

Cover image:

A team from the Missing Persons Institute of Bosnia-Herzegovina carries out an exhumation of a mass grave holding over 70 bodies near Zvornik in the summer of 2000. Zvornik was one of the first towns to fall to the Serbs at the beginning of the war in 1992, and these bodies are from a group of 750 Muslim men who disappeared at that time. Copyright Paul Lowe VII Photo.

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Serbian Paramilitaries in the Breakup of Yugoslavia

Servische paramilitairen tijdens het uiteenvallen van Joegoslavië
(met een samenvatting in het Nederlands)

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Acronyms and Abbreviations

DB (Državna bezbednost)	State Security
Also: SDB (Služba državne bezbednosti)	State Security Service
RDB (Resor državne bezbednosti)	State Security Division
ICTY (International Criminal Tribunal for the former Yugoslavia)	
JSO (Jedinica za specijalne operacije)	Special Operations Unit
JNA (Jugoslavenska narodna armija)	Yugoslav People's Army
VJ (Vojska Jugoslavije)	Yugoslav Army
JUL (Jugoslavenska udružena leвица)	Yugoslav United Left
KOS (Kontraobveštajna služba)	Counterintelligence Service
MICT (Residual Mechanism for Criminal Tribunals)	
MUP (Ministarstvo unutrašnjih poslova)	Ministry of Internal Affairs
OB (Organ bezbednosti)	Security Organ
RS (Republika Srpska)	Republic of Srpska
RSK (Republika Srpska Krajina)	Republic of Serbian Krajina
SANU (Srpska akademija nauka i umetnosti)	Serbian academy of science and arts
SAO (Srpska autonomna oblast)	Serbian Autonomous District
ŠČP (Srpski četnički pokret)	Serbian Chetnik Movement
SDS (Srpska demokratska stranka)	Serbian Democratic Party
SRS (Srpska radikalna stranka)	Serbian Radical Party
SNO (Srpska narodna obnova)	Serbian National Renewal
SPO (Srpski pokret obnove)	Serbian Renewal Movement
SDG (Srpska dobrovoljačka garda)	Serbian Volunteer Guard
SFRY (Socijalistička Federativna Republika Jugoslavija)	Socialist Federative Republic of Yugoslavia
FRY (Federativna Republika Jugoslavija)	Federative Republic of Yugoslavia
TO (Teritorijalna obrana)	Territorial Defense
VRS (Vojska Republike Srpske)	Army of the Republic of Srpska
SVK (Srpska Vojska Krajine)	Army of the Republic of Serbian Krajina

Introduction

Serb(ian) paramilitary units were a prominent feature of the wars in Croatia, Bosnia and Herzegovina (BiH), and Kosovo, between 1991 and 1999.¹ The Red Berets, the Serbian Volunteer Guard also known as Arkan's Tigers, the Scorpions, the so-called Chetniks, and many others deployed to disputed areas throughout the former Yugoslavia, committing mass violence.² Attacks on civilians, killing, beating, torture, rape and pillage were widespread.³ To date there has been no comprehensive scholarly account about these units and the violence in which they engaged. The crucial questions of how and why these units came to be, and what kinds of violence they perpetrated remain unanswered. The empirical puzzle this research attempts to resolve is thus the prominent role and elusive function of paramilitaries on the "Serb(ian) side". In an effort to resolve that puzzle, the study examines select paramilitaries tied to Slobodan Milošević's regime and state institutions in Serbia in the 1990s.⁴ It takes units as the point of departure, and analyzes the circumstances of their emergence, their nature, functioning, transformation, and the violence they enacted. Furthermore, the study investigates the impact of paramilitaries, even after the fall of Milošević, on the state and society for which they purportedly fought. It looks at processes and actors fueling paramilitary engagement, the role of government institutions and individuals, in particular those in leadership positions.

The dissertation contributes to three distinct but related areas of academic inquiry. It offers the first comprehensive analysis to the historiography on the wars of the 1990s focused on Serb(ian) paramilitaries, important actors in the war, which caused thousands of deaths and much civilian suffering. Secondly, it contributes to scholarship on irregular armed forces, providing answers to questions about the characteristics of important units in the Yugoslav context, deepening our understanding and supporting future comparative studies. Thirdly, the dissertation investigates paramilitary violence and the ways in which these units perpetrated it, looking for identifiable patterns. That aspect of the dissertation contributes to research on violence in armed conflict, bringing much needed nuanced understanding about what exactly these units did, whom they targeted and how.

All warring parties experienced some form of paramilitary engagement, and contemporary reports stressed the "widespread use of paramilitary organizations" within Croatia and

¹ "Serbian" refers to units from Serbia or affiliated primarily with institutions in Serbia, while "Serb" refers to units affiliated primarily with auxiliaries, the emerging Republika Srpska Krajina, and Republika Srpska. "Serb(ian)" thus covers both.

² Tadeusz Mazowiecki, *Izzyještaji 1992 – 1995* (Tuzla: Univerzitet u Tuzli, 2007). This publication is in Bosnian / Croatian / Serbian (BCS). With awareness of the politicized nature of disputes about the main language(s) spoken in the former Yugoslavia, and what to call them, this dissertation uses the term as utilized by the International Criminal Tribunal for the former Yugoslavia (ICTY).

³ Cherif Bassiouni, "Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780" (United Nations Security Council, New York, 1994), 31.

⁴ The term "regime" is used as defined in Robert Hislope and Anthony Mughan in *Introduction to Comparative Politics: The State and its Challenges* (Cambridge: Cambridge University Press, 2012), 39-40. Therefore, it is distinct from how it is used in popular discourse.

Bosnia.⁵ The widely quoted figure of eighty-three paramilitary groups operating in the former Yugoslavia in the early days of the war included fifty-six on the “Serbian side”, thirteen on the “Croatian side” and fourteen supporting the Bosnian government. Early in the war, the Serb(ian) units have been estimated to include between twenty and forty thousand men.⁶ While there have been studies of irregular armed forces in the former Yugoslavia⁷, none of them focused exclusively on the Serb(ian) units and the violence they committed, even though they outnumbered others and engaged in a wider geographical territory for a longer period of time.⁸ Importantly, no studies explore sufficiently the vast archives collected during the twenty-four years of trials at the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. That rich material is the basis of this dissertation, investigating some of the most prominent and notorious units: the Red Berets, Serbian Volunteer Guard (Srpska dobrovoljačka garda, SDG), the Scorpions, the various Chetnik units, the Yellow wasps and Avengers⁹.

Serb(ian) paramilitaries have been involved in some of the most brutal attacks on civilians.¹⁰ Serbia has witnessed a high number of assassinations targeting opponents of the regime, in which former paramilitary members were important organizers and participants. Prime Minister Zoran Đinđić was assassinated in March 2003 by members of an elite paramilitary unit, in cooperation with their associates from a notorious drug cartel. High-ranking officials such as government ministers, police and military commanders, as well as former paramilitary leaders, and journalists, were gunned down to an extent unseen in other former Yugoslav republics, thus making Serbia a particularly remarkable case to study state security, paramilitary groups, the violence they engaged in, and how they intertwined with organized crime networks.¹¹ This breadth and depth of paramilitary engagement left marks on the state and society which are worth studying in order to better understand contemporary Serbia.

This work is a historical inquiry and a multi-perspective analysis of paramilitary engagement and violence, based largely but not exclusively on court records from The Hague and the

⁵ Cherif Bassiouni, “Final Report of the Commission of Experts,” Annex IIIA: Special Forces.

⁶ Cherif Bassiouni, “Final Report”, Annex IIIA, 11. Later assessments put the number at around 10,000, but precise numbers do not exist. One of the reasons, apart from lacking precise records, is in who is being counted as “paramilitary”. See more: Lea David, “Fragmentation as a Silencing Strategy: Serbian War Veterans against the State of Serbia,” *Contemporary Southeastern Europe* 2, no. 1 (2015): 55-73, 61.

⁷ Kate Ferguson investigated irregular forces in Yugoslavia between 1992 and 1995: “An Investigation into the irregular military dynamics in Yugoslavia, 1992-1995” (PhD dissertation, University of East Anglia, 2015). See also: Maria Vivod, *The Master and Its Servants: The Entangled Web Between the Serbian Secret Service, Organized Crime and Paramilitary Units in Yugoslav Conflict* (New York: Nova publishers, 2015).

⁸ Miloš Vasić and Filip Švarn, “Paramilitary formations in Serbia: 1990-2000” in *In the triangle of the State Power* (Belgrade: Helsinki Committee for Human Rights in Serbia, 2001), 39-52.

⁹ This unit, the Milan Lukić-led group active in Višegrad is often also referred to by witnesses and survivors as “the White Eagles”. In sources, especially early on, it is sometimes also referred to as the “Obrenovac group”. See:

Dejan Anastasijević, “Svirepost i tišina,” *Vreme*, July 23, 2009, accessed May 31, 2019, <https://www.vreme.com/cms/view.php?id=877761>. Milan Lukić was a reserve member of the Bosnian Serb Ministry of Internal Affairs. See: ICTY *Lukić*, Prosecution Final Brief, 141, and Defense Final Brief, 21.

¹⁰ Edina Bećirević, *Genocide on the Drina River* (New Haven: Yale University Press, 2009).

¹¹ Lenard Cohen, “Political Violence and Organized Crime in Serbia: The Impact on Democratization” in *Democratic Development and Political Terrorism* (Boston: Northeastern University Press, 2005), 396-419.

former Yugoslavia. More precisely, the dissertation investigates formal and informal ties between paramilitaries and institutions in Belgrade such as the Serbian Ministry of Internal Affairs (Ministarstvo unutrašnjih poslova, MUP) and its State Security Service (Služba državne bezbednosti, SDB) and Public Security Service (Služba javne bezbednosti, SJB)¹², and analyzes relationships between paramilitary leaders and political elites. The study encompasses the period from the late 1980s, when Milošević came to power and forged alliances that created and sustained the units, until 2003, when members of elite paramilitary forces assassinated the reformist leader, Đinđić.

This research encompasses both Serbia proper, and Belgrade-supported, self-proclaimed para-states, i.e. Serb-controlled entities, with their seats in Knin and Pale,¹³ respectively, forming part of the same broader political project.¹⁴ Leaders and institutions in the two emerging entities, Republika Srpska Krajina (RSK), Republika Srpska (RS), and Serbia proper interacted with one other, and with paramilitary groups, in an effort to alter borders and unite Serbs in one state.¹⁵ As Croatia, and Bosnia and Herzegovina gradually cut ties to Belgrade, the Serb leadership built networks and structures and unleashed violence to secure territories they considered their own. Paramilitary groups were a vital tool in that violent campaign.¹⁶ That is why it is necessary to understand the actors and processes that created them. Importantly, however, due to the vastness of paramilitary engagement throughout the decade across the disputed territories, the primary focus are those units with closer ties and substantial relationships with the regime of Slobodan Milošević, and not the myriad groups acting locally which fostered relationships with regional and municipal authorities of local Serbs in Croatia and Bosnia.

What is a paramilitary unit?

As Yugoslavia was collapsing and new states and entities formed, armed forces of the warring parties faced questions of legitimacy and legality. Their legal status was not static. The troops that became regular forces of independent Croatia and Bosnia and Herzegovina began as paramilitaries—irregular units in not-yet-internationally-recognized states.¹⁷ The one force that was not irregular was the Yugoslav People's Army (Jugoslavenska narodna armija, JNA),

¹² From 1992 onwards the SDB becomes RDB, Resor državne bezbednosti, and SJB becomes RJB, Resor javne bezbednosti. See MICT *Prosecutor v. Stanisić and Simatović*, The State Security Service of the Republic of Serbia and Its Interaction with Ministries of Internal Affairs in Serb-Controlled Entities 1990-1995 (Nielsen expert report), 8. For brevity, in this dissertation, it will be referred to as SDB or, simply, DB.

¹³ For the purposes of this research, “para-state” is defined as a territory within a formally recognized state, with leadership and institutions, aspiring to international recognition and acknowledged legitimacy, which has failed to obtain that recognition. More on para-states, see: P.H. Liotta. *Dismembering the State: The Death of Yugoslavia and Why it Matters* (New York: Lexington books, 2001).

¹⁴ James Gow, *The Serbian Project and its Adversaries: A Strategy of War Crimes* (London: C. Hurst & Co., 2003).

¹⁵ Alastair Finlan, *The Collapse of Yugoslavia 1991-1999* (Oxford: Osprey Publishing, 2004).

¹⁶ Jasminka Udovički and James Ridgeway (eds.), *Burn this House: The Making and Unmaking of Yugoslavia* (Durham: Duke University Press, 2000).

¹⁷ Schlichte, “Na krilima patriotizma”, 316.

the official armed force of the Socialist Federal Republic of Yugoslavia (SFRY).¹⁸ After its transformation into the Yugoslav Army (Vojska Jugoslavije, VJ) in the spring of 1992, the armed forces of the Federal Republic of Yugoslavia continued being regular. For the purposes of this dissertation, the Serb-dominated armed forces in the Krajina in Croatia (Srpska Vojska Krajine, SVK), and the Bosnian Serb Army in Bosnia (Vojska Republike Srpske, VRS) will not be considered paramilitaries. Both resembled a regular military, and largely adopted the legal frameworks and practices of the JNA. The emerging armies, SVK and VRS, were also commanded and staffed by many former JNA officers. Separating the units this dissertation analyzes, while recognizing that sometimes they worked with, were subordinated to, or imitated regular forces, provides a better opportunity for understanding what paramilitaries were like, what they did and how they changed.

The first step is to understand the prefix “para”, defined as “beyond or distinct from, but analogous to”¹⁹, originating from Greek where *para* means “beside”, “irregular”, denoting alteration or modification.²⁰ Paramilitaries are thus distinct from, but analogous to militaries. For Gow, the military represents “those bodies that are responsible for the management of restrained, coercive violence to achieve a political end”.²¹ The crucial distinction between military and paramilitary is in the application of violence—military violence, when it acts with respect to law and rules of engagement, is always restrained. The U.S. Department of Defense defines paramilitaries as “armed forces or groups distinct from the conventional armed forces of any country, but resembling them in organization, equipment, training, or mission”.²² The broader research project this dissertation is part of defines a paramilitary as “a semi-militarized force whose organizational structure, tactics, training, subculture and (often) function are similar to those of a professional military, but which is not included as part of a state’s formal armed forces”.²³

Another broad definition comes from Scobell and Hammit:

A paramilitary force is a uniformed group, usually armed, neither purely military nor police-like in format or function but often possessing significant characteristics of both. It may serve as an agent or as an adversary of the state; it may or may not perform internal security functions and it may or may not have a wartime role as an adjunct to the regular armed forces.²⁴

¹⁸ The JNA was commanded by the joint Presidency of the Socialist Federative Republic of Yugoslavia. The Secretary of People’s Defense (defense minister) between 1989 and 1992 was general Veljko Kadijević, while the Chief of the General Staff between 1989 until 1992 was colonel general Blagoje Adžić.

¹⁹ “Para,” Oxford English Dictionary, accessed April 5, 2019, <https://en.oxforddictionaries.com/definition/para->.

²⁰ “Para,” Dictionary.com, accessed April 5, 2019, <https://www.dictionary.com/browse/para->.

²¹ James Gow, *Legitimacy and the military: The Yugoslav Crisis* (London: Pinter Publishers, 1992), 9.

²² Department of Defense, *Dictionary of Military and Associated Terms* (Washington D.C: Department of Defense, 2018), 181.

²³ “Paramilitarism,” Paramilitarism.org, accessed April 5, 2019, <https://paramilitarism.org/>.

²⁴ Andrew Scobell and Brad Hammit. “Goons, Gunmen, and Gendarmerie: Toward A Reconceptualization of Paramilitary Formations,” *Journal of Political and Military Sociology* 26, no. 2 (1998): 214-227, 220, 221.

For Böhmelt and Clayton, paramilitaries are organized under the authority of the government to support and replace the regular forces, while pro-government militias are those units that function outside the state apparatus.²⁵ For Jentzsch, Kalyvas and Schubiger, “militias or paramilitaries are armed groups that operate alongside regular security forces or work independently of the state”.²⁶

The narrower definition of a pro-government militia is often used as a synonym to “paramilitary”. As defined by Carey and Mitchell, “pro-government militias (PGMs) are armed groups that have a link to government but exist outside the regular security apparatus and have some level of organization”. There is great variety between the various groups in different contexts and this sparked the use of terms such as “state-sponsored proxy forces”, “death squads”, “vigilantes”, “mercenaries”.²⁷

Mercenaries, according to the Additional Protocol I to the Geneva Conventions, are those who are specifically recruited to fight in an armed conflict and take part in the hostilities, and who are motivated by the desire for private gain and are promised material compensation substantially higher than that of combatants of comparable position belonging to the regular armed forces. Importantly, mercenaries are neither nationals nor residents of a party to the conflict and are not members of the armed forces.²⁸ Mercenaries are thus not connected to the conflict through nationality or residency and are primarily motivated by material gain. For the units analyzed here, while some members may have been exclusively or largely motivated by profit, the Serb(ian) paramilitaries were overwhelmingly made up of men from Serbia and the disputed territories and can therefore not be considered mercenaries.

There are several themes authors discuss when analyzing paramilitaries, such as how they relate to state authorities and the ways in which they differ from militias; unit structures and hierarchies, notions of legality and legitimacy, and degrees of loyalty and autonomy. For one, the army and paramilitary forces can be distinguished based on notions of structure i.e. hierarchy and personalized leadership and the different reasons for joining.²⁹ In communist regimes, the military has a designated political role and it is not understood, as in liberal democratic regimes, to be neutral.³⁰ An important feature of the modern soldier, as opposed to a paramilitary member, is professionalism and detachment from politics.³¹

²⁵ Tobias Böhmelt and Govinda Clayton, “Auxiliary Force Structure: Paramilitary Forces and Progovernment Militias,” *Comparative Political Studies*, 51, no. 2 (2018): 197-237, 198.

²⁶ Corinna Jentzsch, Stathis Kalyvas and Livia Isabella Schubinger, “Militias in Civil Wars,” *Journal of Conflict Resolution* 59, no. 5 (2015): 755-769, 755.

²⁷ Sabine Carey and Neil J. Mitchell, “The Monopoly of Violence and the Puzzling Survival of Pro-Government Militias,” submitted to *Annual Review of Political Science*, 2015, 4.

²⁸ Article 47, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, accessed April, 5 2019, <https://ihl-databases.icrc.org/ihl/WebART/470-750057>.

²⁹ Alvarez, “Militias and Genocide”, 3.

³⁰ Gow, *Legitimacy and the military*, 29.

³¹ Samuel Huntington, *The Soldier and the State* (Cambridge: Harvard University Press, 1957), 7.

Structure and the functions paramilitary units perform are important, according to Janowitz, and “the impact of the paramilitary forces reflects the goals, aspirations, and organizational effectiveness of the elites who manage them”.³² Janowitz distinguishes regular military forces (active duty military forces and reserve forces), paramilitary units (“militarized” police units such as the gendarmerie, local defense units) and local police.³³ Domestic challenges to security are most often handled by the police, and military is a defense against foreign invasion. In liberal democratic states, both are subject to civilian oversight.

As a phenomenon, paramilitarism is dynamic, and actors that create it are complex and diverse.³⁴ The nature and intensity of government cooperation and level of institutionalization varies, as well as the proximity with regular forces in the field, and local authorities.³⁵ There is significant elasticity and fluidity in their status and relationship with the sponsoring regime and therefore loyalty to regime and autonomy from it vary. Command and control apparatuses, structures, strategies and tactics also differ.³⁶ Importantly, units are not always established by state agencies, some are local responses to the perceived security situation, so there are both top-down and bottom-up pressures influencing their emergence.

Notions of legality and legitimacy assist the understanding of armed actors in conflict. Some units are clearly defined by the legal framework while others are not, and groups that fall outside of what the law allows could be termed “paramilitary”.³⁷ A useful conception of legitimacy comes from Beetham, for whom there are three elements to consider. First, legitimate power conforms to established rules, those rules then reflect beliefs shared by dominant and subordinate groups in society, and there is consent of the subordinate members to the power relation.³⁸ Lamb presents a broader, multi-dimensional understanding of legitimacy. For him, legitimacy must possess five features. It must be predictable and transparent in how it is exercised, it must be justifiable, equitable, accessible—so those it affects must have a say in its creation—and respectful.³⁹ For Gow, legitimacy concerns the “why” of power relations. For him, legitimacy relies on convictions, attitudes and feelings.⁴⁰

While these definitions and concepts remain relevant for thinking about and analyzing paramilitaries, for the purposes of this research, it is sufficient to define a paramilitary as a group of individuals that fulfills these five core conditions. They are necessary to determine that a unit is indeed paramilitary. The unit must be:

³² Janowitz, Morris, *Military Institutions and Coercion in the Developing Nations* (Chicago: Chicago University Press, 1997), 7.

³³ Janowitz, *Military Institutions*, 27-29.

³⁴ Eran Zohar, “A New Typology of Contemporary Armed Non-State-Actors: Interpreting the Diversity,” *Studies in Conflict & Terrorism* 39, no. 5. (2016): 423-450, 424, 442.

³⁵ Ariel Ahram, “Pro-Government Militias and the Repertoires of Illicit State Violence,” *Studies in Conflict & Terrorism* 39, no.3 (2016): 207-226, 212.

³⁶ Zohar, “A New Typology”, 424, 442.

³⁷ There can be political expediency in having groups labeled as “paramilitaries” and disagreement persist among researchers about which label to attach to some of the units analyzed in this dissertation.

³⁸ David Beetham, *The Legitimation of Power* (2nd Edition) (New York: Palgrave Macmillan, 2014).

³⁹ Robert Lamb, *Rethinking legitimacy and illegitimacy* (Washington D.C: Center for Strategic and International Studies, 2014).

⁴⁰ Gow, *Legitimacy and the military*, 14-15.

1. Armed,
2. Organized (established leadership and a hierarchical structure),
3. Recognizable (by name or insignia),
4. Political in its ambitions (even if “political” is understood broadly and not declared publicly), and
5. Not a part of regular police or military forces at the time of establishment.

The first element is there to reflect the paramilitary unit’s coercive and at least potentially violent capacity. The second distinguishes it from an *ad hoc* mob, while the third assures that the unit is a bound group. The condition referring to political goal, even broadly defined, separates the units from purely profit-making enterprises. The fifth condition takes the time of establishment of the unit as a cornerstone, because units may become integrated into the regular armed structures at a later point, thus losing this important characteristic that made them a “paramilitary”.

Paramilitaries in crumbling Yugoslavia

Research on paramilitary units more broadly stresses important general points. Paramilitary groups are common in wars and they often commit human rights abuses, as well as genocide, as they offer many advantages and few risks for states that use them.⁴¹ Governments use paramilitaries during declared and undeclared wars. This technique of organized violence, even though often viewed as spontaneous and regularly disavowed by states, is not incidental but rather intrinsic to internal warfare.⁴² Literature on the 1990s violence in the former Yugoslavia regularly feature paramilitaries when analyzing the conflict which resulted in around 130,000 dead and missing.⁴³ In Bosnia and Herzegovina alone research puts the number of those killed between 95,000 and 104,000.⁴⁴ While units which caused many of those deaths varied in size, level of training, ability, weaponry, institutional affiliation and subordination, and the kinds of violence they employed, literature to date does not account for these differences.

Scholarly works analyze these paramilitary units by focusing on several key themes. Most frequently, scholars focused on function and utility for the sponsoring state. Others approached the study by examining how units recruited and deployed, while important contributions were also made in investigations of organized crime links. A number of analyses study the impact these paramilitary engagements had on Serbia proper, both during and after Milošević’s rule. Much of that research focused on the state, but there are also contributions looking at the level of the individual, investigating what drove their participation, examining

⁴¹ Alex Alvarez, “Milicias and Genocide,” *War Crimes, Genocide, and Crimes against Humanity* 2 (2006): 1-33.

⁴² Key Warren, “Death Squads and Wider Complicities”, in *Death Squad: The Anthropology of State Terror*. Philadelphia: University of Pennsylvania Press, 1999.

⁴³ For detailed data on demography and human losses by region, see: Ewa Tabeau, *Rat u Brojkama. Demografski gubici u ratovima na teritoriji bivše Jugoslavije od 1991. do 1999.* (Beograd: Helsinški odbor za ljudska prava, 2009).

⁴⁴ Mirza Buljubašić and Barbora Holá, “Perpetrators on Trial: Characteristics of War Crimes Perpetrators Tried by Courts in Bosnia and Herzegovina and ICTY, in *Perpetrators of International Crimes: Theories, Methods and Evidence* (Oxford: Oxford University Press, 2019), 273.

ideologies and grievances fueling engagement. The following section will briefly address some of these findings and uncover gaps in knowledge and understanding that still need filling.

Function and utility of paramilitaries

A number of authors argue that deliberate violence against civilians was part of the policy implemented by elites in Serbia, and their partners, nationalist Serb leaderships in Croatia and Bosnia and Herzegovina.⁴⁵ The aim of this policy, according to this research, was to create ethnically homogeneous territories Serbs would dominate and control.⁴⁶ When describing the war in the former Yugoslavia, Malešević argued the violence was “never a chaotic, decentralized and spontaneous reaction of local warlords” but a “highly structured, well organized, meticulously documented process” that relied on political structures, from the top to the bottom.⁴⁷ As early as 1991, Gow wrote about the role paramilitaries played in taking over territories of newly independent Croatia.⁴⁸

Researchers focused on the violent expulsions of civilians, claiming these were not accidental but planned as “committing war crimes was the essence of the Serbian strategy”, and “ethnic cleansing” was used strategically.⁴⁹ Paramilitary units played in fact “a significant role in the ethnic cleansing effort”.⁵⁰ Unrestrained coercive violence by paramilitaries was used in securing territory. Examples include Bijeljina, and Zvornik in the early days of the war in Bosnia. Groups like Arkan’s men and Šešelji’s volunteers were active in as many as twenty-eight, and thirty-four municipalities, respectively.⁵¹ The paramilitaries terrorized civilians, “thereby prompting the rapid flight of the rest of the inhabitants”.⁵² They were frequently engaged in “demonstrative acts of violence”.⁵³

The violence was “delegated”, tasking paramilitary units with committing violence instead of regular armed forces. The “informal, non-regular” units were deployed for objectives “that regular forces are unwilling or unable to achieve”.⁵⁴ For Naimark, the connection between the state and groups such as Arkan’s was undeniable, and their acts were state-supported.⁵⁵

⁴⁵ See, for example, works by James Gow, Marko Attila Hoare, and Nevenka Tromp.

⁴⁶ James Gow, *The Serbian Project and its Adversaries: A Strategy of War Crimes* (London: C. Hurst & Co., 2003).

⁴⁷ Siniša Malešević, “The Sociology of New Wars? Assessing the Causes and Objectives of Contemporary Violent Conflicts,” *International Political Sociology* no. 2 (2008): 97 – 112, 107.

⁴⁸ James Gow, “Deconstructing Yugoslavia,” *Survival Global Politics and Security* 33, no. 4 (1991): 291-311.

⁴⁹ Gow, *The Serbian Project*, 2, 25.

⁵⁰ Samuel Totten, “The Release, Transfer and/or Use of Imprisoned Criminals and/or Known Gangsters During the Commission of Acts Potentially Leading Up to Genocide: A Clear and Unmistakable Early Warning Signal of a Failed State – Some Preliminary Thoughts,” *Journal of African Conflicts and Peace Studies* 1, no. 2 (2009): 43-67.

⁵¹ Gow, *The Serbian Project*, 129.

⁵² Mark Mazower, “Violence and the State in the Twentieth Century,” *The American Historical Review* 107, no. 4 (2002): 1158-1178.

⁵³ Klaus Schlichte, “Na krilima patriotisma – On the Wings of Patriotism: Delegated and Spin-off violence in Serbia,” *Armed Forces and Society* 36, no. 2 (2010): 310–326.

⁵⁴ Klaus Schlichte, “With the State, Against the State? The Formation of Armed Groups,” *Contemporary Security Policy* 30, no. 2 (2009): 246-264.

⁵⁵ Norman Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth Century Europe* (Cambridge: Harvard University Press, 2001), 161.

