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International Court  
of Justice

THE HAGUE

Cour internationale  
de Justice

LA HAYE

YEAR 2006

*Public sitting*

*held on Monday 20 March 2006, at 3 p.m., at the Peace Palace,*

*President Higgins presiding,*

*in the case concerning the Application of the Convention on the Prevention and Punishment  
of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*

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VERBATIM RECORD

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ANNÉE 2006

*Audience publique*

*tenue le lundi 20 mars 2006, à 15 heures, au Palais de la Paix,*

*sous la présidence de Mme Higgins, président,*

*en l'affaire relative à l'Application de la convention pour la prévention et la répression du  
crime de génocide (Bosnie-Herzégovine c. Serbie-et-Monténégro)*

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COMPTE RENDU

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*Present:*      President Higgins  
                 Vice-President Al-Khasawneh  
                 Judges Ranjeva  
                                 Shi  
                                 Koroma  
                                 Parra-Aranguren  
                                 Owada  
                                 Simma  
                                 Tomka  
                                 Abraham  
                                 Keith  
                                 Sepúlveda  
                                 Bennouna  
                                 Skotnikov  
Judges *ad hoc* Mahiou  
                                 Kreća  
  
                 Registrar Couvreur

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*Présents* : Mme Higgins, président  
M. Al-Khasawneh, vice-président  
MM. Ranjeva  
Shi  
Koroma  
Parra-Aranguren  
Owada  
Simma  
Tomka  
Abraham  
Keith  
Sepúlveda  
Bennouna  
Skotnikov, juges  
MM. Mahiou,  
Kreća, juges *ad hoc*  
  
M. Couvreur, greffier

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The PRESIDENT: Please be seated. The sitting is now open . This afternoon the Court will hear the evidence of the second expert called by Bosnia and Herzegovina, General Sir Richard Dannatt. The expert I see is already in Court. Good afternoon General. I call upon General Dannatt to make the solemn declaration for experts as set down in Article 64, subparagraph (b), of the Rules of Court.

General DANNATT: I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth, and that my statement will be in accordance with my sincere belief.

The PRESIDENT: Thank you. I now give the floor to Ms Korner to begin her examination of the expert.

Ms KORNER: General Dannatt, the Court has been supplied with a copy of your CV but I would just like to amplify, if I may, a few matters before we turn to the meat of your evidence. I think it is right, although you are presently the Commander-in-Chief, Land Command in the United Kingdom, in August you take up your position as Chief of the General Staff. Is that correct?

General DANNATT: That is correct.

Ms KORNER: Going back a little bit into your experience, I believe it is right that you now have something like 35 years' experience in the British army.

General DANNATT: Yes, I was commissioned into the British army 35 years ago following two years' training and in that 37 years I have now filled every rank from 2nd Lieutenant to General and have commanded on operations at every rank from 2nd Lieutenant to Major General.

Ms KORNER: In addition to that, I think it is also right that you have been on the staff of the British Army Staff College, where you ran the Higher Command and Staff Course.

General DANNATT: That is correct. I attended the Army Staff College in the early 1980s and then attended the Higher Commanding Staff Course in 1991. I then remained for a further two years running that course. And perhaps of interest to the Court, during that two-year period I was commissioned to write a new operational doctrine for the British army in the immediate aftermath of the Cold War. That required me to conduct a large amount of research into commander control,

contemporary methods of operation and this was published in 1993 and became and remains the extant operational doctrine for the British Army. It is called the “The Manoeuvrist Approach to Operations” and I was also, shortly after that, a member of the panel that oversaw the companion document which established the commander control doctrine, that document is known as “Mission Command” and the “Manoeuvrist Approach to Operations” is underpinned by an understanding of what we call Mission Command. For both of those tasks, as I mentioned before, I had to carry out a considerable amount of research into the way not only the British army but other armies, both Soviet and western, conducted their business.

Ms KORNER: And finally, although you are going to be giving your evidence based on your overall expertise, I think it is right that you have personally served in parts of what was the former Yugoslavia.

General DANNATT: Madam President, that is indeed correct. I first visited, spent time in Bosnia in 1994 and between 1994 and 1996 I was commander British forces in that country. I was first Commander Sector South-West in the last days of UNPROFOR and then became Commander of an armoured brigade at the start of the Dayton operation in IFOR. I subsequently served as Commander of British forces at the start of operations in Kosovo in 1999 and then a year or so later I returned to Bosnia and this time was part of SFOR; I was the Deputy Commander of this force responsible for operations. That was in the period 2000-2001.

Ms KORNER: Thank you very much, General Dannatt. I am now going to move straight away to one of the aspects that we would like you to assist the Court with, and that is the theory of command doctrines and decision-making. Could you assist the Court with the main theory or theories of those doctrines.

General DANNATT: Put succinctly, armies conduct their business in one of two ways. Both are characterized by a somewhat complicated German word; one is known as the *Befehlstaktik* approach to commander control and the other is the *Auftragstaktik* method of commander control. Essentially the *Befehlstaktik* approach is one characterized by essential commander control, it is the form of commander control most frequently identified in communist and post-communist armies where direction is passed from the top to the bottom and there is not much scope for initiative or for interpretation of ideas. Implementation of orders given is the main

characteristic of that form of commander control. And that contrasts with the other form, known as *Auftragstaktik*, where a senior commander gives his main idea and further down the chain of command subordinates are encouraged to use their initiative within latitude and parameters laid down. The British army follows the *Auftragstaktik* method of commander control but my observation, having looked at a number of communist and former communist countries is that the *Befehlstaktik* method is the one preferred and used and certainly is the one that characterizes the former Yugoslav national army and also is the method of commander control used by the VJ and the VRS.

The PRESIDENT: General, could I just ask you so speak just a little more slowly so that all of your words are caught by the interpreters.

General DANNATT: Madam President.

Ms KORNER: We are going to look at a little detail about how the JNA, the Yugoslav National Army, worked and its subsequent entities. But you do respect the JNA followed the *Befehlstaktik* model. How are you able to say that first of all.

General DANNATT: I can say that with a fair degree of confidence from the result of my extensive studies. Also by way of personal example. I mentioned earlier that I was one of the Commanders in Bosnia in 1995. At that particular time when we were planning the transfer from UNPROFOR to UNFOR, I needed, amongst other people, to talk to General Tadic, who was then commanding one of the Krajina Corp in Banja Luka. I was not in the course of my normal duties able to go to Banja Luka but I passed a message to him that I wished to meet him and indeed got to Banja Luka where I was told that he was not able to meet me as he had not received authority from General Mladic, his superior. It was quite surprising that he was not prepared to meet, because what I had to say to him would have been quite helpful in terms of the conduct of future operations, but as he had not received that clearance, he did not have the authority to meet me on his own authority. And I use that as an example of a centralized type of command.

Ms KORNER: How much flexibility does that centralized form of command allow to junior officers or, indeed, to more senior officers?

General DANNATT: Remarkably little flexibility. The orders are passed from top to bottom and implementation of those orders as given is what is required. Interpretation and doing it your own way, as it were, is not expected and not required.

Ms KORNER: As I said, we are going to look at some detail of how the VJ and the VRS worked but I want to come on to the next, as it were, topic and that is how command actually works in the military. You have described the two theories. Now can we move to how it works?

General DANNATT: In interpreting political direction and converting it to activity on the ground, we recognize decision making broken down to four levels of decision making: called at the highest level, the grand strategic level; the next level down is the military strategic level; the third level is the operational level; and the fourth level, the lowest level, is the tactical level. And to illustrate that, activity at the grand strategic level is the activity mainly characterized by politicians determining their ambition, determining their intentions. At the military strategic level, the military government advisers convert political intention, political ambition into realistic objectives that could be carried out with military activity. That is then passed down to the operational level, and that is the level at which campaigns are constructed and carried out, that is the level at which “operational art”, as it is known, which is the stuff of what generals do, is practised, and those campaigns are broken up into major operations of battles and engagements, which are conducted at the tactical level. So in these four layers of decision making, political intent is converted into a series of steps to meaningful tactical activity on the ground in an organized way — nothing happens by chance, it happens because it has been ordered and because it is in pursuit of the overall political intent.

Ms KORNER: If one is analysing a military operation that took place, is it possible to, as it were, work backwards to how these military engagements or operations were actually first directed?

General DANNATT: As I have described, the two methods of command and control and identified that the armies that we are looking at this afternoon — the JNA, the VJ and the VRS — all have their origins in the performance tactic, the centralized method of command and control. By performing that method of command and control, the political ambition, political intentions, the policy formed at government level would then be passed down by the steps that I have described

until orders to conduct battles and engagements were passed by troops at battalion and junior formation level on the ground. So that is how political intention is converted into tactical activity.

Ms KORNER: You talked about the grand strategic level, the military strategic level, the operational and the tactical, can we try and put some personality to that? I do not mean actual living figures, but what would the grand strategic level be made up of, who would decide on that?

