evening of 12 July, Mr. Nuhanović came to me and wanted to speak to me about the evacuation. He wanted me to stop the evacuation, because he, as I did, feared for the fate of the men. We had a discussion; I explained to him that I could not do that. In fact, I told him with detailed arguments that I had to make the choice between as far as I knew about 800 up to a thousand men and 25 up to 30.000 women and children concerning their survival. I told him that I chose for the 25.000, 30.000 women and children.<sup>207</sup>
93. On 13 July, I accompanied Mr. Nuhanović until about 30 metres out of our main gate and I saw that he got on a bus together with his family.<sup>208</sup>

**O. Executions**

94. In the period during 12 to 13 July, I received reports of executions in two cases. First, a report of nine dead bodies in the area of the White House found by one of my officers. Obviously they were in a row and all shot in the back, so we concluded that there had been an execution.<sup>209</sup> Lieutenant Koster described the location where he found the nine bodies as a piece of meadow near the water, brook, about 80 or 100 metres south, south-west of the White House. On the aerial I marked earlier (65ter#14256), I indicated the approximate location where Lieutenant Koster reported to me that the bodies had been located.<sup>210</sup>
95. I also heard that one of the soldiers of C Company, being a member of one of the outposts, saw an execution in any distance of one Muslim man who was shot by two Serb soldiers. That was in the area directly east of the bus station.<sup>211</sup> I marked on an aerial of Potočari the area where it was reported to me that the execution of the Muslim man took place (65ter#19521).<sup>212</sup>

**P. Deteriorating Conditions in the Camp**

96. In the building on our base were about 5.000 refugees.<sup>213</sup> During the period of 12 to 13 July, I observed the living conditions of the refugees changing. The problem was that it was very hot weather. We were not able to purify enough water because of the lack of fuel. We did not have any food, and the hygienic situation was disastrous. People did not have the nerve to go out of their location, to the

<sup>205</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2503.

<sup>206</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2503-2504.

<sup>207</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2504.

<sup>208</sup> Testimony in IT-05-88-T, dated 18 October 2008, T.2652-53.

<sup>209</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2505.

<sup>210</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2509.

<sup>211</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2506.

<sup>212</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2621-2622.

<sup>213</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1497.

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compound itself, out of that factory hall and used that hall was a toilet, as a sleeping room, etc. Even ladies gave birth in that mess. The humanitarian situation was deteriorating very rapidly because we had already death by dehydration, and I coordinated with my doctors who said “Well, two or three days and the problem will solve itself if we can’t get – at least get to water and improve the hygienic situation significantly”.<sup>214</sup> How many exactly died, I do not know, but we buried 11 people in the back of our base. There were children among them, who died probably of exhaustion or dehydration. Two elderly people died of exhaustion, two died of their wounds.<sup>215</sup>

97. Adjudicated Fact 1400

98. The transportations continued on 13 July and were completed on that day.<sup>219</sup>

99. After 13 July, when the crew of OP Alpha was brought back over a road north of the enclave, they reported to me that they saw a big group of men kneeling on a soccer field or something like that alongside the road.<sup>220</sup> I was told that they were sitting in rows and on their knees, hands on their neck.<sup>221</sup>

**Q. 14 July to 21 July 1995**

**(a) Burning Pile of Identifications in Front of White House**

100. With regard to the personal belongings I had seen at a certain distance from the White House, it was reported to me by one of my guards that the pile was on fire. I went down there and looked at it myself and all those possessions were actually burnt. I have been shown two pictures (65ter#03061), one of which I recognised as having been taken from the area of our main gate.<sup>222</sup>

**(b) 59 Wounded Remained**

101. After the transportations were completed, the people left on the base were people of MSF, with patients and wounded; still one of the representatives of the committee mentioned earlier; representatives of UNHCR; interpreters; the rest of DutchBat; the UNMOs and the interpreters. The local staff for DutchBat also remained. The DutchBat soldiers that had been taken prisoners when the OPs fell and had been kept in Bratunac were still in Bratunac. They never came back to the battalion, and were sent home directly from their location in Bratunac.<sup>223</sup> There were wounded which we tried to bring out during the evacuation but that transport was stopped and sent back out of the area of Kladanj, and there were wounded of that transport in the hospital of Bratunac.<sup>224</sup> I have been shown a

<sup>214</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2511.

<sup>215</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1510.

<sup>216</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2511.

<sup>217</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2511-2512.

<sup>218</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2653.

<sup>219</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2504.

<sup>220</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2509.

<sup>221</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2509-2510.

<sup>222</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2512-2513.

<sup>223</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2514.

<sup>224</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2514.

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document (65ter#03170) which I recognised as list made by the representatives of MSF listing the 59 wounded.<sup>225</sup>

102. I tried to evacuate the wounded in a normal way, but the military means, a Norwegian medevac company being stationed in the area of Tuzla did not succeed in reaching us to pick up the wounded and bring them out. Then I tried through the MSF to contact the ICRC to do the job. The Bosnian Serbs told me that I could hand over the wounded absolutely to them, they had hospitals as well. But I did not think that was a pretty good idea. So I succeeded in ICRC coming down to pick up the wounded. In that context, a delegation of VRS and Serb civilian officials arrived at the Potočari compound on 17 July for a meeting in order to coordinate details with the Bosnian Serbs and the ICRC, details about the evacuation of the wounded out of Potočari and Bratunac.<sup>226</sup>
103. The head of the delegation was Colonel Janković. Present were Major Nikolić with bodyguard, staff officer of the Bratunac Brigade; a lieutenant-colonel whose name I forgot but said that he was a lawyer; a civilian who appeared to be later on the new mayor or something of Srebrenica; and somebody I only can describe as what I call the Mladić look-alike. He did not say anything. Colonel Janković took the lead in the meeting.<sup>227</sup> I handed over the wounded formally to the ICRC and Major Nikolić insisted to inspect the people whether there were still soldiers or what he said criminals among them. So ICRC went down to the hospital together with Major Nikolić and security squad of DutchBat to do that inspection.<sup>228</sup> Seven men were pointed out as being soldiers.<sup>229</sup> Nikolić pointed them out and agreed with ICRC that they could be treated as wounded POWs, transferred to the Serbs, in fact.<sup>230</sup> The seven men pointed out as soldiers were brought to Bratunac and stayed there in the local hospital. ICRC told me that they would monitor them. We had one of our surgeons stay with them to make sure that they were treated as wounded. Then the surgeon, Colonel Schouten, was called away for arranging something and when he came back he said the men were gone.<sup>231</sup>

(c) 17 July Janković Declaration

104. During the meeting Colonel Janković asked for one of the Muslim representatives, Mr. Mandžić, to appear because he had a declaration and he would like Mr. Mandžić to sign that. I had my own interpreters translate the document because Janković asked me to sign as a witness that Mr. Mandžić was not forced to sign it, etc. So I checked the text and made an alteration. In fact, the Serbs stated that the evacuation had been performed in a proper, say humanitarian way according to all the international law, etc.<sup>232</sup>
105. I have been shown a document which I recognised as the translation done by my interpreters (65ter#01894 (BCS original) 15259 (Dutchbat original English translation -- P03997). The part of the document stating that the population can remain in the enclave or evacuate is nonsense, because they did not have a

<sup>225</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1513.

<sup>226</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2515.

<sup>227</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2515.

<sup>228</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2516.

<sup>229</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1514.

<sup>230</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1527.

<sup>231</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1514.

<sup>232</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2516.

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realistic opportunity to stay or to move in any direction.<sup>233</sup> These people didn't have a choice. Staying in a small area with no means to survive, controlled by the Serbs. Being afraid and lethargic as they were, that is not a choice.<sup>234</sup> It was ordered that they should go to the Kladanj area.<sup>235</sup> It was not a decision by the representatives, but an order of Mladić to go to the area of Kalandj. The agreement that the evacuation had to be carried out by the army and police of Republika Srpska is correct, supervising and escorting in theory, but I already explained what actually happened with my escorts.<sup>236</sup>

106. I added a part to the last sentence of the document because as of the first or second convoy, I did not have any control about what happened. Reports of the Pakistani battalion gave that only women, children were coming in later on. So the men were actually taken apart. We had that report about the nine bodies found. So I wanted to in fact neutralise the whole statement by this sentence. There were two reactions on the part of the Serb members of the delegation: Colonel Janković smiled a bit and the colonel being a lawyer went very angry. In the end, Colonel Jankovic permitted the document to go ahead and be signed with my notation. My signature appears on the left lower side of the document.<sup>237</sup> I was present when the two other signatories signed the document.<sup>238</sup> I was then also asked to sign the BCS version of the document and was equally present when the two other signatories signed this document as well.<sup>239</sup>

107. I signed these two documents because Colonel Jankovic made clear to me that the signing would not be an absolute condition but favour the procedure with the evacuation of the wounded in Bratunac and out of our compound. The wounded actually left the UN base that same day, on 17 July.<sup>240</sup>

108. In the course of the events surrounding the signing of this document and the transportation of the wounded, it was obvious that Colonel Jankovic was absolutely in command of the delegation. He was the only one who spoke to me and negotiated with me. The representative of the Bratunac Brigade, Major Nikolić, wanted to sit next to him, but he sent him away, in the back of the room where the meeting was. So it was clear that he was the leading man in that delegation.<sup>241</sup> When the delegation of the ICRC came in, the lady in charge was pretty mad because one of her trucks was stopped at the Serb border. It was a truck with emergency supplies. She protested towards Colonel Jankovic about that. He smiled. He took a mobile phone, had a very short conversation and said, "The truck is coming". I said to him that I was surprised that the Bosnian Serb officer was able to command Serb border troops, and he did not react. He just smiled.<sup>242</sup>

<sup>233</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2517.

<sup>234</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1516.

<sup>235</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2517.

<sup>236</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2518.

<sup>237</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2519.

<sup>238</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2520.

<sup>239</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2529-2530.

<sup>240</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2530.

<sup>241</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2530-2531.

<sup>242</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2531.

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109. Between 13 July and 21 July, when we ultimately withdrew from the UN base, we did not have any freedom of movement to leave the base. Colonel Janković made clear that we were supposed to stay in our compound.<sup>243</sup>

(d) DutchBat Withdraws

110. On 21 July, we already made arrangements and all wheeled vehicles went in one big column out, direction Bratunac, past the Serb border at what we called the iron bridge, a bridge over the Drina near Bratunac. I went out as the last pack with the APCs.<sup>244</sup> The APC part had to follow a different route because transport would be arranged that they would have been brought back to Zagreb. So passing the iron bridge, I stopped with that detachment about two kilometres away in a quarry. I was held there. About 150 metres before I passed the bridge, I was stopped and was asked to say goodbye to Mladić. As far as I remember, the Serb interpreter came to my car. I was not willing to do that. Quite close to the bridge there was a party, under which there was General Nicolai, General Mladić, some officers, and Colonel Karremans.<sup>245</sup> They stood there and were more or less inspecting a parade or something, it looked like that. They saluted when the units passed.<sup>246</sup>

111. Regarding the DutchBat archives, the computers and sensitive information, we were ordered by the UN to destroy everything, including our computers.<sup>247</sup> We did not complete that task.<sup>248</sup> What was left was brought along to Zagreb and later on to Holland.<sup>249</sup>

(e) Total number of men captured by the VRS

112. I told Colonel Janković that I registered the men, without giving him the list. Later on he told me that they already had 6.000 POWs, because he in fact was the first that really informed me about the breakout of the 28<sup>th</sup> Division.<sup>250</sup>

113. On 11 July, we estimated that there were about 300 Muslim men inside the compound.<sup>251</sup> And the estimations outside were around 600 up until 800.<sup>252</sup> Coupled with the 6,000 POWs captured by the VRS, there appears to have been up to 7,000 Muslim men who were involved in the events of mid-July 1995.

114. I have recently been shown several documents regarding convoy restrictions (65ter#s 19005, 03521, 03522, 21661, 03664, 03675, 03640, 22012, 03700, 21952, 03706, 03488, 22800, 19546, 19547, 03542, 03544, 02280, 21979, 21115, 21990, 21978). In general, the documents confirm the actual situation at that time. The UN documents were not known to us then. I think we should have been informed, even now we never knew whether the UN protested (note: in their polite almost submissive way). The fact that the "convoy terror" was planned and ordered in detail from a high level, confirms my opinion that the Bosnian Serbs weakened the enclaves, both the UN units and the population, as part of a strategy in preparation of a planned final solution, being a final attack. Also, it contributes

<sup>243</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2531.

<sup>244</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2531-2532.

<sup>245</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2532.

<sup>246</sup> Testimony in IT-05-88-T, dated 17 October 2006, T.2532-2533.

<sup>247</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2513.

<sup>248</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2514.

<sup>249</sup> Testimony in IT-05-88-T, dated 18 October 2006, T.2655.

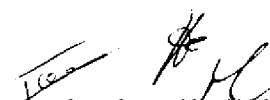
<sup>250</sup> Testimony in IT-02-60-T, dated 15 September 2003, T.1509-1510.

<sup>251</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2489.

<sup>252</sup> Testimony in IT-05-88-T, dated 16 October 2006, T.2489.

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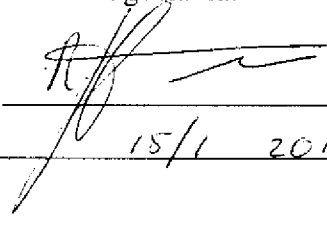
to my conviction that the Srebrenica massacre was planned and ordered in the same detail, by the same level.



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**WITNESS ACKNOWLEDGEMENT**

I have read this statement in English and it is true to the best of my knowledge and recollection. I have given this statement voluntarily and am aware that it may be used in legal proceedings before the International Criminal Tribunal for the former Yugoslavia.

Signed:  \_\_\_\_\_Date: 15/1 2012.

0681-4293-0681-4321-BCSDT/Radna verzija prevoda

MEĐUNARODNI SUD ZA KRIVIČNO GONJENJE OSOBA  
ODGOVORNIH ZA TEŠKA KRŠENJA MEĐUNARODNOG PRAVA  
POČINJENA NA TERITORIJI BIVŠE JUGOSLAVIJE OD 1991. GODINE

OBJEDINJENA IZJAVA SVJEDOKA

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PODACI O SVJEDOKU:

Prezime: FRANKEN

Ime: Robert Alexander

Nadimak:

Datum rođenja: 24. avgust 1950.