Many of these works emphasize that resources were provided to the units with knowledge of the Belgrade regime. Deals were made with these units whereby they engaged in operations and attacks on civilians, and they would get the right to loot and profit from it in return.⁵⁶ However, the relationship between the regime and the units was not static, and Arkan's men, for example, grew more autonomous as the war progressed.⁵⁷

The Serbian State Security (Državna bezbednost, DB), is central in several scholarly accounts, "at the heart of the Serbian military operations", through the deployment of "its paramilitary units".⁵⁸ As Yugoslavia was dissolving, the Serbian leadership around Milošević saw the Yugoslav People's Army (Jugoslavenska narodna armija, JNA) as a possible ally in the redrawing of borders, but as it was nonpartisan and non-ethnic, at least in principle, and as a matter of founding myth and ideological commitment, its allegiance and positioning in the conflict was far from certain. Milošević was thus unsure about how much he could rely on the military.⁵⁹ As the JNA was holding out, unwilling yet to commit to what the Serbian leadership in Belgrade wanted it to do, the Serbian leadership turned to those who had fewer qualms about picking sides. The regime also found individuals less limited in the kind of violence they could apply—after all, the JNA was an official state army, bound by laws and norms which prevented it from openly attacking civilians.⁶⁰ Paramilitaries created to do the job the military could not or would not do was perhaps what made them "particularly prone to commit severe human rights violations"—they felt legitimized as they knew they had state backing, and their transgressions were rarely sanctioned.⁶¹

Other scholarly accounts focus on how the units functioned and how they deployed, often in cooperation with the army and the police. The military role of these units was described as negligible and, with the exception of Arkan's men and the Red Berets, they were "undisciplined, sloppy, half-drunk and more interested in looting than fighting". The units were "most successful in 'fighting' unarmed civilians". Their tasks were things that "army, police or normal people would never do".⁶² In east Slavonia, Arkan's men were mostly focused on looting and harassing local non-Serbs than actually engaging in any fighting, and they often had tense encounters with members of the Yugoslav Army.⁶³

⁵⁶ Tea Terzić (ed.), *Organized Crime and Transition in Western Balkans* (Belgrade: Forum for Ethnic Relations, 2002), 6.

⁵⁷ Klaus Schlichte, "Na krilima patriotizma", 311.

⁵⁸ Kate Ferguson, PhD dissertation, 52. See also: Robert Thomas, *Serbia Under Milošević: Politics in the 1990s* (London: Hurst & Co. Publishers, 1999), 93; Gow, *The Serbian Project*, 80-81.

⁵⁹ More generally about relationships between regime and the JNA, see: Adam LeBor *Milošević: A Biography*, (London: Bloomsbury, 2003); Robert Thomas: *Serbia Under Milošević*; Laura Silber and Alan Little, *The Death of Yugoslavia* (London: Penguin Books, 1996); Dusko Doder and Louise Branson, *Milošević: Portrait of a Tyrant* (New York: The Free Press, 1999).

⁶⁰ James Ron, "Territoriality and Plausible Deniability: Serbian Paramilitaries and the Bosnian War," in *Death Squads in Global Perspective: Murder with Deniability*, (New York: St. Martin's Press, 2000), 290. See more: Miroslav Hadzic, *The Yugoslav People's Agony: The role of the Yugoslav People's Army*, (Aldershot: Ashgate 2002).

⁶¹ Schlichte. "With the State, Against the State?", 258.

⁶² Miloš Vasić and Filip Švarm, "Paramilitary Formations in Serbia: 1990-2000," in *Helsinki files: In the Triangle of State Power: Army, Police, Paramilitary Units* (Belgrade: Helsinki Committee for Human Rights in Serbia, 2001).

⁶³ Dejan Anastasijević, "Kratka istorija paravojnih jedinica u jugoslavenskim ratovima 1991-1995 – Grabljive zveri i otrovne bube," *Yu historija*, Analiza slučaja, accessed April 9, 2019, http://yuhistorija.com/serbian/ratovi_91_99_txt01c9.html.

According to Ron, sanctions against rump Yugoslavia,⁶⁴ within which Serbia was a senior partner, and the reluctance to face criticism over the breach of international human rights norms drove the Serbian intervention underground, “promoting the use of private paramilitaries and underworld thugs, and facilitating Serbia’s resort to ethnic cleansing”.⁶⁵ Some paramilitaries functioned as death squads and were a rational response to a series of external constraints, as the use of paramilitaries opened the doors for the Belgrade regime, as well as their protégés, to plausible deniability.⁶⁶ The state did not only outsource violence during war, it also provided impunity and protection afterwards, stifling genuine efforts of prosecution, and incorporating members into regular armed forces and the police.⁶⁷ Thus, according to these findings, the emergence and use of paramilitaries by the regime can be explained by the position of Serbia and its leadership both domestically and internationally and the logic of plausible deniability.

However, what remains largely unknown is how specifically these units were established and operated and what forms of violence they employed in order to seize and hold territory, and what were the mechanics of plausible deniability that were put in place. In other words, scholarship often treated paramilitaries as more homogeneous than they in fact were, and many specifics about their functioning remained unknown. Another aspect insufficiently covered by research is the relationships between the units and the regular armed forces, i.e. the military, and frequently, given that they act “on the same side”, the tensions between them remain unnoticed.

Recruitment and participation in violence

Research suggests that paramilitary units and volunteers were a way of countering a lack of manpower as the conflict escalated and troops were needed for deployment in Croatia. The Yugoslav Army faced significant challenges in filling its ranks, especially in urban areas where draft avoidance was common.⁶⁸ According to Švarm and Vasić, the preparations for war began with recruitment and stashing arms long before the war ever started.⁶⁹ High unemployment, as much as 21% in Serbia in 1991, paired with a sense of insecurity about the future, fueled paramilitary recruitment as men were incentivized to seek alternative ways of

⁶⁴ Rump Yugoslavia refers to what remained of the federation post-independence of other republics, i.e. the Federal Republic of Yugoslavia now consisting of Serbia, Montenegro and two provinces: Vojvodina and Kosovo. Serbia was, due to its size, population and historical position the most powerful constitutive element of the rump federation.

⁶⁵ James Ron, *Frontiers and Ghettos: State violence in Serbia and Israel*, (Berkeley: University of California Press, 2003), xx.

⁶⁶ James Ron, “Territoriality and Plausible Deniability,” 297.

⁶⁷ That practice existed in both Serbia and the Serb-dominated entities, but also other contexts such as South Africa. See more: Bruce Campbell, *Death Squads in Global Perspective: Murder with Deniability* (New York: St. Martin’s Press, 2000), 248.

⁶⁸ Sonja Biserko, *Yugoslavia’s Implosion* (Belgrade: Helsinki Committee for Human Rights, 2012), 175. See more: Dejan Anastasijević, “Ko su ‘Crvene beretke’ Momci iz Brazila”, *Vreme*, October 19, 2000, accessed April 5, 2019, https://www.vreme.com/arhiva_html/511/03.html.

⁶⁹ Vasić and Švarm, “Paramilitary formations in Serbia”, 45-46.

sustaining themselves.⁷⁰ Recruitment for paramilitaries included known criminals, some for leadership positions, who had ties to the state security apparatus.⁷¹ Željko Ražnatović Arkan's case is well known,⁷² as are arrest warrants around Europe issued against him for bank robberies and assaults.⁷³ The recruits thus came from criminal circles but also included average young men without criminal records. A number of paramilitary members and associates were assassinated as their criminal entanglements continued, often on the streets of Belgrade⁷⁴, or prosecuted and imprisoned after the fall of Milošević⁷⁵. There were also ordinary members, unremarkable before the war, and after the conflict ended, they retreated back into anonymity.⁷⁶

Some researchers indicated that units differed in their participation in organized crime, level of training and equipment, and ability and willingness to persecute civilian populations.⁷⁷ Others focused on individuals joining paramilitaries and expressing diverse motives for doing so. They were fueled by greed or jealousy⁷⁸, or representing a desire "to defend" the Serb people, to prove oneself as masculine and heroic⁷⁹. Given that many of the paramilitary leaders stressed "manhood", expectations of "Serbian sons", and nurtured the reputation of being manly, strong and heroic, perceptions of masculinity as a driving force was important.⁸⁰

There were additional factors fueling recruitment. According to some scholars, ideology influences elites, while security considerations and a variety of other motives influence behavior on the grass-roots level.⁸¹ Nationalism is frequently cited as fueling paramilitary

⁷⁰ Božo Stojanović, „Tržište rada u Srbiji: 1990-2005,“ *Sociološki pregled XXXX*, no.1 (2006): 3-31, 10. See also: Nicholas Sambanis, "Using Case Studies to Expand Economic models of Civil War," *Perspective on Politics* 2 (2004): 259-279.

⁷¹ James, Horncastle, "Unfamiliar Connections: Special Forces and Paramilitaries in the former Yugoslavia," *Special Operations Journal* 2, no. 1 (2016): 12-21, 15.

⁷² Christopher S. Stewart, *Hunting the Tiger: The fact life and the violent death of the Balkans' most dangerous man* (New York: St. Martin's Press, 2007).

⁷³ Totten, "The Release, Transfer and/or Use of Imprisoned Criminals"; Schlichte. "With the State, Against the State?"

⁷⁴ Maria Vivod, "In the Shadow of the Serbian Paramilitary Units: Narrative Patterns about the Role of Paramilitary Units in Former Yugoslav Conflict", in: *Advances in Sociology* 3, no.1 (2013): 23-32, 24.

⁷⁵ While there are no precise figures on the number of war crimes prosecutions of paramilitary members, out of over 600 individuals prosecuted at the ICTY and local courts in the former Yugoslavia, not more than 20% were members of paramilitaries. See: Iva Vukušić, "Plausible Deniability: The Challenges in Prosecuting Paramilitary Violence in the Former Yugoslavia" in *Perpetrators of International Crimes: Theories, Methods and Evidence* (Oxford: Oxford University Press, 2019), 257. See also: Denis Džidić, "Arkan's Paramilitaries: Tigers Who Escaped Justice," *Balkan Insight*, December 8, 2014, accessed April 9, 2019, <https://balkaninsight.com/2014/12/08/arkan-s-paramilitaries-tigers-who-escaped-justice/>.

⁷⁶ Maria Vivod, "Discovering the dead bodies in the closet – fieldwork about Serbian ex-militia members" (paper presentation, Leiden University, 2009).

⁷⁷ Horncastle, "Unfamiliar Connections".

⁷⁸ Ariel Ahram, "The Role of State Sponsored Militias in Genocide," *Terrorism and Political Violence*, 26 (2014): 488-503. P. 491

⁷⁹ Aleksandra Sasha Milicevic, "Joining the war: Masculinity, nationalism and war participation in the Balkans war of secession 1991-1995," *Nationalities Papers: The Journal of Nationalism and Ethnicity* 34, no. 3 (2006): 265-287. See also: Maria Vivod, "In the Shadow of the Serbian Paramilitary Units: Narrative Patterns about the Role of Paramilitary Units in Former Yugoslav Conflict," *Advances in Anthropology* 3, no.1 (2013): 23-32.

⁸⁰ Milicevic, "Joining the war", 274. See also: Vivod, "In the Shadow".

⁸¹ Jacques Sémelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York: Columbia University Press, 2007). See also: Tomislav Dulić and Roland Kostić, "Yugoslavs in Arms: Guerilla Tradition, Total

involvement and violence. “Ethnonationalism” is presented as a key contributor to violent attacks, including by paramilitaries.⁸² A disagreement persists about the role of nationalism, because, as Malešević notes, there is nothing inherently violent about it.⁸³

Some researchers emphasize the sense of fear and insecurity permeating communities as the crisis mounted and armed conflict loomed. Kalyvas described a disjunction between the macro-level causes of war and the micro-level patterns of violence.⁸⁴ Some evidence suggests that revenge, jealousy and petty neighborly motives made people violent, acting in ways which they would never attempt in peacetime.⁸⁵ Sémelin discussed a “thousand and one reasons for which and by which individuals commit violent action”.⁸⁶ One of those (thousand and one) reasons may be resentment, as local elites were often the first to be attacked.⁸⁷

What remains unclear after surveying this literature are the connections between recruitment i.e. the kinds of individuals units attracted and through which channels; the kinds of units that were active across the war-torn areas (i.e. the differences between the paramilitaries), and the violence they committed.

Intertwining of war, politics and organized crime

The preconditions for criminal cooperation between the state, the security sector, paramilitaries and organized crime predated the 1990s. This cooperation was based on shortcomings tied to a command economy, with an underdeveloped international trade and a scarcity of certain goods which led to a reliance on the black market.⁸⁸ The Yugoslav State Security engaged in dubious and illegal activities to boost its funding for years.⁸⁹ During the 1990s, looting and smuggling; insurance fraud; cigarette, oil and drug trafficking increased dramatically.⁹⁰ Anastasijević had no qualms about saying that “the regime of Slobodan Milošević was not only corrupted, autocratic, and criminalized: it was a criminal regime,

Defense and the Ethnic Security Dilemma,” *Europe-Asia Studies* 62, no.7 (2010): 1051-1072; as well as: Jonathan Leader Maynard, “Rethinking the Role of Ideology in Mass Atrocities,” *Terrorism and Political Violence* 26, no.5 (2014): 821-841 and Maynard, “Ideology and armed conflict,” *Journal of Peace Research* XX(X) (2019): 1-15.

⁸² Dusan Kecmanovic, *Ethnic times: Exploring ethnonationalism in the former Yugoslavia* (Westport: Praeger Publishers, 2002).

⁸³ Siniša Malešević, “Wars that Make States and Wars that Make Nations: Organised Violence, Nationalism and State Formation in the Balkans,” *European Journal of Sociology* 53, no. 1 (2012): 31-63, 35.

⁸⁴ Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006).

⁸⁵ Kemal Pervanić, *The Killing Days* (London: Blake Publishing, 1999).

⁸⁶ Semelin, *Purify and Destroy*, 283.

⁸⁷ Dennis Gratz, “Eliticide in Bosnia and Herzegovina and its impact on the contemporary understanding of the crime of genocide,” *Nationalities Papers: The Journal of Nationalism and Ethnicity* 39, no. 3 (2011): 409-424.

⁸⁸ Ognian Shentov, Boyko Todorov and Alexander Stoyanov (eds.), “Partners in crime: The risks of symbiosis between the security sector and organized crime in southeast Europe,” Sofia: Center for the Study of Democracy, 2004, 41.

⁸⁹ “Službe državne bezbednosti – Službena tajna,” Insajder, Episode 1, accessed May 15, 2019, <https://www.youtube.com/watch?v=959H7fLlVYA&t=1s>. About cigarette smuggling under the auspices of the state and military security agencies, see: “Šverc cigareta – Marko Milošević,” Insajder, 2006 on B92, accessed April 15, 2019. <https://www.youtube.com/watch?v=0RZVTB2upbw>.

⁹⁰ Katarina Štrbac, Branislav Milosavljević and Veljko Blagojević. “Organized Crime in Western Balkans – Case of Serbia.” Belgrade: Ministry of Defense of Republic of Serbia, 2016, 52.

whose whole security sector was deeply involved not just in war crimes, but also in classic forms of organized crime, drug and weapons trafficking, extortion, kidnappings, and targeted assassinations". He notes that the government intentionally "merged" law-enforcing institutions, and especially the security service, with organized crime and set up an extensive system to counter sanctions.⁹¹

Organized crime was a phenomenon strengthened in the war, largely enabled by sanctions imposed by the United Nations.⁹² Sanctions-busting fueled paramilitary activity.⁹³ It was built on smuggling arms, drugs, gas and cigarettes as well as stolen vehicles.⁹⁴ Stojarova writes of "political elites and their police and armed forces, pre-existing criminal groups and paramilitary units" forming a triangle and functioning within all ethnic communities, collaborating throughout the war.⁹⁵ The end of the war did not mean the end of illegal engagements, as "politicized crime" and "criminalized politics" persisted after a wartime symbiosis between organized crime and the state.⁹⁶ Andreas argued that the wars involved not only military confrontation but also radical social transformation with many that previously lived on the margins of society "experienced a rapid rise in status".⁹⁷

There was a "nexus of war crime and organized crime" in Serbia, reflecting the history of state building in south-eastern Europe that included banditry.⁹⁸ What "paved the way for the fusion of organized crime and state security services in the 1990s" was the decision taken by the Yugoslav state to engage criminals in pursuance of its goals.⁹⁹ Material gain was cited as their primary motive for participation.¹⁰⁰ One example is Arkan's business operation, which grew to become "one of the most powerful criminal organizations".¹⁰¹ Paramilitary units were being financed through trafficking¹⁰² and the plunder of natural resources.¹⁰³ Schlichte described state agencies in Serbia in 1990s as "criminalized themselves".¹⁰⁴

⁹¹ Dejan Anastasijević, "Organized Crime in the Western Balkans," Ljubljana: HUMSEC project presentation, 2006.

⁹² Vera Stojarova, "Organized Crime in the Western Balkans," HUMSEC journal, Issue 1, 2007, accessed April 5, 2019, <http://www.humsec.eu/cms/index.php?id=354>.

⁹³ Frank Bovenkerk, "Organized Crime in Former Yugoslavia," in Siegel, Dina, Henk van de Butn and Zaitch, Damian (eds.). *Global Organized Crime: Trends and Developments*. Dordrecht: Kluwer Academic Publishers, 2003.

⁹⁴ Dejan Anastasijević, "Stazama Škorpiona," Vreme, June 9, 2005, accessed April 5, 2019, <http://www.vreme.com/cms/view.php?id=418240>.

⁹⁵ Stojarova, "Organized Crime in the Western Balkans", 96.

⁹⁶ Peter Andreas, "Criminalized Legacies of War: The Clandestine Political Economy of the Western Balkans," *Problems of Post-Communism*, 51, no. 3 (2004): 3-9, 6.

⁹⁷ Peter Andreas, "Criminalized Legacies of War", 4.

⁹⁸ Christian Axboe Nielsen, "The Symbiosis of War Crimes and Organized Crime in the former Yugoslavia," *Sudosteuroopa Mleilungen* 3 (2012): 6-17.

⁹⁹ Nielsen "The Symbiosis", 11.

¹⁰⁰ Kenneth Morrison, "The Criminal State Symbiosis and the Yugoslav Wars of Succession", in *Mercenaries, Pirates, Bandits, and Empires: Private Violence in Historical Context* (New York: Columbia University Press, 2010), 159-86.

¹⁰¹ Schlichte, "Na krilima patriotisma", 311.

¹⁰² Mark Osiel, *Making Sense of Mass Atrocity* (Cambridge: Cambridge University Press, 2011), 71.

¹⁰³ Eran Zohar, "A New Typology of Contemporary Armed Non-State-Actors: Interpreting the Diversity," *Studies in Conflict & Terrorism* 39, no. 5 (2016): 423-450, 440

¹⁰⁴ Schlichte, "Na krilima patriotisma", 322.

In the literature on the intertwining of war, politics and organized crime paramilitaries feature as an important actor—Arkan and his unit is mentioned consistently—but this research leaves open questions about specialization, i.e. investigating if units had particular profit-driven activities, and if those were in any way related to the kinds of units which deployed in war-torn areas. After all, Arkan’s men were but one unit, and smuggling and looting were done by others too.

Perpetration of mass violence

In order to situate the discussion about what kinds of violence different units perpetrated, this section briefly outlines research on mass violence, before considering paramilitaries specifically. Perpetrator studies as an interdisciplinary field has grown exponentially, building on contributions by anthropologists, ethnographers, psychologists, historians, political scientists, criminologists, lawyers and sociologists. This section does not purport to recount the state of the field as several recent books do that well.¹⁰⁵ But, in order to ground the findings on paramilitary perpetrators and paramilitary violence into the broader academic discussion, it is necessary to acknowledge the main contributions and debates in the study of mass violence.

So far, research has focused on questions of normalcy and ordinariness of perpetrators¹⁰⁶, their ideological convictions¹⁰⁷, and the importance of context, or situation, versus disposition¹⁰⁸. Perpetrator studies has developed into a thriving field of research, which has its own challenges and fundamental questions such as how much is really knowable about perpetrators of genocide and mass atrocity.¹⁰⁹ Many volumes have been written about leaders at the helm of violent campaigns, and research has been expanding with a number of micro-studies focusing on dynamics of violence in specific locations. Studies have been published about government agencies and structures such the Nazi concentration camp system.¹¹⁰ Research has shown the reluctance of even the most trained individuals to actually fire weapons, especially at close range¹¹¹, and asked questions about what made people “become evil”.¹¹² Studies have been done about a variety of contexts, but most notably the

¹⁰⁵ Three books are of particular note here: Alette Smeulders et al. (eds.), *Perpetrators of International Crimes: Theories, Methods, and Evidence* (Oxford: Oxford University Press, 2019), Timothy Williams and Susanne Buckley-Zistel (eds.), *Perpetrators and Perpetration of Mass Violence: Action, Motivations and Dynamics* (London: Routledge, 2018), Kjell Anderson, *Perpetrating Genocide: A Criminological Account* (London: Routledge, 2018).

¹⁰⁶ Hannah Arendt, *Eichmann in Jerusalem* (London: Penguin, 2006), Christopher Browning, *Ordinary Men: Police Battalion 101 and the Final Solution in Poland* (New York: Harper Collins, 1992), Guenter Lewy, *Perpetrators: The World of the Holocaust Killers* (Oxford: Oxford University Press, 2017), Wendy Lower, *Hitler’s Furies: German Women in the Nazi Killing Fields* (Boston: Houghton Mifflin Harcourt, 2013).

¹⁰⁷ Jonathan Leader Maynard, “Theorizing ideological diversity in mass violence,” in *Perpetrators and Perpetration of Mass Violence: Action, Motivations and Dynamics* (London: Routledge, 2018).

¹⁰⁸ Abram de Swaan, *The Killing Compartments* (New Haven: Yale University Press, 2015).

¹⁰⁹ Scott Straus, “Studying Perpetrators: A Reflection,” *Journal of Perpetrator Research* 1, no. 1 (2017): 28-38.

¹¹⁰ Nikolaus Wachsmann, *KL: A History of the Nazi Concentration Camps* (London: Little, Brown and Co., 2016).

¹¹¹ Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (London: Little, Brown and Co., 1995).

¹¹² James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford: Oxford University Press, 2002).

Holocaust¹¹³, Rwanda¹¹⁴, and Cambodia¹¹⁵. However, the former Yugoslavia has remained largely absent from focused research on perpetrators.¹¹⁶ Paramilitary perpetrators in this context have not been studied systematically either, leaving gaps in scholarly understanding of why certain forms of violence were more commonplace than others.

A number of typologies have been developed to describe perpetrators. Smeulers has a thorough approach and distinguishes between a number of types of perpetrators and presents a wide array of persons who participate in mass violence: careerists, conformists, followers, devoted warriors, compromised perpetrators, professionals, profiteers, ideological fanatics, criminal masterminds, criminals, sadists and fanatics fueled by hate.¹¹⁷ In opposition to thinking about perpetrators as fitting into static and stable categories, Williams suggested action as the focus of research. One reason being that typologies of behavior have the ability to reflect the dynamic nature of perpetration.¹¹⁸ There are grey zones between categories, and they reflect the complexity of roles individuals can take on as they act in the context of genocide and mass violence.¹¹⁹ Most of these studies have analyzed the role of men, however literature is expanding with works on female perpetrators.¹²⁰

Perpetration has been shown to be a process, and a social one.¹²¹ This social aspect of perpetration can result in bonding within a group.¹²² Cohen uses data about fighters in the Democratic Republic of the Congo to describe and analyze how armed groups use the perpetration of atrocity, in particular wartime rape, to create social bonds between the fighters. She distinguishes several factors that can influence the vulnerability of individuals to

¹¹³ Apart from Browning, notable works that sparked significant scholarly debate include Daniel Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (London: Little, Brown and Co., 1996).

¹¹⁴ Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca: Cornell University Press, 2009), Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca: Cornell University Press, 2006), Jean Hatzfeld, *Machete Season: Killers in Rwanda Speak* (New York: Palgrave macmillan, 2006).

¹¹⁵ Thierry Cruvellier, *The Master of Confessions: The Trial of a Khmer Rouge Torturer* (New York: Harper Collins, 2011), Alexander Laban Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: University of California Press, 2004), Alexander Laban Hinton, *Man or Monster? The Trial of a Khmer Rouge Torturer* (Durham: Duke University Press, 2016).

¹¹⁶ Janine Natalya Clark, "Genocide, war crimes and the conflict in Bosnia: understanding the perpetrators," *Journal of Genocide Research* 11, no. 4 (2009): 421-445, 422.

¹¹⁷ Alette Smeulers, "Perpetrators of International Crimes: Towards a Typology," in *Supranational Criminology: Towards a Criminology of International Crimes*, edited by Alette Smeulers and Roelof Haveman (Antwerp: Intersentia, 2008), 233-265.

¹¹⁸ Timothy Williams and Susanne Buckley-Zistel (eds.), *Perpetrators and Perpetration of Mass Violence: Action, Motivations and Dynamics* (London: Routledge, 2018).

¹¹⁹ Timothy Williams, "Agency, Responsibility, and Culpability: The Complexity of Roles and Self-representations of Perpetrators," *Journal of Perpetrator Research* 2, no. 1 (2018): 39-64.

¹²⁰ Alette Smeulers, "Female Perpetrators: Ordinary or Extra-ordinary Women?" *International Criminal Law Review* 15 (2015): 207-253; Jelena Subotić, "The Cruelty of False Remorse: Biljana Plavšić at The Hague," *Southeastern Europe* 36 (2012): 39-59; Sara E. Brown, *Gender and Genocide in Rwanda: Women as Rescuers and Perpetrators* (London: Routledge, 2017).

¹²¹ Uğur Ümit Üngör, "Perpetration as a process: A Historical-Sociological Model" in *Perpetrators of International Crimes: Theories, Methods and Evidence* (Oxford: Oxford University Press, 2019).

¹²² Lee Ann Fujii, "Talk of the town': Explaining pathways to participation in violent display," *Journal of Peace Research* 54, no. 5 (2017): 661-673, 662. More broadly about the impact violence can have on the making of a larger community, beyond the actual perpetrators see: Max Bergholz, *Violence as a Generative Force: Identity, Nationalism, and Memory in a Balkan Community* (Ithaca: Cornell University Press, 2016).

violent socialization, such as age, previous experiences and the sense of physical security.¹²³ Socialization, writes Checkel, is a key element to understanding violence in a number of settings, including in war. Group dynamics are at the core of this approach to understanding violence.¹²⁴

Violent conflict has been extensively theorized.¹²⁵ Valuable contributions have been made in studying macro, meso and micro dynamics of violence. Malešević argues that organized violence, and he writes specifically on genocide, “are social phenomena that possess a distinct social logic”. Furthermore, he calls to shift attention towards the organizational, ideological and micro-interactional mechanisms that make this violence possible.¹²⁶ Collins offered a convincing micro-theory of violence, placing micro-dynamics of communicative interaction front and center, and where there are “no violent individuals, but [only] violent situations”.¹²⁷ However, there are substantial differences in how different people respond to these situations.¹²⁸ Collins, like Grossman, argues that violence is not easy, and that when faced with a potentially violent situation, people are often both fearful and tense.¹²⁹ Anderson expands on that work by arguing that there is a particular context, a situation within which killing takes place, and that situation is created through action such as vicious propaganda, creating the moral context of genocide.¹³⁰

The study of perpetration by armed groups has been growing. Wood identifies several factors influencing the behavior of armed groups and their perpetration of sexual violence. One is decision-making by leaders about what is the best way to engage, as well as hierarchy and the ability to enforce leadership decisions. Other important factors are the behavior of individual combatants such as with units which recruit people with criminal records or a penchant for brutality. Wood also discusses small-group dynamics and group cohesion, their mutual relations, training and socialization as influencing the kind of violence units will engage in.¹³¹ One factor emerging from research as influencing violent behavior is the consumption of drugs and alcohol.¹³²

Scholars have grappled with trying to explain variations in the way states use violence through actors like paramilitaries. Ron in particular has argued that in the past few decades a notion has emerged of legitimate state violence centered around professionalization,

¹²³ Dara Kay Cohen, “The ties that bind: How armed groups use violence to socialize fighters,” *Journal of Peace Research* 54, no. 5 (2017): 701-714.

¹²⁴ Jeffrey T. Checkel, “Socialization and violence: Introduction and framework,” *Journal of Peace Research* 54, no. 5 (2017): 592-605.

¹²⁵ Jolle Demmers, *Theories of Violent Conflict: An Introduction* (London: Routledge, 2017).

¹²⁶ Siniša Malešević, *The Rise of Organized Brutality: A Historical Sociology of Violence* (Cambridge: Cambridge University Press, 2017), 248.

¹²⁷ Randall Collins, *Violence: A Micro-sociological Theory* (Princeton: Princeton University Press, 2008), 70.

¹²⁸ Kjell Anderson, *Perpetrating Genocide: A Criminological Account* (London: Routledge, 2018), 93.

¹²⁹ Randall Collins, *Violence: A Micro-sociological Theory* (Princeton: Princeton University Press, 2008), 8.

¹³⁰ Anderson, *Perpetrating Genocide*, 17.