General DANNATT: In the context of today's discussions, the grand strategic level would be activity in Belgrade, or activity in Pale, Banja Luka, wherever the seat of government at the time was as far as the Bosnian Serb Republic is concerned. The military strategic level would be the activity by the Supreme Command Council, the grouping that brought together military advisers, the senior generals — in this case, we are perhaps talking about General Persic of the VJ, or General Mladic of the VRS — meeting with senior political advisers and officials at that military strategic level. At the next level down, the operational level, this is the level of corps commanders in the case of the JA, the VJ and the VRS, General Tadic was a corps commander, General Krstic was a corps commander of people at ambassador level, and underneath him were battalions, brigades and task forces formed to carry out the operations so ordered.

Ms KORNER: I want to move, as I said, to look at a little detail in respect of the VRS and the VJ, but first of all, is this correct, General Dannatt, that you have first in your studies for giving evidence in the case against General Krstic examined a large number of military documents that were provided to you by the Office of the Prosecutor in the ICTY?

General DANNATT: Madam President, that is correct. I looked at a large number of documents in order to understand for myself where the regulations of the VRS came from because any army has to have a handbook of regulations that orders what it does. But of course the intriguing thing about the VRS was that it was an army formed almost overnight. As I said, any army needs to have a handbook of regulations, so it begged the question, where did the VRS get its handbook of regulations from? It is quite clear from contrasting its regulations with those of the former JNA that they are one and the same. And certainly, for quite a period of time after the VRS nominally became an independent army, they were working off the former JNA regulations, which is perhaps not surprising if one thinks about the background that there just was not time in setting up an army from scratch to produce regulations completely afresh. Certainly, in the previous case

that you alluded to, General Krstic acknowledged that that was the origin of the regulations of his army.

Ms KORNER: In addition to that, I think you also looked at other documents and part-transcripts or transcripts that were provided to you in preparation for your evidence in this case?

General DANNATT: I looked at a large number of documents that I asked to see, or I was shown, or from my knowledge of operations in the Balkans over the last ten or 12 years. I have looked at an extensive number of documents.

Ms KORNER: And also I think you have read a number of memoires written about the period. Is that also correct?

General DANNATT: Indeed, it is so. People such as General Sir Michael Rose, General Sir Rupert Smith, Mr. Richard Holbrook, all have committed their near contemporaneous records into book form. I certainly have all those books and others. One finds that the colour in those books amplifies the facts that I have picked up from the trial documents that I have studied.

Ms KORNER: Can we now then look, please, you have already in fact dealt with the transformation of the JNA into the VJ and the VRS and the fact that their regulations were effectively the same, as we will see. Have you got in front of you, General Dannatt, one of those documents?

General DANNATT: Yes, I have, Madam President. I have got a bundle of 23 documents in front of me.

Ms KORNER: Could you turn, please, to the first document in that bundle. Madam President, we have outlined, so that we can turn to it fairly quickly, the part we are going to refer to. This is a document dated 20 June 1992, which was sent out by the 1st Krajina Corps. I think, General Dannatt, it is right you know that to be the corps that General Tadic was in charge of, is that right?

General DANNATT: Certainly by the end of the fighting phase, that is correct. General Tadic was the corps commander.

Ms KORNER: And we can see there on the following page, the penultimate paragraph, that in fact Colonel Vukelic is issuing instructions that until there is a law enacted on the army of the

Socialist Republic they must respect the law on All-People's Defence of the Socialist Federal Republic of Yugoslavia. Does that accord with your understanding of the situation?

General DANNATT: Madam President, in a matter of four lines, it rather confirms what I was saying just now that until regulations could be issued, adopted by law for the army of Republika Srpska, they should continue to abide by the law — it is called here “All-People's Defence” — and that is the law that was developed during Tito's period running Yugoslavia and makes the point that the existing law was to continue until such time as there was a new law that could be passed to formalize the regulations and activities of the VRS.

Ms KORNER: Thank you. Now the next document, if you can turn to that, please, the second document and we will go to the fifth page, it is marked page 10n at the bottom — Madam President, may I say that while we have extracted pages from documents to save space, we do have the complete originals available for anybody who wants them. It is about the *Befehlstaktik* method of commander control. If you look there, please, at paragraph 17 of the Provisional Service Regulations of the Army of the Serbian Republic, you see there that it says that “[m]embers of the Army shall carry out the orders of their superiors without demur, in full, accurately and punctually”, and so on and so forth. And then three lines further on “[t]he execution of each order shall first be reported to the superior officer or to the officer who has given the order”. How do those instructions fit in with what you have described?

General DANNATT: The first paragraph alluded to there is what I would expect to see in any military publication formalizing the fact that subordinates are expected to carry out their superiors' instructions. But what is quite telling here is the second excerpt: the [inaudible] just at the end of paragraph 17 where it says “[t]he execution of each order shall first be reported to the superior officer or to the officer who has given the order”. This is a clear characteristic of that centralized form of commander control: when you have been told to do something, you do it, and then you report to your superior that you have done it. In the army that I am part of, instructions are given, we get on, do the action and then we report back [inaudible] or on a periodic basis. So this is indicative of this very rigid downward flow of orders and upward flow of information to keep the superior command informed at all times.

Ms KORNER: Thank you. Now, I want to deal now also as a topic with the transformation, as it were, of the JNA into the two separate armies — that is to say, the VRS and the VJ as they came to be called — and then I want to come back to the question of how this all came about. Are you aware of the reorganization that took place in December 1991 which created the 2nd Military District, and can you briefly just tell the Court what that is about, if you can?

General DANNATT: Prior to that reorganization the JNA, the Yugoslav National Army, was organized in a number of military districts which covered the complete territory of Yugoslavia, as it was then. And I will say a singular military district that controlled the S base, of course the whole of Yugoslavia as it was. But the interesting thing of the reorganization, or the interesting point about the reorganization that occurred in December 1991 is that the 2nd Military District was reorganized so that the geographic area that it was responsible for was exactly contiguous over the boundaries of Republic of Bosnia and Herzegovina. This was done, you will recall, some months before Bosnia became independent and one wonders why that reorganization was necessary, and my research shows to me that the purpose behind that reorganization was in anticipation of Bosnia and Herzegovina becoming an independent State, then one military formation, one military district controlled all the territory in what was going to become an independent country. I think it would be right to say at this stage too that at the same time that the reorganization took place, measures were instituted to change the ethnic make-up of those in the 2nd Military District. Up to that point typical of everything Yugoslav at that stage, the 2nd Military District would have had a mix of Serb, Muslim, Croat, people from Slovenia. Of course the six republics within that military district were by a process of posting people in and posting people out of the 2nd Military District by the early months of 1992 nearly 90 per cent of the people within the 2nd Military District were Serb. The non-Serbs have been posted out or have left the army.

Ms KORNER: Can you look, please, for a moment — I am jumping one document — to the fourth document in the bundle, which is a diary published by a gentleman named Borisav Jovic, who was at one stage part of the Presidency. And could you look at the second page where there is an entry for 5 December 1991.

The PRESIDENT: Ms Korner, can you identify this document for us?

Ms KORNER: Yes, it is the published diary called “The Last Days of the SFRY — Preface”.

The PRESIDENT: Where . . . ?

Ms KORNER: Sorry, it is document No. 4. I am so sorry, I thought I had said that. And it is the second page and it is headed “5 December 1991”. We see again in the penultimate paragraph on that page an entry by Mr. Jovic where, talking about Milosevic it starts: “Conversation with Slobodan Milosevic . . . feels that we must withdraw all citizens of Serbia and Montenegro from the JNA in Bosnia-Herzegovina in a timely fashion and transfer citizens of Bosnia and Herzegovina to the JNA there in order to avoid general military chaos”, and so on and so forth: I know you have read this. Does that entry tell you anything, General Dannatt?

General DANNATT: This entry, Madam President, underlines what I was saying a moment ago about a deliberate policy of changing the ethnic make-up within the 2nd Military District in anticipation of it becoming an independent army. And you will note the date, 5 December 1991. Of course there is also a sentence in that same paragraph, towards the end of that paragraph, which reads: “That will also create the possibility for the Serb leadership in Bosnia-Herzegovina to assume command over the Serb part of the JNA.” Again I point at that as being indicative of a deliberate policy and intention to assure that the 2nd Military District covering the complete territory of Bosnia and Herzegovina was predominantly [inaudible] in the control of people of Serb nationality.