Očevo ime:

Pol: muški

Mjesto rođenja:

Nacionalnost: holandska

Religija:

Jezici koje govori:

Trenutno zanimanje: umirovljeni pješadijski oficir, Vojska Kraljevine Holandije

Datumi razgovora: 15. januar 2012.

Razgovor vodili: Kimberley West

Jezik korišten tokom razgovora: engleski

Imena svih osoba prisutnih tokom razgovora: Matteo Costi, Tomasz Blaszczyk, Chloe Gall

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Potpis: /potpisano/

0681-4293-0681-4321-BCSDT/Radna verzija prevoda

1. Svjedočio sam pred ovim Sudom u sljedećim postupcima: *Tužilac protiv Krstića*, 4. aprila 2000.; *Tužilac protiv Blagojevića*, 15. septembra 2003.; *Tužilac protiv Slobodana Miloševića*, 13. novembra 2003.; *Tužilac protiv Popovića et al.*, od 16. do 18. oktobra 2006.; i *Tužilac protiv Tolimira*, 30. juna 2010, 1. jula 2010. i 6. jula 2010. Također sam uredu Tužioca dao izjave 27. septembra 1995. i 17. oktobra 2003.<sup>1</sup>, a također sam u nekoliko navrata ispitivan po završetku misije od strane Vojske Kraljevine Holandije i svjedočio sam u holandskoj parlamentarnoj istrazi o Srebrenici<sup>2</sup>.
2. Ova je izjava objedinjenje i reorganizacija mojih prijašnjih svjedočenja u predmetima *Blagojević*, *Popović* i *Tolimir*, a sadrži neka dodatna pojašnjenja i opažanja, kao i reference na dokumente koje mi je sada pokazao Ured Tužioca.

A. Činjenični kontekst

3. Ime mi je Robert Franken<sup>3</sup>. Rođen sam 24. avgusta 1950. <sup>4</sup> Bivši sam pješadijski oficir u Vojsci Kraljevine Holandije, a penzionisan sam nakon 33 godine službe u činu potpukovnika. Među dužnostima koje sam tokom tog vremena obnašao, bio sam komandant čete za podršku borbe, mehanizirane pješadijske čete, služio sam

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<sup>1</sup> Izjava svjedoka Tužilaštva, 27. septembar 1995., 0044-3276-0044-3283; Izjava svjedoka Tužilaštva, 17. Oktobar 2003., 0341-4874-0341 -4878.

<sup>2</sup> Ispitivanje po završetku misije, izvještaj holandskog Ministarstva Odbrane, bez datuma, 0091-3985-0091-3990; Ispitivanje po završetku misije, izvještaj holandskog Ministarstva Odbrane, 22. i 23. juli 1995., 0604-5623-0604-5649; Ispitivanje po završetku misije, izvještaj holandskog Ministarstva Odbrane, 1995., R013-8834-R013-8843; Ispitivanje po završetku misije, izvještaj holandskog Ministarstva Odbrane, 13. septembar 1995., R018-4280-R018-4302; Ispitivanje po završetku misije, izvještaj holandskog Ministarstva Odbrane, 20. septembar 1995., R018-4335-R018-4341; Ispitivanje po završetku misije, izvještaj holandskog Ministarstva Odbrane, 27. septembar 1995., R018-4303-R018-4313; Parlamentarna istraga o Srebrenici, stenografski zapisnik, 11. novembar 2002., 0308-0462-0308-0511.

<sup>3</sup> Svjedočenje u predmetu br. IT-05-88-T, 16. oktobar 2006., T. 2433.

<sup>4</sup> Svjedočenje u predmetu br. IT-02-60-T, 15. septembar 2003., T. 1465

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- kao operativac u oklopnoj brigadi gdje sam bio zadužen za planiranje i provedbu zračne podrške, služio sam kao instruktor taktike u školi za pješadiju, kao oficir za logistiku i obavještajac na nivou bataljona i brigade, i kao Načelnik štaba Sjeverne Komande u Holandiji.<sup>5</sup>
4. Koliko se sjećam, stigao sam u Bosnu 15. januara 1995. Bio sam tada major po činu i moja je pozicija bila DCO i S4, dakle zamjenik komandanta i oficir zadužen za logistiku bataljona. Baza mi je bila u Potočarima, gdje je bio Glavni štab Dutchbat-a /Holandski Bataljon/. Moj direktni nadređeni bio je potpukovnik Karremans.<sup>6</sup>
  5. Kao S4, bio sam zadužen za sva materijalna sredstva i zamjenske dijelove koje bataljon treba da bi mogao funkcionirati u takvom području. To podrazumijeva hranu, gorivo, municiju, zamjenske dijelove itd. Kao zamjenik komandanta, zamjenjivao sam ga ukoliko je iz nekog razloga bio odsutan.<sup>7</sup>
  6. Misija nam je bila da samim svojim prisustvom obeshrabrimo bilo kakva neprijateljstva, da pokažemo da smo tamo, da istaknemo zastavu. Zadatak nam je bio da pomazemo oko humanitarne pomoći. Misija je također uključivala demilitarizaciju enklave.<sup>8</sup>
  7. Što se tiče podjele odgovornosti između mene i pukovnika /kao u originalu/ Karremansa, potpukovnik je zapravo bio zadužen za sve vanjske kontakte, kontakte s višim ešelonima, a ja sam se manje-više bavio svakodnevnim zapovijedanjem u bataljonu, normalnim rutinskim stvarima. Koordinirao sam rad

<sup>5</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2434.

<sup>6</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2435.

<sup>7</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2436.

<sup>8</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2435.

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- pripadnika bataljona i komandantima četa davao naređenja prema smjernicama koje je postavio potpukovnik Karremans.<sup>9</sup>
8. Tamo je postojala operativna sala. Moglo bi se reći da je to bilo nervno središte čitavog bataljona gdje su stizale sve informacije, a ekipa u operativnoj sali imala je svu disciplinu. Oni su analizirali podatke, a zatim bi mi prosljedili rezultate i zaključke. Glavni dežurni oficir u operativnoj sali je uvijek bio kapetan i on je bio taj koji je stupao u kontakt sa mnom ukoliko se pojavilo bilo što zanimljivo o čemu sam trebao biti obaviješten.<sup>10</sup>

B. VRS i ABiH: kontakti i oprema

9. U DutchBat-u smo imali tim oficira za vezu. Zapravo, na početku su bila bar trojica, a bili su zaduženi za kontakt sa srpskim i sa bosanskim vlastima.<sup>11</sup>
10. Ja bih se angažirao u komunikaciji s oficirima VRS ili ABiH samo ukoliko se S5 nije bio u stanju nositi s problemima ili nije postizao nikakav napredak pa bih se ja uključio u razgovore i pregovore s njima. Ukoliko ni ja ne bih uspio, zadnji nam je trik bio taj da pokuša sam pukovnik.<sup>12</sup>
11. Problem je bio taj da su zapravo postojale tri linije razgraničenja, tri granice enklave. Postojala je UN granica, bosansko-srpska granica, manje-više kilometar ili dva dublje u samoj enklavi i muslimanska granica koja je bila kilometar ili dva izvan UN granice.<sup>13</sup> Osmatračnice su bile na samom rubu UN granice pa je direktno ispred osmatračnica bila UN granica enklave.<sup>14</sup>

<sup>9</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2436.

<sup>10</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2436-2437.

<sup>11</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2437.

<sup>12</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2437-2438.

<sup>13</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1476-1477.

<sup>14</sup> Svjedočenje u predmetu IT-05-88/2, 30. jun 2010., T.3330.

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12. Kontakti s vojskom bosanskih Srba /kao u originalu/ odvijali su se preko načelnika štaba 28. Divizije, Ramiza. U početku smo, naravno, kontaktirali Orića, koji je bio lokalni komandant.<sup>15</sup> U početku se to još zvalo 8. operativna grupa. Kasnije je nazvana 28. Divizija.<sup>16</sup> 28. Divizija imala je manje-više dva glavna štaba. Koristili su učionicu u selu Potočari i neke od prostorija u bivšoj pošti u Srebrenici.<sup>17</sup> Poštanski i telegrafski ured nije bio glavni štab već samo ured, nije tamo bilo sredstava veze, mapa i slično. Zapravo, ista je situacija bila i u Potočarima. Radilo se o učionici ili nekoj sobi i tamo su bili nekakvi uredi, ali nije bilo sredstava veze. Imali su kuću u blizini Pala, jer i u enklavi postoji mjesto po imenu Pale, i u toj kući su postojala sredstva veze.<sup>18</sup>
13. Vojska bosanskih Srba imala je formalnog oficira za vezu, a to je bio pukovnik Vuković. Nisam ga često vidao. Ali bio je tu zapravo i neki Major Nikolić iz Bratunačke Brigade koji je zapravo bio oficir zadužen za vezu između nas i Vojske bosanskih Srba.<sup>19</sup> Prije pada enklave, mislim da sam Majora Nikolića sreo četiri ili pet puta. Nije nam naš bilo jasno njegovo točno formacijsko mjesto, ali je bilo jasno da mu je mjesto bilo takvo da je mogao utjecati na operacije brigade. Jednom sam ga vidio kako izdaje naređenja na osmatračnici Papa, gdje je nekim vojnicima u blizini ulaza u enklavu naredio da nešto učine. Drugi put je imao sastanak na liniji razdvajanja u neposrednoj blizini osmatračnice Romeo, i tamo je izdao naređenja vojnicima na srpskoj liniji, koji su ta naređenja izvršili.<sup>20</sup>

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<sup>15</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2437.

<sup>16</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1469.

<sup>17</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2646.

<sup>18</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1470.

<sup>19</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2437.

<sup>20</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1472.

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- Bilo je velikih problema s uspostavljanjem kontakta jer se Nikolić pojavljivao samo kad se njemu prohtjelo.<sup>21</sup>
14. Što se tiče VRS, imali smo posla s nekoliko brigada, Skelanskom, Bratunačkom, i Milićkom (tako smo ih mi zvali). Nikad nismo imali kontakt u području Milića. Ta je brigada izgledala kao vojska. Vojnici u enklavi su manje-više, s izuzetkom Milićke brigade, izgledali kao paravojska, nosili su kombinirane uniforme itd., ali imali su oružje. U završnoj fazi, dva smo se puta konfrontirali s vojnim jedinicama koje su izgledale i ponašale se kao vojne jedinice po našoj definiciji.<sup>22</sup>
15. Što se tiče opreme Armije BiH, nisu nosili oružje jer je to bilo zabranjeno, ali zahvaljujući obavještajnim podacima i radu naših prethodnika znali smo da imaju otprilike 4000-4500 komada lakog naoružanja i nešto minobacača. Većinu su se vremena kretali obučeni u dijelove uniforme, ali nikad nisu nosili kompletnu uniformu. To se promijenilo negdje u maju, kad smo najednom vidjeli da pripadnici Armije BiH nose nove borbene uniforme.<sup>23</sup> Također smo vidjeli nekoliko novih tipova kalašnjikova.<sup>24</sup> Postojala je struktura po divizijama, komanda divizije s brigadama od kojih je svaka unutar enklave imala svoje područje. Izgledali su, dakle, kao vojska, ali uskoro se ispostavilo da nema discipline. Komandanti brigada imali su svaki svoju politiku. Nisu se povinjavali onom što je govorio ili htio komandant divizije. Primjer je komandant brigade u trokutu Bandera koji je imao vlastitu vojsku.<sup>25</sup> Pogotovo u krajnjoj fazi morali smo se nositi s lokalnim komandantima koji su svi imali svatko svoju politiku i nisu slijedili zapovjedi bosanske /kao u originalu/ komande divizije. Tako da se

<sup>21</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1478.

<sup>22</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2439.

<sup>23</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2438.

<sup>24</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T.2537.

<sup>25</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2438.

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manje-više radilo o hrpi naoružanih paravojnih formacija koje su funkcionirale kao cjelina, ali svaka za svoj vlastiti interes.<sup>26</sup>

16. Znali smo za tzv. Poni Ekspres. Poni Ekspres bila je grupa od do petnaest ponija koji bi iz enklave krenuli na jug, prema Žepi, i vratili se s nečim. Na primjer, kasnije smo na pijaci vidjeli cigarete.<sup>27</sup> S jedne od osmatračnica javljeno je također da je u toku noći bilo preleta helikoptera. Nikad nismo doznali kamo su sletjeli. Naišli smo na mjesto na kojem su stabla bila posječena, ali nikad nismo našli dokaz da je tamo stvarno sletio helikopter.<sup>28</sup> Muslimani su lokaciju osmatračnice Eho koristili za uzimanje ogrijeva i drugih stvari iz lokalne fabrike pokućstva koja je bila ispred osmatračnice Eho. Problem s tom fabrikom je bio taj da je UN granica prolazila točno kroz nju. Dio fabrike je bio u srpskoj zoni, a dio u muslimanskoj. Povrh toga, bila je tu i srpska granica, koja je bila takva da je čitava fabrika bila u srpskoj teritoriji, a muslimanska granica se protezala dalje na jug s obrnutim rezultatom.<sup>29</sup>

### C. Demilitarizacija

17. Obzirom na naš cilj demilitarizacije enklave, nismo uspjeli u tome. Dva holandska bataljona koji su tamo bili prije nas pokušali su demilitarizirati to područje. Problem je bio u tome da nismo imali ovlasti ulaziti u kuće koje su pripadale civilima. Kad bi ugledali naoružane muškarce, pokušali bismo ih uhvatiti, ali čim bi pobjegli u neku kuću, mi nismo imali ovlasti da uđemo u nju. Morao sam zvati lokalnu policiju, a oni su nekoliko puta i došli. Nikad nisu

<sup>26</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2439.

<sup>27</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T.2538.

<sup>28</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1534-1535.

<sup>29</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2645.