¹³¹ Elisabeth Jean Wood, “Armed Groups and Sexual Violence: When is Wartime Rape Rare?” *Politics and Society* 37, no.1 (2009): 131-161.

¹³² Tobias Hecker and Roos Haer, “Drugs Boosting Conflict? A Micro-Level Test of the Linkage Between Substance Use and Violence,” *Terrorism and Political Violence* 27, no.2 (2015): 205-224.

rationalization and bureaucratization. It prompted states to try to adopt methods of action that “conform to general principles of rationality and bureaucracy”. Repressive states then “cloak their activities in a mantle of pseudo-legality that channels their techniques of repression into ways that appear, at least to the outside observer, to follow legitimate patterns of violence”. Arbitrary executions, torture and other obvious forms of abuses are registered by non-governmental organizations and international bodies and become a liability to the state which enacts them.¹³³ States thus often wish to appear as if they do not engage in illegitimate illegal violence and distance themselves from it or try to make the violence appear justified and legal.

Ron posited that the violence the Belgrade regime and its allies unleashed across international borders, in Croatia and then Bosnia and Herzegovina, and later in Kosovo, as it slipped further beyond its control, was much more brutal than anything attempted against minorities within Serbia itself. While borders are “socially-constructed lines in the sand, they have dramatic, real-world consequences”.¹³⁴ There is significant difference between how strong high-capacity states engage in their center, where there is a web of legal and institutional norms and oversight; and the “frontier”, where that control is weaker, where there are more obstacles to upholding the law and international human rights norms and where “military forces and their paramilitary allies enjoy more freedom to maneuver”.¹³⁵ According to Ron, “borders served as crucial shaping mechanisms during the confusion of the war”.¹³⁶ Various paramilitaries were active in eastern Bosnia during the war, and some originated from or moved across the Muslim-majority region of Sandžak in southern Serbia. However, while they harassed local Muslims within that part of Serbia, they never systematically attacked them in the way they did Bosnian Muslims across the border in Bosnia.¹³⁷

In the context of this vast research on perpetration of mass violence, there is a need for a better understanding of paramilitary violence and its characteristics. Haer has studied a number of groups in Africa and has called for continued research into other regions. She notes that participation in violence varies and one cannot generalize about paramilitary attacks on civilians.¹³⁸ One finding she has presented is that accountability leads to less sexual violence.¹³⁹ Furthermore, group structure influences perpetration. The “less hierarchical the armed group is structured, the more orders are heard to abuse civilians”.¹⁴⁰ Furthermore, the denser the groups, with closer social ties, i.e. serving with friends and family, the more likely this group is to hear an order to abuse civilians.¹⁴¹

¹³³ James Ron, “Varying methods of state violence,” *International Organizations* 51, no. 2 (1997): 275-300.

¹³⁴ James Ron, “Boundaries and violence: Repertoires of state action along the Bosnia / Yugoslavia divide,” *Theory and Society* 29, no.5 (2000): 609-649, 609.

¹³⁵ Ron, *Frontiers and Ghettos*, xii.

¹³⁶ Ron, “Boundaries and violence”, 610.

¹³⁷ Ron, “Boundaries and violence”, 612.

¹³⁸ Roos Haer, *Armed Group Structure and Violence in Civil Wars: The organizational dynamics of civilian killing* (New York: Routledge, 2015), 103.

¹³⁹ Haer, *Armed Group Structure*, 13.

¹⁴⁰ Haer, *Armed Group Structure*, 165.

¹⁴¹ Haer, *Armed Group Structure*, 164.

Finally, what helps make sense of the sources is looking at violence as action, and a particular *kind* of action. Gudehus understands violent actions are not unavoidable, and invites thinking more about actions constituting perpetration. Perpetrators differ considerably at least in relation to their actual contributions to the act, and in the factors leading them to that act.¹⁴² The approach developed by Lee Ann Fujii and conceptualized as “violent display” proved particularly helpful in thinking about the perpetration of violence.¹⁴³ These ideas guide the examination of the kinds of violence in which select Serb(ian) units were engaged.

Research questions and relevance

Given what scholars have uncovered to date about paramilitaries, in particular Serb(ian) units in the 1990s, and perpetration of mass violence, what are the questions this dissertation tries to resolve? As Clark has remarked, perpetrators from the former Yugoslavia are still understudied¹⁴⁴, and there is no comprehensive study on the life-cycle of notorious paramilitary units or the violence they perpetrated. ICTY records have been used to analyze particular trials¹⁴⁵, or particular localities¹⁴⁶. There has been no systematic effort to analyze the rich judicial records to answer key remaining questions on Serb(ian) units: primarily how they came to be and which processes and actors fueled their emergence and continued involvement, what were their relationships with Serbian institutions, what functions the units served, how they changed through the decade, and how they impacted Serbia during and after Milošević’s rule. Finally, perpetrators, and especially paramilitary perpetrators in the former Yugoslavia are virtually unstudied, especially lacking are scholarly works explaining the forms of violence units employed.

Chapter two thus answers the question of context: what were the broader social conditions which provided a supportive environment for paramilitary establishment and recruitment? Which processes were at play and which actors created and harnessed these processes? In chapter three, the central inquiry is about the establishment of units: who set them up, why and how? What were the relationships between the state’s security apparatus and these units? What were the dynamics in the disputed territories in Croatia and Bosnia early in the war that fueled paramilitarism? Chapter four investigates unit functioning: after the initial period of unit establishment, how did the units operate and where? Which functions did they serve? What features of units were created and maintained to benefit the sponsoring state? What fueled continued engagement by these units? In chapter five, attention shifts from Croatia and Bosnia onto Serbia proper, as it engages in another war, in Kosovo in 1998 and 1999, and experiences a *de facto* fusion between parts of the elite Special Operations Unit, the state security apparatus and a drug cartel from Zemun. Was the paramilitary engagement in

¹⁴² Timothy Williams and Susanne Buckley-Zistel (eds.), *Perpetrators and Perpetration of Mass Violence: Action, Motivations and Dynamics* (London: Routledge, 2018), 39.

¹⁴³ Lee Ann Fujii, “Talk of the town’: Explaining pathways to participation in violent display,” *Journal of Peace Research* 54, no. 5 (2017): 661-673.

¹⁴⁴ Janine Clark, “Genocide, war crimes and the conflict in Bosnia”, 422.

¹⁴⁵ Nevenka Tromp, *Prosecuting Slobodan Milosevic: The Unfinished Trial* (New York: Routledge, 2016).

¹⁴⁶ Vladimir Petrovic, “Power(lessness) of Atrocity Images: Bijeljina Photos between Perpetration and Prosecution of War Crimes in the Former Yugoslavia,” *International Journal of Transitional Justice* 9 (2015): 367-385.

Kosovo in any way different, and why? How did the relationship between the state and paramilitary structures change as Arkan was assassinated and Milošević lost power? What were the legacies of paramilitary engagements during the 1990s for post-war, post-Milošević Serbia? Finally, chapter six investigates the vast ICTY trial records and other sources to answer crucial questions about paramilitary violence: which patterns are observable; how units attacked civilians, did they do it in different ways, and if so, why?

A substantial contribution to scholarship can be made by investigating ICTY and other judicial archives and analyzing paramilitary actors as perpetrators of violence targeting civilians. As there are limited works on perpetrators in the former Yugoslavia, explaining the violence they engaged in and paramilitaries in particular as perpetrators, this research will foster more scholarly debate, and hopefully open new avenues for research. This dissertation will differentiate between the various paramilitary units and investigate how they were different, what caused these differences, and what kinds of violence they enacted, and against whom. These different categories are of course ideal-types as the reality of unit engagement was at times too muddled to allow neat classifications.

While answering questions on Serb(ian) units, paramilitary engagement and perpetration, some subjects the dissertation will be addressing only in a very limited fashion. Those questions pertain to broader (para)military operations and deployment, military strategy, local dynamics in the myriad municipalities where units engaged, and characteristics and motivations of individual members of units. This study focuses on prominent paramilitaries, Serbian institutions, leadership and security structures and their mutual relationships and looks at factors influencing them. Therefore, this dissertation does not purport to fully answer questions about individual participation in mass atrocity nor the reasons behind it. A comprehensive study on individual perpetrators both more generally in the wars in the former Yugoslavia, and in paramilitaries, their backgrounds and motives is still waiting to be written. Obtaining access for interviewing individuals who would openly and truthfully speak about these topics is simply too difficult at this moment. War crimes trials are ongoing, the events are still recent and the political climate in Serbia is not favorable for such an inquiry.

The relevance of this research is threefold. First of all, it deepens understanding of very important actors in the violent breakup of Yugoslavia and the expulsions and attacks on civilian populations. It tells us about how and why Serb(ian) paramilitaries emerged, how they acted and how the state and the regime were involved. Secondly, these findings further our understanding of paramilitaries as actors in armed conflict, their objectives, trajectories and ways of functioning. Given the prevalence of such groups in contemporary armed conflicts around the globe¹⁴⁷, understanding them has important practical implications. These implications are evident in efforts to prosecute and punish crimes committed by members of these groups or their sponsors, such as genocide, crimes against humanity and war crimes, be it in international or domestic judicial institutions. Finally, paramilitary activity has been

¹⁴⁷ Ethan Corbin, "Principals and Agents: Syria and the Dilemma of Its Armed Group Allies," *The Fletcher Forum of World Affairs* 35, no.2 (2011): 25-46, 41.

observed in contemporary Republika Srpska¹⁴⁸, and similar processes in paramilitary engagement to those in the former Yugoslavia of the 1990s have been noted in Ukraine.¹⁴⁹ In fact, some of the same people, former paramilitary volunteers in Serb(ian) units, now volunteer in Ukraine as well.¹⁵⁰

Methodology, method and sources

If paramilitary involvement is, as much of the literature suggests, primarily a result of action by particular officials and Serbian state institutions and their proxies, then the answer to how the units were established, funded and mobilized, is to a large extent in records of the government, armed forces, municipal authorities and the testimonies of participants in these events. This section discusses the rationale for the research approach and the lens through which the analysis takes place. It outlines the method, and challenges and opportunities that it provides. Finally, some practical aspects of the process of collecting and analyzing material are discussed, as the following four empirical chapters rest largely on ICTY records.

Using records of judicial proceedings to understand violent actors and violence is nothing new.¹⁵¹ They provide endless opportunities and have been used in influential studies on perpetrators and perpetration.¹⁵² Browning's seminal "Ordinary men" as well as Jan Gross' "Neighbors" used trial sources and documents to uncover how people participated in horrific mass killings in eastern Europe.¹⁵³ Witness testimony and documentation provided much needed understanding of killing and expulsion during the Holocaust.¹⁵⁴ Trial records, documents and testimonies, provide insights into the level and scope of attacks on civilians and the workings of security apparatuses.¹⁵⁵

¹⁴⁸ Sarajevo Calling, episode 1, "Spy Games and Paramilitaries," written and edited by Jasmin Mujanović and Aleksandar Brezar, aired April 9, 2019, <https://www.patreon.com/posts/25967666>, min 26.

¹⁴⁹ Tetyana Malyarenko and David Galbreath, "Paramilitary Motivation in Ukraine: beyond integration and abolition," *Southeast European and Black Sea Studies* 16, no. 1 (2016): 113-138.

¹⁵⁰ Maja Zivanovic, "Donbass Brothers: How Serbian Fighters Were Deployed in Ukraine," last modified December 13, 2018, <https://balkaninsight.com/2018/12/13/donbass-brothers-how-serbian-fighters-were-deployed-in-ukraine-12-12-2018/>. See also the case of Zack Novkovic, a Serbian American from New York who was filmed during the war in Grbavica, a neighborhood in Sarajevo, fighting in a local paramilitary unit (alongside Šešelji-affiliated commander Slavko Aleksić), and identified himself as a supporter of Vojislav Šešelji (ICTY *Seselj*, video clip, exhibit number P256; see also: <https://www.icty.org/x/cases/seselj/trans/en/120307IT.htm>). The same man gave interviews from Ukraine, where he claimed he was fighting with locals ("Srbin iz Njujorka o Ratištu u BiH i Novorusiji," Balkan uživo, accessed April 9, 2019, <https://www.balkanuzivo.net/srbin-iz-njujorka-o-ratistu-u-bih-i-novorusiji-kapetan-dragan-nas-je-trenirao-opkoljene-ekstremistima-vucica-molim-da/>).

¹⁵¹ Thijs Bouwknegt and Adina-Loredana Nistor, "Studying 'Perpetrators' through the Lens of the Criminal Trial," in *Perpetrators of International Crimes: Theories, Methods and Evidence* (Oxford: Oxford University Press, 2019).

¹⁵² Lesley Noaks and Emma Wincup, *Criminological Research Understanding Qualitative Methods* (Thousand Oaks: Sage Publications, 2004), 112-113.

¹⁵³ See: Christopher Browning, *Ordinary Men: Police Battalion 101 and the Final Solution in Poland* (New York: Harper Collins, 1992) and Jan T. Gross, *The Destruction of the Jewish Community in Jedwabne, Poland* (New York: Penguin Books, 2001).

¹⁵⁴ Guenter Lewy, *Perpetrators: The World of the Holocaust Killers* (Oxford: Oxford University Press, 2017), vii.

¹⁵⁵ Susana Kaiser, "Argentina's Trials: New Ways of Writing Memory," *Latin American Perspectives* 42, no.3 (2015): 193-206.

Evidence material is often truly remarkable and chilling, unveiling the painful details of the last moments in the lives of victims. One such example is the so-called Scorpions video, shown for the first time at the ICTY during the Milošević trial, showing members of the Scorpions unit killing six unarmed Bosniak men and boys captured after the fall of Srebrenica.¹⁵⁶ It is this kind of material that provides unique opportunities to study how paramilitaries carried out violence.¹⁵⁷ The overwhelming amount of this material can be located in the ICTY Court Records database¹⁵⁸ while the transcripts are on the ICTY website¹⁵⁹.

There are no better sources to start answering questions about unit nature and functions, and their violent attacks against civilians, and no better method than the close, careful reading of the trial records.¹⁶⁰ These documents, as Nielsen reminds us, would never have been made available, had it not been for the trials.¹⁶¹ While there are compelling reasons for any research to seriously consider the approach and tools it will use, the classical approach in history—the investigation of archival sources—is the right path to take.¹⁶² While informed and influenced by research in anthropology, political economy, international law, social psychology, political science, sociology and genocide studies, this dissertation is firmly grounded in the study of history. The methodology is therefore that which is most familiar to the historian and is based on the craft of analyzing sources, documents and testimonies, while understanding their meaning in the historical context within which they were created. It is the close reading of these kinds of documents that will help answer Alvarez's call to study the organizational aspects of mass violence and analyze the structures that perpetrate it.¹⁶³ While at times this dissertation may also resemble a collective biography, as described by Cowman, for this research to be justifiably called one, it would have to unveil much more about the individuals involved and their personal paths, which, due to the access to sources on individuals is still somewhat out of reach.¹⁶⁴

¹⁵⁶ This video has been shown in numerous trials dealing with Srebrenica. In ICTY *Tolimir* it was tendered under exhibit number P1024, and on December 1, 2010 the cameraman who filmed it testified in that trial. See: Slobodan Stojković Bugar, accessed June 3, 2019, <http://www.icty.org/x/cases/tolimir/trans/en/101201ED.htm>.

¹⁵⁷ Iva Vukušić, "Nineteen Minutes of Horror: Insights from the Scorpions Execution Video," *Genocide Studies and Prevention: An International Journal* 12, no.2 (2018): 35-53.

¹⁵⁸ ICTY Court Records database, accessed April 10, 2019, <http://icr.icty.org/default.aspx>.

¹⁵⁹ Transcripts for each case are accessible through the case itself on the ICTY website and are organized chronologically.

¹⁶⁰ Jelena Grujić Zindović, "Christian A. Nielsen: The Hague Tribunal has written a decent historical draft of the breakup of the former Yugoslavia," *Recom*. February 25, 2016. Accessed February 25, 2016. <http://www.recom.link/137750-2/>.

¹⁶¹ Christian Axboe Nielsen, "Can We Salvage a History of the Former Yugoslav Conflicts from the Milošević Trial?" in *The Milošević Trial – An Autopsy* (New York: Oxford University Press, 2013), 347; see also Florian Bieber and Marko Prelec's chapters in the same book. Bieber and Prelec's contributions are particularly useful for understanding the kind of material that is admitted into evidence. See also: Judith Armatta, "Historical Revelations from the Milosevic Trial," *Southeastern Europe* 36, no.1 (2012): 10-38.

¹⁶² Lucy Faire and Simon Gunn (eds.), *Research methods in History* (Edinburgh: Edinburgh University Press, 2016).

¹⁶³ Alex Alvarez, *Governments, Citizens, and Genocide* (Bloomington: Indiana University Press, 2001), 8.

¹⁶⁴ Krista Cowman, "Collective Biography," in Faire and Gunn, *Research Methods in History*, 87.

Wilson discusses trials as sources of history and outlines ways in which history is utilized in trials, but also how history is created through testimony.¹⁶⁵ ICTY archives are incredibly rich and useful for historical inquiry but have specific limitations¹⁶⁶. The material they hold was collected with one purpose: a trial focusing on the guilt or innocence of the accused. The prosecution and defense are two sides in an adversarial process and the archives reflect that, even with the judges assembling one file which becomes the record of the court.¹⁶⁷

ICTY archives

Two characteristics of ICTY trial records are both the biggest opportunity and the biggest challenge for this research project: the enormity of the record, and limited access to important parts of it. The archives are absolutely massive, so researchers risk drowning in them, losing a sense of direction and becoming unable to extract from them crucial sources that tell important (hi)stories. The Milošević trial which ended in March 2006 with his premature death is a good example.¹⁶⁸ Just this case amassed over 1.2 million pages of documents.¹⁶⁹ During the prosecution phase of the case, 295 witnesses testified and 5,000 exhibits were presented. There were 466 days of hearings.¹⁷⁰ Overall, almost 5,000 witnesses testified at the Tribunal, and a number of them gave multiple statements (in investigation, and in different trials).¹⁷¹

For example, the ICTY Mladić trial, while focusing on the Bosnian Serb Army, contains relevant sources for the study of paramilitaries in Bosnia and Herzegovina. The number of witnesses in that trial was 592, with almost 12,000 exhibits submitted by the prosecution and the defense. The proceedings lasted 530 trial days.¹⁷² Furthermore, there are expert reports, which are particularly important source for this dissertation as they summarize and analyze massive amounts of primary documents large parts of which are inaccessible to the public. One expert, a former Belgian military officer who wrote analytical reports for the prosecution was Reynaud Theunens, who testified in a dozen trials at the ICTY. Each of his reports on the military aspects of a certain case, such as Prosecutor v. Stanišić and Simatović, is several hundred pages long. The documentation his report is based on is several thousand pages of

¹⁶⁵ Richard Ashby Wilson, *Writing History in International Criminal Trials* (Cambridge: Cambridge University Press, 2011).

¹⁶⁶ Iva Vukusic, "The Archives of the International Criminal Tribunal for the former Yugoslavia," *History* 98, no. 332 (2013): 623–635.

¹⁶⁷ ICTY procedure mixes adversarial common law approaches and more judge-driven truth finding as it has developed in civil law systems. Therefore, the adversarial nature of the trial influences the 'adversarial' purpose behind the presented material, but judges do admit other evidence on issues beyond individual responsibility of the accused.

¹⁶⁸ "Milosevic found dead in his cell," *BBC News*, last modified March 11, 2006, <http://news.bbc.co.uk/2/hi/europe/4796470.stm>.

¹⁶⁹ Boas, Gideon, *The Milošević Trial: Lessons for the Conduct of Complex International Criminal Proceedings* (Cambridge: Cambridge University Press, 2007), 151.

¹⁷⁰ Timothy Waters (ed.), *The Milošević Trial – An Autopsy* (Oxford: Oxford University Press, 2013), 308.

¹⁷¹ Kimmy Lynn King et al. "Echoes of Testimonies: A Pilot Study into the long-term impact of bearing witness before the ICTY," ICTY and University of North Texas and Castleberry Peace Institute, 2016, accessed July 30, 2018: http://www.icty.org/x/file/About/Registry/Witnesses/Echoes-Full-Report_EN.pdf.

¹⁷² ICTY Mladić, IT-09-92, now on appeal at MICT, MICT-13-56, accessed April 10, 2019, <http://www.irmct.org/en/cases/mict-13-56>.

primary sources, while his courtroom testimony, often lasting a week or two in each case, fills thousands and thousands of pages. Therefore, only to study Theunens' work, an important but small fragment of the ICTY trial record, would take several years. Adding to the volume is the fact that ICTY archives are often available in both English and BCS.¹⁷³

At the same time, important parts of the record are confidential, rendering them inaccessible. Making evidence inaccessible is regular practice in courts, when protecting sensitive information or vulnerable witnesses, and is not *per se* controversial. However, much of the unavailable evidence relevant for this research concerns Serbia's government institutions, in particular the Ministry of Internal Affairs, State security and their activities inside and outside Serbia. The problem of access and redaction is nowhere greater than in the ICTY trial of Jovica Stanišić and Franko Simatović, the head of the Serbian MUP's State Security during much of the 1990s and his associate, charged with establishing, training, equipping, directing, and supporting paramilitaries who committed crimes in Croatia and Bosnia.¹⁷⁴ There is a number of insider witnesses who testified, i.e. those working with the accused and other Serb officials in disputed territories, but much of their testimony is unavailable. Stanišić and Simatović were acquitted in 2013 by the Trial Chamber of the ICTY, and two years later the Appeals Chamber sent the case to be retried due to significant errors.¹⁷⁵ The case is currently being retried at the Mechanism for International Criminal Tribunals (MICT), a daughter institution to the ICTY also sitting in The Hague.¹⁷⁶ The evidence and testimony in the retrial is as inaccessible as it was in the ICTY proceedings, leaving many important sources out of reach.

One example illustrates this problem of access better than any other. The Final Defense Brief is a document submitted on behalf of the defendant by their counsel at the end of the trial, summarizing key arguments, and presenting a coherent narrative of their case. Sections of these documents in different trials are often partially redacted, but none as redacted as the Stanišić Brief from the ICTY trial. In a 308-page document, the word "redacted" in place of text, appears an astonishing 2,788 times.¹⁷⁷ The Prosecution's evidence is also heavily redacted, creating a significant challenge for research. Much of this record—documents that

¹⁷³ Whenever possible, the research relies on original documents, and not translations. Serb(ian) documents were often written in Cyrillic script. The proceedings are, most often, held in English and BCS (sometimes in French), and documents and transcripts are translated and kept in those languages. Albanian, Macedonian, and other languages such as Dutch are used when witnesses in court speak it—then those are again translated into English, French, and BCS. About ICTY translation and interpretation, see: Ellen Elias-Bursac, *Translating Evidence and Interpreting Testimony at a War Crimes Tribunal: Working in a Tug-of-War* (New York: Palgrave Macmillan, 2015).

¹⁷⁴ ICTY *Prosecutor v. Stanišić and Simatović*, IT-03-69, accessed April 8, 2019:

http://www.icty.org/case/stanistic_simatovic/4. From now on, in footnotes, this case will be referred to as ICTY *Stanisic* for brevity. Other cases will be referred to in this abbreviated way as well.

¹⁷⁵ Marko Milanovic, "ICTY Appeals Chamber Reverses Stanisic and Simatovic Acquittal, Orders Retrial, Kills Off Specific Direction (Again!)," EJIL Talk (blog), December 15, 2015, <https://www.ejiltalk.org/icty-appeals-chamber-reverses-stanistic-and-simatovic-acquittal-orders-retrial-kills-off-specific-direction-again/>.

¹⁷⁶ MICT *Prosecutor v. Stanisic and Simatovic*, MICT-15-96, accessed April 8, 2019, <http://www.irmct.org/en/cases/mict-15-96>. From now on, MICT *Stanisic*.

¹⁷⁷ ICTY *Stanisic*, Final Defense Brief of Stanisic defense, submitted February 11, 2013, accessed April 10, 2019, http://www.icty.org/x/cases/stanistic_simatovic/custom5/en/130211.pdf.

are not available anywhere else— remain confidential, and there is no indication of when, or if, it will become public.

Any researcher is thus faced with what historian Petrović calls the burden of “selective abundance”.¹⁷⁸ It is selective because the entire ICTY archive is material that has reached the courtroom and has been admitted into evidence. The collection of that material is a consequence of who was charged and arrested, or turned themselves in.¹⁷⁹ That is a consequence of choices prosecutors make based on different factors, such as gravity of crimes, availability of evidence, possibility of arrest, the health of the accused, etc. The record reflects procedural rules, and what judges choose to accept as evidence, and what defense counsel selected as their strategy.

On courtroom testimony

As research into paramilitary perpetrators in the former Yugoslavia is underdeveloped, thousands of pages of testimony in various war crimes trials provide endless opportunities for study, while also requiring caution.¹⁸⁰ In any research project that relies, at least partially, like this one does, on testimony—in this case overwhelmingly courtroom testimony—attention needs to be paid to the characteristics and qualities of testimony as a source. This, of course, is a huge topic and one which vastly surpasses the limits and ambitions of this project, and one which generated much discussion across centuries, territories and disciplines.¹⁸¹

In his notable study of one case in the Italian judicial system, Carlo Ginzburg convincingly demonstrated the challenges in relying on human testimony during the investigation stage and in the courtroom proceedings as well as a source for research and investigated the approaches of judges and historians to witness testimony. His study showed how, upon close inspection, inconsistencies can be uncovered, sometimes bringing the way judges understand the very fundamentals of the case into question.¹⁸² Rolena Adorno explored how questions about eyewitness testimony and its reliability and value were asked in relation to events already in the 15th and 16th century.¹⁸³

¹⁷⁸ Correspondence with the author, email, July 2018.

¹⁷⁹ The ICTY had no fugitives left, so all accused were dealt with. That is unique for a judicial institution, international or domestic.

¹⁸⁰ Sibylle Schmidt, “Perpetrators’ Knowledge: What and How Can We Learn from Perpetrator Testimony?” *Journal of Perpetrator Research* 1, no. 1 (2017): 85-104.

¹⁸¹ See, for example: Harriet Jones, Kjell Ostberg and Nico Randeraad, *Contemporary history on trial: Europe since 1989 and the role of the expert historian* (Manchester: Manchester University Press, 2013); Vladimir Petrović, *The Emergence of Historical Forensic Expertise: Clio Takes the Stand* (New York: Routledge, 2017); Ann Genovese, Trish Luker and Kim Rubenstein, *The Court as Archive* (Canberra: Australian National University, 2019); Sybille Kramer and Sigrid Weigel, *Testimony / Bearing Witness: Epistemology, Ethics, History and Culture* (Lanham: Rowman & Littlefield International, 2017); C.A.J. Coady, *Testimony: A Philosophical Study* (Oxford: Clarendon Press, 1992); Richard Ashby Wilson, *Writing History in International Criminal Trials* (Cambridge: Cambridge University Press, 2011); Lee Ann Fujii, “Shades of truth and lies: Interpreting testimonies of war and violence,” *Journal of Peace Research* 47, no.2 (2010): 231-241.

¹⁸² Carlo Ginzburg, *The Judge and the Historian: Marginal Notes on a Late-twentieth-century Miscarriage of Justice* (London: Verso, 1999).

¹⁸³ Rolena Adorno, “The Discursive Encounter of Spain and America: The Authority of Eyewitness Testimony in the Writing of History,” *The William and Mary Quarterly* Vol.49, no.2 (1992): 210-228.

While not dwelling for too long on these centuries-long questions, it is important to demonstrate awareness of their existence and provide assurances that steps were taken to mitigate the risks in using these kinds of materials. While she was not writing on courtroom testimony specifically, Fujii wrote about the limits of what can be known and understood from interviews conducted with both victims and perpetrators in the Rwandan context. She warned researchers to pay attention to rumors, silences and invented stories, as they too have much to say about past violence, as do conversations that researchers mostly seek during fieldwork—verifiable, accurate recollections of past events.¹⁸⁴

For statements and in-court testimony, who is providing it is key in the weighing of its veracity and importance. After all, individuals have agendas to pursue. The testimony of an accused person is different than the testimony of a person who pleaded guilty, or from a person who is mentioned in a lot of the evidence as an accomplice (but has not been charged), or a survivor. Furthermore, not all defendants are the same when it comes to testifying, and neither are the survivors. Defendants may be genuinely cooperative, and provide valuable testimony, or they can purposefully divert responsibility to others.¹⁸⁵ The quality of testimony depends on a number of factors, and those change with time, so a testimony in one trial may be more focused and precise than in another.¹⁸⁶

Courtroom testimony in contemporary criminal proceedings is in many ways different than interviews done by researchers and oral history collection efforts. That is due to the courtroom testimony being much narrower in nature and guided by the content of the indictment (where witnesses are asked to answer questions precisely and not wander off) as well as often including ample documentary evidence which complements the testimony. Furthermore, given the narrow nature of the questioning and the ways in which witnesses are examined and cross-examined at length (by the opposing sides, the prosecutors and defense counsel, in an adversarial system such as the ICTY's, as well as the judges), inconsistencies are often revealed, probed and analyzed in detail, allowing false testimony, or benevolent confusion to be identified.¹⁸⁷ Therefore, this laborious process does hinder reliance on fabricated or inconsistent testimony.