Ms KORNER: If you go then to the next document at No. 5, which is later in — it is actually 1992, 7 May — again it is an order from General Talić, this time headed the 5th Corps, but I think it is to your knowledge that the 5th Krajina Corps of the old JNA became the 1st Krajina Corps. Does that show, looking at that order, which, again, I think you have seen, which states that in order to implement the decision of the Republic of Yugoslavia presidency on 5 May 1992 to transform the JNA published in the media — that is the order — as being sure that members of the JNA who remain on the territory of the Republic of Bosnia and Herzegovina will retain the rights. In keeping with this, the next paragraph will be: all members of the JNA who are Bosnia and Herzegovina citizens should be retained in their current duties and units and institutions in Bosnia and, finally, members of the JNA who do not have Bosnia and Herzegovina citizenship may remain

in their current duties in the Republic of Bosnia and Herzegovina or may request a transfer to the territory of the Federal Republic of Yugoslavia.

General Dannatt, again, what does that document tell you?

General DANNATT: Madam President, this tells me — it points to some of the inconsistencies that were beginning to arise between what was becoming an independent army, the VRS, the fact that many people within it were still members of another country's army, the Serb Republic's army, they were still members of the VJ, even though they were serving with the VRS. And this is a theme that will come out over the next few minutes. We will see a number of examples whereby people who are paid by and belong to the army of another nation are serving in the army of an adjacent country: in particular, I am talking about people belonging to the VJ, the army of Serbia and Montenegro, serving in the army of Republika Srpska; this is not a practice that you would expect to see elsewhere in the world, you either belong to one army or another army. It is unusual to be in both.

Ms KORNER: The causes were that Bosnia's independence was declared at the beginning of March and was recognized by the European Union on 6 April 1992. What is your view, as a general in the British army, of that situation, where you have got officers from the VJ serving in the VRS?

General DANNATT: Thank you, Madam President. It should not have been happening. People belong to one country and serve in that country's army: or you belong to another country and serve in that country's army, and to see written down here that the rights of people who belong to one army are being preserved, even though they are serving in another army, is most unusual and I have not come across it elsewhere.

Ms KORNER: In fact, as I think you are also aware, the transformation, or the proper establishment of the Bosnian Serb army, did not take place until 12 May and 19 May was the formal, as it were, declaration. What is your view in that respect of the document of 7 May?

General DANNATT: What we see here is paying for what was going to happen and it is another example — to which I referred to a few minutes ago — that the organization took place in December 1991 of starting to prepare the plan for the Second Military District to become the VRS. And here we have some of the personnel issues being addressed for those who were then going to

be serving in the new VRS: they still have their rights, their pay, their entitlement to pensions and things like that preserved, even though they were going to wind up in the VRS and not in what became the VJ.

Ms KORNER: Now, I want you just, if we could for a moment, to go back to part of Borisav Jović's diary and deal with an entry for 30 April, which, again, you will find as document No. 4 and this is a document — or an entry — dated 30 April. And if one goes to the page just before 7 May — I am sorry, the last page in the document: at the bottom, just before we get to the entry marked 7 May, you see this entry: "Since it is also necessary to withdraw generals who are not originally from Bosnia and Herzegovina, it was agreed that General Mladić would replace General Vuković." But can you comment on that entry?

General DANNATT: Well, it is not an example, Madam President, of what I was saying before: here is playing going on to reorganize an army, to arrange the manning of it and here this quotation shows the delegation of it was being planned and sorted out, and that General Mladić would replace General Vuković in command of the Second Military District, at that stage on its way to becoming the army of Republika Srpska.

Ms KORNER: Alright, we are going to look a little later at some of what happened between 1992 and early 1993, but I want to now move to a slightly separate topic and that is, the question of intent. You describe to us that it is the grand strategic level which sets the goals, which are then carried out by the military strategic level, and so on through your structural command. Are you willing to assist the Court with what the intent was from the documents, and your expert knowledge in this particular case, of those events, particularly in 1992?

General DANNATT: I think, Madam President, that you will recognize that this is an absolutely key issue. I have endeavoured to describe, up to now, the process, whether we are going from the top to the bottom, intent is converted to activity on the ground. And it has to beg the question why the break-up of Yugoslavia was such an event, surrounded by conflict and bloodshed, in the way that it was. After all, in history, even more recently, we have seen the break-up of the former Soviet Union and, of course, a number of countries have managed to change their political construct without resort to bloodshed. So, why did the break-up of Yugoslavia attract so much bloodshed? We are drawn to the conclusion that there was an intention to see that the territory

occupied by Serb people was contiguous: we have viewed the enlargement of the boundaries of the Republic of Serbia and Montenegro, it was going to also encompass those parts, say, of Bosnia and it might have possibly been Croatia as well, where there were large numbers of Serb people. And it was that intention to have a large Serb State, of geographical size large enough to encompass all the Serb nation; the Serbs were a nationality, I believe grievance was at the heart of the difficulties that Yugoslavia got itself into. Now, that, I confess, is conjecture but it is conjecture I think well supported by history. If one looks at some documents, one can find the statements of some of the leaders of that country which, by their spoken words, back that conjecture. And, certainly, if one may go on to one such document, which is the one at flag 3 . . .

Ms KORNER: Yes, it is flag 3; if the Court would be kind enough to turn to the one at flag 3.

General DANNATT: Flag 3 is the testimony of Zoran Lilić, in front of the International Criminal Tribunal for the former Yugoslavia and this exhibit is a transcript of what was said at the time and what was said is that we hold that each nation has the equal right to decide about its destiny, such a right can be constrained solely by the same equal right of other nations. As far as the Serbian people are concerned, they want to live in one State, hence divisions into several States, which will separate Serbian people and force them to live in different sovereign States is, from our point of view, unacceptable. That is, let me specify, out of the question. A Serbian nation living in one State and every nation wanting to live with the Serbian people in the same State on an equal basis is welcome. And he rules out confederation. And he's then asked, isn't that consistent with the views publicly expressed by the accused, referring to Mr. Milosevic, at the time, and he answers, yes. So I infer from that that there was a stated intention to generate a State larger than the boundaries of any of the existing republics in Yugoslavia, populated possibly by Serb people, and I believe that statements like that very much form the political intent which then exposed that four-step process that I have described, inevitably led from political intent being converted to military objectives, to campaigns planned by generals at the operational level, which led to tactical activity on the ground.

As I have already said, military activity does not happen by chance in an ordered army. I will try to explain that the VRS although new, was [inaudible] regulations and therefore the activity

on the ground originated for political intent, expressed at the governmental level, which is illustrated in the quotations I have just read out.

Ms KORNER: Just to make it absolutely clear, it is referred to in the transcript. What was happening here, was that Mr. Mladic was being asked about a report of one of Mr. Milosevic's speeches. Now, can we, apart from that, are there other documents, other knowledge that you have that assist you in coming to the conclusion that you have? Apart from you've looked at this transcript, have you read reports of other meetings and the like?

General DANNATT: I would use considerable evidence that discussions of the nature that I have just described, were indeed commonplace in that language, and become commonplace. Interestingly of course, none of those statements of intent I think so far have been accurately pinned if you like, to Mr. Milosevic himself, but the attitude of the desire for a greater Serbia was prevalent, and certainly from the direction of the guidance given, which came down the chain of command.

Ms KORNER: I think you are aware, and its not a contentious matter, that there were meetings that Mladic held in Belgrade with Milosevic during the course of the period of the conflict. What's your view of that?

General DANNATT: General Mladic, as we established, Madam President, was the commander of the army of Republika Srpska, and therefore he should have been having proper dialogue with his own President and Presidency, and particularly in the personality of Mr. Karadzic. But it is well documented that General Mladic had frequent meetings and discussions, not just in Belgrade, but with Mr. Milosevic personally. And I do not need to describe, its, I am afraid, it is highly unusual for the commander of one nation's army, should be having regular consultations with the President of another State. If you could imagine the situation, if I was commanding the British army I would not expect to go to Paris to talk to the French President about operations that I might be conducting in Northern Ireland. It just doesn't logically stack up. And I think it begs the question "what was the substance of the discussions at times between Mladic and Milosevic"; I do not know, I was not there. But it begs the question, why were they having those conversations, and, secondly, it is a fact which I believe we will come back to, that throughout this period, General Mladic, who had originally been an officer in the Yugoslav

national army, remained on the payroll of the VJ, and therefore, in a sense, by talking with Milosevic in Belgrade, he was talking to the head of the country that actually paid his wages — he who pays the piper calls the tune, I think is an expression sometimes used.

Ms KORNER: Yes, I think on that point you looked at the testimony of Sir Rupert Smith, which we have not copied — but I think it's going to come in at some stage. Who said at one stage that the man who pays the cheque, is usually the man who is in command eventually.

General DANNATT: That's another way of putting it, Madam President.

Ms KORNER: And very briefly, because the time as you know General, is limited, we copied for the Court, and you have looked at the document No. 7, which is part of the testimony of Mr. Williams. He was one of Mr. Akashi's aides, I think, and if we go to the second page — the very last part of the last line — we see him saying “that I think both before the imposition of sanctions in August 1994, and afterwards, the indications we have that General Mladic was a frequent visitor to Belgrade”.