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uspjeli naći oružje. Prestali smo takve ljude juriti unutar grada ili sela, jer je to bilo apsolutno beskorisno. Dapače, bilo je smješno, jer bi stanovništvo stajalo sa strane i smijalo se kad smo ponovno pokušali uhvatiti neke tipove. Nekoliko smo puta uhvatili grupe od dvojice ili trojice muškaraca na brisanom prostoru, i oružje nam je bilo predano. Dobili su potvrdu, a oružje je prebačeno na takozvano sabiralište oružja u bazi naše čete u samom gradu Srebrenici. Svo predano oružje je tamo čuvano.<sup>30</sup> Dok smo bili tamo skupili smo samo lako naoružanje, ali bio je tamo već i T55, glavni borbeni tenk. Koliko se sjećam, bila su tamo dva artiljerijska oruda i svakakva oružja izrađena u kućnoj radinosti. Većinom se radilo o postoljima za minobacače, obično ispod oružanog helikoptera ili aviona, koje su oni stavljali na postolja s kotačima i vjerojatno koristili kao artiljeriju.<sup>31</sup>

18. Mislim da muslimani nisu predali svo svoje oružje jer su željeli zadržati neki vojni potencijal, obzirom da su bosanski Srbi oko njih bili prilično dobro naoružani, što su muslimani smatrali prijetnjom. Vjerojatno nisu u potpunosti vjerovali u ono što ja nazivam borbena moć Plavih Kaciga. Mislim da su oružje zadržali zbog želje za samoodbranom.<sup>32</sup> Tako da mogu razumijeti –ne opravdati, već razumijeti – zašto su zadržali oružje.<sup>33</sup>

19. Ja sam i sam učestvovao u patrolama. Patrole unutar enklave bile su dio redovnih aktivnosti DutchBat-a.<sup>34</sup> Za vrijeme tih patrola, mogao sam lično promatrati položaje kako srpskih, tako i muslimanskih snaga. S obje strane su bili rovovi. Sa srpske strane bile su građevine nalik bunkerima. Rovovi s bosanske strane bili su prilično plitki, ne duboki, a položaji na srpskoj strani bili su, koliko smo mogli

<sup>30</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1468.

<sup>31</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1468-1469.

<sup>32</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1469.

<sup>33</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1539.

<sup>34</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2439.

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vidjeti, prilično dobro ukopani i čvrsti. Barem na početku identificirali smo oko 16 artiljerijskih i minobacačkih položaja VRS, pogotovo u zoni Milićke brigade na zapadnoj strani enklave. Bilo je nekoliko položaja za samohodne topove.<sup>35</sup>

#### D. Trgovina između muslimana i Srba

20. Bilo je pokušaja da se trguje između muslimanske i srpske strane. Jednom je došlo do diskusije. Srbi su to predložili i mi smo tada pokušali organizirati sastanak na osmatračnici Papa između Srba i Muslimana, gdje su oni postigli sporazum. Nije bilo trgovanja po tom aranžmanu, jer su bosanske muslimanske vlasti to zaustavile.<sup>36</sup> Predmeti o trgovanju kojih se razgovaralo nisu uključivali vojna materijalna sredstva, već osnovne potrepštine, hranu i druge potrepštine.<sup>37</sup>

21. Međutim, najjednostavniji način da se osigura da civilno stanovništvo Srebrenice dobije više od minimalne ili ispod minimalne količine osnovnih prehrambenih namirnica i potrepština bio je taj da se ukinu restrikcije koje je VRS nametnula konvojima humanitarne pomoći.<sup>38</sup>

#### E. Restrikcije na konvoje za snabdjevanje

22. Najvažnije stvari koje je trebalo doturiti DutchBat-u bile su municija i gorivo, jer smo morali sami generirati energiju, bilo kakvu energiju, a jedini način da to postignemo bio je pomoću generatora koji troše dizel gorivo.<sup>39</sup>

23. Sastavili smo spiskove i zatražili materijalna sredstva, što je tad poslano u Sarajevo, a nakon toga u Zagreb, gdje se nalazila velika logistička baza, i oni su to

<sup>35</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2440.

<sup>36</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2659.

<sup>37</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2692.

<sup>38</sup> Svjedočenje u predmetu IT-05-88/2, 6. juli 2010., T.3570.

<sup>39</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2442.

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pripremali. Postojala je logistička baza u Busovači, bila je tamo i jedna holandska jedinica, i oni su to što smo mi željeli tovarili na kamione, bar je to, općenito govoreći, bila zamisao, i tada bi nam to dopremili cestom.<sup>40</sup>

24. Za svaki konvoj bila je potrebna dozvola VRS. Morali su pristati na to. Ne samo činjenica da su vozila dolazila k nama, već su htjeli i znati što je točno u tim vozilima, i tada bi odobrili ili ne odobrili teret u kamionima i sam broj kamiona. Bilo je potrebno da oni odobre svaku pojedinu stvar na spisku, bez obzira na to da li je meni unos te stvari inače bio dozvoljen ili ne.<sup>41</sup> Bilo je stvari koje je VRS kategorično odbijala: municija, bilo što što je imalo veze s oružanim sistemima, rezervnim dijelovima, ili napravama za testiranje; rezervni dijelovi za vozila, itd.; oprema za radio vezu.<sup>42</sup> Kada bi spisak bio odobren od strane VRS, holandski kamioni bi krenuli iz područja Tuzle ili Sarajeva, i dopremili bi materijalna sredstva u enklavu. Nama bi javili da je konvoj odobren i da je dolazak najavljen putem faksa iz moje logističke baze.<sup>43</sup> Tada bih ja dobio na uvid završni dokument na kojem je stvar po stvar pisalo što je VRS na kraju odobrila u pojedinom konvoju. To je zapravo bio spisak koji mi je bio slan u trenutku kad je konvoj planiran, a onda bih obično dobio korigirani spisak kad bi konvoj na kraju stigao, jer mnogo bi stvari nestajalo na putu do enklave.<sup>44</sup>

25. Tokom puta cestom do enklave, kamioni su pregledavani na kontrolnim punktovima bosanskih Srba. Morali su izaći iz vozila, identificirati se, a zatim je provjeravan teret u kamionu, i to točno prema spiskovima koje su morali imati sa sobom. Nakon svih tih kontrolnih punktova stigli bi konačno u enklavu. Zadnja

<sup>40</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2443.

<sup>41</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2443.

<sup>42</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2443-2444.

<sup>43</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2444.

<sup>44</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2444-2445.

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- provjera bila je na samom rubu, na liniji razgraničenja blizu naše osmatračnice Pap, na mjestu koje smo zvali Žuti Most.<sup>45</sup>
26. Restrikcije na konvoje već su se primjenjivale kad sam ja stigao u Bosnu. Restrikcije na konvoje za popunu rezervi su se intenzivirale, na primjer, kad mi je stigao zadnji konvoj s gorivom u februaru.<sup>46</sup> Te smo restrikcije nazivali «teror nad konvojima».<sup>47</sup> Javljeno mi je od strane same opštine da je 28. Divizija uvijek za vlastite potrebe uzimala dio sredstava koja je donosio UNHCR /Visoki Povjerenik za Izbjeglince Ujedinjenih Naroda/ .<sup>48</sup>
27. Za humanitarnu pomoć enklavi bila su zapravo zadužene dvije nevladine organizacije: UNHCR se brinuo za hranu i takve stvari, a MSF /Liječnici bez granica/ se brinuo za medicinsku pomoć stanovništvu.<sup>49</sup> Koliko znam, humanitarna pomoć koja je stizala u enklavu podvrgavala se istoj proceduri kao i popuna rezervi za DutchBat.<sup>50</sup> Znam da je u nekom trenutku otprilike u martu 1995. MSF prestao pružati medicinske usluge stanovništvu zbog sukoba s gradskim vlastima.<sup>51</sup> Moji su kirurzi stali na stranu MSF i zbog toga odbili odlaziti u civilnu bolnicu. Međutim, medicinske usluge koje smo stanovništvu pružali direktno nisu ukinute zbog tog sukoba, nego već ranije zbog nestašice goriva, što je razlog da naši pokretni stacionari nisu mogli funkcionirati.<sup>52</sup>
28. Uloga DutchBat-a u odnosu na konvoje humanitarne pomoći bila je ta da osigura transport od linije razgraničenja. Kad bi oni stigli ili se pojavili na osmatračnici

<sup>45</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2444.

<sup>46</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2445.

<sup>47</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2450.

<sup>48</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T.2538.

<sup>49</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2445.

<sup>50</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2445-2446.

<sup>51</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2642.

<sup>52</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2643.

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Papa, mi bismo odaslali jedinicu veličine odelenja da ih prati do skladišta u Srebrenici. Hranu i druge stvari su zatim u skladište unosili ljudi iz opštine, lokalne civilne vlasti. Kad je pomoć istovarena u skladište, mi bismo se povukli i to je zapravo bio naš zadatak. Raspodjela i slične aktivnosti bila je zadatak predstavnika UNHCR u koordinaciji s ljudima iz opštine. Općenito govoreći, jedva da smo i primali bilo kakve informacije o tim konvojima UNHCR-a. Uglavnom bi za njih doznali kad bi se pojavili na osmatračnici Papa i tada smo morali poduzeti korake. Znam za jedan konvoj koji je opozvao UNHCR jer su bosanskim Srbima na kontrolnom punktu morali dati dizel goriva ili tako nešto, što su odbili i vratili se. Znači, oni su imali manje-više iste probleme kao i mi.<sup>53</sup> Incident mi je dojavljen od strane predstavnika UNHCR-a unutar enklave.<sup>54</sup> Nisam shvatio njihovo razmišljanje i predstavnika sam upitao kako to da je 100 litara dizel goriva važnije od toga da 25,000 ljudi gladuje.<sup>55</sup>

(a) Posljedice restrikcija po oružani sistem DutchBat-a

29. Bataljonu je zapravo bilo potrebno između 8,000 i 9,000 litara goriva dnevno da obavlja posao. Kako su se zalihe smanjivale, na kraju smo završili s dnevnim sljedovanjem od 250 litara, što znači da nismo bili u stanju izvršiti kompletni plan patroliranja. Morali smo to obavljati pješice. Nedostatak goriva značio je da nemamo ni grijanje. Morali smo cijepati drva. Nismo mogli naš stacionar za previjanje rana, neku vrstu bolnice, održavati u funkciji. Nismo mogli ni pročišćavati vodu, jer smo i to obavljali pomoću sprave koja troši gorivo. Nismo

<sup>53</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2446.

<sup>54</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2691.

<sup>55</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2692.

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imali struje, a na kraju, ukoliko je hrane i bilo, nismo mogli ni spravljati hranu jer je nismo mogli kuhati.<sup>56</sup> Osmatračnice su imale vlastite zalihe goriva i funkcionirale su na osnovu minimuma od 8 – 10 litara na dan.<sup>57</sup> U martu 1995. UNHCR i MSF su još uvijek imali zalihe goriva u bazi pa smo mi koristili zalihe UNHCR-a. Međutim, potrošili smo u potpunosti njihove zalihe u toku marta i aprila.<sup>58</sup>

30. Što se tiče posljedice po naš oružani sistem, na primjer, nismo dobili opremu za testiranje koja nam je bila potrebna za TOW protutenkovski sistem koji je trebalo periodično testirati kako bi ostao u funkciji.<sup>59</sup> Rakete za protutenkovske sisteme koji su po kvaliteti sezali tako daleko u prošlost kao ovi više nisu bili upotrebljivi zbog vlage itd./kao u originalu/.<sup>60</sup> Barut za minobacače nije više bio upotrebljiv zbog vlage. Imao sam otprilike 15% municije koju sam trebao imati, a do tri četvrtine toga nije se više moglo upotrijebiti.<sup>61</sup> Što se tiče TOW, u normalnim uslovima mijenjamo ih svaka četiri tjedna. U ovakvim uslovima, pokazalo se da ne traju duže od otprilike šest tjedana na osmatračnici pa smo ih morali mijenjati, a nismo imali zalihe. Operativna gotovost tih sistema bila je ravna nuli.<sup>62</sup> Prosejna zaliha municije bila je 16%, a sjećam se da smo za lako naoružanje bili na do 30% zaliha koje su nam bile potrebne. Te su zalihe dopremljene još 1994. kad je stigao prvi bataljon i to se kasnije više nije mijenjalo. U normalnim

<sup>56</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2447.

<sup>57</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2657.

<sup>58</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2639.

<sup>59</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2447.

<sup>60</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2447-2448.

<sup>61</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2448.

<sup>62</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2448-2449.

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uslovima potpune funkcionalnosti, municiju za lako naoružanje mijenjamo svakih deset dana jer joj opada kvaliteta zbog toga što stoji u puškama itd.<sup>63</sup>

31. Što se tiče smjene ljudstva DutchBat-a, do kraja marta ili aprila bilo je problema s tim konvojjima, ali od aprila je bilo gotovo i imali smo puno momaka koji više nisu mogli ući zbog restrikcija koje je nametnula VRS. Kad sam ja stigao u januaru 1995., imali smo, mislim, 318 obučanih vojnika.<sup>64</sup> Na kraju smo imali otprilike 147.<sup>65</sup>

#### F. Granatiranje i paljba na enklavu

32. U mjesecima prije napada VRS na enklavu u julu 1995., bilo je granatiranja i paljbe na enklavu. Povećala se količina pucanja iz blizine na patrole i naše osmatračnice. Do porasta je došlo u aprilu i maju.<sup>66</sup> Javljeno je da se vatra uglavnom otvara sa srpskih položaja. Bilo je nekoliko izvještaja u kojima nije bilo moguće utvrditi izvor paljbe, ali uglavnom je to bilo s položaja bosanskih Srba.<sup>67</sup>

33. O incidentima koji uključuju granatiranje i paljbu doznao bih kroz izvještaje patrola s osmatračnica. Nekoliko puta došlo je do ranjavanja civila. Koristili smo vlastita sredstva, oklopna ambulantna kola, da tako kažem, da ljude prebacimo u bolnicu u Srebrenici.<sup>68</sup>

34. Nismo imali slobodu kretanja na srpskoj teritoriji. Što se tiče Armije BiH, uz iznimku trokuta Bandera, trebali smo imati slobodu kretanja. Kažem, trebali smo,

<sup>63</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2449.

<sup>64</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2449.

<sup>65</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2450.

<sup>66</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2440.

<sup>67</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2441.

<sup>68</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2441.