Working with the sources

The arguments this dissertation makes are not based on any court judgments. The outcome of the trial, a conviction or an acquittal is of no relevance to this work. Arguments rest solely on primary sources, and not the judicial interpretations of them. The archive is simply enormous, and research is made harder by the fact that many of the exhibits are available as

¹⁸⁴ Fujii, "Shades of truth and lies".

¹⁸⁵ The case of Dražen Erdemović at the ICTY is one where this defendant, who pleaded guilty for massacres after the fall of Srebrenica, provided important information to prosecutors (some of which would otherwise likely remain unknown) and assisted the prosecution of others.

¹⁸⁶ Kimmy Lynn King et al., "Echoes of Testimonies".

¹⁸⁷ Iva Vukušić, "ICTY Courtroom Videos as a Source for Researching Mass Violence," Paper delivered at Conference "Comparative Lenses: Video Testimonies of Survivors and Eyewitnesses on Genocide and Mass Violence," American University Paris, June 6-7, 2019.

files that are not searchable, requiring often hundreds of pages of one exhibit to be browsed one-by-one. The vastness of the trial record thus necessitates strategic thinking about how to approach and digest the relevant material, and crucially, when to stop with a certain line of inquiry.

In light of all of that, how does a researcher even begin to approach this material systematically? The work began by surveying all ICTY cases, through indictments and news reports¹⁸⁸, and making the determination of how relevant the content of the indictment was, and the evidence presented, for a study on paramilitarism. The next step was to read pre-trial briefs and final briefs by prosecution and defense, as well as relevant sections of judgments to see which documents and testimonies were crucial. Some cases and sections of cases were studied extensively, witness by witness, document by document, others less so. Expert reports were invaluable, in particular those by Reynaud Theunens and Christian Axboe Nielsen.

After initial stages of identifying key evidence, the search for the material continued. These are records created by the various military, police and security structures, various reports, orders, correspondence.¹⁸⁹ The records contain media reports, video footage, and books. There is also intelligence analysis, meeting minutes from a variety of settings and parliamentary sessions. There are witness statements and these witnesses are survivors, eye witnesses, or insiders speaking about their former comrades in units or political, military or security structures. It is common for a witness to give a number of statements and go through the details of the testimony before they ever reach the courtroom. Numerous witnesses have been called in half a dozen trials, or more, which creates additional challenges because of inconsistencies, large and small, between different testimonies. All of this, unless in private or closed session, is in the transcripts.¹⁹⁰

Two more aspects of testimony must be explicitly discussed: veracity and authenticity.¹⁹¹ Within criminal trials and other judicial proceedings, there are obvious incentives for defendants to present testimony that is untrue.¹⁹² Other witnesses, and victims, may also provide untruthful testimony—purposefully or not. With time, memories get distorted and people forget. Given that many of the most important documents have been tested in court repeatedly, by numerous lawyers and analysts, and assed by judges, the research proceeds assuming that records are authentic. No significant finding is based on any one document—in these trials, most often, there is no “smoking-gun” evidence anyway.¹⁹³ Complementary sources are consulted for nuance, and corroboration. One such resource is investigative

¹⁸⁸ For this purpose, the articles published by the Sense News Agency, Balkan Insight and Beta were invaluable.

¹⁸⁹ There are no sources by the “opposing side” in this dissertation, i.e. no reports or documents created by the military or civilian authorities of the Bosniak or Croatian forces or leadership. While those kinds of sources are not *per se* unreliable, there are sufficient sources created by those actors on the same “side”, broadly speaking, as the select paramilitaries.

¹⁹⁰ ICTY Rules of Procedure and Evidence, July 8, 2015, accessed April 11, 2019.

http://www.icty.org/x/file/Legal%20Library/Rules_procedure_evidence/IT032Rev50_en.pdf.

¹⁹¹ Chapter by Bieber in Waters, *The Milosevic Trial*, 353.

¹⁹² Gross wrote on limitations and defendants’ testimonies in *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland* (New York: Penguin Books, 2001), 8-14. See also: Nielsen in Waters, *The Milosevic Trial*, 338.

¹⁹³ Nielsen in Waters, *The Milosevic Trial*.

journalism. Finally, there are memoirs such as those of Milan Lukić¹⁹⁴, part of the long list of *oeuvres* created by ICTY defendants.¹⁹⁵

It is likely that important decisions about the engagement of paramilitaries or covert operations were communicated orally, and no record exists. As Serbian nationalist politician Vojislav Šešelj noted once to a room full of journalists, “Milošević organized everything. [...] Of course, I don’t believe he signed anything, these were verbal orders. None of our talks were taped and I never took a pencil and paper when I talked to him.”¹⁹⁶ However, these units deployed throughout the war, in a number of municipalities across the former Yugoslavia. They came in contact, cooperated and clashed with military and police, and interacted with journalists who wrote about them, and some later testified. Assembled military orders and reports, intelligence analysis, minutes from meetings of the Supreme Defense Council¹⁹⁷, commanders’ diaries, and pay slips for paramilitary members will thus help unveil the nature of the relationship between the Serbia’s government institutions and select paramilitaries.

Importantly, some Supreme Defense Council minutes are available to the public, and they span much of the 1990s. In hundreds of pages, they give a detailed account of the discussions that went on about developments in the war theater(s), and show Milošević as a well-informed leader who had much to say about strategy and allocation of resources. The minutes were a source of significant interest, and controversy, since part of the record became public.¹⁹⁸ Another example are Ratko Mladić’s diaries, found in 2010, during a search of his family’s apartment in Belgrade. There are 22 notebooks and apart from the period around the Srebrenica operations,¹⁹⁹ contain notes of meetings with military and civilian leaders.²⁰⁰ The notebooks contain over five thousand pages.²⁰¹ Intercepts are another example of the

¹⁹⁴ Milan Lukić, *Ispovesti haškog sužnja* (Beograd: Srpska Radikalna Stranka, 2011).

¹⁹⁵ Vladimir Petrović, “The ICTY Library: War Criminals as Authors, Their Works as Sources” *International Criminal Justice Review* 28, no.4 (2018): 1-16.

¹⁹⁶ Dusko Doder and Louise Branson, *Milošević: Portrait of a Tyrant* (New York: The Free Press, 1999), 101-102.

¹⁹⁷ The Supreme Defense Council (Vrhovni Savet Odbrane) of the Federal Republic of Yugoslavia was a collective decision-making body, guiding strategic choices relating to the Yugoslav Army. It was presided over by the President of the Federation and the two other members were the President of Serbia, and the President of Montenegro. The three members were frequently joined by the chief of staff of the Yugoslav Army, ministers of defense, internal affairs (both at the federal and republican level), as well as others. The Council decided on the use of the Yugoslav Army and its resources. Much of the time the members discussed staffing issues, the allocation of resources (especially to the Croatian and Bosnian Serb armies, the SVK and VRS), and other pressing issues of national security and defense, as perceived by the Council. The Rules of Procedure of the Supreme Defense Council, issued in 1992, and again in 1999, are available in the ICTY trial record.

¹⁹⁸ On the SDC minutes, see chapter by Marko Prelec in Waters *The Milošević Trial*. On what kind of documentation remains unavailable, see: Tromp, *Prosecuting Slobodan Milošević*, 27.

¹⁹⁹ It remains unclear if these notes were never made, if they had been destroyed, or if they are simply hidden elsewhere.

²⁰⁰ See more: Sense News Agency “Prosecution: Mladić’s Diaries are evidence against Mladić,” June 22, 2012, http://www.sense-agency.com/icty/prosecution-mladic%E2%80%99s-diaries-are-evidence-against-mladic.29.html?cat_id=1&news_id=14126 and Nidzara Ahmetasević’s Balkan Insight article “Mladić Diaries May Sway Several Hague Trials,” June 24, 2010, accessed July 28, 2018, <http://www.balkaninsight.com/en/article/mladic-diaries-may-sway-several-hague-trials>.

²⁰¹ Dejan Anastasijević, “Dnevnici Ratka Mladića,” *Vreme*, October 21, 2010, accessed April 12, 2019, <https://www.vreme.com/cms/view.php?id=956311>.

type of sources used in the dissertation. More than two hundred recordings of intercepted conversations from 1991 and 1992, between Milošević, Karadžić and other leaders were admitted into evidence, and they are an invaluable resource for understanding their plans, intentions, and mutual relations.²⁰²

Witnesses often spoke publicly about what they know only in court. Numerous survivors spoke about how paramilitaries acted. Members of units, the military, police, local officials, foreign observers - they were questioned by judges, prosecutors and defense counsel. Inconsistencies in testimonies were flagged and examined. Sources further include videos created by members of paramilitaries themselves.²⁰³ Other important videos show Milošević, Stanišić, Simatović and many others after the war in Bosnia, at the anniversary of the creation of the Red Berets.²⁰⁴

The ICTY archival material is supplemented by the records of trials in national courts in the region. In Serbia, there was a number of important trials, such as those dealing with several incidents in which the Scorpions participated, as well as the trials for crimes in Zvornik and Ovčara. There are also proceedings for assassinations of political opponents, that shed light on paramilitary units, their members and the violence they engage in. Primarily, this is the trial for the murder of Serbian Prime Minister, the abduction and murder of prominent politician Ivan Stambolić, and the assassination attempts against Vuk Drašković, a nationalist opposition politician. Evidence from local trials in Croatia and BiH is more difficult to analyze as judicial institutions do not provide online access. However, some sources are available as they were published by the Humanitarian Law Center in Belgrade and the Helsinki Committee.

Structure and outline of the dissertation

This introduction is followed by five chapters and a conclusion. While this chapter and the next provide the grounding and background and are based in large part on secondary sources, the four following chapters are empirical, built on ICTY archives and other primary sources. The first three of these chapters are also chronological, following the paramilitaries from their establishment in 1990 and 1991, through their engagement and deployment, to their transformation after the war in BiH. This part of the research ends in the spring of 2003, and the murder of Zoran Đinđić. Chapter six focuses on paramilitary violence, investigating what the units did, to whom, and how. Chapter seven is the conclusion, bringing together the different strands, existing literature and most important findings, weaving them into a coherent set of arguments about the nature and purpose of Serb(ian) paramilitaries in the breakup of Yugoslavia.

²⁰² Josip Glaurdić, "Inside the Serbian War Machine: The Milosevic Telephone Intercepts, 1991-1992," *East European Politics and Societies* 23, no.1 (2009): 86-104.

²⁰³ Vladimir Petrovic, "A Crack in the Wall of Denial: The Scorpions Video in and out of the Courtroom," in *Narratives of Justice in and out of the Courtroom: Former Yugoslavia and Beyond*, Dubravka Zarkov and Marlies Glasius (eds.) (New York: Springer, 2014).

²⁰⁴ The so-called Kula video, admitted into evidence in ICTY *Stanisic*, exhibit number P00061 (from now on, only numbers for evidence will be given, without "exhibit number").

The following chapter demonstrates that there were broader social conditions enabling paramilitary establishment and recruitment, such as high unemployment, a political crisis fueling a sense of insecurity, as well as a history of paramilitary engagement in the region, going back over a century. In chapter three, the analysis centers on paramilitary establishment, discussing the key actors and government institutions engaging in paramilitary recruitment and training. The main reason for unit establishment was, as this chapter demonstrates, the need to boost dwindling troop numbers, create an efficient force under direct regime control and the ability to outsource violence and create plausible deniability. Chapters four and five analyze unit functioning and transformation, showing that the cooperative effort that was necessary to establish the units continued throughout their deployment and secured their ability to exist. Plausible deniability, and the ambiguity which made it possible, as well as engagement in profit-driven criminality are discussed extensively. The government's ability to disown units and their ability to make profit are singled out as important reasons for their continued involvement in the war. Chapter five discusses the fusion of parts of the state security apparatus with the elite unit, the JSO, to form a criminal organization which nearly succeeded in subjugating the state. Finally, in chapter six, the analysis of primary sources demonstrates that there were patterns to paramilitary violence and shows how different units attacked civilians in very different ways.

CHAPTER II: The broader context of paramilitary engagement

This chapter provides the background for understanding the emergence of paramilitaries in 1990 and 1991. It presents briefly the circumstances, actors and processes discussed in scholarly interpretations of how the state collapsed into violence. Furthermore, it outlines the main features of the Milošević regime and its cooperation with Serbs in Croatia and Bosnia and Herzegovina, as this relationship is important for understanding paramilitary dynamics.

There have been several attempts to systematize the schools of thought on the breakup of Yugoslavia. One identifies interpretations focusing on: a) Serbian expansionist policy, b) civil war (with “all sides” being equally responsible) and c) Serbia as the victim of the breakup of Yugoslavia.²⁰⁵ Another offers other explanations for Yugoslavia’s breakup: a) *longue durée* approaches focusing on alleged “ancient hatreds”, the “clash of civilizations” or the legacy of imperial foreign rule, b) those stressing historical legacies of 19th century national ideologies and the state-building experiences, c) approaches centering on the socialist system, constitutional and federal structures and their ideological delegitimation, as well as economic failures, d) approaches emphasizing the agency of political and intellectual elites in the 1980s, and d) those investigating the impact of various external factors.²⁰⁶

Others have added to historiography by researching the (il)legitimacy of the political system, the deterioration of the economic situation, an ethnically-based federal system and, finally, human agency.²⁰⁷ There are considerable disagreements over the causes of the breakup and the war, but one convincing interpretation points to the failure of the ideology of Yugoslavism to sufficiently bind the ethnic and religious groups and stand up to the challenge of incompatible national ideologies. Some of the presented arguments appear deterministic and one of them in particular, the “ancient hatreds” interpretation has been discarded.²⁰⁸ Some of these interpretations, even when emphasizing different factors as leading to the breakup and the violence, are not necessarily incompatible.²⁰⁹

One author centering the breakup on Serb(ian) expansionist policy was Cigar, who described the policy of ethnic cleansing implemented by Belgrade. He stressed the deliberate, systematic efforts being part of a broader strategy to create a larger, ethnically homogeneous “Greater Serbia”, in what was largely a top-down process.²¹⁰ Others argue Yugoslavia did not die a

²⁰⁵ Marko A. Hoare, “Towards an Explanation for the Bosnian Genocide 1992-1995,” *Studies in Ethnicity and Nationalism* 14, no.3 (2014): 516-532.

²⁰⁶ Jasna Dragović-Soso, “Why Did Yugoslavia Disintegrate? An Overview of Contending Explanations,” in *State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia’s Dissolution*, Lenard J. Cohen and Jasna Dragović-Soso (eds.) (West Lafayette: Purdue University Press, 2008).

²⁰⁷ Sabrina Ramet, *Thinking about Yugoslavia: Scholarly Debates about the Yugoslav Breakup and the Wars in Bosnia and Kosovo* (Cambridge: Cambridge University Press, 2009).

²⁰⁸ Siniša Malešević, “Wars that Make States and Wars that Make Nations: Organised Violence, Nationalism and State Formation in the Balkans,” *European Journal of Sociology* 53, no.1 (2012): 31-63, 35. See also: Neven Andjelic, *Bosnia-Herzegovina: The End of a Legacy* (London: Frank Cass Publishers, 2003), 4.

²⁰⁹ Nebojša Vladislavljević, “Does scholarly literature on the breakup of Yugoslavia travel well?” in *Debating the End of Yugoslavia*, Florian Bieber, Armina Galijaš and Rory Archer (eds.) (New York: Routledge, 2016).

²¹⁰ Norman Cigar, *Genocide in Bosnia: The Policy of ‘Ethnic cleansing’* (College Station: Texas A&M University Press, 1995).

natural death, but was murdered by political elites, among which Milošević stands as most responsible.²¹¹ Milošević was also depicted as a brutal authoritarian who was “playing the nationalist card, not because he even believed in it, but because it seemed the way (and events proved him right) to gain power in Serbia”.²¹²

Two events are singled out as propelling the breakup. First, the 1986 Memorandum by members of the Serbian Academy of Arts and Sciences, leaked and published in its draft form, and the other, the 1987 speech Milošević gave at the commemoration of the 600th anniversary of the Battle of Kosovo.²¹³ The tensions in Kosovo in the late 1980s were crucial for Milošević, inspiring him to adopt the nationalist cause of local Serbs that then led him to support nationalism elsewhere.²¹⁴

Other factors contributing to the breakup have also been analyzed, such as the foreign debt crisis and the subsequent stagnation and decline.²¹⁵ Ramet emphasized the role of political culture, and she is in agreement with Perović, who wrote about the “traditional collectivism” in Serbian society that over-powered non-nationalist, civic alternatives.²¹⁶ Propaganda contributed further, mobilizing nationalist forces and galvanizing support for violent and expansionist policies.²¹⁷ However, there are valid critiques of these interpretations of putting all or most of the blame on Milošević’s regime. According to Jović, the same political leadership that led the country to collapse of Yugoslavia in the 1980s was, in their own opinion, acting in order to save it.²¹⁸

Some authors distribute responsibility for the breakup more evenly. In one, Milošević is seen as a political survivor, unrepentant in obtaining and preserving power. This interpretation sees the disintegration of the country as a result of the failure of political elites inside Serbia and outside of it to reform and coexist.²¹⁹ Glenny sees Yugoslavia disintegrating as a result of Slovenia and Croatia seeking independence.²²⁰ Jović examines the breakdown of the ideological consensus of Yugoslav elites in the period from 1974, when the last significant constitutional changes were agreed to, until 1990, when the consensus finally broke down.²²¹ There was simply too little room for change as interests of different republics were too

²¹¹ Louis Sell, *Slobodan Milosevic and the Destruction of Yugoslavia* (Durham: Duke University Press, 2002).

²¹² John Fine, “Heretical Thoughts about the Postcommunist Transition in the Once and Future Yugoslavia,” in *Yugoslavia and its Historians: Understanding the Balkan wars of the 1990s*, Naimark, Norman and Holly Case (eds.) (Redwood: Stanford University Press, 2003), 179.

²¹³ Tim Judah, *The Serbs: Myth, history and the destruction of Yugoslavia* (3rd Edition) (New Haven: Yale University Press, 2009).

²¹⁴ Suppan, Arnold. “Yugoslavism versus Serbian, Croatian and Slovenian Nationalism: Political, Ideological, and Cultural Causes of the Rise and Fall of Yugoslavia,” in *Yugoslavia and its Historians*.

²¹⁵ Ivan Vejvoda, “Why Did the War Happen?” in *The Violent Dissolution of Yugoslavia: Causes, Dynamics and Effects*, Collection of Papers, Miroslav Hadžić (ed.) (Belgrade: Centre for Civil - Military Relations, 2004). For more on the economic circumstances, see: Zdravko Petak, “The Political Economy Background of Yugoslav Dissolution.” Conference paper, Workshop in Political Theory and Policy Analysis. Bloomington: Indiana University, 2003.

²¹⁶ Latinka Perović, “The Flight from Modernization” in *The Road to War in Serbia: Trauma and Catharsis*.

²¹⁷ Judah, *The Serbs*.

²¹⁸ Dejan Jović, *Yugoslavia: A State that Withered Away* (West Lafayette: Purdue University Press, 2009).

²¹⁹ Cohen, Lenard J. (2001). *Serpent in the Bosom: The Rise and Fall of Slobodan Milosevic*. Boulder, Westview Press.

²²⁰ Glenny, Misha (1996). *The Fall of Yugoslavia*. Penguin, London.

²²¹ Jović, *Yugoslavia: A State that Withered Away*.

divergent in the late 1980s and the ideology too tied to the Yugoslav brand of socialism for it to reform.²²²

There are others who place even less importance on nationalism. The complexity of the constitutional structure and the forces that stood on the path of reform make up the core of analysis looking at the colliding visions emerging from the republics.²²³ A key question in these constitutional debates became, as attempts at reform were failing, was who had the right to secede: republics, or, alternatively, peoples.²²⁴ The former was advocated by Croatia and Slovenia, and the latter, by Serbia and its partners, local Serbs in other republics. The latter was obviously an approach that was more difficult to implement peacefully as many disputed territories had mixed populations.

One criticism leveled at the “systemic failures” argument is that they explain the dissolution but not the violence.²²⁵ Here another sub-set of literature provides answers. The inter-communal brutality of the 1940s and the lack of redress for victims led to unresolved social trauma, ripe for the abuse of history and memory. Attacks on civilians, expulsion and dispossession created sore wounds for communities and became a powerful tool for galvanizing support for violence in the 1990s. According to Judah, historical myths emerging from shared memories were one of the key reasons Serb communities went to war.²²⁶ Fear is another component explaining the increasingly violent actions in communities faced with a crumbling federal state.²²⁷ The majority of the scholars however seem to agree that Yugoslavia collapsed due to internal reasons.²²⁸

The Milošević regime

In 1989 Yugoslavia was being pulled in different directions. At the eve of the war, it was a federal state based on the 1974 Constitution which granted extensive powers to the six republics, and created significant autonomy for the two provinces in Serbia: Vojvodina and Kosovo.²²⁹ In September 1990, Serbia changed its constitution and all but abolished autonomy for the provinces, citing the need to fully control its territory.²³⁰ After the breakup of the federation, the Yugoslav state, now consisting of Serbia, Montenegro and the two

²²² John B. Allcock, *Explaining Yugoslavia* (London: Hurst & Co., 2000).

²²³ Robert Hayden, *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts* (Ann Arbor: University of Michigan Press, 1999).

²²⁴ Louis Sell, *Slobodan Milosevic and the Destruction of Yugoslavia* (Durham: Duke University Press, 2002). More about the right to self-determination: Richard I. Iglar “The Constitutional Crisis in Yugoslavia and the International law of Self-Determination: Slovenia’s and Croatia’s Right to Secede.” *Boston College International and Comparative Law Review* 15, no.1 (1992): 213-239.

²²⁵ Dragović-Soso, “Why Did Yugoslavia Disintegrate?”

²²⁶ Judah, *The Serbs*.

²²⁷ Hadzic, *The Yugoslav People’s Agony*. See also: Judah, See also: Judah, *The Serbs*.

²²⁸ Aleksandar Pavković, “Why did Yugoslavia disintegrate? Is there a conclusive answer?” *Journal of Southern Europe and the Balkans* 6, no.3 (2004): 299-306.

²²⁹ Marjan Barišić et al. (eds.), *The Constitution of the Socialist Federal Republic of Yugoslavia* (Ljubljana: The Secretariat of the Federal Assembly Information Service, 1975).

²³⁰ Ustav Republike Srbije, 1990 godina, accessed on April 15, 2019, <http://mojustav.rs/wp-content/uploads/2013/04/Ustav-iz-1990.pdf>

provinces, adopted a new constitution in 1992.²³¹ To ascend to the position of key decision maker in that state, Milošević had systematically subdued the leadership within his party, and made sure his allies were in important positions in the provinces and in Montenegro, and he continued the same practice throughout 1990s. Between 1987 and 1990 Milošević and his associates slowly gained control over major institutions, republican and federal.²³²

Milošević built networks of loyal officials and created patron-client relationships. Those with whom he disagreed were removed.²³³ Gow and Zverzhanovski point out that “although most institutions were in place and had well defined constitutional roles, power was exercised by a small group of people centered round Serbia’s President and his wife”. There was a parliament and elections were held, but they functioned under terms set by Milošević and his Socialist Party of Serbia (SPS). It was not a typical dictatorship—it was authoritarian, but with a semblance of democracy. The regime relied heavily on the security sector, including paramilitaries, and these actors had official backing for their use of coercive power.²³⁴

Contemporary sources like minutes from numerous meetings reveal Milošević was not an aggressive nationalist, and if he was, he was careful not to show it. Earlier, he had been a committed Yugoslav.²³⁵ Milošević did not give many interviews and did not appear much in public. He never visited troops. He is frequently described as being devoted to his wife and closest political confidant, Mira Marković. In the late 1990s she assumed a more public role.²³⁶ From 1990 she headed a coalition of small parties called the League of Communists–Movement for Yugoslavia which was renamed JUL (Yugoslav Left). Her party was as a network of former military officers and businessmen brought together mainly through the desire to control important companies and obtain positions of power in the political establishment.²³⁷ The party exerted control much beyond its actual popular support and was a significant partner to Milošević’s SPS.²³⁸

Gradually, but systematically, Milošević made sure he had no serious opposition at the highest levels of Yugoslav and Serbian leadership. Yugoslavia was, post-1992, only Serbia and Montenegro, but the smaller partner in that relationship started asserting itself only in the late 1990s. Early on, the Montenegrin leadership was strongly behind Milošević.²³⁹ From 1990 to

²³¹ Ustav Savezne Republike Jugoslavije, 1992 godina, accessed on April 15, 2019, <http://eudo-citizenship.eu/NationalDB/docs/SRB%20FRY%20-%20Constitution%20-%201992%20-%20SRB.pdf>

²³² Thomas, *Serbia Under Milošević*, 93.

²³³ Lenard Cohen, *Serpent in the Bosom: The Rise and Fall of Slobodan Milosevic* (Boulder: Westview Press, 2002).

²³⁴ James Gow and Ivan Zverzhanovski. *Security, Democracy and War Crimes: Security Sector Transformation in Serbia* (London: Palgrave Macmillan, 2013), in particular chapter 2: “Civil-Military Relations from the Break-up of Yugoslavia to the Fall of Milošević”.

²³⁵ Biserko, *Yugoslavia’s Implosion*, 88.

²³⁶ Cohen, *Serpent in the Bosom*, 46.

²³⁷ The son of Slobodan Milošević and Mira Marković was allegedly involved in cigarette smuggling. See: Insajder, “Šverc cigareta – Marko Milošević,” aired 2006, accessed April 15, 2019, <https://www.youtube.com/watch?v=0RZVTB2upbw>.

²³⁸ Cohen, *Serpent in the Bosom*, 129. See also: Ramet, Sabrina and Pavlakovic Vjeran. *Serbia since 1989: Politics and Society under Milosevic and After* (Seattle: University of Washington Press, 2015), 24.

²³⁹ On relationship with Montenegro, see: Momir Bulatović, *ICTY v Slobodan Milosevic: Neizgovorena odbrana* (Niš: Zograf, 2006).

1997, he was Serbia's President, and after, barred from continuing by the Constitution, he was elected Yugoslav Federation President. The government in Serbia changed throughout the 1990s and elections were held. According to Goati, none of the post-1990 elections were "really free and democratic".²⁴⁰ Still, Milošević did remain popular with a part of the population.²⁴¹ The regime he led was hybrid: democratic, and authoritarian, and it was sustained largely through SPS patronage.²⁴²

The four most trusted aides in police and security, in particular in the early 1990s, were Radmilo Bogdanović, Mihalj Kertes, Jovica Stanišić and Radovan Stojičić Badža.²⁴³ Milošević and his allies removed those that stood in their way from high office. Even the closest and most trusted partners like Stanišić, Serbian State Security chief, were ousted in 1998.²⁴⁴ Milošević was thus a political survivor, unrepentant in preserving power.²⁴⁵ His authority stemmed from both legal, institutional and non-legal sources: personal power and charisma, and he exercised control and influence over "virtually all" institutions in Serbia.²⁴⁶ His networks of allies and supporters were formal, and informal.²⁴⁷

The political project: All Serbs in one state

The driving force behind the efforts to prevent Croatian and Bosnian independence were the fears that Serbs would become a minority.²⁴⁸ This question, asked at the time, still captures the problem perfectly: "Why would I be a minority in your country when you can be a minority in mine?"²⁴⁹ The Serbian political project, to borrow from Gow, had the strategic goal of seizing what were considered Serb lands and redrawing borders of crumbling Yugoslavia. It was not being implemented by a homogeneous group, as many of the participants had diverging opinions on substantial parts of it.²⁵⁰ That did not stop them from cooperating on a broader goal of all Serbs living in one state, and free from making concessions to other ethnic and religious groups.

²⁴⁰ Cohen, *Serpent in the Bosom*, 128. More on election results: Vladimir Goati, *Izbori u SRJ od 1990 do 1998: Volja građana ili izborna manipulacija* (Beograd: CESID, 2001).

²⁴¹ Waters, *The Milosevic Trial*, 51.

²⁴² Thomas, *Serbia Under Milošević*: 422.