General DANNATT: Indeed, Madam President, what Michael Williams was Mr. Akashi's Director of Information, and he has testified that General Mladic was a frequent visitor to Belgrade. Indeed, he comments “that no matter what the political tensions were that were self-evident in the relationship between Belgrade and Pale they did not seem to affect unduly his — that's General Mladic's — comings and goings”.

Ms KORNER: I want to move to a topic of the relationship between the VRS and the VJ during the period that we are concerned with. First of all, as regards their command structures, what was the appearance, if you like, of the command structures?

General DANNATT: Madam President, if I could just answer that question a trifle more widely. I have talked about command and control styles of armies, what actually defines a military organization as an independent army, is the ability to give operational orders and guidance: but secondly to generate forces that can be employed on operations — and certainly in my army and my staying of the army of Republika Srpska — personnel requirements, equipment requirements, logistics sustainability and the provision of training, were the four key elements that the army of Republika Srpska needed to provide for itself, or to have provided for it, in order for it to be able to function properly as an army. And, in my reading of various documents, I have come across

numerous examples where personnel support, logistic support, equipment and training were provided substantially by the VJ, which were under the command from Belgrade. And, if you wish I could give you some examples of that.

Ms KORNER: Yes, can you look, and now can we go back to document No. 6, please. Again, Madam President, this document runs to well over 130 pages, the whole document is here should anybody wish to see it. But we have just selected extracts. This is a document called the “Analysis of the Combat readiness and activities of the Army of Republika Srpska in 1992” and it was actually apparently drafted in April of 1993 and I think you had an opportunity — is that right — to read through the whole document.

General DANNATT: Yes, Madam President, I have read this complete document and I find this, as a professional working person, an absolutely fascinating document.

It is a very honest appraisal by the senior command of the army of Republika Srpska about his own capabilities and particularly about its shortfalls and why it choose to make some of those shortfalls from.

Ms KORNER: Very briefly then, and as I said, because of the time, if you look please at the third page, yes, it is at the back of the second page which is marked . . . No sorry, it is page 10. The last paragraph says “The control and command function in the framework of the establishment of the Army of Republika Srpska developed in two stages” and then “[a]n important development in the first period was the self-organizing of municipal and other regional units on the basis of territorial defence units under the political and patriotic influence of the Serbian Democratic Party.” Could you very briefly, if possible, tell the Court what your understanding of that is, what they are talking about here.

General DANNATT: Madam President, what I see here is a carry-on of the traditional way that forces were developed in Yugoslavia, under the “All-People’s Defence” doctrine. So in that first period, from 1 April to 15 June, many of the local defence organizations, territorially based, came together for either collective defence or collective operations and they were taken into the main body of the army and we see many examples of these local defence organizations, some of which are called paramilitary organizations, coming together, conducting operations but

increasingly coming into the overall command and control structure of the VRS as the regulations required, as opportunities required them to do so.

Ms KORNER: Thank you. On the next page, page 13, there is a paragraph which we have outlined, which deals with paramilitary formations — but can you just note that in passing, because I want to deal with that again separately. Page 31, this deals with, as it were, the communications aspect, and it says that “Stationary wire communications, together with radio-relay communications, formed the foundation of the stationary segment of the communications system of the former JNA.” From your reading, what do you understand was the situation with the equipment which had belonged to the JNA on the territory of Bosnia?

General DANNATT: Madam President, no army can exist without a means of communication so that command and control can be exercised and, quite simply, the communications systems of the JNA which were in place, were taken over by the VRS, in substantial part, and were used as their main principal methods of communications for conducting command and control.

Ms KORNER: As you go next to page 33 — I think you see what you just said set out: “Radio-relay communications . . . The Army of Yugoslavia has extended great assistance to us in putting into place this type of communications link, as it has made available to us a number of its connecting pathways and the available capacities of its communications channels” at the Federal Republic of Yugoslavia. Personnel, could we move on to next, page 79. It is headed “Personnel Problems” and we have already looked at one document dealing with this. “The framework of the officer cadre of the Army of RS comprises the active and reserve officers”.

The PRESIDENT: Ms Korner, can I just remind you, you are not introducing documents; you are leading the examination.

Ms KORNER: Yes, I am sorry, Madam President. Having read that paragraph, what is your understanding — together with the other information you have — of the situation of personnel and the two armies.

General DANNATT: From these paragraphs here, it is quite clear to me, Madam President, that the army of Republika Srpska required considerable support from some of the officers from the army of Yugoslavia, from the VJ. And the second part that is illuminated here talks about the

higher leadership and command posts — again they have a deficiency of such people and sought to recruit them from the army of Yugoslavia; and indeed the army of Yugoslavia sent people to fill these posts. Elsewhere in the documentation there are a number of other examples where individuals are sent to reinforce the army of Republika Srpska.

Ms KORNER: And then one more example: “intelligence gathering”. How important is intelligence and security support in an army situation?

General DANNATT: Madam President, in any army, intelligence is an absolutely key function unless you know what the enemy or the other side’s plans or intentions are, it is very difficult for you to form your own plans and therefore I see on the page of this document, page 85, a paragraph in the middle of that page says — I think it is circled on everyone’s copies — you see the words:

“Co-operation and exchange of data with related services in the territory of RS is generally satisfactory, as well as with the Main Staff of the SVRSK/Serbian Army of the Republic of Serbian Krajina. Of late, co-operation has also been intensified with the intelligence and security organs of the Army of Yugoslavia, while with the Ministry of the Interior of the Republic of Serbia it is still at an unsatisfactory level.”

So I understand from that, that the intelligence staffs of the Bosnian and Serb army, the Serb army of Krajina and the army of Yugoslavia were co-operating and indeed would like to have had more co-operation, but were not getting it, from the Interior Ministry forces of the Republic of Serbia.

Ms KORNER: And then I did say that it was final, but one more because we need to look at a second document. Could you go please to page 96, “Material needs”. And just tell us at the highlighted paragraph or outlined paragraph, what that shows?

General DANNATT: This paragraph on page 96. I notice a number of things that I have already . . . but I will read it to you:

- “— war production to meet the needs of the VRS has not been instituted;
- [he is explaining that] material reserves have been exhausted, and their present [stocks] levels are critical;
- [and that repair is not going reliably] the extent of repairs and regeneration does not guarantee reliable reserves;
- [and indeed he says] there are no imports, except from the FRY.”

Again I think this indicates the extent to which reliance on the FRY army, the army of Yugoslavia, is absolutely critical for the continuing systems of operations for the army of Republika Srpska.

Ms KORNER: And I think, although this means jumping a document or two or three, could we go please to document No. 12, which is . . . there was an assembly held, the Bosnian-Serb Assembly, 16 April 1995 in Sanski Most and General Mladić attended, and again we have the full document, if anybody requires it. At page 18, he gave a list that is described as a “consumption review from the beginning of [the] war until 31 December 1994”; and then we see a long list of ammunition and the like. A very simple question: what sort of quantities are these, as he describes they received?

General DANNATT: Madam President, the quantities of infantry ammunition, artillery ammunition and to a lesser degree anti-aircraft ammunition that are referred to in this paragraph are by any measurement very large indeed. In gross terms, they are very large, if you can imagine nearly ten thousand tons of infantry ammunition, that translates to a very large number of bullets. And indeed in proportional terms — as I already mentioned — infantry ammunition, the proportion is broken down: 42.2 per cent of supplies that the VRS inherited from the former JNA and with 47 per cent of their requirements provided by the Yugoslav army, I think that if you add those two together you come to something around 10 per cent that were acquired by other means. So the point that this document is saying to me with regard to all these natures of ammunition is that the dependence on the army of Yugoslavia, by the army of Republika Srpska, was very large indeed.

Ms KORNER: Very quickly again. You told the Court about effectively members of the VJ being “posted” — I think was your word — to the VRS. Can we look, please, at document No. 8, a document with which I think you are very familiar. It deals with General Krstic and the Colonel. What does that tell you?

General DANNATT: Madam President, this document, No. 8, is a very simple document — a very human document if you like — Krstic, at that stage a Colonel, was now serving with the VRS. He wanted to move his family to Belgrade and he submitted an application through the 30th Personnel Centre: that was the personnel centre set up by the Army of Yugoslavia to administer people serving the Republican Third Army. He submitted this application to move his family, who was then living in Kosovska Mitrovica in Kosovo, to an apartment in Belgrade. And in paragraph 6

he says: "I believe that the general staff of the Army of Yugoslavia fully understands my situation. Therefore I ask you, within the frame of your competence to help resolve my housing issue."

It is a human request. It is a very normal request and indicative of a system that was well in place for the administration of people who belonged to the VJ but were actually serving with the VRS at the time. And there is something similar, over the page at document No. 9. I again call Vinko Pandurevic. There is some information about him.

Ms KORNER: I think we can just summarize that. Is it right that we can see from that that, although he was serving with the VRS, his family were continuing to live in Belgrade in a VJ apartment?