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jer smo na kraju nailazili na mnoge poteškoće u pokušaju da naše oklopne transportere pomaknemo na bolje položaje.<sup>69</sup> Već kad smo preuzeli od DutchBat II nije bilo slobode kretanja u trokutu Bandera, a u januaru smo dobili naređenje da ponovno uspostavimo slobodu kretanja u toj zoni. Poveo sam prvu patrolu u trokut Bandera gdje je došlo do pucanja i problema s Armijom BiH. Otprilike 40 naoružanih vojnika spriječili su me da uđem u tu zonu. I druge su patrolle bile zaustavljene, pa je na kraju došlo do blokade i nekoliko smo dana morali ostati u toj zoni. Nismo se mogli vratiti u logor.<sup>70</sup> Koliko se sjećam, tamo smo morali ostati oko četiri dana. Lokalni komandant brigade g. Zulfo me lično zaustavio, a s njim je bilo 40 vojnika.<sup>71</sup> Potpukovnik Karremans morao je ispregovarati da nas oslobode, nakon čega smo deblokirani i mogli smo napustiti zonu.<sup>72</sup>

35. Što se tiče napada Armije BiH iz enklave na teritoriju pod kontrolom VRS, činilo se da je došlo do dva takva napada prije napada VRS na Srebrenicu u julu 1995. Koliko se sjećam, javljeno mi je s osmatračnice Mike da sjeverno od enklave gore kuće. Preko noći čula se paljba iz lakog naoružanja. Kasnije, kad sam stupio u kontakt s Majorom Nikolićem iz Bratunačke Brigade, rekao mi je da je tamo došlo do napada snaga Armije BiH.<sup>73</sup> Drugi je napad bio zasjeda u kraju južno od enklava na putu za Žepu. VRS nam je javila da je sedam ili devet vojnika poginulo u zasjedi koju je, naravno, postavila Armija BiH.<sup>74</sup>

#### G. Koordinacija obrane između Armije BiH i DutchBat-a

<sup>69</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2441.

<sup>70</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2442.

<sup>71</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2602.

<sup>72</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1532.

<sup>73</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T.2579.

<sup>74</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T.2579-2580.

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36. U vidu porasta broja incidenata u kojima je otvarana vatra na patrole i položaje DutchBat-a, u kombinaciji s drugim stvarima, došlo je do nekih diskusija s Armijom BiH o tome kako da se brani enklava. Lično sam o tome razgovarao s Načelnikom štaba 28. Divizije. Problem je, naravno, bio u tome da smo mi kao UN bili nepristrani. Vodili smo čudnu diskusiju o tome kako bi to izgledalo. Načelnik štaba me upitao što bi UNPROFOR učinio u slučaju srpskog napada na enklavu, ali moja su naređenja bila takva da sam jedino bio ovlašten braniti vlastite osmatračnice.<sup>75</sup> Tako smo se sporazumjeli da kad ja branim osmatračnice i bosansku vojsku, tad muslimani brane prostor između, bez spajanja osmatračnica ja bih još uvijek bio ta nepristrana snaga UN-a, a oni bi pokrivali prostor između osmatračnica pa smo imali neku koordiniranu odbranu.<sup>76</sup> Ukoliko bi se desio pravi napad, sabiralište oružja bilo bi stavljeno na raspolaganje Armiji BiH.<sup>77</sup> Međutim, to je na kraju odbijeno, jer njima po mom mišljenju nije bilo potrebno oružje, obzirom da su imali modernu i funkcionalniju opremu.<sup>78</sup>
37. Svrha je bila da se koordiniraju operacije. Na primjer, kad su kod neke osmatračnice bile muslimanske snage i ako bi otišle bez najave, imao sam velik problem jer bi moja osmatračnica ostala izolirana i okružena u teritoriji pod kontrolom bosanskih Srba. Problem je bio u tome da je naše naređenje bilo da odvrćamo svojim prisustvom, a zbog lokacije samih osmatračnica, to je u vojnom smislu bilo apsolutno komično. Bili smo na vrhovima brda; morali smo po noći tamo i paliti svjetlo kako bi dali do znanja da smo još tamo.<sup>79</sup>
- Osmatračnice su bile obojane u bijelo, tako da smo, u slučaju da što pode po zlu,

<sup>75</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2450.

<sup>76</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2450-2451.

<sup>77</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T.2539.

<sup>78</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1535.

<sup>79</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2451.

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bili laka meta. A ako se na to pridoda još i nekoordinirana akcija neke treće strane, u ovom slučaju Armije BiH, tada je ionako potpuno izlišno i započeti s odbranom.<sup>80</sup>

#### H. Osmatračnica Echo – probna akcija

38. 3. juna 1995. VRS je napao osmatračnicu Echo. Četa Bravo, koja je bila zadužena za tu zonu, javila nam je da je došlo do pokreta ispred osmatračnice Echo. Ispostavilo se da je u pokretu srpska pješadija. Srpska pješadija je megafonom poručila osmatračnici da moraju otići i da se povuku jer Srbi žele ući. Četa Bravo je od mene zatražila dozvolu, što sam ja odbio. Tada su ih napali i na kraju su Srbi zauzeli osmatračnicu Echo, a posluga se uz moju dozvolu povukla u zadnji tren. Napad je izvelo otprilike 40 vojnika pješadije uz podršku tenka (T55), glavnog borbenog tenka, topa na rubu, na hrptu kod Zelenog Jadra.<sup>81</sup> Toranj osmatračnice je pogođen vatrom iz glavnog borbenog tenka, a vatra je otvarana i iz protuavionskog topa koji je tamo postavljen da pruži podršku srpskom napadu.<sup>82</sup>

39. Nakon napada naredio sam Četi Bravo da pošalje dva oklopna transportera da blokiraju prilaz Srebrenici, što je značilo u smjeru sjevera, i da blokiraju prilaz izbjegličkom kamp-naselju Swedish Shelter Project. Na jugu enklave bilo je izgrađeno novo naselje s barakama za prihvat oko 3,000 izbjeglica, a nakon što su Srbi preuzeli kontrolu nad zonom osmatračnice Echo, bio im je otvoren put u oba smjera. Ove su izbjeglice bili ljudi koji su vjerojatno 1993. došli u ovo područje,

<sup>80</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2451-2452.

<sup>81</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2452.

<sup>82</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2453.

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ali nisu bili pravi mještani, tj. bili su muslimanske izbjeglice iz drugih krajeva duž enklave koji su došli ovamo i tu bili smješteni.<sup>83</sup>

40. Kako je tu bilo 3,000 izbjeglica, mislili smo da su u opasnosti, te da im prijeti stvarna opasnost u trenutku kad se Vojska bosanskih Srba mogla po tom području kretati bez ikakvih problema. To je bio razlog da sam odlučio izdati naređenje da se uspostave osmatračnice Sierra i Uniform, kako bi se blokirali ovi prilazi.<sup>84</sup>
41. Pokazana mi je karta (65ter#03207) na kojoj se vide okruženje enklave i naše osmatračnice. Što se tiče mog naređenja da se uspostave položaji za blokadu nakon osvajanja osmatračnice Echo, to je rezultiralo stvaranjem osmatračnica Uniform i Sierra. Sierra je bila na prilazu izbjegličkom kamp-naselju Swedish Shelter Project, a Uniform je bila na uzvisini uz sam prilaz gradu Srebrenici.<sup>85</sup>
42. Potpukovnik Karremans procijenio je sa stanovišta komandanta sveukupnu situaciju i jasno naglasio da je situacija veoma kritična. Ne samo činjenica da su dio enklave zauzeli Srbi, već i sama situacija bataljona i civilnog stanovništva.<sup>86</sup>
43. Osmatračnica Echo bila je točno na cesti u smjeru istok-zapad koja prolazi uz tzv. Zeleni Jadar. Radi se o važnoj prometnici u smjeru istok-zapad i bio je tamo jedan kutak unutar bosanske enklave pa oni nisu mogli koristiti tu cestu /kao u originalu/. Bio je to značajan rudarski kraj, ali nisu imali nikakvu vezu u smjeru istok-zapad jer nisu imali tu cestu, a mi smo vjerovali da je svrha napada uspostava kontrole nad tom cestom kako bi je Srbi mogli koristiti.<sup>87</sup>
44. Prvo sam mislio da je napad na osmatračnicu Echo početak većeg napada na enklavu, ali oni nisu nastavili prema sjeveru, dok su moje trupe uspjele doći

<sup>83</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2453.

<sup>84</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2455.

<sup>85</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2454.

<sup>86</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2455.

<sup>87</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2454-2455.

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dovoljno daleko na jug da stignu do osmatračnica Sierra i Uniform.<sup>88</sup> Nismo shvaćali što se događa, a očito se nije radilo o velikom napadu, jer obično kad izvodite napad i imate uspjeha, morate održati tempo i nastaviti s akcijom, jer na taj način protivnika držite izvan ravnoteže. Tada smo zaključili da se manje-više radi o probnoj akciji i da je težište akcije bilo samo na tome da se uspostavi kontrola nad cestom o kojoj sam govorio.<sup>89</sup>

#### I. Napad na enklavu

45. Bio sam u operativnoj sali kad je 6. jula 1995. počeo napad VRS na enklavu. Napad je počeo oko 6. jula žestokom paljbom u zoni osmatračnice Foxtrot. Ta je osmatračnica gadana izravno, a i u drugim je područjima bilo još granatiranja, ali težište je očigledno bilo na zoni oko osmatračnice Foxtrot.<sup>90</sup> U kombinaciji s osmatračnicom Sierra i Uniform, srpski smo prodor bar mogli promatrati i njegovo je težište bilo izravno usmjereno na zonu osmatračnice Foxtrot u jugoistočnom dijelu enklave.<sup>91</sup> Vatra je na osmatračnicu Foxtrot otvarana iz najrazličitijih oružja, strojnica malog kalibra, tenkova i minobacača.<sup>92</sup>

46. Četa Bravo javila je da je došlo do nasumičnog granatiranja grada Srebrenice, i da je već granatiran položaj na južnom rubu grada. Gadana je i UN baza u Potočarima i neposredno okruženje. Ali bilo je očigledno da je apsolutno ogroman dio dejstava usmjeren na zonu osmatračnice Foxtrot. Također sam primio izvještaj od čete Bravo da

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<sup>88</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2455-2456.

<sup>89</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2456.

<sup>90</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2456.

<sup>91</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2457.

<sup>92</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2458.

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su civili dovedeni u civilnu bolnicu u Srebrenici.<sup>93</sup> Kako smo imali oklopna ambulantna kola, kad smo bili tamo, prebacivali smo ljude u bolnicu.<sup>94</sup>

47. 8. jula je osmatračnica Foxtrot konačno pala. Osmatračnica je sve žešće gađana; pogodena je nekoliko puta. Obrambeni zid je raznesen tenkovskim pogotkom, pa su zatražili dozvolu da se povuku. Odobrio sam to jer Armije BiH više nije bilo u blizini. Nisu nam bili javili da odlaze. Tada su vojnici s osmatračnice čekali da se paljba na trenutak prekine kako bi se mogli povući, ali bilo je prekasno. Pregazile su ih srpske snage, ali dozvoljeno im je da se povuku u Srebrenicu. Oko 700 metara dalje, na putu za Srebrenicu, zaustavljeni su na položaju 28. Divizije. BiH ih nije htjela propustiti pa se komandant konzultirao sa svojim komandirrom čete, ušao u oklopno vozilo i pokušao proći kroz blokadu. Za vrijeme tog pokušaja, jedan je od BiH vojnika pucao na oklopni transporter i pogodio nišandžiju, vojnika van Rensen-a, koji još nije bio ušao u transporter.<sup>95</sup> Umro je netom nakon dolaska u bazu.

48. Osmatračnica Mike bila je na sjevernoj granici enklave, a 9. jula je javljeno da je i Mike napadnut granatiranjem i direktnom paljbom. Zatražili su preko komandanta čete Charlie dozvolu da se povuku nekoliko stotina metara da izbjegnu vatru. Povlačenje je odobreno i, koliko se sjećam, zauzeli su položaj na rubu sela Jagličići. Tada su Srbi počeli s nečim što smo mi nazvali «pakmaniranjem» osmatračnica.<sup>96</sup>

49. Kad kažem «pakmaniranje», mislim na to da su Srbi zauzimali osmatračnice jednu za drugom. Nakon incidenta na Foxtrotu, naredili smo osmatračnicama da se povlače tek nakon što dobiju dozvolu za povlačenje, ukoliko bude nekog dogovora s lokalnim muslimanskim komandantima, jer nam je bilo stalo do toga da spriječimo da

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<sup>93</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2457.

<sup>94</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2458.

<sup>95</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2460.

<sup>96</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2461.

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muslimanske snage ubiju još vojnika.<sup>97</sup> To je praktično značilo čekati dok ne stignu srpske trupe i tada im se predati.<sup>98</sup> Jedan po jedan, muslimani su napuštali svoje položaje ne obavjestivši nas o tome, i moje su se osmatračnice našle u neprekinutom okruženju vojske bosanskih Srba.<sup>99</sup> Znam za jedan primjer gdje su muslimani pokušali najaviti povlačenje. Bilo je to u zadnjem periodu na osmatračnici Sierra, skroz na jugu, netko je brzo viknuo, vjerojatno su trebali shvatiti da oni odlaze. Nakon toga se to više nije događalo.<sup>100</sup>

50. Više puta je javljeno da su posluge osmatračnica u pokušaju povlačenja blokirane od strane muslimanskih snaga. Osmatračnica Delta je bila na jugu, pokušali su se povući, ali su ih blokirali i okružili vojnici BiH koji im nisu dozvolili da prođu u smjeru Srebrenice.<sup>101</sup>

51. Ne sjećam se je li to bilo 9. ili 10. jula, ali osmatračnica Sierra je zauzeta od strane VRS, a ja sam tada naredio četi Bravo da pošalje još jedan oklopni transporter u smjeru izbjegličkog kamp-naselja Swedish Shelter Project. Taj je oklopni transporter trebao proći zapadnom rutom i tada je u šumi naišao na mnogo ljudi, civila koji su se tamo sklonili, i zaključili su da se radi o stanovnicima izbjegličkog kamp-naselja Swedish Shelter Project. Dio tih civila krenuo je u smjeru Srebrenice, ali ne znam jesu li svi stigli u Srebrenicu.<sup>102</sup>

#### I. Zeleno naređenje i položaji za blokiranje

<sup>97</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2478.