²⁴³ Dusko Doder and Louise Branson. *Milošević: Portrait of a Tyrant* (New York: The Free Press, 1999), 75. For a thorough list of individuals within the Milošević regime ("nomenklatura"), between 1997 and 2000, see: Dušan Bogdanović and Biljana Kovačević-Vučo, *Institutions abused: Who was who in Serbia 1987-2000* (Belgrade: Biljana Kovacevic-Vučo Fund, 2011); Thomas, *Serbia Under Milošević*, 93.

²⁴⁴ Doder, *Milošević: Portrait*, 33.

²⁴⁵ Cohen, *Serpent in the Bosom*.

²⁴⁶ Michael P. Scharf and William A. Schabas, *Slobodan Milosevic on Trial: A companion* (New York: Continuum, 2002), 124.

²⁴⁷ Ramet, *Serbia since 1989*, 61.

²⁴⁸ Gale Stokes, "From nation to minority: Serbs in Croatia and Bosnia at the Outbreak of the Yugoslav Wars," *Problems of Post-Communism* 52, no.6 (2005): 3-20.

²⁴⁹ Julian Borger, *The Butcher's Trail: How the Search for Balkan War Criminals Became the World's Most Successful Manhunt* (New York: Other Press, 2016), xxi.

²⁵⁰ Nina Caspersen, *Contested Nationalism: Serb Elite Rivalry in Croatia and Bosnia in the 1990s* (Oxford: Berghahn Books, 2010).

See also: Prelec in Waters, *The Milosevic Trial*.

These alliances were dynamic, and actors occasionally fell from grace, and lost support of the regime or broke away from it.²⁵¹ A good example is the radical, bellicose nationalist politician Vojislav Šešelj who has been described as a “controlled actor”—a tool to be utilized when necessary, and for the benefit of the regime. He was one of the most consistent operatives, always ready to enforce a measure of violence, and one that was always unsavory enough to make Milošević seem acceptable.²⁵² Yet, no matter the disagreements of the day, security operatives and agencies, armies, money, equipment and information continued flowing between these various actors, not jeopardizing what they all sought: large swaths of territory, emptied of non-Serbs, which were to be, at some point in the future, attached to Serbia.

The objective was to gain control over territory by violent means, change the demographics through expulsion and murder, and then present a *fait accompli* in diplomatic settlements.²⁵³ The project developed gradually, and adapted as Croatia and Bosnia sought independence, and the problem of fragmentation of the Serb nation worsened.²⁵⁴ Paramilitaries were part of these forces necessary to implement the project and unite all the Serbs in one state as Yugoslavia was disintegrating.²⁵⁵ The basis for the implementation of this project was the so-called RAM plan, from 1990, conceived in high-level military circles, which included plans to arm Serb communities, in preparation for the takeover of municipalities.²⁵⁶

This is what journalist Dejan Anastasijević said about the “vojna linija”, the “military line”, tasked with the implementation of the plan:

I first heard the term ‘vojna linija’ from general Aleksandar Vasiljević, the former head of the JNA’s intelligence and counter-intelligence agency, KOS. The term is generally used unofficially to describe an informal circle of police, military and state officials closely involved in preparations for the war and in conducting paramilitary operations. The ‘vojna linija’ or ‘military line’ manifested itself in 1990 and 1991 as a diffuse network of mostly MUP officials and some JNA officers loyal to Slobodan Milošević and the idea of Serbian supremacy in Yugoslavia. This loose network of high-ranking officials loyal to Slobodan Milošević was established to bypass or

²⁵¹ Stephen Kinzer, “Conflict in the Balkans; Serbs reject Bosnia pact, defying friends and foes, and insist on a referendum,” *New York Times*, May 6, 1993, accessed April 15, 2019 <https://www.nytimes.com/1993/05/06/world/conflict-balkans-serbs-reject-bosnia-pact-defying-friends-foes-insist-referendum.html>.

²⁵² Sonja Biserko (ed.), *Svedočanstva 34. Proces Vojislavu Šešelju: Raskrinkavanje projekta Velika Srbija* (Beograd: Helsinški odbor za ljudska prava u Srbiji, 2009).

²⁵³ On “Greater Serbia” and how it was operationalized and pursued, see: Tromp, *Prosecuting Slobodan Milošević*.

²⁵⁴ Tromp, *Prosecuting Slobodan Milošević*.

²⁵⁵ Eric Gordy, *Guilt, Responsibility and Denial* (Philadelphia: University of Pennsylvania Press, 2013).

²⁵⁶ The RAM plan is discussed in a number of studies, e.g.: LeBor Milošević: *A Biography*, 142, 143; Judah, *The Serbs*, 170; Reneo Lukic and Allen Lynch, *Europe from the Balkans to the Urals: The Disintegration of Yugoslavia and the Soviet Union* (Oxford: Oxford University Press, 1996), 204, 205; *The Butcher’s Trail*, 183; Biserko, *Yugoslavia’s Implosion*, 168; Tromp, *Prosecuting Slobodan Milošević*, 116–119; Gow, *The Serbian Project*, 174. The plan is also discussed in the Humanitarian Law Center’s Dossier on the JNA, “Dosije: JNA u ratovima u Hrvatskoj i BiH” (Beograd: Fond za Humanitarno Pravo, 2018). It was also discussed in the ICTY *Milošević*, on April 10, 2003, and Milošević denied the existence of such a plan, transcript page 18967, accessed April 10, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030410ED.htm.

undermine the decisions of official governmental, police and military bodies. If these official bodies made decisions, issued orders or took actions antithetical to Slobodan Milošević's aims, members of the 'vojna linija' were called upon to undermine these official decisions. In some cases, the 'vojna linija' initiated actions that aimed to take control over various official institutions, to force the ouster of persons not loyal to Slobodan Milošević within those institutions, or to initiate activity throughout the areas in the former Yugoslavia that would serve the aims of the 'vojna linija' and Slobodan Milošević.²⁵⁷

Ideas and plans as to what had to be achieved and how changed and collided, and contingencies accounted for many local developments. Resources were pooled together to achieve shared goals. The consolidation of power took time. For Milošević, it entailed building relationships and formal and informal alliances, coopting the military leadership as well as media and business elites, and strengthening the police and security and intelligence services which he relied upon throughout his rule. There was an, albeit changing, vision of what was to be pursued—a new Serbian state even if in name, for the time being, it remained “Yugoslavia”.

There were various visions of what the boundaries of the states emerging from a crumbling Yugoslavia should be. Some claims were more ambitious than others, but the disputed areas where the first extensive attacks by forces, including paramilitaries, on civilians took place were in the Krajina and Slavonia region of Croatia. These were areas where Serbs constituted the majority, or where they lived in large enough numbers, or in territories which were considered historically Serb.

These areas were around Knin, the “narrower” Krajina²⁵⁸, the region of Lika, Kordun, and Banija, the Dalmatian hinterland, enveloping the western borders of Bosnia. The other was Slavonia, in the east. The region around Knin was sparsely populated, and underdeveloped. It encompassed meadows and hills where cattle grazed, and rugged, bare slopes and mountains, with a largely rural population. Slavonia, Baranja and Srem, on the other hand, was more ethnically diverse, including Hungarians, Germans, Ukrainians, Roma and others. These lands are flat, fertile, and rich in comparison to the Krajina. Many of these were areas where Serbs suffered brutal attacks during the Second World War.²⁵⁹

There were two influential geographically explicit iterations of the political project. First, “Greater Serbia”, most openly propagated by Vojislav Šešelj and the political party he

²⁵⁷ MICT *Stanisic*, P2423, statement Anastasijević, 9.

²⁵⁸ Here, “Krajina” refers to the region around Knin, along the western borders of Bosnia. The region spreads into Bosnia where the populations of western Bosnia are called ‘Krajišnici’ and are understood as a regional identity. The term originates from the Habsburg-created border management regime and policy of defending the empire from the Ottomans. The other use of the term is more specific and referring to the political project – the para-state, or entity, that was being created within the internationally recognized borders of Croatia. The RSK was formed on December 19, 1991, and from February 26, 1992 it formally included the region in the east, in Slavonia.

²⁵⁹ Judah, *The Serbs*. See also: Damir Mirkovic, “The historical link between the Ustasha genocide and the Croato-Serb civil war: 1991-1995,” *Journal of Genocide Research* 2, no.3 (2000): 363-373.

founded.²⁶⁰ The vision included Serbia, Vojvodina and Kosovo, all of Macedonia, Montenegro and Bosnia and Herzegovina, and all the territories in Croatia up to the so-called Karlobag - Ogulin - Karlovac - Virovitica line. Everything to the east of it was considered Serb.²⁶¹ The other explicit territorial vision was offered by Bosnian Serb leader Radovan Karadžić and the Srpska demokratska stranka (Serbian Democratic Party, SDS). It was made public at the 16th session of the Bosnian Serb Assembly in May 1992.²⁶² The Six Strategic Goals were the creation of: 1. a separation with the other two national communities, 2. a corridor between Semberija and Krajina (regions connecting the Knin area and the Krajina to Serbia proper), 3. a corridor in the Drina valley, eliminating Drina as a border between Serbia and Bosnia, 4. a border on the Una and Neretva rivers, 5. a division in Sarajevo into Serbian and Muslim parts, and 6. access to the Adriatic sea. The take-over of municipalities in pursuit of that territorial vision was implemented in stages. It started as a non-violent exercise with the establishment of associations of Serb municipalities, Serb Autonomous Regions (SAOs), while shipments of arms and training were being organized.²⁶³

Milošević was widely perceived as the leader among those pursuing the goal.²⁶⁴ He has been called the “most powerful person in Serbia during the break-up of Yugoslavia”.²⁶⁵ Witness C-061, who turned out to be former president of Serbs in Croatia, Milan Babić, while testifying in the Milošević trial, claimed that Belgrade controlled all military, police and paramilitary forces in the RSK between 1991 and 1995. Babić further described the “parallel system” put in place to run the RSK from Belgrade.²⁶⁶

The parallel structure was covert, and led by the State Security (SDB, DB), with participation from the most powerful local Serb Party, the Serbian Democratic Party and police structures. The parallel structure ran all the way to Milošević, who initially controlled it through the Serbian minister of internal affairs Bogdanović. Furthermore, key members were DB head Stanišić and Franko Simatović, chief of the DB’s Second Administration. Milan Martić,

²⁶⁰ ICTY *Seselj*, IT-03-67, P00038.

²⁶¹ ICTY *Seselj*, P00026.

²⁶² This Assembly session was crucial as it discussed important aspects of Bosnian Serb goals and ways of achieving them. The minutes were tendered into evidence in a number of trials. In ICTY *Karadžić*, it is P781. P2561 is a map of those strategic goals when implemented.

²⁶³ On arming of the SAOs, see: ICTY *Stanišić* Military aspects of the role of Jovica Stanišić and Franko Simatović in the conflict in Croatia and Bosnia-Herzegovina (BiH) (91-95) (hereinafter, Theunens report). More broadly about the buildup of the forces of the SAOs and future Serb-dominated entities, see the memoir of Veljko Kadijević, general in JNA and Minister of Defense in Yugoslavia from 1988 until early 1992, *Protiv udar - Moje viđenje raspada Jugoslavije* (Beograd: Filip Višnjić, 2010).

²⁶⁴ Milošević’s role is discussed in detail in Norman Cigar and Paul Williams, *Indictment in The Hague: The Milosevic Regime and Crimes of the Balkan Wars* (New York: New York University Press, 2002). Borisav Jović, a senior politician and close Milošević associate serving in a number of the highest functions testified extensively in the Milošević trial. His testimony was published by the Helsinki Committee of Serbia, see: Sonja Biserko (ed.), *Svedočanstva 20. Milošević vs Jugoslavija*, knjiga II (Beograd: Helsinški odbor za ljudska prava u Srbiji, 2004).

²⁶⁵ Human Rights Watch, “Weighing the Evidence: Lessons from the Slobodan Milosevic Trial” (New York: Human Rights Watch, 2006), 10.

²⁶⁶ Sense News Agency, “Svedok C-061 postao Milan Babić,” December 12, 2002, accessed April 14, 2019, [http://www.sense-agency.com/tribunal_\(mksj\)/svedok-c-061-postao-milan-babic.25.html?cat_id=1&news_id=322](http://www.sense-agency.com/tribunal_(mksj)/svedok-c-061-postao-milan-babic.25.html?cat_id=1&news_id=322).

holding positions of both minister of internal affairs and defense in the RSK, was under strong influence of the DB. This was Milošević's strategy to conceal his ties to the Krajina.

This was not some reckless adventure, there was strategic thinking behind it, and considerations of what could and what could not be done (just yet).²⁶⁷ It was Milošević, more than anyone else, who guided the project, as evidenced by meetings over which he presided, when other participants clearly deferred to him and his guidance.²⁶⁸ This position extended to the war in Kosovo in the late 1990s, during which "Milošević applied a private chain of command out of the institutions, sidestepping the General Staff, the leadership of the State Security Service, and the legal institutions of Serbia and Yugoslavia such as the Assembly, the government and so on".²⁶⁹

The Milošević regime and partners in Croatia and Bosnia and Herzegovina

The Serb(ian) political project, as collaborative as it was under the guidance of Milošević and his close associates, had no omnipotent puppet-master.²⁷⁰ It is important not to perceive the national minorities, as Serbs in Croatia, as merely pawns of Belgrade and victims of an imposition from the outside.²⁷¹ Petrović described it best, when he called the Serb(ian) leadership in Serbia and the Serb-dominated entities "polycentric" and characterized their relationships as dynamic.²⁷² However, as already established, the local Serbs did defer to Belgrade, and the importance of Milošević is even more pronounced if one considers the diplomatic efforts to resolve the crisis and end the war. Belgrade was where diplomats went first, and Milošević represented the Serbs all the way to the end of the Bosnian war, to the signing of the Peace Accords in Dayton.²⁷³

Milošević's regime worked most closely with two parties carrying the same name, one in Croatia, one in Bosnia—the Serbian Democratic Party (SDS). Both were founded in 1990 but managed to earn different levels of support.²⁷⁴ In Croatia, the SDS was initially led by Jovan Rašković, often described as more moderate, and later to be replaced by those less

²⁶⁷ Milan Babić's testimony has been published as an integrated text by the Humanitarian Law Centre. See: Biserko, *Svedočanstva 20. Milošević vs. Jugoslavija*.

²⁶⁸ The accessible Supreme Defense Council minutes, spanning the period between August 1992 and November 1996 are available on the Sense News Agency website, accessed April 16, 2019, <http://www.sense-agency.com/home/icty.59.html>.

²⁶⁹ ICTY *Milošević*, witness Ratomir Tanic, transcript, May 14, 2002, accessed April 15, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020514ED.htm.

²⁷⁰ Prelec, in Waters, *The Milošević trial*. See also: Nina Caspersen, "Belgrade, Pale, Knin: Kin-state control over rebellious puppets?" *Europe-Asia Studies* 59, no.4 (2007): 621-641.

²⁷¹ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge, Cambridge University Press, 1996).

²⁷² Petrović, Vladimir, "Odnosi unutar srpske političke elite i kraj Vens-Ovenovog Mirovnog Plana za BiH," *Istorija* 20. Veka 1 (2012): 9-26, 24.

²⁷³ For a sense of what the negotiations looked like from an American perspective, see: Warren Zimmermann, *Origins of a Catastrophe* (New York: Times books, 1996) and Richard Holbrooke, *To End a War* (New York: Random House, 1998).

²⁷⁴ Nina Caspersen, *Serb Elite Rivalry in Croatia and Bosnia in the 1990s* (New York: Berghahn Books, 2010).

willing to seek solutions cooperatively, with the Croatian government, such as Milan Babić.²⁷⁵ In BiH, the SDS was an “explicitly ethno-nationalist party”, and Karadžić led it to a very successful first election run. Karadžić’s SDS built an elaborate party structure, having branches in 99 out of 109 municipalities in the country.²⁷⁶

One small but significant illustration of this relationship and hierarchies in it comes from intercepted conversations between Karadžić and the Serbian President. Karadžić addresses Milošević with “Mr President”, while the latter uses simply “Radovan”. In the Milošević trial, over 200 intercepts have been admitted into evidence, 58 between the two men, revealing the intense communication between them.²⁷⁷ Cooperation between the various Serb(ian) leaders is easy to establish. Meetings between political, military and police officials, as well as leaders of political parties across Serb-claimed territories, throughout the relevant time period are well documented. Local leaders were summoned by Milošević and they asked him for guidance. This communication and cooperation extended all the way until the end of the war in Bosnia, as evidenced by an image taken in 1995 in Bijeljina, where political leaders and police and intelligence officials from Serbia, the Republika Srpska Krajina and Republika Srpska posed together.²⁷⁸

The goal that the leaders of the various Serb territories shared emerges from the sources. For example, in a card written by Stanišić in 1994, claiming “the decisive phase in the fight for the realization of the shared goals of all Serb lands’ is beginning”.²⁷⁹ Furthermore, there was the holiday greeting card, written by Martić to Karadžić and others, reminding everyone that the year 1994 was characterized by “efforts to achieve the united Serb state”.²⁸⁰ Ratko Mladić, in conversation with Bosnian Serb leaders said that the goal was for “all Serbs to be in one state”.²⁸¹

The close cooperation was called into question when, mid-way through the Bosnian war, the Bosnian Serbs refused to concede some territory and sign a peace agreement. This angered and frustrated Milošević who was suffering politically as a consequence of sanctions Serbian citizens were enduring:

The war is an absolute catastrophe for these people! This is not an easy confrontation. It does not come easy. But, do we have the right to jeopardize millions of children because of some insane ambitions? Because they want to gain another half of one

²⁷⁵ Harry Jack Hayball, “A Wolf in Sheep’s Clothing? Jovan Rašković, the Serbian Democratic Party, and the ‘Serbian Question’ in Croatia,” *East European Politics Societies and Cultures* 31, no.1 (2017): 158-178.

²⁷⁶ Toal, Gerard Toal and Adis Maksic, “Serbs, You Are Allowed to be Serbs! Radovan Karadzic and the 1990s Election Campaign in Bosnia-Herzegovina,” *Ethnopolitics* 13, no.3 (2014): 267-287. See also: Robert Donia, *Radovan Karadzic: The Architect of the Bosnian Genocide* (Cambridge: Cambridge University Press, 2014).

²⁷⁷ Kjell Arild Nielsen, *Milošević u ratu i u Haagu: Dokumentacija* (Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, 2013), in particular chapter five dealing with the intercepts.

²⁷⁸ ICTY *Mladić*, IT-09-92, 65 ter 09558, the image and the three exhibits below were discussed on October 19, 2015.

²⁷⁹ ICTY *Mladić*, 65 ter 33177.

²⁸⁰ ICTY *Mladić*, 65 ter 06830.

²⁸¹ ICTY *Mladić*, 65 ter 27977a.

percent [of land in Bosnia]?! The entire world has recognized Republika Srpska on half of the territory, in areas where there was never a Serbian state in history! The size of two Montenegros! They say ‘it’s not enough, all of you 11 million need to die, to have the third set of sanctions imposed, and everything else, because we think that is not enough, we need another 1.5%!’. All that after three years of bloody sacrifice! In our hospitals patients eat bread and tea! In whose name are we to make decisions – in the name of those patients who eat bread and tea? Because there’s three insane generals and three insane politicians who think everything can be resolved with grenades?!²⁸²

Serbia provided most of the funds supporting its partners and their capacity to wage war. According to the analysis of financial expert Morten Torkildsen, in early 1991, the Socialist Federative Republic of Yugoslavia (SFRY) was still receiving tax revenue, but as the financial ties between republics broke, the Yugoslav National Bank started printing money to cover the expenses of the Serb authorities in Croatia and Bosnia. Torkildsen claimed that that was “glaringly obvious”.²⁸³ In fact, sources showed that a single, integrated monetary and banking system was put in place in order to facilitate the transfer of funds.²⁸⁴

In the Yugoslav Supreme Defense Council, lengthy discussions were held about funding Serb armies in Croatia and Bosnia, even discussing them as being “branches” of the Yugoslav Army. The Serb-dominated entities in fact received funds “exclusively from Belgrade”.²⁸⁵ In 1993, 90% of the budget of Croatian Serbs, and as much as 99,6% of the Bosnian Serb budget was provided by the Federal Republic of Yugoslavia. Much of these funds went to running the police and the military.²⁸⁶ Aleksandar Vasiljević, head of the JNA Counter-intelligence Service stated that the Krajina and Republika Srpska had their own governments, and armies, but that the funding came from Belgrade.²⁸⁷ Babić testified about how without the support from Yugoslavia, i.e. primarily Serbia, the Croatian Serb government could not exist.²⁸⁸ Ratko Mladić made similar statements²⁸⁹, as did Milan Martić, when he wrote that “the [RSK] has no real sources from which to fill its budget”.²⁹⁰

During the Perišić trial, who from 1993 to 1998 was the chief of the General Staff of the Yugoslav Army, nine excerpts from the notebooks Mladić kept during the war were tendered into evidence. The first of the excerpts concerns the meeting of Serbian and Bosnian Serb

²⁸² Supreme Defense Council, 27th Session, September 27, 1994, 104. Author’s translation.

²⁸³ ICTY *Hadžić*, IT-04-75, expert witness Torkildsen, May 28, 2013, accessed December 8, 2017, <http://www.icty.org/x/cases/hadzic/trans/en/130528ED.htm>.

²⁸⁴ ICTY *Milosevic*, P427.

²⁸⁵ ICTY *Hadžić*, Torkildsen, May 28, 2013.

²⁸⁶ Prosecution evidence on budgets, support and expenditures was presented, among others, in the Milošević trial in the Torkildsen and Theunens expert reports, as well as in the ICTY Perišić trial.

²⁸⁷ Aleksandar Vasiljević’s testimony has been published as an integrated text by the Humanitarian Law Centre. See: Biserko, *Svedočanstva 20. Milošević vs Jugoslavija*.

²⁸⁸ ICTY *Martić*, witness Milan Babić, February and March 2006. On the necessity of Serbian support for RSK see for example ICTY *Milosevic*, November 19, 2002, transcript pages 12970-71, accessed April 16, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/021119ED.htm.

²⁸⁹ ICTY *Stanišić*, Theunens expert report, Part III, Section Two, on relations between the VRS and VJ.

²⁹⁰ ICTY *Milosevic*, P352.

military and political officials, held on May 11, 1992, when Perišić supported the decision to name Ratko Mladić as the commander of the Bosnian Serb Army. Perišić then told Karadžić that “if you chose Mladić, you will get what you need”. The meeting in March 1994 shows that Federal Yugoslavia supported the pursuit of the strategic goals set out by the Bosnian Serbs. Milošević stated then that the “greatest strategic interest [for the FRY] was the defining of borders of the RS” and Karadžić emphasized that the cooperation of the Bosnian Serb Army (VRS) and Republika Srpska Krajina Army (SVK) with the Army of Yugoslavia (VJ) and Perišić was “good”. In July 1994, Milošević stated that “a billion dollars were spent on ammunition and equipment for the war in RS and RSK”. In a meeting in October 1994 the commander of the SVK claimed: “we are all a Serbian army, one army”.²⁹¹ The real cost of this support however was kept secret.²⁹²

According to Zoran Lilić, who served as the President of Federal Yugoslavia between 1993 and 1997, Serbia “bore the full burden of financing the army”.²⁹³ That was confirmed by senior leaders such as Karadžić and Mladić, as well as independent observers. In fact, “without Serbia, nothing would have happened” as the Bosnian Serbs did not have the resources, and without this support “we would not have been able to make war”.²⁹⁴ Mladić was well-aware that “you cannot wage a war without financial support”.²⁹⁵ The Serbs in Croatia and Bosnia were not financially independent, far from it.²⁹⁶ As a UN official testified: “The [Serbs] relied almost entirely on the support they got from Serbia.”²⁹⁷

After losing power in the uprising of October 5, 2000, Milošević justified his actions to the domestic authorities tasked with investigating the misappropriation of customs funds. In his statement, he explained how and why the funds were used:

As regards the resources spent for weapons, ammunition and other needs of the Army of Republika Srpska [in Bosnia and Herzegovina] and the Republic of Serbian Krajina [in Croatia], these expenditures constituted a state secret and because of state interest could not be indicated in the Law on the Budget, which is a public document. The same applies to the expenditures incurred by providing equipment, from a needle to an anchor, for the security forces and special anti-terrorist forces in particular, from light weapons and equipment to helicopters and other weapons which still remain where they are today, and this was not made public because it was a state secret, as

²⁹¹ Sense News Agency, “A billion dollar for wars in which Serbia didn’t participate,” October 1, 2010, report about the Perišić trial and summary of nine excerpts presented in the Prosecutor’s submission, accessed April 16, 2019, http://sense-agency.com/icty/a-billion-dollar-for-wars-in-which-serbia-didn%E2%80%99t-participate.29.html?cat_id=1&news_id=12092.

²⁹² HRW, “Weighing the Evidence”, 5.

²⁹³ ICTY *Milosevic*, witness Zoran Lilić, June 18, 2003, transcript page 22760, accessed April 16, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030618IT.htm.

²⁹⁴ ICTY *Milosevic*, P537, 60.

²⁹⁵ ICTY *Milosevic*, P352, 21.

²⁹⁶ ICTY *Milosevic*, P569.

²⁹⁷ ICTY *Milosevic*, witness David Harland, November 5, 2003, transcript page 28706, accessed April 16, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/031105ED.htm.

was everything else that was provided for the Army of Republika Srpska. In my opinion, these matters should still constitute a state secret.²⁹⁸

In sum, the local Serbs were not completely independent actors because Serbia was bankrolling their existence and the entire war effort.²⁹⁹ As general Rupert Smith, commander of the UNPROFOR in 1995 testified during the Milošević trial, “the man who pays the check is usually the man who is in command”.³⁰⁰

Paramilitary histories in 20th century Serbia

Apart from the immediate context of the breakup of Yugoslavia and the Milošević regime shaping paramilitary action, there is a longer history the paramilitaries emerging in 1990 and 1991 drew from. This is worth outlining briefly, as a history of paramilitary deployment significantly influences the likelihood of their repeated emergence.³⁰¹ Throughout the 19th and 20th centuries, paramilitary units were engaged in fighting as well as “ethnic cleansing”, used as a tool in state building across south-eastern Europe.³⁰² Elites pursued a policy of ethnic homogenization, as an attempt to reach greater stability and security as territories are abandoned by those considered enemies. Ethnic cleansing was sometimes conducted through agreement and treaty, and at other times through genocide and expulsion.³⁰³ In achieving these goals of homogeneity, the elites employed state-sponsored violence in the form of irregular units—utilizing paramilitaries.³⁰⁴ Many of these paramilitaries “are often acknowledged as the primary perpetrators of mass violence against civilian populations”.³⁰⁵ Paramilitarism was thus present throughout the first half of the 20th century.³⁰⁶

Scholar John Paul Newman put it in these words:

²⁹⁸ ICTY *Milosevic*, P427.

²⁹⁹ Prelec, in Waters, *The Milosevic trial*, 360.

³⁰⁰ ICTY *Milosevic*, witness Rupert Smith, October 9, 2003, transcript page 27368, accessed April 16, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/031009IT.htm.

³⁰¹ Ariel Ahram, “Pro-Government Militias”, 211.

³⁰² “Ethnic cleansing” is widely used in literature to describe violent acts by authorities and armed actors aiming to change the demography of territories through murder, expulsion, rape and pillage. Given that the term is so ubiquitous in scholarly contributions, it will be used in this dissertation as well, although its usage is not without problems. It can be criticized as a euphemism for human suffering, or for normalizing violence and implying that territories are somehow “unclean” when ethnically or religiously heterogeneous. It is also often used by the perpetrators of violence. More on the term, see: Vladimir Petrović, “Guerilla Warfare and Ethnic Cleansing: Some terminological and conceptual remarks,” in *Guerilla in the Balkans. Freedom fighters, Rebels or Bandits – researching the Guerilla and Paramilitary Forces in the Balkans*, Pavlovic, Momcilo, Tetsuya Sahara, and Predrag Markovic (eds.) (Belgrade: Institute for Contemporary History, 2006).

³⁰³ Alexander Korb, “Homogenizing southeastern Europe, 1912-1999; ethnic cleansing in the Balkans revisited,” *Journal of Genocide Research* 18, no.4 (2016), 377-387.

³⁰⁴ Biondich, Mark, “The Balkan Wars: violence and nation-building in the Balkans, 1912-1913,” *Journal of Genocide Research* 18, no.4 (2016): 463-484, 390, 396.

³⁰⁵ Biondich, “The Balkan Wars”, 390.