General DANNATT: That is precisely the point I would have made.

Ms KORNER: I am sorry to rush you but it is the timing element that I am concerned about.

In respect also of the relationship between the two armies, could you quickly turn to document No. 10, which is a report on the United Nations cable to Mr. Akashi from Mr. Kirudja, who was in Sector North. It is very difficult to read, because it is a very bad copy. That is all we could get, unfortunately. But you have read it. Does it talk about, at the bottom of that first page, orders that have been issued to officers who were born on the other side of the Drina?

General DANNATT: Madam President, this poorly copied document tells me that the army of Republika Srpska, amongst the many problems it was having, was one of desertion of its people from its ranks and that a meeting had been held between the authorities in Serbia and in the Bosnian Serb Republic, to effectively close the border to Bosnia and Serb males between 18 and 65 coming across — in other words, getting away from the war. I think this is indicative of (1) a shortage of manpower in the Bosnian Serb army, and (2) a fairly sophisticated degree of co-operation between the two armies across the international boundary.

Ms KORNER: Very quickly again, the next document which, thank heavens, is much clearer. On the second page the bracketed part of the second paragraph, which is about written orders to the professional soldiers. Again, very briefly, General Dannatt, what does that part tell you?

General DANNATT: Madam President, the middle part of that second paragraph tells me that orders were being issued by the VJ for six-month detachments of officers in the VJ to either

the armies of Republika Srpska or the Kraijina army. This was routine business and they were being detached for six months' service with a different army.

Ms KORNER: Although we did have other documents about the co-operation, I think you have dealt with that. Because of the time, can I please move to the topic, please, of joint operations. If we have time I will come back to paramilitaries. Have you studied, in particular, three, what you would call, joint operations? Can you very quickly explain to the Court what you mean by that?

General DANNATT: Madam President, in looking at the operations that were carried out during 1992-1995, I have seen three clear examples whereby joint operations were conducted — that is, operations jointly between the army of Yugoslavia, the army of Republika Srpska and, in some cases, the army of the Krajinas as well. These three operations are operations in 1993 along the banks of the Drina, at Srebrenica in 1995 and around Bihac in the winter of 1994 and 1995, and they all provide examples of co-ordinated activity between those three armies.

Ms KORNER: Let us just very briefly, please, deal with the Drina operation. Can you tell the Court, if possible in one line, what that was about?

General DANNATT: Essentially, Madam President, this was in fulfilment of the political intent to make the river Drina not a boundary between Republika Srpska and the Serb Republic. There were a large number of Serb people on the Bosnian side of the Drina and the intention was to conduct operations in a 50-km. strip on the Bosnian side of the Drina to effectively cleanse that of non-Serb people, to make that part of the territory of the expanded Serb State in this particular [inaudible] in 1992 and 1993.

Ms KORNER: You said this was fulfilment of the political intent. If we look, please, at document No. 17, which is part of the transcript of a gentleman named Deronjic who is testifying at his own plea hearing. I think you are aware that he was in fact the head of the Crisis Staff in Bratunac and he had various meetings. If we go to the second page of that extract we can see him describing a meeting with a Mr. Kertes. Perhaps you can just tell us, because I think you have read it, very quickly, rather than me reading it.

General DANNATT: Madam President, this is clear documentary evidence, about which I was suggesting a moment or two ago, that there was political and State intent that the 50 km. from

the Drina, on the Bosnian side, as the words are used here: "that all of that would be Serb". I think that is a clear intent to make a nice piece of territory Serb. And military operations were then conducted to make that so.

Ms KORNER: I think in document No. 18, can we see again on the second page, the highlighted part of paragraph 3.

General DANNATT: In paragraph 3, Madam President, of that document, it lays down the method of co-ordination between those three armies and in the second line there it says "I suggest you form a Corps IKM/ forward command post in Bratunac" and as that paragraph shows it is to co-ordinate the activities of the VRS, the VRSJ and of units of the army of the Federal Republic of Yugoslavia, the VJ. So that is a clear indication of setting up a joint headquarters to co-ordinate the operations of those three armies.

Ms KORNER: Again, just noting in passing, document 19, does that also as you told us [show] a further statement of the political intent or the intent thereof?

General DANNATT: Madam President, that is correct. Referring to the forces on the right bank, the Bosnian side of the Drina.

Ms KORNER: I think the second joint operation that you had mentioned was Srebrenica with which you are very familiar; very briefly can you tell the Court, not what that was about, but how that was a joint operation?

General DANNATT: Madam President, the operation in 1995 to attack Srebrenica principally under the command of 5 Corps Commander General Krstic but under the overall direction of General Mladic requires the involvement not just of 5 Corp troops under General Krstic but also VRS main staff troops as well. In Document 21 in the pack you have been provided with it also lists that there will be special police at the [inaudible] not just Republika Srpska, but from the Serbian Krajina Republic and from Serbia, including Serbian Interior Ministry troops as well. Another example of elements of Serbian military forces taking part in one operation.

Ms KORNER: Do we know anything about Maravic's movements during the course of that operation?

General DANNATT: We do. As already mentioned, General Mladic was in the habit of making frequent visits to Belgrade and if you look at document No. 22, this is part of the testimony of General Smith.

Ms KORNER: It is the fourth page of that testimony.

General DANNATT: Looking towards the bottom of that page where it says: 4. and 5.: this is commenting on a meeting between Mladic and Milosovic: He [Milosovic] was clearly the superior of Mladic. He referred to Mladic by his Christian name and Mladic was deferring to him. And that is the description of a meeting held between Milosovic and Mladic on 15 July 1995 watching the model of the operations being conducted in Srebrenica. By that stage the town had fallen and the well-documented killing of the males was then in train. I have to speculate; I wonder what they talked about.

Ms KORNER: And finally, on the third of the joint operations, I think it was something called "Operation PAUK", can you tell us when this was and what that involved briefly.

General DANNATT: Madam President, Operation PAUK. The operation was conducted in the Bihac area in the north of Bosnia with the intention of destroying the Sarajevo forces 5th Corps which would have removed the authority of Bosnia from Bihac and enabling Fikret Abdic's forces to take control in Bihac and these operations were conducted by elements of the forces in Krajina Corps of the Bosnian Serb army and the 15th, 21st and 39th Corps of the armies of the Krajina Serbs and also, as it was Fikret Abdic's troops involved, is evidence of Ministry of Interior troops from Serbia also being involved. Therefore I offer this as a further example of joint operations between a number of armies belonging to different countries conducting operations on a co-ordinated basis.

Ms KORNER: And I think the last document, No. 23, is that a diary of the operation as it were which shows, we can simply pick one example, that there was reporting to Belgrade going on. If you look at page 27 at the bottom we can see — I know it is not highlighted, I'm sorry about that — it is 1655h which is highlighted, yes, "PAUK to report to Belgrade".

General DANNATT: . . . not easy to identify. On page 46 of that document 1000h it is said that PAUK, that is the name of the command group, is holding a meeting with the command and familiarizing us with the situation and the development of the talks in Belgrade. And if you were,

Madam President, to go over the page towards the bottom of the column for 3 January there is a whole paragraph that says at 0800h, Lieutenant-General Novaković — he was the overall commander, and he was from the VJ army — Colonel Mijia the Ministry of the Interior individual and another individual named Božović left for Belgrade. One wonders what business took them to Belgrade at that stage and what other examples showing interaction between Malakovic who was commander of operations and the authorities in Belgrade at that time.

Ms KORNER: Madam President, can I quickly ask for guidance? Do I get to 4.25 with the witness or . . .

The PRESIDENT: Well, Ms Korner, you are aware we must give the same courtesy of time and you are aware we shall need to rise very shortly and that we will need time to consider any questions. So if you take the extra five minutes what is at risk is your right of re-examination.

Ms KORNER: I will surrender my right to re-examine, Madam President. Just very briefly General Dannatt. I would like to ask you about the question of paramilitaries which again is a matter which you have studied and looked at. From your experience and background, what was the role of any of these paramilitary formations in the conflict.

General DANNATT: Madam President, the way of the paramilitaries in some ways were similar to those activities by the local territorial groups. But they came together early on. They were the main instruments of fighting early on in the war, particularly in 1992. They were subsequently brought under the main command of the army and indeed, under the regulations of the army they were obliged to come under the command of the army, and there is documentary evidence in the pack of General Mladic accepting command of all the paramilitaries and territorial organizations. I think the only point I would make from that is that when a senior commander has accepted command of organizations like paramilitaries and territorials, then with acceptance of command also comes acceptance of responsibility. Command and responsibility cannot be separated. So when we describe the activities — and this is well documented as well — of many of the paramilitaries, nevertheless they were brought into the main commander control of the army of Republika Srpska, Mladic accepted their command and, we would venture to suggest, consistent with military doctrine, he also accepted responsibility, whether he knew it or not or whether he liked it or not.