<sup>98</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2619.

<sup>99</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2478-2479.

<sup>100</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2540.

<sup>101</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2541.

<sup>102</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2462.

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52. 9. jula dobili smo naredenje da branimo grad Srebrenicu svim vojnim sredstvima na raspolaganju. Napisao sam operativno naredenje za četu Bravo da zauzmu položaje za blokiranje oko čitavog južnog ruba grada Srebrenica (65ter#03292-P00242). Pojačali smo to s nekoliko oklopnih transportera, to smo zvali QRF /snage za brzu intervenciju/, Snage za brzu intervenciju druge čete. Pokušali smo četi Bravo pružiti sredstva da to učini. Svrha ovih pozicija za blokiranje bila je doslovno odbrana Srebrenice, što znači spriječiti Srbe da uđu u grad.<sup>103</sup> Naredenje koje sam izdao Kapetanu Groen-u je bilo «ozbiljno mišljeno zeleno naredenje», tj. mišljeno da mu se konkretno kaže da u izvršenju ovog naredenja može upotrijebiti sva sredstva koja su mu na raspolaganju, bez obzira na ograničenja UN-ovog mandata.<sup>104</sup> Izvorni je plan bio četiri pozicije za blokiranje. Nazvali smo ih Bravo 1 – Bravo 4, a jedan je položaj bio za vazduhoplovne oficire za navođenje, tim koji je bio sposoban avione u napadu navoditi do ciljeva. Imali su problema sa zauzimanjem položaja jer su ih Srbi gađali. Položaji za blokiranje su na kraju uspostavljeni oko 06:30 sati ujutro 10. jula.<sup>105</sup>

53. Komandant kapetan Hageman, koji je imao srednji položaj, sjećam se da je to bio Bravo 2, nije mogao stići na svoj položaj jer ga je gađao srpski glavni borbeni tenk T55; oklopni transporter mu je pogođen i survao se s ceste, pa se morao povući. Taj je položaj korigiran. Položaj na zapadnoj strani, Bravo 1, morao je promijeniti položaj jer su ga gađali mitraljezima, ali je zauzeo rezervni položaj, što znači da je mogao izvršavati isti zadatak, samo na drugom mjestu.<sup>106</sup> Vozila za izvlačenje su postavljena u Potočare, pa sam jedno od njih poslao dolje, međutim gađano je protuavionskim topom postavljenim u zoni osmatračnice Papa čim je promolilo kroz glavni ulaz u Potočare. Kad je vozilo

<sup>103</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2462.

<sup>104</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2465.

<sup>105</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2471.

<sup>106</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2472.

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pokušalo krenuti u smjeru vozila Kapetana Hagemana, gađao ga je isti glavni borbeni tenk Tango 55 i moralo se povući, tako da nismo uspjeli izvući to vozilo.<sup>107</sup> Javljeno mi je da su neki pripadnici DutchBat-a ranjeni gelerima i da ima lakše ranjenih, ali da mogu ostati na položajima i dalje raditi: Bravo 1 i zapadni položaji imali su tri ili četiri vojnika ranjenih gelerima, a i nišandžija Kapetana Hagemana je pretrpio ozljede.<sup>108</sup>

54. Pokazana mi je označena karta (65ter#14079) na kojoj se vide položaji zauzeti kada smo se povukli iz zone osmatračnice Uniform i Sierra. Mislim da su ti položaji zauzeti 10. jula. Položaji označeni u području Srebrenice su položaji za blokiranje koji su zauzeti u svrhu odbrane samog grada.<sup>109</sup> Tri oznake sjeverno od osmatračnice Golf su položaji za blokiranje, čiju sam uspostavu naredio ja u svrhu obrane grada. Ostale oznake su položaji koje je vjerovatno odredio komandant čete da bi bio u kontaktu sa srpskim snagama kad stignu sa sjevera.<sup>110</sup>

55. 10. jula otvorena je vatra na moj položaj za blokiranje, a došlo je i do žestokog granatiranja grada Srebrenica, uključujući i našu bazu. Javljeno je da je bilo ranjenih, ali ih nismo brojali jer su prebačeni u civilnu bolnicu, a nama su ruke bile pune drugih zadataka. Standardna je procedura bila ta da, kad god dođe do granatiranja, patrola ili promatrač javi razmjere i, ukoliko je moguće saznati, tip oružja koji se koristi. I četa Bravo je to uradila 10. jula, ali naredio sam im da prestanu kad su došli do 160 ili 200 ili tako nešto. Nije bilo svrhe javljati tako nešto, čisto mrčenje hartije.<sup>111</sup> U to vrijeme smo već znali za 16 položaja, ali tada smo prebrojali oko 32 aktivna artiljerijska ili

<sup>107</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2472.

<sup>108</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2473.

<sup>109</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2543.

<sup>110</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2544.

<sup>111</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2473.

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minobacačka položaja. Javljeno nam je i da djeluje oko šest glavnih borbenih tenkova.<sup>112</sup>

56. Koliko se sjećam, UN je poslao ultimatum VRS, a oni su na to reagirali ultimatumom DutchBat-u da se prekine s neprijateljskim aktivnostima, te su predložili aranžman da mi izađemo iz enklave preko osmatračnice Papa redu s civilnim stanovništvom, ali su zahtijevali da ostavimo opremu i naoružanje.<sup>113</sup> Očigledno su bosanski Srbi koristili jedan od mojih oklopnih transportera koji su uzeli s osmatračnica i jedan od podoficira, koji je sad bio ratni zarobljenik, je to pročitao preko radio veze.<sup>114</sup> Pokazan mi je dokument koji je pisana verzija te poruke koju smo putem radio veze dobili od VRS (65ter#03293).<sup>115</sup> To sam poslao komandantu čete Bravo, kapetanu Groen-u, jer je bio u Srebrenici, i nisam mu mogao javiti usmeno kao drugima, komandantima koji su bili u blizini baze.<sup>116</sup> Nisam tu poruku napisao odmah nakon što je stigla od VRS. Naravno, čekao sam reakciju UN-a, a zatim je sastavio i poslao Groen-u.<sup>117</sup>

57. Uvečer ili noću 10. jula pripadnici 28. Divizije zaustavili su kolonu izbjeglica na cesti i zatražili da se vrate u Srebrenicu.<sup>118</sup> Uz cestu Srebrenica – Potočari bilo je civila, izbjeglica. Zadnji trag 28. Divizije koji smo vidjeli bio je kasno uvečer 10. jula kad je potpukovnik Karremans vidio prilično mnogo naoružanih ljudi na pijaci u samom gradu. Do idućeg jutra, 11. jula, 28. Muslimanska divizija je nestala<sup>119</sup> i više ih nikada nismo vidjeli, niti smo za njih čuli.<sup>120</sup>

<sup>112</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2473-2474.

<sup>113</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2474.

<sup>114</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2548.

<sup>115</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2474-2475.

<sup>116</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2475.

<sup>117</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2549.

<sup>118</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2583.

<sup>119</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2479.

<sup>120</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2584.

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58. Tog dana sam primio izvještaje o sudbini preostalih osmatračnica.<sup>121</sup> Ne znam tačno kad je pala koja osmatračnica, ali na kraju su osmatračnice Charlie i Alpha još bile na položaju, a Delta je bila na drugom položaju nešto sjevernije, dok su druge bile zauzete ili povučene, s izuzetkom osmatračnice Papa, koji smo na sjevernom ulazu zadržali.<sup>122</sup>

59. Vojnici DutchBat-a koji su bili na osmatračnicama su u većini slučajeva morali predati svoje lako naoružanje i transporterom su prebačeni u Bratunac. Neki od njih su neko vrijeme ostali u tom rudarskom kraju koji se direktno nastavljao na jug enklave pa su odvedeni u Miliće, a na kraju su završili u Bratuncu, s izuzetkom ekipe s osmatračnice Alpha koji su poslani natrag u Potočare. Vojnici koji su poslani direktno u Bratunac su tamo zarobljeni.<sup>123</sup>

(a) Granatiranje grada Srebrenice i kolona muslimanskih civila na putu za Potočare

60. 11. jula ujutro, civilno stanovništvo Srebrenice se u velikom broju kretalo kroz grad prema našoj bazi, četi B, a mi smo ih pokušali izvesti u smjeru Potočara.<sup>124</sup> Komandant Čete B je na cestu izveo vojnike koji su počeli hodati prema Potočarima, a oni su išli za njima, što znači da je odbrana Srebrenice, samog grada, koji je bio prazan, bila izlišna. Dao sam četi B naređenje da se povuče na kraj te kolone izbjeglica koja je išla na sjever. Njegov je zadatak bio da bude između Srba /i kolone/ i da njih (izbjeglice) povede na sjever. Ukoliko stigne do Potočara, morao je zauzeti položaj na južnom rubu Potočara, frontalno na jug, i tamo blokirati srpske pokušaje približavanja.<sup>125</sup> Još jedan razlog da sam mu naredio da se povuče iz Srebrenice bio je taj da je muslimanska 28. Divizija već

<sup>121</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2478.

<sup>122</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2479.

<sup>123</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2479.

<sup>124</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2479-2480.

<sup>125</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2480.

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bila otišla, a srpska mi je pješadija već bila na visokim rubovima s lijevog i desnog boka. Tako smo mi bili u zraku /kao u originalu/ i zapravo napustili položaj.<sup>126</sup>

61. Komandant čete B mi je detaljno javio gdje su mu položaji i dokle je uznapredovala kolona. Javili su mi da je kolona granatirana. Pokupili smo ranjene, utovarili ih u oklopne transportere i odvezli u Potočare na taj način.<sup>127</sup> Komandantu baze majoru Otteru naredio sam da pronade sigurnu rutu ulaska u naš logor jer je cesta ispred baze bila direktno izložena srpskoj artiljeriji i tenkovima pa nisam htio da civilna kolona krene tom cestom jer sam imao razloga vjerovati da će ih gađati. Napad na kolonu izbjeglica izvršen je uglavnom granatama i artiljerijom. Imali smo grupu vodiča koja je ljude odvela u naš logor u Potočarima, a ja sam svojim logističarima i sanitetu naredio da se sprema za prihvrat tih ljudi.<sup>128</sup> Pokazana mi je zračna snimka Potočara na kojoj sam označio rutu koju je major Otter pripremio za civile (65ter#02701-P00422).<sup>129</sup>

62. U zoni osmatračnice Papa bio je jedan hrbat i sedlo, niži dio s kojeg je protuavionski top čitavo vrijeme gađao našu bazu. Direktno na istok od te točke bio je položaj glavnog borbenog tenka T55, a dalje na sjever položaji višecijevnih bacača raketa.<sup>130</sup>

63. Pokazana mi je zračna snimka Potočara (65ter#02700-P03953) na kojoj sam označio UN bazu, autobusnu stanicu, širu zonu u kojoj su bile napuštene fabrike, Bijelu kuću, generalni smjer na kojem je major Otter odredio rutu za prihvat izbjeglica, i zgradu u koju su izbjeglice sklonjene (65ter#14256).<sup>131</sup>

64. Odlučio sam koristiti zgradu označenu na zračnoj snimci za prihvat izbjeglica jer sam u Srebrenici već iskusio situaciju vojnih manevara u prisustvu tolikog broja ljudi, morao

<sup>126</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2480.

<sup>127</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2480.

<sup>128</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2481.

<sup>129</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1482.

<sup>130</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2481.

<sup>131</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2482-2484.

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sam garantirati da u bazi, koja je bila zadnja UN zona u enklavi, mogu manevrirati vojnim sredstvima, transporterima, ukoliko je potrebno. Kao drugo, nisam želio da izbjeglice budu unutar vidnog polja vojske bosanskih Srba, a pogotovo ne na pravcu gađanja artiljerije i tenkova, kao što sam opisao. Zapravo je to ionako bila jedina zgrada koja je pružala takav zaklon.<sup>132</sup> Kad je ta zgrada napunjena, preostali su boravili manje-više u zoni autobusne stanice, fabrika unutar zone, i s druge strane, na zapadnoj strani ceste.<sup>133</sup>

65. Bilo je vjerovatno oko 14:00 sati 11. jula kad smo konačno dobili blisku zračnu podršku, po prvi i jedini put. Kroz sredstva veze iz transportera koji su s ekipama s osmatračnica otišli na mjesto gdje su držani ratni zarobljenici u Bratuncu dobio sam poruku na engleskom koju mi je pročitao jedan od mojih podoficira, kojom nam je poručeno da bliska zračna podrška mora prestati odmah inače će VRS granatiranjem razoriti bazu, uključujući i mjesta na kojima su bile izbjeglice, te da će ubiti moje vojnike koje su zarobili.<sup>134</sup> Prijetnju mojim vojnicima nisam shvatio naročito ozbiljno jer je, po mom mišljenju, jedino što su s njima mogli učiniti bilo to da ih koriste kao živi štit, što su činili i prije u drugim dijelovima Bosne. Nisam povjerovao da će ih stvarno pogubiti.<sup>135</sup> Međutim, prijetnju o granatiranju baze i izbjeglica shvatio sam veoma ozbiljno jer su već prije izbjeglice napadali svim sredstvima. Netom nakon ove prijetnje, granatama je gađana zona autobusne stanice, a zatim i zona Potočara rafalom iz višecijevnih raketnih bacača. Među izbjeglicama je bilo ranjenih, ali ne znam koliko. Srpske su snage vjerovatno željele potkrijepiti svoju prijetnju.<sup>136</sup>

<sup>132</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2484.

<sup>133</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2485.

<sup>134</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2485.

<sup>135</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2485-2486.

<sup>136</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2486.

