

*Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of  
Genocide*

*(Bosnia and Herzegovina v. Serbia and Montenegro)*

**Documents submitted by Bosnia and Herzegovina**

**16 January 2006**

1.	Extract from the diary of Nikola Tosovic
2.	03-09-1991 Transcript of meeting between Radovan Bozovic, Stanko Cvijan and the Minister for Information of the Government of Serbia.
3.	Transcript of intercepted conversation between KARADZIC Radovan and STANISIC Jovica, 29/11/91
4.	Transcript of intercepted conversation between KARADZIC Radovan and STANISIC Jovica, 12/11/91
5.	Cover letter to chief of cabinet of President of FRY, 28/08/95
6.	Report to President of FRY on training of volunteers of VJ (Yugoslav Army) Special units corps by VJ from General Perisic
7.	Information on regulating of status of active military officers of the VJ engaged in the Army of Republika Srpska (VRS)
8.	Decision on the claim of Radenko Jovicic (VRS) for transfers made by order of the General Staff of the VJ 31/03/95
9.	List of 13 professional VRS Drina Corps military personnel who wish to submit requests for apartments in garrisons on territory of FRY
10.	Regular combat report of 5th engineering battalion to the Command of the VRS Drina Corps reporting that 1000 - 1500 enemy civilians and soldiers were arrested and killed, 14/07/94
11.	Report to General Staff (GS) of the VRS and 1st Krajina corps on combat activities of VRS Drina corps Bratunac Brigade 19/12/92 including reference to the presence of Valjevo (VJ) Chiefs at the Brigade command
12.	Certificate that Lieutenant Colonel Jovicic was serving as a member of the VJ from 06/04/92 to the present in the VRS (08/04/96)
13.	VRS Drina Corps Report to the GS VRS on the results of its review of received ammunition from FRY during period from 01/11/93 to 31/12/93 and reporting to the GS VRS
14.	Drina Corps VRS passing on the Order of the GS VRS regarding the way in which material support from FRY is to be obtained 10/03/93
15.	DERONJIC Miroslav requests information from KARADZIC Radovan through the VRS Drina Corps as to whether General MLADIC has sent a fax to the GS VJ for the delivery of 1,222 grenades, 26/12/92
16.	Command of VJ Uzice Corps coordinates its combat activities in Eastern Bosnia during January 1993 with VRS Drina Corps units engaged in Operational Group Drina 25/01/93
17.	VRS Drina corps command exchange of information with VJ Uzice corps command and Operation Group Drina, through VJ 1st Army Operational centre 26/01/93
18.	VJ Uzice corps command informs GS VRS and VRS Drina corps about future engagement of Uzice corps in joint operation 29/01/93
19.	GS VJ orders Uzice corps command to coordinate its combat activities with VRS Drina Corps, other units of VJ and to continue with its offensive activities on territory of East Bosnia in January 1993, 27/01/93
20.	Operational Group Drina 1993 - Uzice Corps exchange of information with Drina Corps via VJ 1st Army Operational Center 26/01/93
21.	VRS Drina corps command informs command of GS VRS on military reserves of VRS that are placed in territory of FRY re Operative Group Drina, 24/01/93
22.	VRS Drina corp list of received ammunition and mine - explosive means from FRY in a period from 1st January to 30 <sup>th</sup> September 1993.
23.	List of received ammunition in 1994 from FRY VRS Rear bases, and companies from Republika Srpska (RS)