³⁰⁶ John Paul Newman, “The Origins, Attributes, and Legacies of Paramilitary Violence in the Balkans”, in *War in Peace: Paramilitary Violence in Europe after the Great War* (Oxford: Oxford University Press, 2012), 143. For more on paramilitary activity between 1917-1924 in the region, see the forthcoming book by Dmitar Tasić, with Oxford University Press.

A tradition of large, organised paramilitary bands with coherent political goals and official support was established at the beginning of the 20th century. These bands were concerned with imposing their own national programme on regions still under Ottoman control and were in conflict both with imperial authorities *and* other like-minded *čete*. This latter conflict would continue after the expulsion of the Ottomans from the region.³⁰⁷

A significant part of this long tradition were the *hajduks*.³⁰⁸ These, and other forces existed during much of the Ottoman rule in the Balkans.³⁰⁹ They were a rebellious force, fighting for material gain, frequently robbing civilians. Their attacks against the Ottomans made them a common topic in epic poetry across south Slavic lands. This tradition further draws from the Serbian uprisings against the Ottoman Empire in 1804 and 1815, when much of the fighting was done by such guerilla-like units.³¹⁰ The presence of these rebellions in the imagination of much of Serbian society of the 19th and 20th century contributed to it being interwoven in contemporary perceptions of what it meant to be a Serb. That legacy became part of the rich folklore that was, and remains, inextricably linked to politics.³¹¹ The traditions and ideas about the hajduks developed and connected to cultural reference points such as holidays.³¹² Parallels between what was considered a proud, heroic hajduk history and the contemporary fighters and paramilitary leaders were commonplace in the media and literature of 1990s Serbia.³¹³ At the same time, a popular culture developed glorifying young men who engaged in street crime and fights, presented as rebellious and tough.³¹⁴

The Balkan Wars of 1912 and 1913 were a period of proliferation of units in Serbia. Even then, paramilitarism was not a new phenomenon: before the emergence of the modern state and its monopoly of violence in its territory, “almost all military organizations were one or another kind of paramilitaries”.³¹⁵ As the border zone between two strong powers, the Ottoman and the Habsburg empires, through centuries, South Slavs had experience with confronting stronger opponents through the use of small military units. By the beginning of the Balkan Wars, “a borderline between society and the military was never clearly drawn”

³⁰⁷ Newman, “The Origins, Attributes, and Legacies”, 146. The word “četa” means unit, armed group in the broader sense. In the narrower military sense, it means the unit that is the size of a company (i.e. up to 250 men).

³⁰⁸ Jozo Tomasevich, *The Chetniks* (Redwood: Stanford University Press, 1975). See also: Stevan Bozanic, “Masculinity and Mobilised Folklore: The Image of the Hajduk in the Creation of the Modern Serbian Warrior,” MA thesis, University of British Columbia, 2013.

³⁰⁹ Karen Barkey, *Bandits and Bureaucrats: The Ottoman Route to State Centralization* (Ithaca: Cornell University Press, 1994).

³¹⁰ ‘Guerilla’ comes from the Spanish “small war” (Spanish ‘guerra’ means “war”), and dates back to the Napoleonic period and resistance to conquests. The use of guerilla tactics is much older and can be observed throughout the history of warfare. More in: *Guerilla in the Balkans*, 327.

³¹¹ Ivan Čolovic, *Bordel ratnika: Folklor, politika i rat* (Beograd: XX vek, 2000), 23.

³¹² Alexey Timofeev, “Serbian Chetniks in the Balkan Wars: Traditions of Irregular Warfare in Serbia,” in *The Wars of Yesterday: The Balkan Wars and the Emergence of Modern Military Conflict, 1912-1913*, Katrin Boeckh and Sabine Rutar (eds.) (New York: Berghahn books, 2018).

³¹³ Čolovic, *Bordel ratnika*, 196.

³¹⁴ Frank Bovenkerk, “Organized Crime in Former Yugoslavia”, 48.

³¹⁵ Tetsuya Sahara, “The Contemporary Paramilitary Phenomenon and the Yugoslav War of Succession,” in *Guerilla in the Balkan*, 13.

and that had an adverse effect on the civilian population who fell victim to frequent attacks. There was “widespread existence of brigandage” in the Ottoman Empire in the 18th and 19th centuries, reflecting the decentralized nature of the Ottoman state which was conducive to the emergence of armed non-state actors that challenged the state’s monopoly of violence through irregular warfare.³¹⁶ These units were sustaining themselves through pillage and extortion of local populations. On the eve of the Balkan Wars, new approaches to guerilla warfare were being developed, units grew and became more institutionalized.³¹⁷ The brutal tactics of warfare and paramilitary violence during the Balkan Wars were reported on by the Carnegie Commission in 1914.³¹⁸

Other manifestations of paramilitarism included the *komitas*, e.g. rebel bands fighting the Ottoman authorities in the final years of the Empire, supported by neighboring states and in particular Bulgaria, and in the following decades throughout the region in similar forms. Another expression of paramilitarism was in the mobilization of parts of the Albanian population in fighting the early Yugoslav Kingdom. These groups were the *kachaks*, aiming to link contemporary Kosovo and Macedonia with Albania.³¹⁹ These armed confrontations did not end after the First World War but continued to simmer well into the 1920s. Raids, pillage and robbery of civilian populations were frequent.³²⁰ What made these raids possible was the weakness of administrations and the inability to fully control territory.³²¹

The Second World War brought a new surge of armed forces in the region, and irregular units, operating outside of state armies. Among them, partisans led by Josip Broz Tito, and the Chetniks, both largely bottom-up phenomena engaged in guerilla-like warfare. Both forces included large numbers of Serbs: the former—a communist force fighting fascism, and the latter largely royalist. The partisan units led by Tito became a massive force by the end of the war, fully transforming into a state army after its 1945 victory.

“Chetniks” describes different groups in different time periods of the twentieth century, and not all of them shared goals or allegiances. Initially, it referred to forces fighting the Ottomans, and in doing so, they formed bands, the *čete*. The first units under that name date back to the late 19th century.³²² Bougarel traces their emergence to the early 20th century.³²³ There is a history of cooperation between these forces and state armies in the pursuance of common goals.³²⁴ In the 1940s, they were a Serb-dominated force advancing the project of

³¹⁶ Biondich, “The Balkan Wars”, 390.

³¹⁷ Pavlovic et al., *Guerilla in the Balkans*, 136.

³¹⁸ Carnegie Endowment for International Peace, *Report on the International Commission To Inquire into the Causes and Conduct of the Balkan Wars* (Washington D.C: Endowment for International Peace, 1914), 85.

³¹⁹ Pavlovic et al., *Guerilla in the Balkans*, 149.

³²⁰ Pavlovic et al., *Guerilla in the Balkans*, 150.

³²¹ Biondich, “The Balkan Wars”, 398.

³²² Alexey Timofeev, “Serbian Chetniks in the Balkan War”.

³²³ Xavier Bougarel, “Yugoslav Wars: The ‘Revenge of the Countryside’ Between Sociological Reality and Nationalist Myth.” *East European Quarterly* 33, no.2 (1999): 157-175, 167.

³²⁴ Pavlovic et al., *Guerilla in the Balkans*, 62, 63.

“Greater Serbia”³²⁵, a political and territorial aspiration that reappeared in the 1990s again, most obviously with Vojislav Šešelj. The political project was best expressed in maps produced in 1941 by Stevan Moljević, one of the movement’s leading ideologues.³²⁶ That map encompassed “homogeneous Serbia”, a territory that would spread across large areas where Serbs, but not only Serbs, lived. The desired territory encompassed Serbia and South Serbia (today’s North Macedonia), Montenegro and Herzegovina, and large parts of Croatia (Dalmatia, Lika, Kordun, Banja, parts of Slavonia). Some of these territories were again contested in the 1990s.

Conclusion

Paramilitaries of the 1990s had a long history to draw from, of units engaging in ethnic cleansing dating back to at least the Balkan Wars. Paramilitaries were a crucial element of state-building in the region, defeating insurgent forces, subduing rebellious populations through murder and expulsion. Thus, Serbia was connected to the larger patterns of paramilitary violence in the region, and it was a form of armed struggle that existed both in war-time and in peace-time, and that paramilitarism, once it re-emerged in the 1990s, was anything but unknown. Ironically, the continued existence and proliferation of these groups in the first half of the 20th century consistently undermined the very state they believed they were fighting for.³²⁷ Paramilitarism persisted throughout the 20th century, and endured, albeit in different forms and with varied intensity, across different states and regime types.

This legacy was utilized by the various actors, individuals and government agencies in Serbia and the Serb-dominated entities in Croatia and Bosnia, engaged in the implementation of the political project to unite all Serbs in one state. It was to be built from the ruins of Yugoslavia, and it involved working on the establishment of early paramilitaries. No matter their mutual differences, and varied visions of what the new united Serb state was to be like, these actors worked together, weathered tensions and mutual conflict, to alter the boundaries of crumbling Yugoslav republics. That effort, while not completely centralized at all times, was both directed and funded from Belgrade. The Milošević regime was, throughout the war, its main sponsor and without it the local Serbs in Croatia and Bosnia and Herzegovina would struggle to fight for a month, let alone for years. As the following chapter will show, the same was true for the most active and capable paramilitary units.

³²⁵ See: Tomasevich, *The Chetniks*, and Biserko, *Yugoslavia’s Implosion*, 16. The territory would include towns like Gospić and Osijek in Croatia, the entire stretch of coast south of Zadar, all through Montenegro, then Sarajevo, Skopje i.e. much of Croatia, and all of Bosnia and Macedonia as well.

³²⁶ See more: Expert report on Serbian nationalism by dr. Audrey Budding, ICTY *Milosevic*, P508, 13. See also: Waters, *The Milosevic trial*.

³²⁷ Newman, “The Origins, Attributes, and Legacies”, 160.

CHAPTER III: Emergence of paramilitary units (1990 - 1991)

In late 1990, and throughout 1991, Serbian government officials, Yugoslav army officers and nationalist political parties worked with local Serbs to mobilize manpower and resources to take control of a number of municipalities in Croatia, and later BiH. They did so in a context of political instability, skirmishes and rising tensions, and rapidly deteriorating security, especially for those in the disputed territories.³²⁸ This cooperation resulted in the mobilization and arming of locals in the Krajina and Slavonia regions, and an influx of outsiders sympathetic to their cause, and led to the establishment of the first paramilitary units.³²⁹ Among them were the Knindžas, training in the Golubić compound close to Knin³³⁰, and the Serbian Volunteer Guard (SDG) in Erdut, east Slavonia³³¹. These units were at the core of a process of diversification of security and armed forces, unfolding simultaneously with the fragmentation of the Yugoslav military. The presence of Knindžas and the SDG was complemented in the disputed territories by groups of armed locals and political party volunteers from Serbia.³³² In late 1991, and as war began in Bosnia in early 1992, these were joined by other paramilitaries in the capture of territory and ethnic cleansing.

The social and political polarization and growing tensions in Yugoslavia resulted in the crumbling of existing, and establishment of new governance structures like those that would become, in 1992, the Republika Srpska Krajina (RSK) and Republika Srpska (RS). These local structures, together with the Yugoslav People's Army (JNA), Territorial Defense (TO), Serbian Ministry of Internal Affairs (MUP) and its State Security (SDB) and Public Security Service (SJB), as well as nationalist parties ensured the establishment and strengthening of a diverse conglomerate, a patchwork in fact, of Serb(ian) paramilitary forces. These actors drew on the willingness of volunteers to take up arms and organized or supported them as they deployed.

How did these actors, actions and processes converge to produce the proliferation of paramilitary units? The preparations were gradual, and the takeover of territory violent, to pressure non-Serbs to leave. Political elites organized and implemented the seizing of territory³³³, which ran parallel to the efforts of the Croatian and Bosnian governments to

³²⁸ An excellent overview of the crisis at the eve of the war in Yugoslavia and the positions of key federal and republican actors in Belgrade was given by Vladimir Petrović, „Raspad SFRJ: Kriza, Erozija, Pat,“ *Istorija 20. veka*, 1 (2015): 112-132.

³²⁹ There were earlier unsuccessful efforts to mobilize troops by men like retired army general Dušan Pekić, but they did not succeed. See: Nina Caspersen, *Contested Nationalism*, 57-58. See also: Sell, *Milosevic*, 116.

³³⁰ ICTY *Stanisic*, witness Babić, P1877, 1426-1427, 1543; ICTY *Milosevic*, P1878, 13123.

³³¹ ICTY *Stanisic*, witness Pelević, January 26, 2012, transcript page 16516. Witness spoke about the establishment of the SDG on 11 October 1990 in the Pokajnica monastery. See also: Dejan Anastasijević, “Kratka istorija paravojnih jedinica u jugoslavenskim ratovima 1991-1995 – Grabljive zveri i otrovne bube,” *Yu historija*, Analiza slučaja. Accessed April 19, 2019. http://yuhistorija.com/serbian/ratovi_91_99_txt01c9.html, Gow, *Serbian Project*, p. 83, 84.

³³² ICTY *Seselj*, P01275, the *Politika* article from May 26, 1991 puts the number of volunteers of the Serbian Radical Party and the Chetnik Movement to around 15,000.

³³³ Norman Naimark, *Fires of Hatred: Ethnic cleansing in Twentieth-Century Europe* (Cambridge: Harvard University Press, 2001), chapter 5; Mark Biondich, *The Balkans, Revolution, War & Political Violence since 1878* (Oxford: Oxford University Press, 2011).

achieve independence.³³⁴ One important tool used to seize territory and empty it of non-Serb inhabitants were the Knindžas and the SDG. These two units were the incubator for a force the Serbian authorities relied upon throughout the war to advance and maintain control over territories.³³⁵ Members of the Red Berets, emerging from the Golubić camp in the summer of 1991, were until the end of Milošević's rule, a key pillar the regime relied upon to eliminate opposition and protect itself.³³⁶ The beginning was humble, a few dozen men at the core of each of the two units.³³⁷ Both grew to a few hundred men, equipped with automatic weapons and light artillery.³³⁸ The political party volunteers came in larger numbers, and in 1992, in Bosnia, the total number of volunteers reached 70,000.³³⁹ Between 20 and 30,000 were Serb(ian) volunteers.³⁴⁰ These are however merely informed estimates.

This chapter demonstrates that the establishment of the first units was not some organic, spontaneous process. A policy of recruitment, training and arming was necessary for unit establishment. This, in turn, was result of close cooperation, formal and informal, public and covert, between a variety of state and local actors. That cooperation was not always smooth, but it was sustained. It relied on personal initiative and top-down coordination. Without deliberate actions, and support from all these actors, paramilitary units could not have been constituted and sustained. Furthermore, the sources show that this process resulted in units being diverse in size, structure, function and ability.

Yet the emergence of paramilitary units cannot be explained exclusively by top-down initiatives. These men were volunteers, trained and armed in a context of fragmenting and realigning institutions, when people felt anxious about the future, experiencing economic uncertainty, and raging propaganda spreading nationalism and fueling resentment. Small-scale incentives, influenced by these processes, attracting volunteers to these units were also important. Among these incentives were the need to comply with community expectations, peer pressure and a desire for financial advancement. Recruitment and training varied from location to location and depended on who was doing it. It changed as the circumstances on the ground evolved. It was neither seamless nor perfectly executed, yet it was not random.

³³⁴ Adis Maksic, "Priming the Nation for War: An Analysis of Organizational Origins and Discursive Machinations of the Serb Democratic Party in Pre-war Bosnia-Herzegovina," *Journal of Muslim Minority Studies* 35, no.3 (2015): 334-343.

³³⁵ Budimir Babović, "Police as a Tool of Milošević's Autocratic Rule," in *Triangle of State Power*.

³³⁶ Gow, *Serbian Project*, 79.

³³⁷ Vasiljković, who conducted the training in Golubić, spoke about the early days in the documentary created by Filip Švarn, "Jedinica", episode 1 ("Jedinica" means "the unit"). Arkan spoke about the early training in the interview he gave to Risto Đogo, "Moj gost njegova istina", 1994, assessed April 20, 2019, <https://www.youtube.com/watch?v=vXmUh6u2hVc>. Also: ICTY *Stanišić*, witness Dimitrijević testified that the unit recruited Red Star Belgrade fans, January 17, 2012, transcript page 16055. JF-57 testified that there were originally 10 to 15 men who took the oath when the SDG was founded (P1616, page 4; P1618). In the documentary "Jedinica" one member of the fan club says fans knew at the time that Arkan was affiliated with the SDB.

³³⁸ ICTY *Stanišić*, witness Bogunović, speaking about Arkan being in Erdut with 200-300 men, P0553.

³³⁹ ICTY *Seselj*, P0257. This document refers to political party volunteers on all sides, i.e. not only Serb volunteers.

³⁴⁰ ICTY *Seselj*, P0257 gives an assessment of 20,000 for Serb(ian) volunteers, 6. In CIA's Volume I, "Combatant Forces in the Former Yugoslavia", June 1993, an assessment of 30,000 is given for Serb(ian) irregulars, 9. This document puts the total number of "irregulars" in Bosnia and Herzegovina to 100,000.

This chapter discusses how these various actors contributed to the process of establishment of the early units. It explores who created them and why, who mobilized and recruited, equipped, trained and armed them, and analyzes how this process was facilitated, resulting in extensive paramilitary mobilization. The study also traces process of diversification in security agencies and the military in this period. Finally, it analyzes the role of Yugoslav and Serbian government agencies and armed forces, local Serb authorities in Croatia and Bosnia, and nationalist political parties in the establishment of the first units and explores bottom-up influences that shaped the early paramilitaries.

The role of government and armed forces in the establishment of paramilitary units

In late 1990 and early 1991, the leadership in Belgrade faced a significant challenge. Croatia was moving towards independence and intending to take with it areas with large Serb populations, especially Krajina and Slavonia, many of whom wanted to remain in Yugoslavia. Similar tensions built up in Bosnia. An armed conflict was becoming likely, and Milošević's regime and its allies needed a force to secure the territories they wanted to keep in Serb-dominated Yugoslavia.³⁴¹ They needed resources and manpower for these operations and setting up and supporting paramilitaries was a response to their needs. This section explores the ways the Ministry of Internal Affairs of Serbia (MUP), its State Security Service (SDB), and Public Security Service (SJB)³⁴² as well as armed forces, comprised of the Yugoslav People's army (JNA) and Territorial Defense (TO) interacted to create and support paramilitary units. While the Serbian leadership and federal and republican authorities in Belgrade as well as the army had diverging plans early on, these grew closer as the crisis continued.³⁴³

The role of the Ministry of Internal Affairs and State Security Service

The Serbian MUP and specifically the SDB which coordinated the mobilization of the early units had a central role in unit establishment. The MUP armed and supplied some of the volunteers and facilitated their training. As a civilian institution devoted to covert operations to protect the state and habituated to doing unsavory things such as assassinations of political

³⁴¹ For an overview of all the armed forces early on in the war, see the volume I and II of the CIA's analysis "Combatant Forces in the Former Yugoslavia", drafted in 1993. This analysis identifies the capabilities of the JNA as superior to those of its opponents, especially in armaments. Available at, accessed on June 3, 2019, <https://www.cia.gov/library/readingroom/home>.

³⁴² In 1992, the MUP was reorganized, and SDB became RDB, and SJB became RJB ("Resor" instead of "Služba" in name). See: MICT *Stanisic*. Expert report by Christian Axboe Nielsen, "The State Security Service of the Republic of Serbia and Its Interaction with Ministries of Internal Affairs in Serb-Controlled Entities," October 12, 2016.

³⁴³ Marko Attila Hoare, "How the JNA became a Great Serbian Army," *Yu historija*, Analiza slučaja, accessed April 19, 2019, http://yuhistorija.com/wars_91_99_txt01c1.html. See also: Veljko Kadrijević, *Protiv udar - Moje viđenje raspada Jugoslavije* (Beograd: Filip Višnjić, 2010) and Borisav Jović, *Poslednji dani SFRJ: Izvodi iz dnevnika* (Beograd: Politika, 1995).

opponents when deemed necessary, the SDB was suitable for the task.³⁴⁴ The SDB could act under the radar, had access to illicit funds and weapons³⁴⁵, and had networks which could help mobilization and deployment. The SDB was, importantly, a Serbian government institution and part of the Ministry of Internal Affairs, and Milošević was the Serbian president. That proximity, and Milošević's lack of trust in the army, made him rely on the MUP and its forces as the main actor for advancing Serbian interests, as the regime understood them.³⁴⁶ The MUP was increasingly becoming the institution Milošević would rely on to protect and maintain his rule.³⁴⁷

The most significant units in terms of size, durability, and mobility, were a result of deliberate action by Serbian institutions, in particular, MUP and the State Security Administration.³⁴⁸ Given the secrecy of the process of setting them up, it is difficult to say precisely when recruitment and arming began. Arkan claimed his unit was established already in October 1990³⁴⁹, and in November 1990 he was arrested by Croatian authorities with a trunk full of weapons in Dvor na Uni, on the border between Croatia and Bosnia³⁵⁰. However, by March 1991, two months before the first major clash between Croatian and Serbian forces and a dozen casualties in Borovo selo, and six months before the siege of Vukovar began, Milošević presented his intention to mobilize the reserves of the Serbian MUP to protect Serbian interests. It is important to remember that this statement was given in the aftermath of large violent protests against Milošević, on March 9, 1991. Milošević was left feeling threatened, needing a ready-to-use, efficient force to act both externally, outside of Serbia, and internally, to protect the regime.³⁵¹

Further engagement and formation of new police forces is to follow, and the government was tasked with preparing appropriate formations to guarantee our

³⁴⁴ Christian Axboe Nielsen, "The Yugoslav State Security and the Bleiburg Commemorations." *Politička misao: časopis za politologiju* 55, no.2 (2018): 50-70, 55.

³⁴⁵ Miloš Vasić, "13. Maj bivši dan bezbednosti," *Vreme*, May 13, 2010, accessed April 19, 2019, <http://www.vreme.com/cms/view.php?id=930778>.

³⁴⁶ Babović, "Police as a Tool" in *Triangle of State Power*.

³⁴⁷ Hadzic, *The Yugoslav People's Agony*; Thomas, *Serbia under Milosevic*, chapter 9; Gow, *Serbian Project*.

³⁴⁸ Miloš Vasić and Filip Švarn, "Paramilitary Formations in Serbia"; Horncastle, "Unfamiliar Connections".

³⁴⁹ Arkan spoke about the unit being officially established on October 11, 1990 in the interview he gave to Đogo, "Moj gost njegova istina", 1994. His friend and SDG member Borislav Pelević talked about the establishment of the unit in the documentary by Filip Švarn, "Jedinica", episode 1. See also: Anastasijević, "Kratka istorija paravojnih jedinica" and Kosta Nikolić, "Srpska dobrovoljačka garda u ratovima u Hrvatskoj i Bosni i Hercegovini 1991–1992." *Antidot*, September 28, 2017, accessed April 10, 2019, <http://www.anti.media/medijska-mreza/dosije/srpska-dobrovoljacka-garda-u-ratovima-u-hrvatskoj-i-bosni-i-hercegovini-19911992/>.

³⁵⁰ Nikolić, "Srpska dobrovoljačka garda", Miloš Vasić, "Dosije Arkan," *Vreme*, January 22, 2000, accessed April 20, 2019, https://www.vreme.com/arhiva_html/472/05.html. Arkan discusses it in the interview with Đogo, and there is also a short video from Arkan being interviewed by Croatian authorities available, apparently part of a news item on Croatian television, accessed April 20, 2019, <https://www.youtube.com/watch?v=HvF38pNCjrU>. The judgment in that case delivered by the District Court in Zagreb is available in ICTY Hadzic, D00007.

³⁵¹ MICTStanisic, P2423, Statement by Dejan Anastasijevic, 5. Milošević was further nervous about how the military would behave. See more: Filip Švarn, Tamara Skrozza, Biljana Vasić, "Jugoslovenska Narodna Armija 1989-1992 – Kratka Istorija Sloma: Armija Partije," *Vreme*, October 11, 2001, accessed April 20, 2019, <https://www.vreme.com/cms/view.php?id=298989>.

security and make us capable of defending the interest of our republic, *and also the interests of the Serbian people outside Serbia*.³⁵²

A televised statement Milošević gave repeated that the government will form additional forces but omitted to say forces would act “outside Serbia” and stated that the MUP will “protect the interests of the Republic of Serbia and the Serb people”, but without specifying where.³⁵³

At the helm of setting up an alternative armed force to the military, that the Serbian regime could use were the Serbian minister of internal affairs Radmilo Bogdanović who was also a member of the board of the football club Red Star Belgrade. Fans of the club were managed by Arkan.³⁵⁴ Then there were the state security head Jovica Stanišić, and Mihalj Kertes, a close Milošević associate.³⁵⁵ Crucial were also high-level MUP operatives Frenki Simatović and Radovan Stojičić Badža.³⁵⁶ Stanišić was an advisor at the MUP, and Assistant Secretary of Internal Affairs of Serbia in 1990, and from January 1 1992 the chief of the SDB.³⁵⁷ However, he seems to have had significant influence before then.³⁵⁸ Stanišić was never a member of any party and later presented himself as a dedicated, even apolitical professional.³⁵⁹ He never gave inflammatory statements. In fact, he gave almost no public statements at all.³⁶⁰ Stanišić was chief until October 1998, when Milošević had him sacked. Upon leaving, Stanišić said that “the service linked its work and consequent responsibilities primarily to the institution of the President of Serbia”.³⁶¹

³⁵² ICTY *Stanisic*, P0975 (confidential), quoted in Prosecution Final brief, 87, Milošević on March 16, 1991. The document is quoted in Nielsen report for the same trial, 128.

³⁵³ A part of the statement Milošević made on March 16, 1991 is available, accessed April 20, 2019, <https://www.youtube.com/watch?v=93HPS0HHZE8>.

³⁵⁴ Miloš Vasić, “Dosije Arkan,” *Vreme*, January 22, 2000, accessed April 20, 2019, https://www.vreme.com/arhiva_html/472/05.html.

³⁵⁵ Thomas, *Serbia Under Milošević*, Chapter 9, “Politics and the Gun”. See: ICTY *Stanisic*, P00630 is an intercepted conversation between Karadžić and Kertes dated June 24, 1991, discussing provision of arms for Bosnian Serbs. Kertes states that he and Stanišić had been given *carte blanche* to supply Karadžić.

³⁵⁶ Thomas, *Serbia Under Milošević*, 93.

³⁵⁷ An overview of Stanišić’s positions can be found in MICT *Stanisic*. Expert report by Christian Axboe Nielsen, “The State Security Service of the Republic of Serbia and Its Interaction with Ministries of Internal Affairs in Serb-Controlled Entities,” October 12, 2016.

³⁵⁸ Between August 1991 and February 1992, several telephone conversations between Stanišić and Karadžić were intercepted. ICTY *Stanisic*, P0686 is a conversation in which the two discuss east Slavonia and Stanišić’s influence there, dated January 7, 1992, so a mere few days after assuming his new function.

³⁵⁹ Vojislav Šešelj, *Davolji šegrt zločinački rimski papa Jovan Pavle Drugi* (Beograd: Srpska Radikalna Stranka, 2004). Šešelj published the transcript of the days long-interview Stanišić had in Belgrade with investigators from the Prosecutor’s office of the ICTY. It is about 200 pages long, dating from 2003. This document was not supposed to be public. Therefore, this is not released in the same way other material in this chapter is, and its authenticity cannot be verified fully. However, the form and content suggest its veracity, and it is generally accepted as authentic by experts.

³⁶⁰ Stanišić’s first appearance in public spotlight was in 1995, during the UN hostage crisis, when the Bosnian Serb Army held several hundred UN blue helmets hostage, in an attempt to prevent further NATO attacks. Stanišić was sent by Milošević to mitigate the dispute and get the hostages released from the bellicose Bosnian Serbs (in order to relieve pressure on Serbia). Stanišić succeeded. As he attended one of the meetings, Stanišić stated “I am Jovica Stanišić and I am the head of the Serbian DB”. For many in the public that was the only time they ever saw or heard Stanišić (even though he held this position for four years already).

³⁶¹ Quoted in Dejan Anastasijević, “Noć dugih ušiju,” *Vreme*, October 31, 1998, no. 419, 6.