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66. 11. jula uvečer, bio je prisutan već velik broj izbjeglica. 12. jula su još pristizale manje grupe, ali najveći dio se već bio skupio do noći 11. jula. Jednog sam komandira odredio za komandira straže, a oko zone smo postavili prsten predstraža. Naredba je bila da se srpske ili bilo kakve druge snage spriječe u pokušaju ulaska u zonu. Imali smo i dva punkta za prvu pomoć na kojima su bili sanitetlije i doktori. Podijelili smo vode i nešto hrane, a ni sami nismo imali mnogo. U tom sam periodu mnogo vremena provodio u operativnoj Sali, ali mislio sam da je važno da se i sam uvjerim pa sam dvaput dnevno vani vršio obilasku.<sup>137</sup>

67. Izbjeglice su bile potpuno iscrpljene i u lošem stanju. Dapače, bili su letargični. Nisu ni na što reagirali, zatvarali su se u sebe, nisu bili spremni jedni drugima pomagati ili takvo što. Mi smo bili tamo, a oni su manje-više izgledali kao da se za njih svijet zaustavio. Naša je procjena bila da u bazi ima oko 300 muslimanskih muškaraca.<sup>138</sup>

68. Nakon prvog sastanka u Hotelu Fontana uvečer 11. jula, Pukovnik Karremans me brifirao, a za idući sastanak sam morao pronaći predstavnika muslimanskog stanovništva.<sup>139</sup> G. Mandžić je bio prvi koji je učestvovao. Kad sam ga vidio nakon drugog sastanka, bio je veoma nervozan i gotovo u panici, jer je osjećao težinu odgovornosti s kojom je bio suočen. Popričali smo i rekao je da želi razgovarati sa svojom Vladom. Tu smo večer pokušali, ali nismo uspjeli dobiti nikoga. Naravno da je u Vladi BiH postojao za to odgovoran ministar, ali nije htio da ga se smeta za večerom. G. Mandžić je imao problem, a ja sam mu pokušao pružiti podršku. Potpukovnik Karremans

<sup>137</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2488.

<sup>138</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2489.

<sup>139</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2486-2487.

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me brifirao i nakon drugog sastanka u Hotelu Fontana te večeri.<sup>140</sup> Te je večeri general Mladić pukovniku Karremansu rekao da će doći do prekida vatre do 10:00 sati 12. jula.<sup>141</sup>

L. 12. juli 1995. – 13. juli 1995.

69. 12. jula ujutro, trupe VRS rasporedile su se za napad na bazu.<sup>142</sup> Bilo je to oko 10:15 ili 10:30 sati ujutro,<sup>143</sup> čim je završio prekid vatre koji je prethodnu večer spomenuo Mladić.<sup>144</sup> To je nadiranje bila demonstracija osnovno obučene jedinice, vojnici u liniji uz podršku glavnog borbenog tenka, niz cestu koja je od sjevera vodila prema Potočarima, iz zone osmatračnice Papa, općenito Bratunac.<sup>145</sup> Nosili su prave uniforme, svi iste. Očigledno je postojala komunikacija između posade tenka i pješadije.<sup>146</sup> Nakon što je osmatračnica Papa izvjesila bijelu zastavu, snage VRS su zaobišle kontrolni punkt i nastavile prema Potočarima.<sup>147</sup> Razvili su snage u sjevernom dijelu, a zatim se poredali i krenuli u formaciji do točke gdje ih je zaustavila crveno-bijela traka koju smo koristili kao granicu zone u kojoj su bile izbjeglice.<sup>148</sup>

70. U nekom mi je trenutku major Otter javio da nekolicina srpskih vojnika želi ući u bazu ne kroz glavni ulaz, već kroz ulaz koji se nije koristio.<sup>149</sup> Radilo se o grupi od oko 15 vojnika, koja je narasla do nekih 40.<sup>150</sup> Sam sam pošao tamo i to zabranio. Kako bih spriječio oružani sukob blizu mjesta na kojem su bile izbjeglice, dozvolio sam vojnicima da dvojica od njih uđu i provjere da li su stvarno, kao što su oni tvrdili, u bazi dijelovi 28.

<sup>140</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2487.

<sup>141</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1487.

<sup>142</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2489.

<sup>143</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2490.

<sup>144</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1487.

<sup>145</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2489.

<sup>146</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2489-2490.

<sup>147</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2588.

<sup>148</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1488.

<sup>149</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2491.

<sup>150</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1498.

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divizije.<sup>151</sup> Želio sam ih spriječiti da vide mjesto na kojem su izbjeglice i koliko su ranjivi, da ne izvrše napad ili da ne počnu pucati.<sup>152</sup> Proveo sam ih s nekolicinom svojih vojnika, bili su u bazi otprilike 4 minute, a zatim su ponovo izašli. Ovi su srpski vojnici nosili svakakve uniforme. Nekolicina ih je bila u tamnim uniformama, a neki su vojnici vodili i pse. Nije izgledalo da su svi iz iste jedinice, ili barem nisu svi nosili istu uniformu.<sup>153</sup> Nisam na uniformama primjetio nikakve oznake. Imali su neke značke, ali ih se ne sjećam. Izgledali su kao paravojna formacija. Jedan je nosio maskirne hlače, drugi jaknu, itd. Nosili su na sebi kombinaciju vojne i civilne odjeće.<sup>154</sup>

71. Kad se desio «demonstracijski» napad, potpukovnik Karremans je već bio krenuo, ili je već i stigao, na svoj treći sastanak s Mladićem u bratunačkom hotelu Fontana.<sup>155</sup> Kad se odmah nakon 12:00 sati vratio, brifirao me o sastanku, ali nije mogao dovršiti jer mi je javljeno da sa sjevera dolazi veliki broj autobusa i kamiona. On je prekinuo referisanje, a ja sam krenuo organizirati stvari.<sup>156</sup>

72. Za evakuaciju sam prvi put čuo prethodnu večer. Znali smo da će se desiti takvo što, jer se sjećam da se još na drugom sastanku govorilo o tom događaju, manje-više, a detalje sam saznao kad se potpukovnik Karremans vratio s trećeg sastanka.<sup>157</sup> Rekao mi je da je dogovoreno da će vojska bosanskih Srba provesti takozvanu evakuaciju stanovništva. Bio je u kontaktu s glavnom bazom UN i naredeno nam je da se pobrinemo da se evakuacija odvije na humanitaran i korektan način.<sup>158</sup> Poslije sam našao dokument kojim je sklopljen

<sup>151</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2491.

<sup>152</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1499.

<sup>153</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2491.

<sup>154</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2493.

<sup>155</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2490.

<sup>156</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2492.

<sup>157</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2553.

<sup>158</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1489.

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sporazum o evakuaciji između Generala Smith-a i Mladića.<sup>159</sup> Pokazan mi je sporazum koji je potpisan 19. jula 1995. (65ter#03294), i izgleda da ne sadrži nikakve upute o prevozu i bilo kakvoj pomoći u toku prevoza.<sup>160</sup> Mi smo upute za evakuaciju dobili od UNPROFOR-a. Usmeno mi ih je prenio potpukovnik Karremans: kasnije sam ih vidio i napismeno.<sup>161</sup> Znam da je general Nicolai rekao da bataljon to mora obaviti sam, a ja sam jasno i glasno rekao da je to apsolutno nemoguće. No, nakon toga, ne znam jesu li logističke poteškoće bataljona igrale bilo kakvu ulogu u njihovoj odluci da pristanu na evakuaciju.<sup>162</sup>

73. Komandir zone u kojoj su bile izbjeglice, poručnik, javio mi je da je general Mladić došao do crveno-bijele trake koju sam spomenuo i obratio se izbjeglicama. Želio je ući, ali to mu nije omogućeno.<sup>163</sup> Obratio se ljudima, a njegovi su im ljudi davali kruh i bili su dobri prema djeci. Srpska je televizija bila tamo i to su vjerovatno svi vidjeli na televiziji. Mladića sam vidio još jednom kako prolazi u Mercedes jeep-u sa sjevera u smjeru Srebrenice.<sup>164</sup>

74. Potpukovnik Karremans se susreo s generalom Mladićem u zoni ispred UN baze, na njegov zathjev i rekao je da će pukovnik Aćamović biti odgovoran za evakuaciju stanovništva. Meni je naredeno da koordiniram moguću podršku Srbima.<sup>165</sup>

75. Tog popodneva, možda oko 02:00 ili 03:00 sata /kao u originalu/, pukovnik Aćamović mi je prišao, rekao da je pukovnik VRS, oficir G4, da je odgovoran za evakuaciju civila, tražio je podršku, konkretno u prevozu i gorivu.<sup>166</sup> Nisam se mogao

<sup>159</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2553-2554.

<sup>160</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T. 2688-2691.

<sup>161</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2554-2555.

<sup>162</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T. 2560.

<sup>163</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1500.

<sup>164</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1518.

<sup>165</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1489.

<sup>166</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2492.

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prestati smijati, jer oni su bili veoma svjesni činjenice da nemam dizel goriva, pa sam im odbio pružiti podršku.<sup>167</sup> Ne znam koji su aranžmani vrijedili između VRS i UN ili UNPROFOR-a. Znam samo da ja nisam imao goriva. Oni su ti koji su se naokolo vozili autima, što znači da su imali goriva. Kad je evakuacija završila, dobio sam od UN naređenje da, čim dobijemo gorivo, damo VRS odgovarajuću količinu. Mislim da se radilo o 27,000 litara.<sup>168</sup> Naređeno mi je da im dam gorivo sukladno njihovoj potrošnji.<sup>169</sup> Koliko znam, gorivo je dano VRS oko 16. jula 1995.<sup>170</sup>

76. Mislim da sam isti dan sreo pukovnika Jankovića, koji je rekao da je također pukovnik s Pala, te da je njegova misija da pripremi i koordinira povlačenje DucthBat-a iz enklave.<sup>171</sup> Rekao mi je da živi u Beogradu.<sup>172</sup> Pokazana mi je fotografija (65ter#19508) na kojoj sam identificirao čovjeka kojeg znam kao pukovnika Jankovića.<sup>173</sup>

77. kad sam prvi put stupio u kontakt s Aćamovićem, general Krstić je stajao s grupom oficira koji su nešto raspravljali. Identificirao sam ga na fotografiji koja mi je pokazana (65ter#02295).<sup>174</sup>

78. Evakuacija ovih razmjera morala se koordinirati bar na nivou korpusa, ako ne i više. Ukoliko provodite takvu evakuaciju, u kratkom roku, oko 48 sati, a u vojsci imate jedinice za transport, to je veoma lako uraditi, jer samo valja izdati naređenja komandantima bataljona, pa oni s transportnim sredstvima krenu u tom smjeru i obave posao. Ali mislim da je ogroman problem ako morate narediti skupljanje svakakvih

<sup>167</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2493.

<sup>168</sup> Svjedočenje u predmetu IT-05-88-T, 17 oktobar 2006., T. 2569-2570.

<sup>169</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1490.

<sup>170</sup> Svjedočenje u predmetu IT-05-88-T, 17 oktobar 2006., T. 2569-2583.

<sup>171</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2493.

<sup>172</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1496.

<sup>173</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1496.

<sup>174</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1519.

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civilnih vozila, jer tu su sve te fabrike i poslovni partneri, morate staviti na kup baš sve autobuse i kamione koji su vam na raspolaganju za obavljanje takvog posla. A to je problem. Vojska bosanskih Srba je tu evakuaciju obavila veoma spretno.<sup>175</sup>

(a) Prva i druga kolona autobusa koje je pratio DutchBat

79. Naravno, željeli smo imati određenu kontrolu nad tom operacijom pa kad su prvi autobusi pokušali ili počinjali kretati, uzeo sam dva oficira koji su bili u blizini, majora Boering-a, moj S5, i kapetana Voerman-a, koji je inače bio moj kadrovski oficir. Stavio sam ih u jeep i dao im naređenje da ostanu s kolonom ma što da se desi, a zatim sam dao naređenje drugom oficiru, kapetanu Melchers-u, da organizira praćenje za konvoj, što je značilo jedan jeep s podoficirom ili oficirrom i vozačem na čelu konvoja i jedan na kraju. On je počeo da to organizira.<sup>176</sup>

80. U početku, kad su autobusi stigli, stanovništvu se žurilo da se na njih ukreca. U toj fazi nitko nije, koliko znam, koristio silu da ljude ukreca u autobus.<sup>177</sup> U autobuse su se ukreicali dobrovoljno, ali samo zbog toga što nije bilo izbora, nije bilo alternative. Jedini izbor im je bio, obzirom na njihov položaj i strah, da izađu od tamo, i jako su željeli izaći.<sup>178</sup> Muslimani su bili žrtve humanitarne krize koju su prouzročili Srbi, što znači da nisu imali izbor osim da se ukrecaju u autobuse. Situacija u enklavi ni prije napada baš nije bila lijepa. To je sasvim jasno. Ali mogli smo se nositi s time. A nakon napada se stanje znatno pogoršalo. Jer imati na kupu toliku količinu ljudi po ovakvom vremenu, a bilo je oko 35 stepeni Celzijusa, i situacija s hranom i lijekovima, što su Srbi znali, znali su tačno kakva je situacija s logistikom. Sasvim je jasno: krizu su prouzročili Srbi, prvo

<sup>175</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1491-92.

<sup>176</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T. 2494.

<sup>177</sup> Svjedočenje u predmetu IT-05-88-T, 18 oktobar 2006., T. 2651-2652.

<sup>178</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1553.

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samim napadom, a drugo onime što smo nazvali vršenjem terora nad konvojima. Zapravo, oni su kontrolirali sve što je bilo tko, UNHCR ili UN, unosio u enklavu.<sup>179</sup>

81. Kasnije su, međutim, bosanski Srbi u nekim trenucima koristili silu da u autobuse ukreaju mnogo ljudi, na što smo mi reagirali tako da smo skupljali ljude i pripremali ih u grupe koje su odgovarale količini koja stane u autobus.<sup>180</sup>

82. Nisam mogao uspostaviti vezu s timom za pratnju koji je krenuo s prvim konvojem, ali sam kasnije čuo što se desilo s tim konvojem, te da je dobro prošlo. Javili su mi iz Pakistanskog Bataljona u Kladnju. Kad sam upitao da li pristižu ljudi, konkretno muškarci i žene, odgovorili su potvrdno. Kasnije sam od timova za pratnju dobivao izvještaje kroz čitavo trajanje operacije.<sup>181</sup>

83. Pokazan mi je UNMO izvještaj od 12. jula 1995. (65ter#02352-D01972), te potvrđujem da točno opisuje situaciju u tom trenutku.<sup>182</sup>

(b) Predmeti koje je ukrala VRS

84. Mislim da je drugi konvoj prošao dobro, ali su moji timovi za praćenje bili podvrgnuti ogromnoj količini uznemiravanja. Zaustavljali su ih, neki put uz argument da su srpske trupe odgovorne za njihovu sigurnost i da je preopasno nastaviti put.<sup>183</sup> No, autobusi su nastavili. Nisam dobio nikakve izvještaje. Pratnji je oduzeto sve. Vozila, oružje i pancirke, municija, oprema u jeep-ovima. Bilo je određenih varijacija. Bilo je timova za pratnju kojima je dozvoljeno da ostanu gdje su, zadrže oružje, ali dvije moje patrole vratile su se doslovno u gaćama, a sve drugo im je ukradeno.<sup>184</sup> Kako je sve to

<sup>179</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1574.