Ms KORNER: And from where in your understanding did some, if not all, of these paramilitary formations originate.

General DANNATT: They originated from throughout the areas where the Serb population inhabited. Perhaps some of the most notorious came from Serbia itself and again, documented in the pack of information, are facts which support that. I am thinking of Seselj's men and also Arkan's men, in particular.

Ms KORNER: If the paramilitary formations came from Serbia and were then taken under the control of the VRS — under Mladic — if they came from there, if they were sent by the VJ, posted to the VRS, for example, under whose control or whose authority were they operating?

General DANNATT: They were operating on the territory of the VRS, as I have indicated, Madam President, they would have been under the command of Mladic and part of the chain of command of the VRS. As has already been suggested, many of these people came from Serbia proper and therefore their activities and their involvement in the war, I venture to suggest, was most improper.

Ms KORNER: We have got one moment. I just want you to watch one segment which comes from "The Death of Yugoslavia", which is Seselj talking, which will take one minute.

The PRESIDENT: This is a video that has already been entered into the record?

Ms KORNER: Yes.

The PRESIDENT: Very quickly, then.

Ms KORNER: Yes.

[Video being shown]

The PRESIDENT: What is your question to the General?

Ms KORNER: General, I think you need to see this last bit. Sorry.

[Video continues]

First question, General. You saw Seselj saying these were not orders, they were requests. In your experience, is there a difference?

General DANNATT: Madam President, I refer to my earlier discussion about the nature of which political intent is then translated to activity on the ground. I do not believe that Milosevic needed to give, or indeed, Mladic, needed to give orders, but that the intent had already been expressed and these extreme paramilitary forces were acting to carry out that intent by the activities we saw glimpses of there on the screen, on the ground.

Ms KORNER: Thank you very much, General Dannatt.

The PRESIDENT: Thank you. The Court will now rise for no more than ten minutes. I ask the witness to remain in the near vicinity of the courtroom.

*The Court adjourned from 4.25 to 4.35 p.m.*

The PRESIDENT: Please be seated. I give the floor now to Mr. Brownlie for his cross-examination, and we ask that the General be brought into the courtroom. Mr. Brownlie.

Mr. BROWNLIE: Thank you, Madam President. General Dannatt, on behalf of Serbia and Montenegro, can I express my appreciation that you are willing to give your time to assisting the Court with your expertise. Could you help us on the question of when you were actually present in Bosnia?

General DANNATT: Madam President, I can. I was in Bosnia briefly in February 1994, assisting General Sir Michael Rose with one or two tasks that he may wish to refer to later in the week. I was present from October 1995 to April 1996 when, as I explained earlier, I was Commander of British Forces and then under IFOR, Commander 4th Armoured Brigade, as part of IFOR. And then in the winter of 2000-2001, I was in Bosnia from October 2000 until April 2001. Over and above those extended periods, I have visited and continue to visit regularly in exercise of my supervisory responsibilities for troops under my command who were serving there at the time. And I was last in Bosnia in, I cannot remember the month but in the middle of last year.

Mr. BROWNLIE: Thank you. It is true, is it not, that possibly one of your later stints in Bosnia was as a part of the British force, taking part in the implementation of the Dayton Agreements?

General DANNATT: That is right. That was one of the earlier times I was there. IFOR was formed on, I believe, 20 December 1995, and at that point, I and the British troops under my command switched from being part of the United Nations UNPROFOR and became IFOR.

Mr. BROWNLIE: Is it the case that when you were about to move British units into the then Republika Srpska you contacted a commander of Republika Srpska in order to ensure your safe passage?

General DANNATT: That is right, Madam President. Mr. Brownlie is quite correct. In order to ensure that the transition from UNPROFOR to IFOR went as smoothly as possible, I contacted the commanders of the Bosnian Serb army, the Croat forces and the Bosniak forces, because I was given to understand that their strategic level had agreed at Dayton that there was to be a ceasefire and there was to be the beginnings of a peace process and if I wanted to contact the next level down — the operational level down — to ensure that *they* understood that and that they would issue appropriate orders to the soldiers on the ground, so that in the case of the British elements, when they advanced into Republika Srpska — territory which they had not operated in before — Republika Srpska soldiers would not be alarmed or frightened or surprised by seeing British soldiers arrive and start a local firefight. And my intention was to ensure from the bottom to the middle to the top that the intent was the same.

Mr. BROWNLIE: Thank you. Now, is it not the case that when you were actually moving, you were making your first move with your units into Republika Srpska, you contacted a commander in the Republika Srpska army?

General DANNATT: I intended to contact, Madam President, General Tadic, who was then the corps commander with his headquarters in Banja Luka and, as I was mentioning earlier this afternoon, the arranged meeting that I had with General Tadic, I having got to Banja Luka, did not happen and he — General Tadic — sent a colonel to meet me instead and I conveyed my message to General Tadic through the colonel, whose name I now forget. But the captain who was with him was one Captain Povovic, and I have reason to believe that my message was communicated to General Tadic, because a few days later when the British forces advanced to Banja Luka, the Serbs knew we were coming and were expecting us.

Mr. BROWNLIE: That, if I may say so, is a very clear account. So, it did not occur to you to approach a JNA commander to assure that the forces were safe when they entered?

General DANNATT: Madam President, I am sure Mr. Brownlie will be aware from the answers I have already given that I was at that stage a relatively junior commander in the NATO command and control structure that was being stood up. It was perfectly appropriate for me to deal with commanders, Croat, Bosniak and Serb, whose areas of responsibility were adjacent to mine. I had no normal dealings myself with Belgrade and, indeed, had I wished to have dealings with Belgrade, I would need to have gone through two, if not three, higher levels of authority above myself. I acted pragmatically on the ground, identifying the problem and choosing how to solve it.

Mr. BROWNLIE: Thank you. Could you tell the Court, when did you first see the bundle of 23 documents which the Court was given earlier today?

General DANNATT: The constituent documents, Madam President, I have seen variously over the last two or three or four months amidst a mass of documents that I have been looking at. I selected, knowing that the time that this Court had to hear my evidence was relatively short, a number of documents, and they were put together in a bundle and I saw that bundle yesterday for the first time — as a bundle —, but all the documents are ones that I asked to be included in a bundle for the information of the Court this afternoon.

Mr. BROWNLIE: If I could rephrase the question. When were you first aware of the identity of the 23 documents which were put in recently before the Court and to my clients?

General DUNNATT: Madam President, I was aware of them variously. As I said, I am trying to remember when I was first contacted and asked if I would appear for the information of this Court; I think it was probably October or November last year. And having agreed that I would do so, and I had to seek authority from the British Foreign and Commonwealth Office to do so, I then began to request documents to supplement my existing knowledge. Certainly many hundreds, if not several thousand documents and pages were forwarded to me and I selected from that large number, the relatively modest number which we have been examining this afternoon.

Mr. BROWNLIE: Thank you. In the bundle of 23 documents, quite a number of the documents refer to a period going as far back as 1991. Am I right in assuming that your knowledge of matters in, say, the period 1991 to 1994, relates exclusively to documents you have seen?

General DANNATT: Madam President, that is right. I would simply add that by having had the opportunity of serving in Bosnia for the length of time that I described earlier, my understanding of these documents has been placed in better context by having some feel for the country, the people and the problems. But I do not stand here, this afternoon, as Mr. Brownlie I think well knows, as a witness who saw events; I am here as an expert to give my opinion, such value as the Court may place upon it, on material that I have now been scrutinizing.

Mr. BROWNLIE: Is it the case that as a background to your giving extensive evidence in the *Kirstic* case, you carried out research on behalf of the Office of the Prosecutor of the ICTY?

General DANNATT: Madam President, it is indeed correct. I appeared as a witness called by the prosecution in the ICTY case of the *Prosecutor v. Radislav Kirstic*. I also appeared in the capacity of expert witness on that occasion and as with today's appearance I spent some considerable time reading and requesting documents and visiting areas of Bosnia that I had not been to before in order to fulfil, to fully inform myself, of the events which I was going to be asked questions about.

Mr. BROWNLIE: In relation to the murders at Srebrenica in July 1995, how far back do you think the relevant documentation goes?

General DANNATT: Madam President, I think I would like to ask Mr. Brownlie to rephrase that question, before I give you a flow of words, as I am not quite sure exactly what the question is.

Mr. BROWNLIE: You have explained to us — and we appreciate what you say, that you studied masses of documents, or you have had access to masses of documents — you are the expert, forgive me, you are dealing with events in 1995, you are aware of the background, as you said: in your experience, would there be any background in point of time, in relation to what eventually happened in Srebrenica in July 1995?