24	Order of MILOSEVIC Slobodan, through General PERISIC of the GS VJ to MARTIC Milan and CELEKETIC Milan to allow transit of UNPROFOR s humanitarian aid in western Bosnia 7/12/94
25	VRS Drina corp instructions to the Command Zvornik brigade for getting ammunition in FRY, 04/02/93
26	VRS Drina corp Order to Independent battalion Skelani to issue ammunition for needs of Drina Corps 15/02/93
27	VRS Drina corp authorization for taking over of certain goods in FRY in accordance with decision of technical administration of GS VJ 07/02/93
28	VRS Drina corp request for approval of GS VRS for taking over of ammunition by VRS Bratunac brigade from Operative Group Drina, 16/02/93
29	Report to Commander of VRS Drina Corps on situation/problems in Fakovici Battalion 06/05/93
30	Command of VJ Operational group Drina forwards order of VJ 1st army to VRS Istocno - Bosanski corps, VRS Drina corps, RS Minsitry of Interior (MUP) and Republic of Serbia MUP to meet in VJ military barracks in Sabac (FRY), 26/02/94
31	GS VRS Information on staying of VJ professional military officers that were temporarily deployed in VRS, 29/01/96
32	VRS Drina Corp Information from GS VRS order on measures to be taken against professional military personnel that deliberately leave VRS units and return to VJ without an order to return from the VJ, 12/02/94
33	VRS military post 7581 Sokolac: Certificate to member of armed forces of Yugoslavia on participation in combat activities on territory of R BiH during 1992 13/10/94
34	Report of command of 5th Partisan light infantry brigade Vardiste to Command of VRS Drina corps about activities on establishing of brigade and cooperation with MUP of the Republic of Serbia and other organs of the Republic of Serbia, 26/11/92
35	Explanation of GS VRS to its subordinated corps about supplying of VRS vehicles with fuel on territory of FRY 18/11/92
36	Pursuant to a VJ Instruction, the GS VRS issues an order that all requests of VRS units will be sent to the Supreme Headquarters of the VRS, who will resolve them or forward them on to the VJ Supreme Headquarters, 17/03/93
37	GS VRS Logistics sector orders VRS Drina corps command sign a contract with ammunition factory FRY on exchanging empty artillery and bullet containers for ammunition, 1/06/93
38	GS VJ sends a notice to VRS Colonel JOVICIC Radenko on increase of salary related to his rank, 11/12/95
39	Order of Head of GS VJ on termination of professional military service for VRS Drina corps Colonel, 18/11/94
40	Command of Corps of special units of VJ gives its consent to GS VJ - Personnel administration for sending its two professional senior sergeants on temporary service within VRS, 02/03/94
41	Commander of VRS Drina corps 1st Bircanska infantry brigade gives order on appointing substitute from VJ at position of Head of headquarters of VRS 1st Bircanska infantry brigade, 03/09/95
42	Decision on establishing of length of pension service for VRS Drina Corps officers who were also officers of VJ
43	VRS VP 7111 Han Pijesak requests computing centre in Belgrade to change salary address for some of professional military and civilian personnel deployed in the VRS, 31/08/94
44	Documents related to Radislav Krstic, VJ/VRS Drina Corps
45	Documents relating to Vinko Pandurevic, VJ/VRS Drina Corps
46	FRY Gazette on promotions 28/03/94; FRY Gazette on promotions 10/02/94; FRY Gazette on promotions 22/10/92
47	Orders on Promotions of 30 <sup>th</sup> Centre Personnel by General Perisic as Chief of the VJ 14/01/94
48	Promotions of 30 <sup>th</sup> Personnel Centre 31/12/95; 19/04/95; 16/06/95
49	Reassignment to the 30 <sup>th</sup> Personnel Centre of VJ Personnel 29/08/95
50	VRS Drina Corps document on the VJ verifying ranks 15/05/95
51	Documents related to Milenko Zivanovic VJ/VRS Drina Corps including Certificate that Zivanovic promoted by President of FRY 30/03/1995