<sup>180</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2651-2652.

<sup>181</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2494.

<sup>182</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2652.

<sup>183</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2494-2495.

<sup>184</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2495.

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počelo manje-više u jednom trenutku, zaključio sam da je organizirano.<sup>185</sup> To je naredeno, a ja mislim da je razlog bio taj što nas nisu željeli u blizini ovih konvoja. Nisu željeli da budemo svjedoci toga što bi se već dogodilo. Željeli su nas ukloniti s puta.<sup>186</sup> Nijedan od pripadnika mojih timova za pratnju nije stigao dalje od zone Kabala, selo na otprilike pola puta do Kladnja.<sup>187</sup>

85. Sveukupno, izgubili smo povelik broj oklopnih transportera koji su bili na osmatračnicama, a dva ili tri su oštećena hicima i Srbi su ih uzeli nakon našeg povlačenja. Izgubili smo dva ili tri jeep-a i prilično mnogo lakog naoružanja, kao i sve TOW sisteme koje sam imao, koji su bili raspoređeni na osmatračnice, kao i nešto teških mitraljeza. Požalio sam se na to pukovniku Jankoviću, a on je obećao da će se za to pobrinuti. Ne znam je li on što poduzeo, ali ja nisam vidio nikakav rezultat.<sup>188</sup>

#### M. Odvajanje muškaraca i Bijela kuća

86. Bilo je teško u tom trenutku reći koliko je ljudi bilo ispred baze, ali na osnovu broja autobusa koji je krenuo, procijenili smo otprilike 30,000, a među njima otprilike 600 do 700 muškaraca.<sup>189</sup> U trenutku kad je počela evakuacija, Mladić je rekao da želi ispitati sve muškarce između 16 i 60 godina starosti, jer su možda vojnici. Da provjeri, kao što je rekao, ima li među njima ratnih zločinaca. Ako nisu ratni zločinci, i njih će poslati u Kladanj.<sup>190</sup> Nisam vidio sam čin odvajanja. Svako malo sam vidio sam kolone muškaraca

<sup>185</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2495-2496.

<sup>186</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2496.

<sup>187</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1503.

<sup>188</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2496.

<sup>189</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1500.

<sup>190</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1501.

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kako idu prema Bijeloj kući.<sup>191</sup> Pokazana mi je fotografija na kojoj sam prepoznao zgradu kju su zvali Bijela kuća (65ter#02722-P00414).<sup>192</sup>

87. Odvajanje muškaraca odvijalo se od samog početka. Prvi je konvoj krenuo s muškarcima, ali je vjerojatno na srpskoj strani to bilo bolje organizirano pa su muškarci skinuti s autobusa čim su napustili zonu koju smo osiguravali mi.<sup>193</sup> Odvojeni muškarci odvedeni su u Bijelu kuću, oko 150 metara izvan baze, pred našim glavnim ulazom, i tamo su ispitivani. Lično sam vidio kako muškarce odvođe tamo. Također sam, iako ne na samom početku, vidio da su muškarci ispred Bijele Kuće morali ostaviti svoje lične stvari, koje su skupljane na hrpu otpilike 30 do 40 metara niz cestu od Bijele Kuće. Kad su mi javili da u Bijeloj Kući drže muškarce, poslao sam tamo pripadnike UNMO-a da prate šta se dešava.<sup>194</sup>

88. U početku mi je javljeno da mnogo muškaraca ulazi i da potpuno isti broj muškaraca i izlazi, te da ih stavljaju u točno određeni autobus koji je bio svijetloplave boje.<sup>195</sup> U početku su ih odvozili u smjeru Bratunca, na kraju svakog od konvoja, a kasnije i odvojeno. Autobus je pratio, ali odvojen od konvoja. Dali smo naredenje jednom od jeep-ova da prati baš taj autobus. Međutim, to nije uspjelo, jer je pratnja ponovno zaustavljena kod osmatračnice Papa, a kad su pokušali proći, put im je blokirao tenk ili vojnici, tako da su oni stalno pokušavali taj jeep u pratnji odvojiti od plavog autobusa. Kad je pratnja zadržana u području Bratunca i kasnije je dostigla kraj konvoja, plavi je autobus već bio nestao.<sup>196</sup>

<sup>191</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T.2570.

<sup>192</sup> Svjedočenje u predmetu IT-052-60-T, 15. septembar 2003., T.1503.

<sup>193</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2496-2497.

<sup>194</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2497.

<sup>195</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2497-2498.

<sup>196</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2498.

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89. U toku dana mi je javljeno da su u Bijeloj kući s muškarcima loše postupali. Poslao sam patrole vlastitih vojnika u toku popodneva. Blokiral su ih brojčano uvjerljivo nadmoćni Srbi, koji ih nisu pustili da prođu do Bijele kuće. Javio sam to pukovniku Jankoviću koji mi je rekao da se radi o ratnim zarobljenicima te da će, ako su postupci srpskih vojnika preagresivni, on poduzeti korake da se to zaustavi. Nisam vidio nikakav rezultat. Janković je potvrdio da on zapravo nije imao veze s time jer je njegovo prisustvo bilo vezano isključivo uz evakuaciju DutchBat-a. To je zapravo odgovor koji sam uvijek dobivao od pukovnika Jankovića.<sup>197</sup>

N. Franken-ova lista 251 muslimanskog muškarca

90. Po izvještajima mi je bilo jasno da je postupanje s muškarcima sve gore i gore. Kružile su svakojake priče, a jedna od tih je bila i da se iz Bijele kuće čulo vikanje i slične stvari. Ja sam pokušavao smisliti način da te muškarce zaštitimo više no što smo ih štitili u tom trenutku.<sup>198</sup> Prvo sam pokušao načiniti čim je više bilo moguće UN identifikacija kako bi oni mogli dokazati da rade za UN. Ali nismo za to imali sredstva.<sup>199</sup> Tada sam pokušao imitirati trik koji je korišten već ranije, skupljati nepoznate ljude, te im dati lice i ime. Tako sam pokušao registrirati sve muškarce unutar naše UN zone.<sup>200</sup> Zadnja mi je namjera bila da stvar prosljedim na više ešelone, uključujući i Vrhovni štab u Holandiji, i da od njih zatražim da to objave, da mobiliziramo javnost tako da im kažemo o kome se točno radi, imena itd., u nadi da će to funkcionirati bolje nego kad bi se radilo o masi nepoznatih muškaraca bez imena i identiteta.<sup>201</sup>

<sup>197</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2499.

<sup>198</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2500.

<sup>199</sup> Svjedočenje u predmetu IT-02-60-T, 16. septembar 2003., T.1507.

<sup>200</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2500.

<sup>201</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2500-2501.

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91. O tome sam razgovarao s odborom muslimanskih predstavnika koji su se sastali s Mladićem na trećem, sastanku u hotelu Fontana, g. Mandžićem, Ibrahimom Nuhanovićem i ženom čijeg se imena ne mogu sjetiti. Pitao sam ih žele li preuzeti na sebe popisivanje i objasnio im svrhu. Počeli su popisivati muškarce.<sup>202</sup> Od muškaraca unutar baze bilo ih je negdje 60 ili 70 koji su odbili popisivanje, ali 239 ih je pristalo da budu popisani. Također smo pokušali popisati i muškarce izvan baze. Ali strah odbora od srpskih snaga je bio ogroman, do te mjere da je ženska članica odbora doživjela potpuni nervni slom i morali smo je odvesti u bolnicu. Tako da se više nisu usudili izlaziti.<sup>203</sup> Pokazan mi je dokument za koji potvrđujem da predstavlja listu muškaraca koja je sastavljena, popis muškaraca unutar baze, a moj je potpis s desne strane (65ter#03167). Tada sam bio krivo izbrojao: zapravo se radilo o 251 popisanom muškarcu.<sup>204</sup> Listu sam poslao svojim nadređenima da je objave, a pukovniku Jankoviću sam rekao da sam popisao muškarce i da su imena poznata ne samo unutar UN-a, već i holandskoj vladi. Listu nisam pokazivao ni njemu ni bilo kojem drugom oficiru VRS jer od toga ne bi bilo nikakve koristi i zato jer nisam htio da podaci s te liste na bilo koji način dospiju u ruke bosanskih Srba. Kako bih to osigurao, listu sam sigurnom vezom poslao u Tuzlu, Sarajevo, oba glavna UN štaba, i u Krizni štab u Hagu. Original liste sam nosio na sebi kad je bataljon izašao iz enklave i krenuo za Zagreb.<sup>205</sup>

(a) Ibrahim Nuhanović

92. Ibrahim Nuhanović, jedan od predstavnika prisutnih na sastancima u hotelu Fontana koji nam je pomogao sa sastavljanjem liste, bio je otac jednog od UNMO prevodilaca.<sup>206</sup>

Uvečer 12. jula, g. Nuhanović mi je prišao i zatražio da sa mnom razgovara o evakuaciji.

<sup>202</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2501.

<sup>203</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2502.

<sup>204</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2502.

<sup>205</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2503.

<sup>206</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2503-2504.

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Tražio je da zaustavim evakuaciju jer se, kao i ja, plašio za sudbinu muškaraca. Razgovarali smo; objasnio sam mu da ne mogu to uraditi. Dapače, objasnio sam mu da moram izabrati između preživljavanja, koliko sam znao, od 800 do 1,000 muškaraca s jedne strane i između 25,000 i 30,000 žena i djece s druge. Rekao sam mu da sam se odlučio za 25 – 30,000 žena i djece.<sup>207</sup>

93. 13. jula sam g. Nuhanovića otpratio nekih 30 metara van glavnog ulaza u našu bazu i vidio kako se sa svojom obitelji ukrcao na autobus.<sup>208</sup>

#### O. Pogubljenja

94. U periodu između 12. i 13. jula u dva sam slučaja dobio dojave o pogubljenjima. Prvo, dojava o devet leševa u blizini Bijele kuće na koje je naišao jedan od mojih oficira. Bilo je očigledno da su bili poredani i da su im pucali u leđa, tako da smo zaključili da je radi o pogubljenju.<sup>209</sup> Poručnik Koster je opisao lokaciju na kojoj je našao leševe kao livadu blizu vode, potocića, nekih 80 do 100 metara na jug, jugozapad, od Bijele kuće. Na zračnoj snimci koju sam već ranije označavao (65ter#14256) označio sam otprilike mjesto za koje mi je poručnik Koster rekao da je na njemu našao leševe.<sup>210</sup>

95. Također sam čuo da je jedan od pripadnika čete C, koji je bio član jedne od predstraža, vidio s određene razdaljine pogubljenje jednog Muslimana kojeg su streljala dva srpska vojnika. To je bilo u zoni istočno od autobusne stanice.<sup>211</sup> Na zračnoj snimci Potočara sam označio mjesto za koje mi je javljeno da se na njemu desilo pogubljenje muslimanskog muškarca (65ter#19521).<sup>212</sup>

<sup>207</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2504.

<sup>208</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2008., T.2652-2653.

<sup>209</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2505.

<sup>210</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2509.

<sup>211</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2506.

<sup>212</sup> Svjedočenje u predmetu IT-05-88-T, 17. oktobar 2006., T.2621-2622.

P. Pogoršanje uslova u logoru

96. U zgradi koja se nalazila u našoj bazi bilo je oko 5,000 izbjeglica.<sup>213</sup> Između 12. i 13. jula primjetio sam da se mijenjaju životni uslovi izbjeglica. Problem je bio u tome da su vladale veoma visoke temperature. Nismo mogli pročitati dovoljno vode jer nismo imali goriva. Nismo imali hrane, a higijenska je situacija bila katastrofalna. Ljudi se nisu usudili ikamo izlaziti iz baze ili iz fabričke dvorane, a tu su dvoranu koristili kao toalet, spavaonicu, itd. Čak su i žene radale usred tog kaosa. Humanitarna situacija pogoršavala se velikom brzinom. Kako su nam neki već umrli od dehidracije, konzultirao sam se s naša dva liječnika koji su rekli «Pa, dva do tri dana i problem će se riješiti sam, ukoliko ne dobijemo – ukoliko bar ne dodemo da vode, da se higijenska situacija znatno popravi».<sup>214</sup> Ne znam točno koliko je ljudi umrlo, ali jedanaest smo ih sahranili u stražnjem dijelu baze. Među njima je bilo i djece koja su vjerojatno umrla od dehidracije ili iscrpljenosti. Dvije su starije osobe umrle od iscrpljenosti, a dvije od rana.<sup>215</sup>

97. **Adjudicated Fact 1400**

98. Transport se nastavio 13. jula, kad je i dovršen.<sup>219</sup>

99. Nakon 13. jula, kad je ekipa s osmatračnice Alpha vraćena cestom sjeverno od enklave, javili su mi da su ugledali veliku grupu muškaraca kako kleče na nečem poput

<sup>213</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1497.

<sup>214</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2511.

<sup>215</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1510.

<sup>216</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2511.

<sup>217</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2511-2512.

<sup>218</sup> Svjedočenje u predmetu IT-05-88-T, 18. oktobar 2006., T.2653.