General DANNATT: Madam President. there are two or three strands in answer to that question. First of all, it was very important as part of my research for that case, as it is for this hearing today, to have a full understanding of the historical origins of the VRS, the army of Republika Srpska. And as I have suggested today I am quite clear that the origins of the VRS was in the former JNA, and as I have given in evidence this afternoon, the regulations, the handbooks used by the VRS were pretty much identical with that of the former JNA; and, as I mentioned a

little earlier this afternoon, when I gave that evidence in the ICTY Tribunal, General Kirstic acknowledged that that, indeed, was the origin of the VRS in the regulation and background of the former JNA.

Mr. BROWNLIE: Thank you. For the projects given to you by the Office of the Prosecutor, is it not the case that you actually visited Srebrenica?

General DANNATT: That is indeed correct. I did. I visited Srebrenica. I visited all the sites where it was alleged at the time that victims of the alleged massacre had been buried. I also visited the sites where the killings were alleged to have taken place. I also visited the sites where the reburials had taken place, when the bodies — which were initially buried in a number of sites were dug out some two or three months later and reburied in a larger number of more dispersed sites. I visited not all, but most of those major sites over a visit extending to several days.

Mr. BROWNLIE: Thank you. Now, did you manage to talk to any former officials of the Republika Srpska?

General DANNATT: Madam President, on that occasion I did not. I was there to view and to see, to form a visual impression, to give myself a backdrop for the evidence that I was going to be presenting from documentary evidence.

Mr. BROWNLIE: Thank you. Now, you have shown considerable surprise at the fact that one State should get assistance from another State. Is it not a part of your experience as a soldier that States often lend troops or give assistance to other military forces of friendly States? Is that not quite common?

General DANNATT: Madam President, of course that is common: but it is common in the context of more than one government having the same operational objectives, the same intent. I give you the obvious example, the United States-led coalition operation to Iraq in 2003 was supported by the British Government and the British army was substantially involved, as were a number of armies. This was not a surprise, this was legitimate activity, because the government policies of both the United States Government and the United Kingdom Government and other nations were at one, and therefore this was a joint enterprise.

Mr. BROWNLIE: Thank you. Now, could I just ask you a very leading question. If you accept — you may not — that in 1991-1992 there was a disintegration of a fairly long-established

federation in the region. The JNA was a federal army; at rather short notice the situation changed radically and in at least one of the documents there is a reference to the fact that the Yugoslav army found itself very rapidly in areas where it was no longer expected to stay, to say the least. Given the situation and the ethnic background, what would you have done had you been in charge of logistics forming part of the group discussing what to do, and you were the military element, you were part of the chiefs of staff, together with politicians, deciding how to redeploy — what to do?

General DANNATT: Madam President, I can see where this question is going. My answer is that if I was commanding the British army, and it was operating in an area from which we were going to withdraw, resources are that tight that I would not have willingly and voluntarily left equipment and supplies behind for the use of another army; I would have taken every measure possible to recover that back to my own country for the use of my own army. Indeed, had I not done so, I would probably have been personally accountable for the misuse of the equipment and for the failure to properly look after it. And there is no question that I would have left it for the use of anybody else and therefore, by extension, the fact that the supplies that Mr. Brownlie refers to were left behind, were left behind with the intention that they should be used by the army that was staying behind to use them.

Mr. BROWNLIE: In that slightly complicated geographical scenario you have just given us, how do the Serbs of eastern Bosnia — were they in their own country — where were they supposed to go?

General DANNATT: Bosnian Serbs in eastern Bosnia would quite properly, Madam President, be expected to stay in their own country.

Mr. BROWNLIE: So, it would not be surprising if Bosnian members of the JNA decided to join the armed forces of the Serbian area in Bosnia?

General DANNATT: No, that is completely unsurprising, Madam President. If I was an inhabitant, a citizen of Bosnia and Herzegovina and I was a Serb and the JNA that I was part of was withdrawing, I would then be faced with a choice of either withdrawing with the JNA and going to live in Belgrade or somewhere, or of staying in my home territory, in which case I would have left the JNA. And if another army had been set up and I was minded to serve in it I would have offered myself for service in it.

Mr. BROWNLIE: Are you aware that in the Muslim areas and also in Croatia a very similar process took place with the first separation taking the form of territorial defence units?

General DANNATT: I am very much aware, Madam President, and as I endeavoured to explain earlier this afternoon, this is an activity that I would have expected based on a long-standing doctrine of "All-People's Defence" — that a village, a town would raise its own unit for local protection. Of course, the reason that "All-People's Defence" as a doctrine was put in place was not to conduct operations such as were conducted from 1992 onwards but were to play a part in the event of external aggression by other nations into Yugoslavia, as it was then. My contention would be that the [inaudible] of "All-People's Defence" was used, I would go so far as to say misused, towards local militias based on ethnic groupings which were then most regretfully and disastrously used for internal conflict purposes.

Mr. BROWNLIE: Thank you. General Dannatt, if I could take you to one or two of the documents that you have used to present to the Court, I look at document 2 with the title "Provisional Service Regulations" of the army of the Republika Srpska and this was quite early on in this chronology. Have you any reason to disbelieve that they were not the provisional service regulations of the army of the Republika Srpska?

General DANNATT: No, I believe, as I suggested earlier on, I think it is entirely likely that they were. I think it is, in my view, important for the information of this Court that such documentary evidence is provided in order to show what would otherwise be an assertion that the former regulations of the JNA formed the basis of the army of the RS. I presume that you would wish to see documentary evidence that indeed was the case.

Mr. BROWNLIE: If I could move on to item 6, which has the title "Analysis of the Combat Readiness of the army of Republika Srpska" and is dated 1992, is there any reason to think that that document is not a report on the combat readiness of the army of Republika Srpska?

General DANNATT: Madam President, there is no doubt at all that it is indeed what it says it is. What is interesting about it and why I offered it for the information of the Court is not the fact that the document is what it says it is, it is what it says within it and, in other words, the points that it makes to illustrate a number of the points that I thought the Court would find it useful to be aware of.

Mr. BROWNLIE: Now if I could move to document 8. That is the document affecting the affairs of the then Colonel Krstic and he is asking for improvements in his housing arrangements. Now it is addressed at the top to the Main Staff of the Republika Srpska army.

General DANNATT: Because at that stage, Madam President . . . Mr. Brownlie, are we talking about the same thing? Top left, it talks about head of staff of Drina Corps and then, yes you are quite right, it is addressed to the main staff in Republika Srpska, so my eye caught the wrong place. This is indeed correct. This is Colonel Krstic putting his application up, through the correct chain of command, to the command of the army of Republika Srpska. What is interesting, and this is what I brought out earlier, was that the army of Republika Srpska could not have granted his request. After all it did not own the territory of Kosovo where his wife was living, it did not own houses in Belgrade where he wished his wife to move to and therefore he had to send it up the chain of command of Republika Srpska in the full anticipation that it would then be passed, as paragraph 4 says, through the 30th staff centre, which is a VJ staff centre set up specifically for the handling of administration and personnel matters of VJ officers currently serving with the VRS. So I do not see anything unusual about where he sent his request to and, in his terms, I do not see anything unusual about this being submitted through the 30th staff centre. What I do find unusual is that two armies had such close relationship.

Mr. BROWNLIE: Now I would like to move to document 18, which is one of a number of documents relating to forms of co-ordination between the two armies and there is a reference there to operations affecting Skelani. Can you tell me where Skelani is?

General DANNATT: It is in the Drina valley area. It is bracketed here with Zvornik and Bratunac, which are broadly in the same sort of area.

Mr. BROWNLIE: Do you know anything about the offensives by Muslim forces lasting from late 1991 up to early July 1995?

General DANNATT: Madam President, I do not claim to know in great detail about those particular operations, but I do know in general terms — and I find it completely unsurprising — was that in that Drina valley area, there were not only — as is being suggested here — attacks by Serb forces, but there were also counter-attacks and other offensives launched by the Bosnian Muslims. Indeed in a war situation it is completely unsurprising that both sides in the conflict

should not, from time to time, launch attacks on each other, particularly where a territory is at stake.

Mr. BROWNLIE: I think it is true, but you can confirm it or otherwise, that the villages were raided out of the undemilitarized enclave of Srebrenica over a long period. It think you actually mention this fact in your evidence in the *Krstic* case. Can you confirm that?

General DANNATT: Madam President, I certainly can confirm that. The area of Srebrenica was supposed to have been demilitarized, but there is evidence that members of the 28th Division of the Bosniak army were still imprisoned within the Srebrenica enclave. They should not have been there, but the United Nations force that was present in the Srebrenica area, either as a result of its mandate not being strong enough or the number of troops there not being strong enough, did not eject and disarm those forces. Because they were there I find it completely unsurprising that they from time to time carried out attacks into the neighbouring Serb areas.

Mr. BROWNLIE: Thank you. Would you accept that in 1995 — I believe it was April — there were joint operations by Srpska forces and forces from the other side — the Serbian side of the Drina involving Skelani?