52	Operational Diary "PAUK" excerpts
53	Command ordering VRS Army personnel to wear civilian clothes when going to FRY 06/07/1993
54	Statement by Colonel Blagojevic showing he belongs to the military post Prokuplje, Serbia and is serving in Bratunac, Bosnia and Herzegovina 14/07/1995
55	List of VRS soldiers scheduled for troop transportation, many returning to Serbia March 1996
56	Decision and certificate on compensation for loss of eye for Ilic Svetozar (VJ) serving in Bosnia 28/03/1996
57	Requests of soldiers serving in the VRS Drina Corps for issue of double length of service in combat areas to be resolved. VJ, Belgrade Military Post 3001 is to make a decision 29/12/1995.
58	Certificate confirming that Radomir Furtula from Military Post 3001 Belgrade was carrying out duties in the combat zone since 17/12/1993, issued by VRS Drina Corps Commander Krstic
59	List of soldiers serving in Bratunac Brigade, Drina Corps, VRS whose families live in Belgrade. Sent to Military Post 3001 Belgrade 26/02/1995
60	Order from VJ Military School regarding the transfer of an officer serving in the VRS to a new military record speciality
61	Milenko Petkovic a VJ soldier states that he is taking a temporal transfer to duties in the VRS but will remain in VJ 26/10/1992; Order on his transferral 20/10/1992
62	Order reminding VRS that the VJ has to verify ranks for promotions 01/06/1995
63	Certificate of 20/01/95 regarding the transfer of a VJ soldier to the Military Post 3001 Belgrade, who served in the VRS, Drina Corps, Zvornik Brigade combat zone
64	Decision on Compensation for Fortula for service under aggravating conditions 29/01/95
65	Decision on Compensation for Blagojevic for service under aggravating conditions 14/02/94
66	Decision on Compensation for Javicki for service under aggravating conditions 14/02/94
67	Decision on Compensation for Pelemis for service under aggravating conditions 20/04/94
68	VRS Drina Corps passes on order for the GS VRS that all units report on quantity and source of fuel reserves from all sources including the VJ and RSK 14/11/1993
69	Order and Information of Chief of the Center of Military Schools of the VJ regarding Krsmanovic 30/03/95 & 03/04/95
70	Payment of medical services for the medical treatment military personnel and their families on the basis that they are insurance beneficiaries of the VJ, 20/02/94
71	6 Questionnaires for active military personnel in serving at the Milica Vlasenica Brigade of the VRS Drina Corps
72	Order from Mladic about centralising of requests to VJ through Main Staff of VRS 24/10/1993 [draft translation]
73	Decision on Compensation for 125 military personnel for service under aggravating conditions 07/12/93; Decision on compensation for 125 military personnel for service under aggravating conditions 14/02/94
74	2 Certificates that Lieutenant Colonel Vlacic was serving as a member of the VJ and stationed in Sekovici (Bosnia and Herzegovina) from 20/05/92 – 31/01/096 dated 17/03/96 & 18/03/96
75	Request from Drina Corp Command from Zivanovic to Military Post Belgrade 12/07/94
76	Supplement to Srebrenica Report, 30/09/05

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the Prevention and Punishment of the Crime of Genocide  
(Bosnia and Herzegovina v. Serbia and Montenegro)*

**List of video materials submitted to the Court by Bosnia and Herzegovina  
16 January 2006**

No.	Description
1	Documentary: British Broadcasting Corporation (BBC), "The Death of Yugoslavia", parts 1 and 2
2	Documentary: BBC, "The Death of Yugoslavia", parts 3 and 4
3	Documentary: BBC, "The Death of Yugoslavia", part 5
4	Documentary: IKON, The Netherlands television, in collaboration with <i>NRC Handelsblad</i> and Channel 4 (United Kingdom): Srebrenica, July 1996 (Dutch)
5	Documentary: Bowery Productions, "Calling the Ghosts", by Mandy Jacobson
6	News broadcast: Cable News Network (CNN), "CNN World View", by Christiane Amanpour, 3 June 1997
7	Professional and amateur footage of the destruction of the National Library in Sarajevo
8	Current affairs broadcast: VPRO (The Netherlands, television), "Lopende Zaken", 23 June 1996
9	Raw news footage: ICTY Office of the Prosecutor, Exhibit 48 A in the Kovacevic case, 15 July 1998
10	Documentary: Warsfilm/SaGa group, "Voices from Sarajevo – three artists in a besieged capital", by Maria Fuglevaag Warsinski
11	Documentary: "Those Who Killed The Light", by Maria Fuglevaag Warsinski
12	News broadcast: ABC News, "War Criminals – Arkan", 31 March 1999, by Diane Sawyer
13	News broadcast: CNN, Interview with Zejno Raznatovic ("Arkan"), by Brent Sadler
14	Documentary: Antelope Productions, "A Cry From the Grave", by Leslie Woodhead
15	Bedrudin Gusic, Documentary on the Destruction of Mosques in Banja Luka, Bosnia, 1993-1994, edited version
16	Bedrudin Gusic, Raw footage on the destruction of Mosques in Banja Luka, 1993, 1994
17	Documentary: South East News Service Europe, "Triumph of Evil"
18	Documentary: South East News Service Europe, "Begunci – The Fugitives"
19	Amateur footage by a member of the Serbian paramilitary unit "Škorpioni"
20	Documentary: "Le viol en Bosnie - Viol, arme de guerre" – Sabina Subusic
21	Film: Miss Sarajevo, by Bill Carter, 1995