<sup>219</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2504.

nogometnog terena kraj ceste.<sup>220</sup> Rečeno mi je da su klečali u redovima, s rukama na vratu.<sup>221</sup>

Q. 14. juli – 25. juli 1995.

(a) Spaljivanje hrpe identifikacijskih dokumenata ispred Bijele kuće

100. Što se tiče ličnih stvari koje sam vidio podalje od Bijele kuće, jedan mi je od mojih stražara javio da je hrpa na koju su skupljene stvari zapaljena. Pošao sam tamo da i sam pogledam i sve su stvari bile spaljene. Pokazane su mi dvije fotografije (65ter#03061) i prepoznajem da je jedna od njih snimljena iz zone našeg glavnog ulaza.<sup>222</sup>

(b) 59 preostalih ranjenika

101. Nakon što je transport dovršen, ljudi koji su ostali u bazi bili su pripadnici MSF s pacijentima i ranjenicima; još jedan od članova odbora kojeg sam ranije spomenuo; predstavnici UNHCR; prevodioci; ostatak DuchthBat-a; pripadnici UNMO i njihovi prevodioci. Mještani koji su radili za DuchthBat također su još bili tu. Vojnici DutchBat-a koji su zarobljeni prilikom pada osmatračnica i odvedeni u Bratunac još su bili u Bratuncu. Nikad se nisu ni vratili u bataljom, nego su direktno iz Bratunca poslani kući.<sup>223</sup> Bilo je tamo i ranjenika koje smo pokušali izvući za vrijeme evakuacije, ali taj je transport zaustavljen i vraćen iz područja Klادنja, a neki su od ranjenika iz tog transporta bili u bolnici u Bratuncu.<sup>224</sup> Pokazan mi je dokument (65ter#03170) za kojeg potvrđujem da predstavlja listu 59 ranjenika koju su sačinili predstavnici MSF.<sup>225</sup>

<sup>220</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2509.

<sup>221</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2509-2510.

<sup>222</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2512-2513.

<sup>223</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2514.

<sup>224</sup> Svjedočenje u predmetu IT-05-88-T, 16. oktobar 2006., T.2514.

<sup>225</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1513.

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102. Pokušao sam evakuirati ranjenike na uobičajen način ali vojnim sredstvima, ali norveška Četa za medicinsku evakuaciju stacionirana u području Tuzle nije uspjela doći do nas da preuzme i izvuče ranjenike. Tada sam preko MSH pokušao stupiti u kontakt MKCK /Medunarodni Komitet Crvenog Križa/ da oni obave taj posao. Bosanski su mi Srbi rekli da apsolutno mogu ranjenike predati njima te da i oni imaju bolnice. Međutim, nisam mislio da je to baš dobra ideja. Uspio sam na kraju isposlovati da stigne MKCK i preuzme ranjenike. U tom kontekstu, delegacija VRS i srpskih civilnih funkcionera stigla je u bazu u Potočarima 17. jula na sastanak kojem je cilj bio koordinacija detalja između bosanskih Srba i MKCK, detalja evakuacije ranjenika iz Potočara i Bratunca.<sup>226</sup>

103. Šef delegacije bio je pukovnik Janković. Prisutni su bili i major Nikolić s tjelesnim stražarom, štabni oficir Bratunačke Brigade; potpukovnik čije sam ime zaboravio, ali rekao je da je pravnik; civil koji je nakon toga postao novi gradonačelnik Srebrenice ili takvo što; i netko koga mogu samo opisati kao osobu koja je veoma sličila na Mladića. On nije rekao ništa. pukovnik Janković je vodio sastanak.<sup>227</sup> Ja sam formalno ranjenike predao MKCK, a major Nikolić je inzistirao da provjeri te ljude i vidi da li među njima još ima vojnika ili, kako se on izrazio, zločinaca. MKCK je potom s majorom Nikolićem i DutchBat-ovom desetinom za sigurnost otišao u bolnicu da izvrši provjeru.<sup>228</sup> Među muškarcima su identificirali sedam vojnika.<sup>229</sup> Nikolić ih je identificirao i dogovorio sa MKCK da ih se može tretirati kao ranjene ratne zarobljenike i prebaciti Srbima.<sup>230</sup> Sedam muškaraca koji su identificirani kao vojnici su zatim prebačeni u Bratunac, gdje su bili u lokalnoj bolnici. MKCK su mi rekli da će ih nadzirati. Jedan je od naših kirurga ostao uz njih da se pobrine da ih tretiraju kao ranjenike. Tada je kirurg, pukovnik Schouten, u

<sup>226</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2515.

<sup>227</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2515.

<sup>228</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2516.

<sup>229</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1514.

<sup>230</sup> Svjedočenje u predmetu IT-02-60-T, 15. septembar 2003., T.1527.

jednom trenutku morao otići da drugdje nešto sredi, a kad se vratio tih muškaraca više nije bilo, rekao je.<sup>231</sup>

(c) Jankovićeve izjava 17. jula

104. Za vrijeme sastanka, pukovnik Janković je tražio da se pojavi muslimanski predstavnik, g. Mandžić, jer ima izjavu koju je želio da Mandžić potpiše. Moji su mi prevodioci preveli izjavu, jer je Janković od mene tražio da potpišem kao svjedok da g. Mandžić nije izjavu potpisao pod prisilom, itd. Provjerio sam tekst i unio jednu promjenu. Srbi su zapravo tvrdili da je evakuacija izvršena na pravi, da kažem humanitarni način, sukladno svim međunarodnim propisima, itd.<sup>232</sup>

105. Pokazan mi je dokument koji prepoznajem kao prijevod jednog od mojih prevodilaca (65ter#01894 (BHS original) 15259 (DutchBat-ov originalni engleski prijevod-P03997)). Dio dokumenta u kojem se kaže da stanovništvo može ostati u enklavi ili biti evakuirano je besmislica, jer realno nisu imali priliku ni ostati, a ni krenuti u bilo kojem smjeru.<sup>233</sup> Ti ljudi nisu imali izbora. Ostati u malom prostoru bez sredstava za preživljavanje, pod kontrolom Srba. Obzirom na to da su bili uplašeni i letargični, to nije bio izbor.<sup>234</sup> Naređeno je da krenu u područje Kladnja.<sup>235</sup> To nije bila odluka predstavnika, već Mladićevo naređenje da se ide u područje Kladnja. Sporazum da evakuaciju provedu vojska i policija Republike Srpske je korektan, u teoriji s nadzorom i praćenjem, ali već sam objasnio što se zapravo desilo s timovima koje sam poslao u pratnju.<sup>236</sup>

<sup>231</sup> Svjedočenje u predmetu IT-02-60-T, 15. Oktobar 2003., T.1514.

<sup>232</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2516.

<sup>233</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2517.

<sup>234</sup> Svjedočenje u predmetu IT-02-60-T, 15. Oktobar 2006., T.1516.

<sup>235</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2517.

<sup>236</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2518.

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106. Dodao sam dio zadnjoj rečenici dokumenta jer nakon prvog ili drugog konvoja više nisam imao kontrolu nad time što se dešavalo. Izvještaji Pakistanskog bataljona govorili su o tome da su kasnije pristizali samo žene i djeca. Muškarci su, dakle, bili izdvajani. Javljeno nam je i za onih devet leševa. Tako da sam zapravo ovom rečenicom želio izjavu učiniti neutralnom. To je izazvalo dvije reakcije od strane pripadnika srpske delegacije: pukovnik Janković se malo nasmijao, a onaj pukovnik koji je bio pravnik jako se razljutio. Na kraju je Janković dopustio da dokument prođe u takvom obliku i da se potpiše s mojom napomenom. Moj se potpis nalazi u donjem lijevom uglu dokumenta.<sup>237</sup> Bio sam prisutan i kad su druga dva potpisnika potpisala dokument.<sup>238</sup> Tada su me zatražili i da potpišem BHS verziju dokumenta, a bio sam također prisutan i kad su ostala dva potpisnika potpisali taj dokument.<sup>239</sup>

107. Potpisao sam ta dva dokumenta jer mi je pukovnik Janković objasnio da potpisivanje neće biti apsolutan uslov, ali da će olakšati proces evakuacije ranjenika iz Bratunca i iz naše baze. Ranjenici su doista izašli iz UN baze još taj dan, 17. jula.<sup>240</sup>

108. U toku događaja koji su bili okvir za potpisivanje ovog dokumenta i transport ranjenika, bilo je jasno da je Pukovnik Janković apsolutno prva osoba ove delegacije. On mi se jedini obraćao i pregovarao sa mnom. Predstavnik Bratunačke brigade, major Nikolić, želio je sjesti s njime, ali ga je ovaj poslao u sobu koja je bila iza sobe u kojoj se održavao sastanak. Tako da je bilo jasno da je on vodeći čovjek te delegacije.<sup>241</sup> Kad je stigla delegacija MKCK, žena koja je bila za to zadužena bila je veoma ljuta jer su joj jedan kamion zaustavili na srpskoj granici. Bio je to kamion s hitnim potrepštinama.

Uložila je pukovniku Jankoviću protest zbog toga. On se nasmijao. Uzeo je mobilni

<sup>237</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2519.

<sup>238</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2520.

<sup>239</sup> Svjedočenje u predmetu IT-05-88-T, 17. Oktobar 2006., T.2529-2530.

<sup>240</sup> Svjedočenje u predmetu IT-05-88-T, 17. Oktobar 2006., T.2530.

<sup>241</sup> Svjedočenje u predmetu IT-05-88-T, 17. Oktobar 2006., T.2530-2531..

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telefon, kratko razgovarao i zatim rekao: «Kamion stiže». Rekao sam mu da sam iznenađen da bosansko-srpski oficir može izdavati naredbe srpskim pograničnim trupama, a on nije reagirao. Samo se nasmiješio.<sup>242</sup>

109. Između 13. i 21. jula, kad smo se konačno počeli povlačiti iz UN baze, nije nam bila dozvoljena sloboda kretanja u napuštanju baze. Pukovnik Janković je bio veoma jasan u pogledu toga da moramo ostati u bazi.<sup>243</sup>

(d) Povlačenje DutchBat-a

110. 21. jula, već smo se pripremili i sva su vozila na točkovima u dugoj koloni krenula u smjeru Bratunca, uz srpsku granicu na mjesto koje smo zvali željezni most, most preko Drine kod Bratunca. Ja sam bio u zadnjoj grupi s oklopnim transporterima.<sup>244</sup> Grupa s transporterima morala je slijediti drugačiju rutu jer je bio organiziran transport da ih se vrati u Zagreb. Tako da sam se, prešavši željezni most, s tim odredom zaustavio nekih dva kilometra dalje u nekom kamenolomu. 150 metara prije prelaska mosta, zaustavili su me i zatražili da se oprostim od Mladića. Koliko se sjećam, srpski je prevodilac prišao mom vozilu. Nisam bio voljan to učiniti. Blizu mosta stajala je grupa ljudi, među kojima su bili general Nicolai, general Mladić, neki oficiri, i pukovnik Karremans.<sup>245</sup> Stajali su tamo i manje-više vršili smotru, ili je bar tako izgledalo. Slautirali su mi kad su jedinice prolazile.<sup>246</sup>

111. Što se tiče arhiva DutchBat-a, kompjutera i osjetljivih informacija, UN nam je naredio da sve uništimo, uključujući i kompjutere.<sup>247</sup> Taj zadatak nismo izvršili.<sup>248</sup> Ono što je ostalo je prvo prebačeno u Zagreb, a zatim u Holandiju.<sup>249</sup>

<sup>242</sup> Svjedočenje u predmetu IT-05-88-T, 17. Oktobar 2006., T.2531.

<sup>243</sup> Svjedočenje u predmetu IT-05-88-T, 17. Oktobar 2006., T.2531.

<sup>244</sup> Svjedočenje u predmetu IT-05-88-T, 17. Oktobar 2006., T.2531-2532.

<sup>245</sup> Svjedočenje u predmetu IT-05-88-T, 17. Oktobar 2006., T.2532.

<sup>246</sup> Svjedočenje u predmetu IT-05-88-T, 17. Oktobar 2006., T.2532-2533.

<sup>247</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2513.

(e) Ukupni broj muškaraca koje je zarobila VRS

112. Rekao sam pukovniku Jankoviću da sam popisao muškarce, ali mu nisam dao listu. Kasnije mi je rekao da imaju već 6,000 ratnih zarobljenika, jer me on zapravo prvi obavijestio o proboju 28. Divizije.<sup>250</sup>

113. 11. jula smo procijenili da u bazi ima oko 300 muslimanskih muškaraca.<sup>251</sup> Procjene broja izvan baze kretale su se od oko 600 do 800.<sup>252</sup> Ukoliko tome dodamo 6,000 ratnih zarobljenika koje je zarobila VRS, izgleda da je u događajima polovinom jula 1995. učestvovalo do 7,000 muslimanskih muškaraca.

114. Nedavno mi je pokazano nekoliko dokumenata o ograničenjima koja su Srbi nametali konvojima (65ter# 19005, 03521, 21661, 03664, 03675, 03640, 22012, 03700, 21952, 03706, 03488, 22800, 19546, 19547, 03542, 03544, 02280, 21979, 21115, 21990, 21978). Općenito govoreći, dokumenti potvrđuju realnu situaciju u tom periodu. UN dokumenti nam u tom trenutku nisu bili poznati. Mislim da su nas trebali obavijestiti, čak još ni sada ne znamo da li je UN uložio protest (primjedba: na njihov pristojan i gotovo servilan način). Činjenica da je provođenje terora nad konvojima planirano i do u detalje naredeno s visokog nivoa potvrđuje moje mišljenje da su bosanski Srbi slabili enklave, kako jedinice UN-a tako i stanovništvo, kao dio strategije za pripremu konačnog rješenja, a to je bio završni napad. To također pojačava moje uvjerenje da je masakr u Srebrenici planiran i nareden na isto tako detaljan način i s istog nivoa.

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<sup>248</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2514.

<sup>249</sup> Svjedočenje u predmetu IT-05-88-T, 18. Oktobar 2006., T.2655.

<sup>250</sup> Svjedočenje u predmetu IT-02-69-T, 15. Oktobar 2006., T.1509-1510.

<sup>251</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2489.

<sup>252</sup> Svjedočenje u predmetu IT-05-88-T, 16. Oktobar 2006., T.2489.

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### POTVRDA SVJEDOKA

Izjavu sam pročitao na engleskom jeziku i sadrži sve to sam rekao po svom znanju i sjećanju. Izjavu sam dao dobrovoljno i svjestan sam da se može upotrijebiti u sudskom postupku pred Međunarodnim sudom za krivično gonjenje osoba odgovornih za teška kršenja međunarodnog prava počinjena na teritoriji bivše Jugoslavije od 1991.

Potpis: /potpisano/

Datum: 15. januar 2009.

*0681-4293-0681-4321-BCSDT/Radna verzija prevoda*

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