General DANNATT: Madam President, my understanding is that that is the case, but I do not have detailed knowledge of those. If the next question is going to be a detailed question, I will not be in a position to answer it.

Mr. BROWNLIE: Do you realize that Skelani was one of the few villages in the area which had not been conquered by Muslim forces?

General DANNATT: Madam President, I will take Mr Brownlie's word for that.

Mr. BROWNLIE: Do you have the view that joint operations between two armed forces are somehow undesirable?

General DANNATT: Madam President, I do not share that view at all. Joint operations between two armies are often necessary and, if necessary, then desirable. But, as I suggested earlier with the rather simplistic example of coalition action in Iraq in 2003, these operations are entirely legitimate when the political intentions and political ambitions of two governments are one and the same. I, in a previous appointment two or three years ago, was commanding the Allied Rapid Reaction Corps and 17 different nationalities were under my command. Implicit in that is

that the operations I might have conducted would have had the tacit agreement, no, the full agreement of 17 governments in carrying out those operations. Nothing unsurprising or critical about joint operations as such.

Mr. BROWNLIE: Madam President, that ends my cross-examination.

The PRESIDENT: Thank you, Mr. Brownlie. Well, I think Ms Korner, given the way the time has panned out, if you wish a very short re-examination, you may.

Ms KORNER: I would just like to return to the very last topic. General Dannatt, you have been asked a number of questions about joint operations and you have explained that they are often necessary and desirable providing the political intentions of the governments are the same. Is there any difference between *that* and what *you* have been describing to the Court of those three joint operations: Srebrenica, the Drina 1993 and what was called Operation PAUK?

General DANNATT: Madam President, I think the obvious difference between the kind of joint operations that *I* was describing, and the joint operations that we were referring to this afternoon, is that the *intention* of those joint operations principally by Serb forces of one type or another was all in fulfilment of the wider political intent to create a Serb State of Serb people, greater than the geographic boundaries of the then Republic of Serbia. And in my view, that is the kind of joint operation that is unhelpful, probably illegal, and this rather characterizes the conflict in this troubled [inaudible] in what we now refer to as the former Yugoslavia. I think it is one of the shames of the 1990s that that country which had hitherto been successful was [inaudible] broken up into its respective republics and without resort to the force of arms. And therefore those joint military operations had a very ugly aspect to them because the intent behind the joining of the forces was — I think probably it would be improper if I described it any further: I think I rest the point there.

Ms KORNER: Thank you very much, General Dannatt. Thank you very much, Madam President.

The PRESIDENT: Thank you. The Court will now retire, but the Parties and General Dannatt should remain in the vicinity of the Great Hall of Justice. If the Court wishes to pose questions to the General, it will return to the courtroom within the next 15 minutes. Should

the Court not so wish to put any questions, it will not return to this courtroom and the Registry will inform the Parties and the expert and the public accordingly. The Court now rises.

*The Court adjourned from 5.10 to 5.35 p.m.*

The PRESIDENT: Please be seated. Could General Dannatt be invited to rejoin us. Thank you. General, we do have a small number of questions for you, and I will begin with one I would like put to you. Do you think that the military of the VRS, operating in Bosnia, was operating on the basis of a specific control and instructions in regard to particular operations from the authorities in Belgrade, or were they acting under a general control with a margin of discretion? And on what basis are you led to the answer that you will give us?

General DANNATT: Madam President, I believe that the main intent, as I have referred to during this afternoon, was an intent that originated from Belgrade. And earlier this afternoon, I alluded to the changes, for example, made within the JNA to set up the possibility of the VRS being a potentially independent army, operating within the territory of Bosnia and Herzegovina. So I think the overall intent was a joint intent between the leadership of what became the Serb Republic and what was the Bosnian Serb Republic. The degree to which the VRS acted in an independent way, I think I would say that in part it did, but its actions were framed by the overall intent and that therefore the operations that the VRS carried out were, if you like, as an agent of the overall purpose. So I think day-to-day operational control was exercised by General Mladic and the Main Staff of the VRS, but the overall purpose was a purpose initially framed in Belgrade and certainly initially in the war — 1992-1993 — shared with the Bosnian Serb Presidency particularly in the person of Mr. Karadzic. I think later in the war, there is evidence of disagreements in political intentions between Karadzic and Milosovic but, in a sense, that is almost irrelevant when one reflects on the frequent visits that General Mladic made to Belgrade for discussions and conversations with Milosovic. So I think we do see a degree of delegated operational control from Belgrade to the VRS, as one would expect of an apparently independent army, but both armies were operating to a common intent, originally orchestrated and predominantly orchestrated from Belgrade.

The PRESIDENT: Thank you very much. If I can come back to the second element of my question. Beyond the frequency of the visits you have mentioned, what would be the bases that have led you to the answer you have given?

General DANNATT: Madam President, I think I would refer back to some of the practical aspects that I gave evidence of this afternoon, of personnel support, equipment support, logistic support in particular, and then the existence of these joint operations. If it was considered appropriate and necessary for elements of two or three armies to operate together, I think they are frequent examples of a continuing desire for the intent to be delivered through joint operations and ongoing support by the VJ to the VRS.

The PRESIDENT: Thank you. I now call upon Judge Koroma to ask a question.

Judge KOROMA: General, I am grateful to you for giving your military perspective on this. Now in your testimony, you stated that it was the *intent* of making Serbian territory contiguous that led Yugoslavia into difficulties. Could you please explain to the Court what you have in mind, or what you mean by that? Thank you.

General DANNATT: Madam President, what I mean by that is there was a stated intent that all the people who were Serb by ethnic origin should live in a piece of the former Yugoslavia, which has contiguous boundaries. The territory was one parcel of territory and, by extension, that parcel of territory, that piece of territory, was going to be bigger than the historic boundaries of the Republic of the former Yugoslavia, which was the Serb Republic. Hence, I drew attention, for example, to the Drina River area and the 50 km. on the Bosnian side that it was hoped would become exclusively Serb. There is evidence — and I did not allude to it this afternoon — of a stated desire that the Drina River should not be the boundary, that the boundary should be set some way inside the territory of Bosnia. So my point really was that the desire was for the Serb nation to occupy a geographic area and create a third State larger than the confines of just the Republic of Serbia.

The PRESIDENT: Thank you. I now call upon Judge Tomka to put a question.

Judge TOMKA: Thank you, Madam President. General, I would like to thank you for sharing your expertise with us. And, as I understand it, you specialized in commander control in the military and you have not only theoretical but in particular extensive practical experience. So, I have two questions for you. The Yugoslav National Army, being the federal army, was it, according to your knowledge, from late 1991 until the end of 1995, subordinated to the government authorities of the Federal Republic of Yugoslavia, or — perhaps, also — subordinated to the government authorities of Serbia, which was one of the constituent units of the federation? And, second, are you aware of any orders given by the government authorities of the Federal Republic of Yugoslavia, or those of Serbia, to the commanders of the army of Republika Srpska, the VRS? Thank you.

General DANNATT: Madam President, if I could answer the first question. I may have too loosely used the term when referring to Serbia as opposed to the former Republic of Yugoslavia, but in my readings and preparations for this case, I don't see any useful distinction between separating Serbia and the former Republic of Yugoslavia, particularly bearing in mind that Montenegro was really the only other constituent part and the dominant personality was Mr. Milošević, almost irrespective of whatever appointment he was holding in Belgrade within the confines of the Republic of Serbia or within the former Republic of Yugoslavia, therefore including Montenegro. So I think I do not draw too much of a distinction other than to repeat that I believe that the dominant personality was that of Mr. Milošević.

And then your second question, I believe Madam President, was whether I have any evidence of orders being issued directly. No I do not. But I would not expect to see such orders. I would offer two comments, both by way of reiteration of what I have already said: in the four-step construct of converting intent to tactical activity, it does not require detailed orders to be passed, but merely an intent to be formulated that is then translated. And I would say that intent at the highest level was then developed at the military strategic level of both Republika Srpska and the Serb Republic and on down to their operational levels, until the activities on the ground. That is one strand of my answer. My second is, over and above that, I point once again to not only the frequent visits of General Mladić to Belgrade and his conversations with Mr. Milošević, but also then I was referring to Operation PAUK around Bihac, in 1994-1995, I mentioned

General Novaković, the commander of operational group PAUK appeared to make frequent visits to Belgrade as well. So it didn't require orders to be issued, but clarification of the intent, I believe, was being given on a regular basis, and that was then being developed down the two countries-chain or indeed the third, if you add the Republic of Serb Krajina in as well.

The PRESIDENT: Thank you. I would like to thank General Dannatt for appearing before the Court. That brings to an end the hearing of the experts called by Bosnia and Herzegovina. The Court meets on Wednesday 22 March 2006 at 10 a.m. to begin the hearing of witnesses and witness-experts called by Serbia and Montenegro. The Court now rises.

*The Court rose at 5.50 p.m.*

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