# INTERNATIONAL COURT OF JUSTICE

## **Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)**

### **List of public documents**

that will be referred to by Serbia and Montenegro at the oral proceedings

#### International Criminal Tribunal for the former Yugoslavia

1. Statute, <http://www.un.org/icty/legaldoc-e/index.htm>
2. Judgement of the Trial Chamber in the case Prosecutor v. Milomir Stakic (IT-97-24-T) July 31st 2003 ;  
<http://www.un.org/icty/stakic/trialc/judgement/index.htm>
3. Judgement of the Trial Chamber in the case Prosecutor v. Radislav Brdjanin (IT-99-36-T) September 1<sup>st</sup> 2004 ;  
<http://www.un.org/icty/brdjanin/trialc/judgement/index.htm>
4. Judgement of the Trial Chamber in the case Prosecutor v. Goran Jelusic (IT-95-10-T) December 14<sup>th</sup> 1999 ;  
<http://www.un.org/icty/jelusic/trialc1/judgement/index.htm>
5. Judgement of the Appeals Chamber in the case Prosecutor v. Goran Jelusic (IT-95-10-A), July 5th 2001;  
<http://www.un.org/icty/jelusic/appeal/judgement/index.htm>
6. Judgement of the Trial Chamber in the case Prosecutor v. Vidoje Blagojevic and Dragan Jokic (IT-97-24-T), January 17<sup>th</sup> 2005;  
<http://www.un.org/icty/blagojevic/trialc/judgement/index.htm>
7. Judgement of the Trial Chamber in the case Prosecutor v. Milorad Krnojelac (IT-97-25-T) March 15<sup>th</sup> 2002;  
<http://www.un.org/icty/krnojelac/trialc2/judgement/index.htm>
8. Judgement of the Appeals Chamber in the case Prosecutor v. Milorad Krnojelac (IT-97-25-A), September 17<sup>th</sup> 2003;  
<http://www.un.org/icty/krnojelac/appeal/judgement/index.htm>

9. Judgement of the Trial Chamber in the case Prosecutor v. Kunarac et al. (IT-97-23-T) February 22nd 2001 ;  
<http://www.un.org/icty/kunarac/trialc2/judgement/index.htm>
10. Judgement of the Appeals Chamber in the case Prosecutor v. Kunarac et al. (IT-97-23-A), June 12<sup>th</sup> 2002;  
<http://www.un.org/icty/kunarac/appeal/judgement/index.htm>
11. Judgement of the Trial Chamber in the case Prosecutor v. Radislav Krstic (IT-98-33-T), August 2nd 2001;  
<http://www.un.org/icty/krstic/TrialC1/judgement/index.htm>
12. Judgement of the Appeals Chamber in the case Prosecutor v. Radislav Krstic (IT-98-33-A), April 19th 2004;  
<http://www.un.org/icty/krstic/Appeal/judgement/index.htm>
13. Judgement of the Appeals Chamber on Defence Motions to Acquit in the case Prosecutor v. Sikirica et al.(IT-95-8-T), September 3rd 2001;
14. <http://www.un.org/icty/sikirica/judgement/index.htm>
15. Judgement of the Trial Chamber in the case Prosecutor v. Mitar Vasiljevic (IT-98-32), November 29<sup>th</sup> 2002;  
<http://www.un.org/icty/vasiljevic/trialc/judgement/vas021129.pdf>
16. Amended Indictment in the case Prosecutor v. Slobodan Milosevic, (IT-02-54) (Bosnia and Herzegovina), April 21st 2004;  
<http://www.un.org/icty/indictment/english/mil-ai040421-e.htm>
17. Fourth Amended Indictment in the case Prosecutor v. Milomir Stakic (IT-97-24), April 10<sup>th</sup> 2002; <http://www.un.org/icty/indictment/english/sta-4ai020410e.htm>
18. Initial Indictment in the case Prosecutor v. Zdravko Tolimir, Radivoje Miletic and Milan Gvero (IT- 04-80-I), February 10<sup>th</sup> 2005;  
<http://www.un.org/icty/indictment/english/tol-ii050210e.htm>
19. Transcripts in the case Prosecutor v. Slobodan Milosevic (IT-02-54), September 11th 2003, pages 26447-26448, 26452-26453; October 29<sup>th</sup> 2003, page 28255; November 03th 2003, pages 28467-28469.
20. Transcripts in the case Prosecutor v. Brdjanin and Talic (IT-99-36-T), February 26<sup>th</sup> 2002, pages 2270 – 2271; June 5<sup>th</sup> 2002, pages 6714 – 6715.
21. Transcripts in the case Prosecutor v. Radislav Krstic (IT-98-33), pages 8796-8829.
22. Written Statement by Lord David Owen given to the International Criminal Tribunal for the former Yugoslavia from September 2003.