The first contribution they made was organization and coordination, as well as arming local Serbs.³⁶² There is record of Stanišić meeting local Serb leaders like Martić in the Krajina region of Croatia, from August 1990 onwards.³⁶³ In 1991, police vehicles came from Serbia to Knin carrying weapons, with false civilian license plates to avoid raising suspicion as they passed through other republics.³⁶⁴ At the operative and management level, Stanišić and Bogdanović were supported by Franko Simatović Frenki, an SDB employee, and Radovan Stojičić Badža, an SJB employee. The Second Administration, where Frenki was senior inspector and then chief,³⁶⁵ was in charge of intelligence collection and analysis.³⁶⁶ Badža was a judo champion and a special police commander at the Serbian Public Security.³⁶⁷ He was an obvious link between the Serbian MUP and the entity emerging in east Slavonia, fulfilling the duties of Assistant Minister of the Interior in Serbia while also being the commander of the east Slavonia Territorial Defense.³⁶⁸ As such, Badža was a good example of the extensive entanglement of Serbian and local Serb institutions in neighboring republics. It was men like Frenki and Badža, and those below them such as Dragan Filipović, in the field and cooperating with local Serbs, making sure volunteers were being organized. Badža had significant influence over Arkan and the SDG.³⁶⁹ Frenki had a supervisory function, executed more covertly, with respect to the Knin-based unit.³⁷⁰

³⁶² MICT *Stanisic*, witness RFJ-066 testified about shipments of arms facilitated by Frenki, arriving into the Krajina in 1991. The witness testified on July 13 and August 23, and 25, 2017. The same witness spoke about the SDB financial support for local Serbs. While transcripts of this witness remain unavailable, Balkan Insight has reported on his testimony. See: Radosa Milutinovic, “Knin Police Feared Simatovic, Witness Says,” *Balkan Insight*, August 25, 2017, accessed April 10, 2019, <https://balkaninsight.com/2017/08/25/ordinary-policemen-were-afraid-of-simatovic-witness-08-25-2017/>. Furthermore, Witness Borivoje Savić stated in his testimony: “Who could secure the delivery of weapons across borders without police or any other controls? The SDB, who else?”, September 13, 2017. Statement quoted in: Radosa Milutinovic, “Serbian Security Chief Stanisic ‘Was Arkan’s boss,” *Balkan Insight*, September 13, 2017, accessed April 10, 2019, <https://balkaninsight.com/2017/09/13/serbian-security-chief-stanisic-was-arkan-s-boss-09-13-2017/>.

³⁶³ ICTY *Stanisic*, P1878, transcript of Milan Babić testimony in the Milošević trial.

³⁶⁴ ICTY *Stanisic*, witness JF-039, September 15, 2010, accessed February 10, 2018, transcript page 7352, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/100915ED.htm.

³⁶⁵ MICT *Stanisic*, Simatović’s positions are discussed in detail in the Nielsen expert report, 36-40.

³⁶⁶ MICT *Stanisic*, Nielsen report, 43.

³⁶⁷ Badža became well respected for suppressing Kosovo Albanian protests in Kosovo, and in 1991 he engaged with anti-government protests in Belgrade which turned violent. Borivoje Savić spoke about Badža as being “Milošević’s policeman”, MICT *Stanisic*, September 13, 2017. See: Radosa Milutinovic, “Serbian Security Chief Stanisic”. According to Rade Marković, DB chief after Jovica Stanišić, from 1998, Badža and Arkan “were friends”. He also got along well with Jovica Stanišić. See: ICTY *Milosevic*, witness Marković, July 26, 2002, transcript page 8716 - 8717, accessed May 28, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020726IT.htm.

³⁶⁸ MICT *Stanisic*, Nielsen report, 41.

³⁶⁹ ICTY *Stanisic*, Borislav Pelević claimed that the SDG was initially under the local TO, commanded by Badža, who was at the same time a MUP Serbia employee (see P1055, page 5). Badža also visited the Erdut camp frequently. Testimony on January 24, transcript page 16374, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/120124ED.htm, and January 26, 2012, transcript pages: 16500, 16524, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/120126IT.htm.

³⁷⁰ Vasiljković interview in the documentary “Jedinica”. See also: ICTY *Stanisic*, P1075, undated document, probably from the the Yugoslav Army but lacking detail of provenance (probably from 1996), stresses Frenki’s command over a group of men in Krajina, some of whom were “very problematic persons”. The same document refers to SDG, and others, as being under the RDB (previously SDB) MUP Serbia “from the beginning of the war”.

The operation of setting up units further relied on men who were not formally employed by the MUP, but who had extensive contact and cooperation with the above-mentioned organizers. These were Dragan Vasiljković also known as Captain Dragan³⁷¹, and Željko Raznatović³⁷², who acted informally. They were commanding ostensibly politically unaffiliated volunteers under the direction and command of local authorities and the local army, but covertly serving as contractors, outsourced through the Serbian MUP.³⁷³ Vasiljković's role early on was to train volunteers in the Golubić camp.³⁷⁴ Arkan was the commander of the SDG until its dismantlement in 1996, and the commander of the Territorial Defense (Teritorijalna obrana, TO) Centre in Erdut, a hub for incoming volunteers.³⁷⁵ On at least one occasion, both men spoke about their close ties to Belgrade and the SDB in 1991.³⁷⁶ Both worked, at the same time, with local Serb leaders such as Milan Martić and Goran Hadžić in mobilizing, arming and training volunteers.

The Serbian MUP and particularly the State Security also set up their own unit which continued to exist throughout the 1990s, bearing different names.³⁷⁷ The Red Berets were considered elite among government-affiliated units and the men at its core gathered sometime

³⁷¹ Profile of Vasiljković, see: Sven Milekic, "Captain Dragan: Notorious Commander Loses Courtroom Battle," *Balkan Insight*, September 26, 2017, accessed April 10, 2019, <http://www.balkaninsight.com/en/article/serbian-paramilitary-commander-captain-dragan-croatia-conviction-profile-09-26-2017>. See also: MICT *Stanisic*, Theunens expert report "Military aspects of the role of Jovica Stanišić and Franko Simatović in the conflict in Croatia and Bosnia-Herzegovina (BiH) (1991-1995)", Part II, Section Two, 37; MICT *Stanisic*, Nielsen expert report "The State Security Service of the Republic of Serbia and its Interaction with Ministries of Internal Affairs in Serb-Controlled Entities", 61-65.

³⁷² On Arkan as an associate of the State Security, see: Filip Švarn, "Dete Službe," *Vreme*, September 7, 2006, accessed April 10, 2019, <https://www.vreme.com/cms/view.php?id=464243>; Miloš Vasić, "Dosije Arkan.," MICT *Stanisic*, Theunens expert report "Military aspects of the role of Jovica Stanišić and Franko Simatović in the conflict in Croatia and Bosnia-Herzegovina (BiH) (1991-1995)", Part II, Section Two, 48; MICT *Stanisic*, Nielsen expert report "The State Security Service of the Republic of Serbia and its Interaction with Ministries of Internal Affairs in Serb-Controlled Entities", 75.

³⁷³ One particularly instructive testimony has been provided by B-129 in the ICTY *Milosevic* trial. B-129 worked as a secretary in the Serbian Volunteer Guard and provided invaluable insights about the relationships between Arkan and the regime. According to her, Arkan had stated that the Tigers do not go anywhere without the orders of the State Security. According to her testimony, Arkan's Guard was in fact the reserve force of the State Security. She recalled Tigers being paid in cash during deployment and the money being provided by the State Security. See: ICTY *Milosevic*, witness B-129, April 16, 2003, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030416ED.htm, and April 17, 2003, accessed June 10, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030417ED.htm. See also: ICTY *Milosevic*, Decision on Motion for Judgment of Acquittal, June 14, 2004, accessed June 10, 2019, http://www.icty.org/x/cases/slobodan_milosevic/tdec/en/040616.htm.

³⁷⁴ Vasiljković interview in the documentary "Jedinica". Vasiljković discusses contacts and cooperation with Frenki and State Security. MICT *Stanisic*, on Vasiljković and his engagement with Frenki, see Nielsen report, 63.

³⁷⁵ Those volunteers in Arkan's unit were called "Arkan's Tigers", and as shown in one of Ron Haviv's famous images, the mascot of their unit was indeed a tiger (at the time of the photo still a cub). The cub apparently came from the Belgrade Zoo, as Vuk Bojović, the Zoo director, was a friend of Arkan (Vuk Bojović is also the father of a man who was Arkan's associate and member of his unit, who later built a significant criminal career, Luka Bojović). The cub apparently died not long after being given to Arkan and the unit as the animal was not given the required vaccinations. See more: <http://www.nytimes.com/1994/06/14/world/belgrade-journal-in-warring-balkans-his-is-a-peaceable-kingdom.html>

³⁷⁶ On Arkan's statement, see testimony of Borivoje Savic, Milutinovic, "Serbian Security Chief Stanisic 'Was Arkan's Boss'. MICT *Stanisic*, see Nielsen report, 75-83.

³⁷⁷ Dejan Anastasijević, "Ko su 'Crvene beretke: Momci iz Brazila," *Vreme*, October 19, 2000, accessed April 12, 2019, <https://www.vreme.com/arhiva.html/511/03.html>. See also: Miloš Vasić, "Jedinica za specijalna ubistva," *Vreme*, March 27, 2003, accessed April 10, 2019, <https://www.vreme.com/cms/view.php?id=336127>.

in the first half of 1991.³⁷⁸ Frenki Simatović, in the important Kula speech from May 1997, put the official establishment to May 4, 1991.³⁷⁹ The Berets became, simultaneously, a unit operating sub-units, satellites, in the field, a capacity building program for other armed groups, and even a brand.³⁸⁰ Unlike Arkan and Dragan, the Berets kept a low profile.

Finally, the Scorpions, established in 1992, and based in Đeletovci in east Slavonia,³⁸¹ Created as a satellite unit, they were initially guarding oil fields³⁸² and controlling the “border” between the RSK and Croatia.³⁸³ Only later did they engage in fighting. The unit was created at a meeting in Novi Sad, attended by Kertes, future Scorpions commander Slobodan Medić Boca, Radovan Stojičić Badža, Rajo Božović, a commander in the Red Berets, Milan Milanović Mrgud and others.³⁸⁴ The Scorpions were set up to do a specific non-combat job early on, as the local Serb government needed to secure this important resource.³⁸⁵ Mrgud was the one who managed the Scorpions, and organized their deployment.³⁸⁶ Unit member Stoparić remembered being issued an identification document by the Scorpions, with stamps by the Serbian MUP.³⁸⁷

By opening their doors to volunteers, some with criminal pasts³⁸⁸, and stretching or breaking laws governing volunteer engagement, the MUP contributed to the diversification of security

³⁷⁸ ICTY *Stanisic*, expert witness Theunens discusses the early days of the Red Berets, often called Special Purpose Unit of MUP Serbia, in his testimony on October 26, 2010, transcript page 8062, accessed June 18, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101026ED.htm. See also: P01075.

³⁷⁹ ICTY *Stanisic*, P00061, transcript of the Kula video. Same video was admitted in other trials, such as ICTY *Seselj*, P00131. Tromp wrote extensively about the video in her book on the Milošević trial, 27, 129-33, 235, 241, 254, 258, 272.

³⁸⁰ The documentary “Jedinica” contains interviews with former members describing the reputation the Berets had.

³⁸¹ Lists of unit members are often inaccessible, but in ICTY *Stanisic* one list of Scorpions is available, see: P01695. This gives us some sense of their age and where they came from. The list contains 130 names.

³⁸² A number of witnesses spoke about the guarding of oil fields in the ICTY *Stanisic*: JF-029, Borivoje Savić, Aco Drača. Milan Milanović Mrgud testified in the ICTY Milošević trial, on October 14, 2003, transcript page 27493, accessed April 10, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/031014IT.htm. In the Belgrade Scorpions trial for the murders in Trnovo, after the fall of Srebrenica, Slobodan Medić Boca testified about his unit guarding the oil fields. See: *Škorpioni od zločina do pravde* (Beograd: Fond za humanitarno pravo, 2008), 33.

³⁸³ ICTY *Stanisic*, statement Stoparić, P1702, December 14, 2010, transcript page 10333, accessed April 10, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101214ED.htm and December 15, 2010, transcript page 10419, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101215ED.htm and December 16, 2010, transcript pages 10492 – 10493, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101216IT.htm.

³⁸⁴ ICTY *Stanisic*, Stoparić, December 14, 2010, transcript page 10327, December 15, 2010, page 10419, December 16, 2010, 10493.

³⁸⁵ ICTY *Milosevic*, witness Milanović, October 14, 2003, transcript page 27502. See also: ICTY *Stanisic*, D214.

³⁸⁶ According to Stoparić, the Scorpions were funded and equipped from the State Security and Boca reported to Mrgud, while Mrgud reported to the Stanišić. Mrgud was the assistant minister of defense for the RSK. MICT *Stanisic*, Stoparić testimony, November 8, 2017. See: Radosa Milutinovic, “Serbian State Security ‘Controlled Scorpions Paramilitary Unit,’” *Balkan Insight*, November 8, 2017, accessed April 10, 2019, <https://balkaninsight.com/2017/11/08/serbian-state-security-controlled-scorpions-paramilitary-unit-11-08-2017/>.

³⁸⁷ ICTY *Stanisic*, Stoparić statement, P1702, testimony December 15, 2010, transcript pages 10437-10439.

³⁸⁸ Captain Dragan spoke about Arkan showing him around in Erdut, in his base, pointing to a room and saying: “there is 250 years of prison sentence in this room”, implying that those occupying these quarters were sentenced to that much time for violent crime. See: “Jedinica”, episode 1. See also: ICTY *Stanisic*, witness JF-

forces in Serbia and Serb-dominated territories in Croatia and Bosnia. This opened doors for hundreds of men, some with dubious backgrounds and few qualifications, into police and state security assignments thereby lowering levels of professionalism and encouraging politization. This process gradually eroded established practices, opening up possibilities to criminalize the MUP and its state and public security. This process of diversification continued throughout the 1990s. A similar process affected the military, where arms were supplied to local Serbs and efforts were made to integrate volunteers and fill its ranks.

The role of the army and the Territorial Defense

The military was, although constitutionally under civilian control, a powerful actor pursuing its own agenda.³⁸⁹ At first it was rather reluctant to embrace volunteers, but as the conflict escalated into full-blown war, that reluctance subsided. The armed forces, i.e. the federal army, and the republican TO, contributed in two major ways to the establishment of units: they trained and armed them, and accepted volunteer units into their zones of operation. As described earlier, Milošević mistrusted the army, and their siding with the regime was gradual.³⁹⁰ The first time the JNA openly supported the local Serbs was during the attack on the village Kijevo, on August 26, 1991.³⁹¹ However, even before, there were individuals in the army and the TO who supported local Serbs, provided arms and assisted paramilitary mobilization.³⁹²

The JNA in 1991 provided material support, arms and training³⁹³, accommodation³⁹⁴ and transport³⁹⁵ to volunteers who were being sent by recruiters like Šešelj, and his Radical Party.³⁹⁶ The Territorial Defense of the Republic of Serbia provided both a way for men to organize into units³⁹⁷ (which is what the TO structures were originally designed for—an armed citizenry), as well as arms from well-equipped warehouses. These arms were

048, June 15, 2010, transcript page 5713,

http://www.icty.org/x/cases/stanislac_simatovic/trans/en/100615ED.htm.

³⁸⁹ For an overview of JNA interests and position, see the book by former Secretary of People's Defense of Yugoslavia, general Veljko Kadijević, *Protiv udar - Moje viđenje raspada Jugoslavije* (Beograd: Filip Višnjić, 2010). Kadijević held the position between 1988 and January 1992. See also: Hadžić, *The Yugoslav People's Agony*.

³⁹⁰ aHow the JNA became a Great Serbian Army." See also: Hadžić, *The Yugoslav People's Agony*.

³⁹¹ Fond za humanitarno pravo. "Dosiје: JNA u ratovima u Hrvatskoj i BiH" (Beograd: Fond za humanitarno pravo, 2018).

³⁹² Gow, *Serbian Project*, 85.

³⁹³ In late 1991 and early 1992, arms from army and TO depots were distributed in Croatia and Bosnia, mostly through local SDS contacts. In Croatia, for example in Otočac, Perušić, Gospić, Sveti Rok, and Skradnik. Around 15,000 weapons were distributed between March and July 1991. Another 20,000 were distributed in Dvor and Čelinac in July, and another 20,000 between August and October. See: ICTY *Stanislac*, D118, 2-3. In ICTY *Seselj*, Theunens's report discusses arming of volunteers by JNA in Bosnia, 11-12. For example, see distributing 51,900 weapons and SDS distribution being 17,298 weapons), 150.

³⁹⁴ Šešelj stated in the documentary series "Death of Yugoslavia" that the barracks at Bujanj Potok were "given" to him and his volunteers. See: ICTY *Seselj*, P00064.

³⁹⁵ Examples of transport being provided by the JNA, see: ICTY *Seselj*, P670. See also: Theunens expert report in the same trial, 236.

³⁹⁶ ICTY *Seselj*, P00064.

³⁹⁷ The "Igor Marković" unit in Zvornik, which became widely known as Yellow Wasps numbered about a hundred men. Igor Marković was a member who died in combat. See: witness Simo Bogdanović, Zvornik I case, War Crimes Chambers Belgrade, case nr. KV 5/05, 27 September 2007.

distributed widely, through informal networks of political party leaders and sympathizers, local army or TO commanders, and Crisis Staff members.³⁹⁸

The army gradually sided with the Serbian political project, after trying to determine how to position itself in the changing political context. In 1991 this positioning was completed, when decisions were taken by JNA commanders to let Slovenia leave Yugoslavia, and take up positions in Croatia, clearly siding with local Serbs.³⁹⁹ Constitutionally tasked with protecting Yugoslavia, this large multi-national force became increasingly Serb(ian) and Montenegrin, as non-Serbs sided with what they saw as their respective republics and left the army or were pressured to leave⁴⁰⁰. In 1991 however, the army was still not fully trusted by the regime.⁴⁰¹ Milošević was simply unsure if he could count on the secretary of defense, general Kadijević.⁴⁰²

The JNA faced one challenge that meant it needed volunteers: serious manpower shortages, and it took steps to counter it. Kadijević listed that as the biggest problem facing the military in 1991.⁴⁰³ The legal framework dictated that in times of war, volunteers were allowed to join on an individual basis rather than as part of politically-affiliated groups. That remained the case and the army made efforts to subordinate the politically-affiliated groups to JNA units in the field.⁴⁰⁴ These volunteers filled gaps left by widespread desertion⁴⁰⁵, and remedied the

³⁹⁸ Local networks were often informal and originated in political party connections. See expert report in ICTY *Karadžić*, by Dorothea Hanson, “Bosnian Serb Crisis Staffs, War Presidencies and War Commissions”. In that report, Hanson calls them the “vehicles for establishing and maintaining control of the territory claimed for the Serbian state”, 32.

³⁹⁹ The JNA, its disintegration, the legal framework and command and control are extensively discussed in reports written by military expert Reynaud Theunens. These reports were prepared for numerous trials such as Stanišić and Simatović, Martić, Hadžić, Mladić, Šešelj, etc. More on JNA siding with the Milošević regime, Hoare, “How the JNA became a Great Serbian Army” and Petrović “Raspad SFRJ: Kriza, Erozija, Pat,” See also: Jović, *Poslednji dani SFRJ*.

⁴⁰⁰ Statistics for the JNA officer corps for the year 1985 and are presented in Davor Marijan, *Slom Titove Armije: JNA i Raspad Jugoslavije 1987-1992* (Zagreb: Golden Marketing Tehnička knjiga, 2008), 65. About the process of JNA becoming more ethnically Serb and Montenegrin as the crisis continued, see also: Aleksandar Ćirić, “Uspon i sunovrat Jugoslovenske narodne armije,” *Vreme*, February 21, 2008, accessed April 21, 2019, <https://www.vreme.com/cms/view.php?id=588338>. See also: Hoare, “How the JNA became a Great Serbian Army”.

⁴⁰¹ Hoare, “How the JNA became a Great Serbian Army” and Petrović “Raspad SFRJ: Kriza, Erozija, Pat.” See also: Jović, *Poslednji dani SFRJ*.

⁴⁰² MICT *Stanisic*, P2423, Statement by Dejan Anastasijević, 12.

⁴⁰³ Kadijević, *Protiv udar*.

⁴⁰⁴ Jović spoke about JNA’s attitude about volunteers during the Milošević trial. See: Biserko, *Milošević vs Jugoslavija*, 989.

⁴⁰⁵ Anastasijević wrote that in Belgrade, only 10% of those called upon turned up to go fight in Croatia. See: “Ko su ‘Crvene beretke’ Momci iz Brazila,” *Vreme*, October 19, 2000, accessed April 5, 2019, https://www.vreme.com/arhiva_html/511/03.html. A good overview of the mobilization crisis was given in *Vreme* magazine, quoting a reservist capturing well the attitudes of many who refused to go and fight in Croatia “As soon as Serbia is attacked, we’ll be there!” The article also quotes notes sent by parents to authorities: “Z.P. cannot go to the army. His dad won’t let him.” See: Backović, Ofelija, Miloš Vasić and Aleksandar Vasović, „Spomenik neznanom dezertoru,” *Vreme*, February 28, 2008, accessed April 10, 2019, <https://www.vreme.com/cms/view.php?id=592022>.

problem.⁴⁰⁶ Troop numbers were a constant concern for the leadership throughout the Bosnian war.⁴⁰⁷

The self-declared local Serb Territorial Defense (TO) was another structure supporting early paramilitaries. Their depots were an early source of weaponry.⁴⁰⁸ While the Territorial Defense was a legal component of SFRY Armed Forces, which included all armed formations that were not part of the JNA, the TO structures were used to advanced Serb(ian) interests.⁴⁰⁹ In this period the TO morphed from being a legal system of citizen defense designed to fight foreign invasion into a loose and diverse conglomerate of units, from Serbia and from the disputed territories, engaging in the takeover and expulsions in the disputed areas. It was the TO status which could give some veneer of legitimation and legality to units appearing in the field. In Croatia, Šešelj-affiliated Leva Supoderica was identified as a TO unit in Vukovar in late 1991. In Bosnia in the spring of 1992 one such example were the Yellow Wasps in Zvornik.⁴¹⁰ With their permissive recruitment and lack of professional leadership, they were some of the least disciplined units.⁴¹¹ The Yellow Wasps, discussed below, were also one of the most violent and sadistic ones.

This engagement of volunteers created a messy reality on the ground in late 1991: volunteers sprung up in army zones of operations without clear instructions and subordination. The army wanted to legalize these units and control them. Legislation was amended in both Serbia and Yugoslavia. In the summer of 1991, decrees and instructions were adopted, for

⁴⁰⁶ As the testimony is unavailable, a report on C-057's statement during the Milošević trial summarizes it. IWPR ICTY, "Rezervisti JNA odbijali da se bore u Hrvatskoj," *IWPR*, December 3, 2003, accessed April 10, 2019, <https://iwpr.net/sr/global-voices/rezervisti-jna-odbijali-da-se-bore-u-hrvatskoj>. See also: See: Biserko, *Milošević vs Jugoslavija*, 984.

⁴⁰⁷ Supreme Defense Council minutes reflect the troop shortages as cause of concern. See: 5th session, 5 August 1992; 16th session, 25 December 1993; 18th session, 7 February 1994; 25th session, 30 August 1994; 35th session, 31 March 1995; 41st session, 11 August 1995.

⁴⁰⁸ ICTY *Šešelj*, Šešelj spoke about this in his own trial, on March 20, 2008, transcript page 5068, <http://www.icty.org/x/cases/sešelj/trans/en/080320ED.htm>. His volunteers got weapons "they felt sorry to destroy...so they just gave them to us", such as Thompson guns, and M-48s. According to P00063, a speech Šešelj gave in Glina to local Serbs, this distribution was done "pursuant to Milošević's order". Šešelj also stated that Milošević provided weapons and transport for thousands of volunteers.

⁴⁰⁹ On TOs more broadly, see Theunens, expert reports on military aspects of the conflict. They are also discussed in other expert reports, such as those by Dorothea Hanson (Hanson distinguishes between regular and irregular TOs, i.e. those that had a legal basis, and those formed illegally and covertly by the SDS across Bosnia).

⁴¹⁰ The Yellow Wasps commander Vojin Vučković Žuća claims he was appointed in April 1992, by Brano Grujić, president of local SDS and municipality, and that their unit was a TO unit. He also spoke about contacts with MUP officials and Dragan Vasiljković. See: TV Happy, "Goli život, intervju Vojin Vučković Žuća," aired 2014, accessed April 10, 2019, <https://www.youtube.com/watch?v=xFlQ3WSILs>. According to one witness in ICTY *Šešelj*, Asim Alić, a former police officer from Zvornik, Vojin Vučković and his brother Dušan had membership cards of Vojislav Šešelj's Serbian Radical Party and its Serbian Chetnik Movement. See testimony on May 15, 2008, transcript page 7009-7010, accessed May 29, 2019, <http://www.icty.org/x/cases/sešelj/trans/en/080515ED.htm>.

⁴¹¹ ICTY *Stanisic*, P01047. As described in this report dated 23 October 1991 by Lieutenant-Colonel Eremija, JNA 1st Proletarian Guards Mechanized Division, TOs were involved in crimes, together with paramilitary units from Serbia, the Chetniks and Dušan Silni detachment, and others. Expert Theunens discusses it during his testimony on October 28, 2010, accessed April 10, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101028ED.htm as well as in his report for the same trial, 92-94.

the registration and inclusion of volunteers in the TO of the Republic of Serbia, and the JNA. In December, the now-rump Presidency of Yugoslavia⁴¹², adopted an order on engagement of volunteers in the armed forces. This was in the aftermath of the takeover of the town of Vukovar in east Slavonia, which fell to Serb forces in November 1991 after being nearly obliterated by JNA artillery during two and a half months of siege. The Vukovar operation saw significant paramilitary mobilization and widespread attacks on civilians. For the first time, this document from December 1991 mentioned volunteer formations, and not only individuals.⁴¹³ It was furthermore an effort to create order in the field and ensure that units fall into line. This, in particular, concerned volunteers mobilized through political parties, and people who took up arms locally, with TO units and in haphazard ways—those units which were most numerous and least trained.

Crucially, the paramilitaries served as a tool of distancing during the campaign to seize and cleanse territory of unwanted populations.⁴¹⁴ This distancing operated under the same logic as the distancing put in place with the fragmentation of the JNA in May 1992, as army staff and large amounts of equipment were used to create local Serb forces in Croatia and Bosnia. That was after the first phase of the war in Croatia was over, and as the war was beginning in BiH, and as both states were being recognized as independent. The formerly joint Yugoslav army disintegrated after forty-five years, creating three Serb-dominated armies. Borisav Jović, Milošević's close associate and president of the Presidency of SFRY in 1990 and 1991, provided the simplest explanation for emerging entities having, formally, their own armed forces:

Europe and the international community will likely recognize Bosnia as an independent state soon and we, given that we are constantly criticized by the international community, no matter that we thought those criticisms were too harsh, should not allow ourselves to have the Yugoslav army there [in Bosnia] who will be treated as an occupier, because we do not want that, and we have to take measures not to have that happen.⁴¹⁵

These measures were both the establishment of separate armies post-independence of Croatia and Bosnia, but also, earlier on, a reliance on volunteers to fill troop gaps and do some of the dirtiest work of ethnic cleansing. There was another reason rump Yugoslavia, increasingly but not yet fully dominated by Milošević in 1991 and 1992, needed volunteers. The army was vast, diverse, albeit that was quickly changing, and with officers educated in the laws of war.

⁴¹² Referring to the Presidency of Yugoslavia after the other republics left, meaning Serbia, Montenegro, Vojvodina and Kosovo, whose leaderships were dominated by Milošević associates.

⁴¹³ The order on the engagement of volunteers in the armed forces of the SFRY from 10 December 1991 is discussed in the Theunens expert report in the Šešelj trial, 92. In the ICTY Stanisic case, the order was presented as P01088.

⁴¹⁴ Since the SFRY ceased to exist, Milošević insisted that Serbia was not at war, and he maintained this position claiming that local Serbs were independent actors, by stating that "Bosnia is another country." See: Roger Cohen, "Peace in The Balkans now Depends on the Man Who Fanned Its Wars," *New York Times*, October 31, 1995, accessed April 10, 2019, <https://www.nytimes.com/1995/10/31/world/peace-in-the-balkans-now-depends-on-the-man-who-fanned-its-wars.html>.

⁴¹⁵ Biserko, *Milošević vs Jugoslavija*, 988.

Some had reservations about engaging in ethnic cleansing, as evidenced by reports by concerned officers about violence and looting perpetrated by volunteers.⁴¹⁶ Without widespread violence, the non-Serbs would not have left and would wish to return to their homes as soon as possible—that is why armed groups *beyond* the regular army were needed.