23. Office of the ICTY Prosecutor, Database of the UN Commission of Experts, page 56516: USA Department of State, Declassified Document No. 94-60, para. 4.

24. ICTY Expert Report of Mr. Robert Donia – Analysis of Stenograms from the Sessions of the Assembly of Republika Srpska.

#### International Criminal Tribunal for Rwanda

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2. Judgement of the Trial Chamber in the case Prosecutor v. Kambanda (ICTR-97-23-S) September 4<sup>th</sup> 1998; <http://65.18.216.88/default.htm>
3. Judgement of the Trial Chamber in the case Prosecutor v. Kayishema and Ruzindana (ICTR-95-1-T) May 21st 1999; <http://65.18.216.88/default.htm>
4. Judgement of the Trial Chamber in the case Prosecutor v. Rutaganda (ICTR-96-3) December 6<sup>th</sup> 1999; <http://65.18.216.88/default.htm>
5. Judgement of the Trial Chamber in the case Prosecutor v. Akayesu (ICTR-95-4-T) September 2nd 1998; <http://65.18.216.88/default.htm>
6. Judgement of the Trial Chamber in the case Prosecutor v. Musema, (ICTR-96-13-T) January 27<sup>th</sup> 2000; <http://65.18.216.88/default.htm>

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1. Rome Statute; <http://www.un.org/law/icc/statute/romefra.htm>
2. Elements of Crimes. ICC-ASP/1/3; [http://www.iccnw.org/documents/iccbasics/ElementsOfCrimes\\_eng.pdf](http://www.iccnw.org/documents/iccbasics/ElementsOfCrimes_eng.pdf)

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1. Bavarian Court of Appeal, case Novislav Djajic, Judgement No. 3 St 20/96 of 23 May 1997, section VI, p. 24.
2. Constitutional Court of Germany, case Nikola Jorgic, Judgement No. 2BvR 1290/99 of 12 December 2000, par. 23.
3. District Court in Belgrade, Prosecutor v. Branko Grujic, Branko Popovic, Duško Vučković, Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević,

Indictment, 12 August 2005.

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## UN Resolutions

### Security Council Resolutions

1. Resolution n° 935 (1994) July 1st 1994;
2. Resolution n° 955 (1994) November 8<sup>th</sup> 1994;
3. Resolution n° 808 (1993) February 22nd 1993;
4. Resolution n° 827 (1993) May 25<sup>th</sup> 1993.

### General Assembly Resolutions

1. Resolution n° A/RES/47/121 adopted on 18 December 1992;
2. Resolution n° A/RES/47/147 adopted on 18 December 1992;
3. Resolution n° A/RES/48/143 adopted on 20 December 1993;
4. Resolution n° A/RES/48/153 adopted on 20 December 1993;
5. Resolution n° A/RES/49/205 adopted on 23 December 1994
6. Resolution n° A/RES/37/123 adopted on 16 December 1982.

## Other UN Documents

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3. Draft Code of Crimes Against the Peace and Security of Mankind, art. 2(3)(b); Report of the International Law Commission to the General Assembly, 51 U. N. GAOR Supp. (No. 10), at 26, U.N. Doc. A/51/10(1996).
4. Whitaker Report. UN Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, 38<sup>th</sup> session, Item 4, E/CN.4/Sub.2/1985/6, July 2<sup>nd</sup> 1985.
5. Report of the UN Secretary-General pursuant to paragraph 2 of Security Council Resolution 808 (1993), S/25704, 3 May 1993; [www.un.org/icty/basic/statut/S25704](http://www.un.org/icty/basic/statut/S25704)
6. United Nations, Final Report of the Commission of Experts, S/1994/674, 28 Dec. 1994, <http://www.ess.uwe.ac.uk/comexpert.htm>



7. Letter dated 18 April 1993 from the Permanent Representative of Austria to the United Nations addressed to the Secretary General, S/25613, 19 April 1993, pages 3, 9 and 10.
8. Report submitted by Mr. Manfred Nowak, expert member of the Working Group on Enforced or Involuntary Disappearances, to the UN Commission on Human Rights, at 51. session (Item 10 c. and 12) dated 12 January 1995, E/CN.4/1995/37, para. 41.
9. Report submitted by Mr. Manfred Nowak, expert member of the Working Group on Enforced or Involuntary Disappearances, to the UN Commission on Human Rights, at 52. session (Item 8c) dated 4 March 1996, E/CN.4/1996/36, para. 52.
10. UNHCR, Estimation of Refugees and Displaced Persons still seeking Solutions in South-Eastern Europe, dated 30 April 2005.

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4. Constitution of the Socialist Federative Republic of Yugoslavia , 1974, art. 3.
5. Nehemia Robinson, *The Genocide Convention*, New York, 1949, 1960; Peace Palace Library.
6. Genocide Convention, Report of the Committee on Foreign Relations, U.S. Senate, July 18th 1981.
7. William A. Schabas, “*Was genocide committed in Bosnia and Herzegovina? First Judgements of the International Criminal Tribunal for the Former Yugoslavia*”, Fordham International Law Journal, p. 23, 42 ET 43 (November 2001), Peace Palace Library.

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10. Badinter's Commission, Report of 11 January 1992.
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15. Woodward L. Susan; *Balkan Tragedy*; The Brookings Institution; Washington D.C.; 1995, Peace Palace Library.
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18. Lewis Mackenzie; *The Road to Sarajevo*; Douglas & McIntyre; Vancouver/Toronto; 1993., Library of the Netherlands Institute for War Documentation, Amsterdam.
19. USA Central Intelligence Agency; *Balkan Battlegrounds: A Military History of the Yugoslav Conflict, 1990 – 1995*, Volume I-II, Washington D.C. 2002.
20. General Sir Michael Rose; *Fighting for Peace*; The Harvill Press; London; 1998., Peace Palace Library.
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22. *Minority Returns from 01 Jan. 1996 to 30 Sep. 2005 in Bosnia and Herzegovina*; UNHCR; Municipal Authorities; OHR Brcko District; DPs Associations and NGOs; September 2005.
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30. Lord David Owen; *Balkan Odyssey*; 1995; Peace Palace Library
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37. Transcripts of the 31<sup>st</sup> meeting of the National Assembly of the Republic of Srpska held on 9 May 1993.
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39. Lazar Lalic, *Year First; Year Second; Year Third; Vukovar* - video-materials.

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2. Order concerning the Implementation of the Decision of the Presidency of the Republic of Bosnia and Herzegovina No. 02-11-327/92; Ministry of Internal Affairs (MUP) of the Republic of Bosnia and Herzegovina; 29 April 1992
3. Military-Political Situation in the River Drina Valley – Information; Command of the 1st Military District; 12 May 1992
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