In sum, after the initial period in which their relationships were diverse and sometimes awkward, from November 1991 and the battle for Vukovar, most accepted army command.⁴¹⁷ The JNA and TO stockpiles were an early source of weaponry for the emerging units. As the takeover of municipalities began and escalated into full-blown war, the JNA opened doors to volunteers, TOs, local Serbs and men from Serbia. As the JNA faced a lack of troops, this influx helped but resulted in a rapid diversification of the armed forces. Rules and regulations about volunteers and access to weapons were amended to legalize the situation on the ground. This process was further compounded by the mobilized reservists many of whom lacked discipline.⁴¹⁸ This diversification, which included reliance on paramilitaries, required close cooperation.

Role of local authorities

This section addresses the contribution of local authorities in what became Republika Srpska Krajina (RSK) and the Republika Srpska (RS) to the establishment of paramilitary units. Local Serbs in Croatia and Bosnia encouraged, financed and supported by authorities of the Republic of Serbia, created their own institutions and governing structures: governments, ministries of internal affairs, municipal and regional bodies, dedicated to the management of the process of seizing territory. These various local structures opened doors of the police to volunteers, non-professionals, entering local special units. These practices and influx of volunteers contributed to the process of diversification of local policing—one which was marked by democratization, deprofessionalization, and militarization, in the Bosnian Serb case.⁴¹⁹ Why the police opened its doors to accept even those with criminal records, is best summarized by then-minister of internal affairs in the RS, who said that “thieves and criminals” were accepted because intellectuals and people with PhDs did not exactly rush out to defend the country. The minister continued stating that “perhaps we made a mistake there”.⁴²⁰

In 1991, the training camps in Golubić, and Erdut, were supported by local authorities, which complemented resources from Serbia. Golubić was being prepared and reconstructed in February 1991, supplied from the depots in Knin.⁴²¹ On September 21, 1991, Arkan was

⁴¹⁶ ICTY *Stanisic*, P01047.

⁴¹⁷ Gow, *Serbian Project*, 85.

⁴¹⁸ CIA, Volume I, “Combatant Forces in the Former Yugoslavia”, 6.

⁴¹⁹ Andy Aitchison, “Police and persecution in the Bosnian Krajina: Democratization, Deprofessionalization and Militarization,” *Criminal Justice Issues: Journal of Criminal Justice and Security* XIV, no. 5/6 (2014): 1-19.

⁴²⁰ ICTY *Stanisic and Župljanin* (this is Mićo Stanišić, not Jovica, and Mićo was the minister of internal affairs in the RS). Witness Đokanović testified on November 23, 2009, transcript pages 3596-3597, http://www.icty.org/x/cases/zupljanin_stanisicm/trans/en/091123ED.htm. See also: P00400, 17.

⁴²¹ ICTY *Stanisic*, witness DFS-43. While the statement is unavailable, the Final Defense Brief for Franko Simatović discusses it, 22.

formally named commander of the Erdut compound and TO special units by Goran Hadžić, then-prime minister in east Slavonia.⁴²² In February 1992 Arkan became special advisor to the President of the RSK, Hadžić.⁴²³ However, this local affiliation did not confuse everyone. At the time, the “general assumption” of those monitoring the situation in the field was that the Serbian DB and the Serbian Defense Ministry supported Arkan and his engagement in east Slavonia.⁴²⁴

Bosnian Serb local authorities in the spring of 1992, regional and municipal, created and supported local Territorial Defense units. Some sent arms and uniforms⁴²⁵, some provided weapons⁴²⁶, some made accommodation available, some provided buses or other necessities⁴²⁷. In doing that, although they exercised some independence, these local authorities at the municipal level acted in accordance with the demands of their leadership and Radovan Karadžić.⁴²⁸ Some Crisis Staffs sent written demands for armed volunteers, and local authorities like those in Zvornik occasionally paid unit members.⁴²⁹

Apart from local TOs and units like Arkan’s, Serb authorities furthered the diversification of security and armed forces. They established their own police forces which also included non-professionals. In Bosnia, these units were well armed and participated in combat and their numbers gradually grew.⁴³⁰ These newly established police received significant support from the JNA and from Belgrade, because without this help they would have been unsustainable. There are several good examples of this diversification of local police and the increase of special police units. One was the Knin-based “Martić’s men”, discussed below. The Serb Defense Forces (SOS) can illustrate the local police absorbing existing units. The SOS was a paramilitary unit operating around Banja Luka in early 1992 and commanded by a regional Crisis Staff member.⁴³¹ The group was placed under police control at the end of April 1992 but retained some autonomy.⁴³² These special units, permissive as they were in opening their doors to volunteers, soon became infamous.⁴³³

⁴²² ICTY *Hadžić*, P00194.140. See also: MICT *Stanisic*, Nielsen expert report, 75-76.

⁴²³ Interview in Borba, February 16, 1993, quoted in MICT *Stanisic*, Nielsen expert report, 80.

⁴²⁴ ICTY *Hadžić*, expert witness Nielsen, January 11, 2013, transcript page 2508, <http://www.icty.org/x/cases/hadzic/trans/en/130111ED.htm>.

⁴²⁵ Local authorities in Zvornik formed TO special units, such as in the case of “Igor Marković” unit and got uniforms for them. See: ICTY *Stanisic and Župljanin*, witness ST-215, September 28, 2010, discussing document 1D03-4403, transcript page 14946, http://www.icty.org/x/cases/zupljanin_stanisicm/trans/en/100928ED.htm.

⁴²⁶ Arming by local authorities is discussed in detail also in the Hanson expert report in the ICTY *Karadžić*, 34. This was documented in Bosanska Krupa, Bratunac, Novo Sarajevo, Rajlovac, Sanski Most, etc.

⁴²⁷ Accommodation, transport, payments to various kinds of paramilitaries, discussed in ICTY *Karadžić*, Hanson, 36. Examples include Ilidža, Rajlovac, Vogošća, Zvornik, Bijeljina, Rajlovac, etc.

⁴²⁸ ICTY *Karadžić*, Hanson, 66. In her report for the ICTY Krajšnik case, she discusses Crisis Staff support for paramilitaries, see for example page 23.

⁴²⁹ ICTY *Seselj*, Theunens expert report, 195. This unit was extensively discussed in the ICTY Krajšnik trial, as well as in Karadžić.

⁴³⁰ ICTY *Krajšnik*, IT-00-39, “The Bosnian Serb Ministry of Internal Affairs: Genesis, Performance and Command and Control 1990-1992”.

⁴³¹ On the SOS, see for example ICTY *Krajšnik*, Nielsen report, 64 and MICT *Stanisic*, Nielsen report, 200. See also: ICTY *Mladić*, Tolimir report on paramilitary formations dated July 28, 1992, P03802, 4-5.

⁴³² ICTY *Mladić*, Tolimir report, P03802.

⁴³³ MICT *Stanisic*, Nielsen report, 200-201.

Local authorities were not fully independent and worked with the Serbian State Security in supporting the early units. In 1991, Martić had called Stanišić “his true and only commander.”⁴³⁴ In December 1991, Karadžić and Stanišić spoke on the phone, and discussed “undertaken preparations” for the establishment of Serb-controlled territories.⁴³⁵ In June 1991, Frenki Simatović, while at the Golubić camp, wrote an order concerning the movement of weapons which, in its letterhead stated “Republic of Serbia – SAO Krajina”.⁴³⁶ There is evidence of SDB employees being stationed in disputed areas, embedded with local authorities, often having formal roles in their structures, organizing operations, providing information to Belgrade.⁴³⁷ Thus, as much as local leaders and authorities had a role in the daily preparation of the takeover, ultimately, decisive influence was wielded from Belgrade.

Role of Serbian political parties

Serbian opposition parties, nationalist and anti-communist to various degrees, formed in 1990 and early 1991, were a distinct actor contributing to paramilitary proliferation. These parties contributed through radicalizing Serbs across the former Yugoslavia, by exploiting and exacerbating their fears of living in independent republics, making them more susceptible to armed action. This resulted in the establishment of various units, outside of the legal framework, and volunteers being sent into the disputed areas where they were often incorporated into the self-declared local Serb Territorial Defense. These parties were the Serbian Renewal Movement (SPO), Serbian National Renewal (SNO), and Serbian Radical Party (SRS), whose leaders started political engagement together but soon split ways. As previously noted, Šešelji’s SRS had an on-and-off cooperation with the regime, and in 1991 and 1992 he cooperated with Milošević, and sent significant numbers of volunteers to the disputed territories. Sources suggest that only those party units which cooperated with or

⁴³⁴ Witness RFJ-144 testified in MICT *Stanisic*, January 23, 2018. Report on the testimony was published by Radosa Milutinovic, “Stanisic was Croatian Serb Rebels’ ‘Commander,’” *Balkan Insight*, January 23, 2018, accessed April 10, 2019, <https://balkaninsight.com/2018/01/23/stanisic-was-croatian-serb-rebels-commander-witness-01-23-2018/>.

⁴³⁵ Expert witness Robert Donia testified in the MICT *Stanisic*, on January 30, 2018. Report was published by Radosa Milutinovic, “Belgrade ‘Supported Creation of Bosnian Serb State,’” *Balkan Insight*, January 30, 2018. Accessed April 12, 2019. <https://balkaninsight.com/2018/01/30/belgrade-supported-creation-of-bosnian-serb-state-01-30-2018/>.

⁴³⁶ ICTY *Stanisic*, P00979. The order was discussed on May 10, 2012 with defense expert witness Milan Milošević who raised doubts about the authenticity of the document, saying it was illogical. The witness also raised doubts that an official document, especially once so short, could contain multiple mistakes. The BCS version especially, the original, makes it clear that there are several language or typographical mistakes. See: transcript pages 19251-19252, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/120510ED.htm.

⁴³⁷ Ilija Kojić and Radovan Kostić are good examples of this kind of embedding where Serbian State Security employees perform important functions in Serb-controlled territories. State Security members stayed in and worked with local authorities in the disputed territories. Much of the evidence on specific State Security employees is confidential. However, MICT *Stanisic*, Nielsen report discusses them. Kojić for example, on pages 137-138, and Kostić on page 135. The Prosecution Final brief in ICTY *Stanisic* discusses other such examples (however, there too, much is redacted). See also the role of Marko Pavlović, real name Branko Popović, who was instrumental in the takeover of Zvornik. See: ICTY *Stanisic*, Prosecution Final Brief, 361, and Kusmuk, M. “Uhapšeni ratni predsjednik SO, komandanti TO i Žutih Osa,” B92, February 25, 2005, accessed June 10, 2019, https://www.b92.net/info/vesti/pregled_stampe.php?yyyy=2005&mm=02&dd=25&nav_id=163071. This article quotes Pavlović (Popović) saying that the “secret police” brought him to Zvornik.

were controlled by the regime were allowed to exist and were provided with training and arms and could deploy and participate in operations.

This section discusses three early mobilization operations that resulted in the establishment of paramilitary units: the Serbian Guard affiliated with the SPO⁴³⁸, the White Eagles and Dušan Silni detachment affiliated with SNO, and Šešelj's men affiliated with the SRS. The first two were rather short-lived. Importantly, the army, which was supposed to accept these volunteers was reluctant and critical of party mobilization. General Kadijević, the Federal Secretary of Defense was concerned that anti-communist political party mobilization was harming the army and dragging suitable recruits away from it.⁴³⁹ There was thus competition for manpower, and Kadijević was right—the sympathizers of nationalist and strongly anti-communist political parties who criticized Milošević refused to serve in the Yugoslav People's Army.

First, the most successful mobilization in terms of numbers and longevity was by Šešelj's SRS and its military wing, the Serbian Chetnik Movement (SČP). The SČP had a War Staff organizing mobilization and deployment of affiliated units.⁴⁴⁰ The men Šešelj's party supplied for the war effort were more like a conglomerate of separate units under one umbrella, than one unit with an integrated structure. Until 1993, Šešelj's movement was closer to the regime and as such could mobilize volunteers. The SRS mission and program were perfectly articulated by Nebojša Stojanović, a former Šešelj volunteer:

Sometimes people at SRS meetings and rallies spoke of 'liberating' Serb territories that we lost after the Second World War. By 'liberating' these territories, the SRS / SČP volunteers would help the Serbs living in these territories to regain their rights. In practice, however, 'liberation' of these territories meant that Croats and Muslims living there would be expelled. That was the program. That was the task and the SRS / SČP volunteers knew what they were going to do.⁴⁴¹

The Šešelj volunteers, the so-called 'Šešeljevci' (Šešelj's men), came from Serbia, Montenegro, BiH, Croatia, and to a much lesser extent, from abroad⁴⁴². Verifiable information of numbers of volunteers does not exist, but there are ways to estimate. Šešelj, as he was holding a rally before his departure to face ICTY charges cited the number of over 10,000, which was likely inflated.⁴⁴³ The SRS attracted large numbers of people, but not many who would end up as solid special forces-like units. Šešeljevci were open to older men as well, who needed

⁴³⁸ Serbian Guard of the SPO should not be confused with Arkan's Serbian Volunteer Guard. These are two different units.

⁴³⁹ Kadijević, *Moje viđenje raspada*.

⁴⁴⁰ ICTY *Seselj*, Theunens report, 23. One example of the War Staff managing volunteers is P01059, a letter, not dated, to the military to provide the five volunteers being sent to the "4th July Barracks" in Belgrade with uniforms and accommodation.

⁴⁴¹ ICTY *Seselj*, P00528, page 4, paragraph 12. The official SRS program and mission are in P00153.

⁴⁴² ICTY *Seselj*, Zack Novaković, a Šešelj volunteer from New York, gives an interview to a TV crew in Grbavica, a Serb-controlled neighborhood of Sarajevo, in 1994, P00256.

⁴⁴³ A part of his speech at the rally on February 23, 2003 is available online, accessed August 2, 2018, <https://www.youtube.com/watch?v=Cllm0dNg858>.

physically less-demanding tasks. Importantly, the MUP-affiliated units were strict about alcohol, dress, and drinking and that was not the case in Šešelji's unit.⁴⁴⁴ One Šešeljević member presents the gist of the SRS recruitment succinctly saying that the majority of these volunteers were "uneducated and primitive persons with few opportunities in life", who often went to the frontline because of their difficult economic situation, as they "thought they could easily become rich by looting".⁴⁴⁵

The second example is another party-affiliated unit—the Serbian Guard. The SPO, led by Vuk Drašković⁴⁴⁶, was affiliated with it and supporters formed their own units. Đorđe Božović Giška, Branko Lainović Dugi and Đorđe Matić Beli were the ones behind this unit.⁴⁴⁷ The third mobilization effort was around Mirko Jović's SNO, which was affiliated with the White Eagles and the detachment Dušan Silni, both led by Dragoslav Bokan⁴⁴⁸. The SPO and SNO mobilization efforts were shorter and less expansive, even though in the first year of the war in Croatia they were notable, but not exceeding a few hundred men in total.⁴⁴⁹ SNO started off with quiet endorsement by the regime, but the DB pulled its support after party leadership backed plans in Krajina that Milošević disapproved of.⁴⁵⁰

Serbian Guard leaders Đorđe Matić Beli and Giška, who were known criminals, decided to oppose Milošević and to join SPO in 1991.⁴⁵¹ The Serbian Guard had difficulty reaching the front for a period as they were outside SDB control.⁴⁵² Unlike many other units, this one was not accused of brutal violence against civilians.⁴⁵³ The unit did briefly manage to reach the area of Lika and engage in some fighting, but soon after their commander Giška was killed, in

⁴⁴⁴ ICTY *Seselj*, P00132 is a 1st Military District Security Organ report on the "activity of the so-called 'Serbian Volunteer Guard' dated October 19, 1991, where Arkan's unit is reported to be funded, armed and fed from Serbia, and that discipline is "strict, the consumption of alcohol is prohibited", 2.

⁴⁴⁵ ICTY *Seselj*, P00528, paragraph 12.

⁴⁴⁶ In one interview Drašković claims he was not personally involved in the unit, but that it was established as SPO-sympathizers. See: "Goli život," TV Happy, 2013, accessed April 10, 2019, <https://www.youtube.com/watch?v=PzevZHLW1y8>.

⁴⁴⁷ All three men were assassinated: Giška on September 15, 1991, Beli was murdered on August 4, 1991 while Dugi was killed later, on March 20, 2000. Giška was an anti-communist, local criminal in Belgrade, and was popular with young men, including petty criminals, and Beli was known as a financier of the Guard, he made his fortune in the auto dump business in The Netherlands. See, for example, a documentary featuring interviews with people who knew them, Lekić, Mašan, "Dosije: Beogradski klanovi, Arkan i Giška," 2014, accessed April 10, 2019, <https://www.youtube.com/watch?v=SfCEsJPbiYA>. Giška gave an interview, from 1991, in a video which also shows his men training, accessed April 10, 2019, <https://www.youtube.com/watch?v=Pb3K0GoKSBO>.

⁴⁴⁸ Mirko Jović in this 2013 interview stated that the State Security permeated political parties and was closely monitoring opposition leaders and their mobilization efforts.

⁴⁴⁹ They had not been the focus of any trials at the ICTY, so fewer sources are available.

⁴⁵⁰ Thomas, *Serbia under Milosevic*, 96.

⁴⁵¹ According to Drašković, the unit first gathered in Milanovac, in Serbia. See: Drašković, TV Happy interview, 2013.

⁴⁵² Vojislav Šešelji's four volume *Policijski dosije* books give a number of documents created by the State Security about the nationalist parties and their units. See: *Policijski dosije* (Beograd: Srpska Radikalna Stranka, 2010). Volumes 2-4 all contain information and reports about the parties and their activities, created by State Security offices around the country.

⁴⁵³ "Kriminal: smrt Branka Lainovića," *Vreme*, March 25, 2000, accessed April 20, 2019, https://www.vreme.com/arhiva_html/481/07.html.

September 1991, and the unit dispersed.⁴⁵⁴ According to one Guard volunteer, Giška was completely different from Arkan. The latter apparently had the habit of showing up after a battle, with cameras, to boast about his success.⁴⁵⁵

Bokan, a leader in the SNO, claimed an organizing role in volunteer mobilization.⁴⁵⁶ He was a fierce anti-communist, critic of Milošević, and nationalist who presented himself as an ideologue.⁴⁵⁷ Journalist Filip Švarn called him a self-promotor.

He was a film director who liked bragging. He created these White Eagles in Serbia as a paramilitary formation [...]. It was a big conglomerate of various guys, characters that played vojvodas, paramilitary commanders, whatever. As for Dušan Silni, as Mirko Jović did not want to fall behind in this, he then around Pazova also collected volunteers of some sort and sent them to east Slavonia.⁴⁵⁸

Although some party mobilization was potentially useful from the perspective of the regime, these efforts were monitored and observed with suspicion by the Serbian State Security. After all, it was not in Milošević's interest to have large numbers of men recruited by those he could not control. According to Gow, this consideration was an important reason to set up Arkan's Volunteer Guard, and to engage with the Red Star fans, because this would draw away supporters and potential recruits from opposition parties, especially the popular SPO.⁴⁵⁹

The State Security focused on the consequences of this recruitment for Serbia, and the security situation there, of mobilization and illicit movement of arms.⁴⁶⁰ That applied primarily to the SRS, SNO and SPO. In fact, extensive monitoring operations were put in place by the security apparatus, as illustrated by the so-called Operational Action Tomson. The purpose of this action was the "disarming of all illegally armed individuals and groups and preventing [...] attempts to create paramilitary units."⁴⁶¹ So, while the DB supported

⁴⁵⁴ Iva Martinović and Miloš Teodorović, "Paravojne formacije – Dušan Silni, Beli orlovi, Srpski sokolovi," *Slobodna Evropa*, April 11, 2010, accessed April 22, 2019, https://www.slobodnaevropa.org/a/plp_paravojne_formacije_dusan_silni_beli_orlovi_srpski_sokolovi/2008829.html. There are allegations that Giška was killed by regime associates as he ran a unit which was oppositional, and was not under regime control, but the circumstances of his death remain unclear. See also: Gow, *Serbian Project*, 82 and Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2005), 393.

⁴⁵⁵ Interview about Giška, with former Guard member Đurađ Fibišan. See: TV Kurir, February 11, 2018, accessed April 22, 2019, <https://www.kurir.rs/crna-hronika/2992975/isповest-saborca-komandanta-srpske-garde-giska-mi-jc-umro-na-rukama-upucali-su-ga-hrvati>.

⁴⁵⁶ Bokan was interviewed for the BBC documentary series "Death of Yugoslavia", aired in 1995.

⁴⁵⁷ Bokan was also interviewed by Balkan Info, on January 15, 2018, accessed April 20, 2018, <https://www.youtube.com/watch?v=s1CXfneaf4>. There are a number of his interviews for Balkan Info available online.

⁴⁵⁸ Martinović and Teodorović, "Paravojne formacije".

⁴⁵⁹ Gow, *Serbian project*, 85.

⁴⁶⁰ ICTY *Seselj*, P00907 is a Serbian State Security report on the "illegal arming and creation of paramilitary formations by the SČP," dated May 14, 1991.

⁴⁶¹ Operational Action Tomson is discussed in detail in expert Nielsen's report for the MICT *Stanisic* trial, 52 – 60. See also: Supreme Defense Council notes for Fifth Session, August 7, 1992, where members of the Council discuss the political party mobilization efforts.

some mobilization, and established its own covert units, it was closely monitoring and limiting the activities of opposing political parties, especially *within* Serbia.

Finally, if paramilitaries were recruiting with reasonable success, how come the army, the JNA, struggled to fill its ranks? If one looks at the evidence about volunteers more generally, they framed their participation in clearly nationalist terms. The symbols they wore and the things they said make that unambiguous. These men were not interested in defending Yugoslavia, especially as the conflict worsened, and defending Yugoslavia was a big part of how JNA framed the conflict.⁴⁶² After all, the JNA represented Yugoslavia like no other institution, and that idea, at least for most of these volunteers, had lost any traction.⁴⁶³

Capacity building: Recruitment and training

Recruitment and training varied depending on when and by whom it was done, and what “positions” were being filled. It seems likely that suitable candidates were sought by those leading the effort, such as Stanišić, Kertes, Bogdanović, among individuals the MUP already had a trusted relationship with, or who were already employed and proved their quality—Arkan externally, Frenki and Badža internally, within the Serbian MUP. Secondly, some early figures seem to have put themselves forward with suggestions about what to do and had a suitable resume, such as Captain Dragan. Not many details are publicly available about how the operatives just below, for example the future Red Berets trainers were engaged⁴⁶⁴, people like Radojica Božović, Zvezdan Jovanović, Vasilije Mijović, and others who held important commander posts throughout the 1990s.⁴⁶⁵

What is clear is that recruitment went through three main channels and was influenced by small-scale influences for each individual recruit.⁴⁶⁶ More than anything else, it was personal and kinship ties, including criminal networks, which were important; political party activity and participation in sports clubs and football fan clubs. These factors were of course compounded by propaganda fueling nationalism and promoting people like Arkan and Dragan as heroes. The Yellow Wasps and the Scorpions included siblings, and childhood

⁴⁶² The JNA framed the conflict slightly differently in different phases, but overall it was about fighting extremists bent on destroying Yugoslavia (in Croatia, and Bosnia). After the JNA’s retreat from Slovenia and deployment in Croatia in the early summer of 1991, along the lines that supported local rebelled Serbs, the army’s stance was more clearly pro-Serb but it was not framed, within the army, as an effort to build some enlarged Serbia.

⁴⁶³ Dobrila Gajić-Glišić, *chef de cabinet* of then-minister Serbian of defense Tomislav Simović, testified in the Milošević trial. See: Biserko, *Milošević vs. Jugoslavija*, 962- 978. She also published a book, *Srpska vojska – Iz kabineta ministra vojnog*. Beograd: Admiral Books, 2015. The issues facing the JNA at the time and why people refused to serve in it is also discussed here: Backović, Ofelija, „Spomenik neznanom dezertneru“.

⁴⁶⁴ Gow wrote that early on, the army intelligence, especially the Airforce Intelligence, was involved in the selection of those who had the required skills to lead these special units and training programs. See: Gow, *Serbian Project*, 62.

⁴⁶⁵ Their personnel files which could provide answers are all inaccessible to the public, designated as confidential in the ICTY and MICT Stanišić and Simatović case.

⁴⁶⁶ Marina Ilić, “Patriotism with benefits: Paramilitary groups, weekend warriors and volunteers in Yugoslav wars,” Conference paper, 17th Annual World Convention of the Association for the Study of Nationalities, New York, Columbia University, 2012. See also: Milicevic, “Joining the war”.

friends.⁴⁶⁷ These ties also worked to attract those who wanted to kill and maim, when word of mouth spread about what some units were doing.⁴⁶⁸ Some joined for more pedestrian reasons, because the pay there was better.⁴⁶⁹ The SRS provided large numbers of volunteers formed in sub-groups under an umbrella called “Šešeljevci”⁴⁷⁰, but some individual SRS volunteers also became members of MUP-affiliated units.⁴⁷¹ The importance of Red Star fans as a repository of human resources was complemented by other sports clubs, in particular martial arts such as boxing or judo.⁴⁷² Volunteers were drawn to the MUP-affiliates because they were better equipped, and held in higher esteem.⁴⁷³

The efforts to build an internal affairs ministry in the autonomous region of Krajina and later in the Republika Srpska Krajina were gradual and included the training and arming of a special police force.⁴⁷⁴ Training was first conducted in Golubić, but the number of training camps increased.⁴⁷⁵ SDB staff was coordinating, training, but also visiting centers such as Golubić, to inspect and assess the situation.⁴⁷⁶ The core of the police forces in RSK was the Martić’s militia, “Martićevci”, and that unit stemmed from a group of policemen who were trained in Golubić in the spring and summer of 1991.⁴⁷⁷ The JNA was aware of the training conducted there.⁴⁷⁸ Apart from the Golubić, there were other training camps such as the one in Korenica, set up in July 1991.⁴⁷⁹ The training was reported on in the media glorifying the

⁴⁶⁷ Commander of Yellow Wasps stated that his unit had seven pairs of siblings. See: “Intervju: Vojin Vučković Žuća,” 2016, Balkan Info, accessed April 22, 2018, <https://www.youtube.com/watch?v=sMYhjKrwiPg&t=20s..> The Scorpions member Duško Kosanović Sova spoke about many of the Scorpions unit coming from the same area and knowing one another since childhood. See: Lazar Stojanović, “Škorpioni – Spomenar,” 2007, Beograd, Fond za humanitarno pravo, accessed April 25, 2019, <https://www.youtube.com/watch?v=nqsDRw04Z6U>.

⁴⁶⁸ Former volunteer Stoparić spoke about the early days of the war, when those who killed civilians went home and spoke about it to their peers, attracting others who wanted to participate as well. See: Stojanović, “Škorpioni – Spomenar”.

⁴⁶⁹ Duško Kosanović Sova, member of the Scorpions, spoke about this in the documentary “Škorpioni – Spomenar.”

⁴⁷⁰ As stated by Šešelj in his “Death of Yugoslavia” interview, they gathered in the army barracks of Bujanj Potok outside Belgrade. See: ICTY *Seselj*, P00644.

⁴⁷¹ Dejan Anastasijević in Švarn, “Jedinica”. Scorpions member Goran Stoparić was, early on, a member of Leva Supoderica, a Šešelj-affiliated local unit in Vukovar.

⁴⁷² A number of commanders and members had backgrounds in martial arts, such as Pelević in the SDG, Vojin Vučković in the Yellow Wasps, Dragan Filipović from the DB, Badža in the Public Security.

⁴⁷³ Stoparić speaks about this in the documentary “Vukovar - Posljednji rez”, B92, 2006.

⁴⁷⁴ The legal framework, history of policing and security and the ministries of internal affairs of Serbs in Croatia, Bosnia and Herzegovina, Serbia and Yugoslavia were analyzed by historian and ICTY prosecution expert Nielsen.

⁴⁷⁵ Franko Simatović Frenki spoke during the Kula celebrations in May 1997 that the number of SDB-affiliated camps was 26, but that was likely an exaggeration as there are some alleged camps which do not appear in the trial records. For example, Dinara, Obrovac, Gračac, Plitvice, Šumarice, Lički Osik, Benkovac, Trebinje, Mrkonjić Grad were all locations mentioned in his speech, but not much evidence was tendered to support his claims for these locations. See: ICTY *Stanisic*, P00061.

⁴⁷⁶ Milutinović, “Stanisic was Croatian Serb Rebels’ ‘Commander.’”

⁴⁷⁷ MICT *Stanisic*, Nielsen’s expert report talks about the Serb police structures in Krajina, 102-111, and writes about the “Martićevci” on pages 107-108.

⁴⁷⁸ ICTY *Stanisic*, witness Karan, retired military security officer, testified about the military’s knowledge of Erdut, for example. See: February 2, 2012, accessed April 20, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/120222ED.htm.

⁴⁷⁹ ICTY *Stanisic*, see testimony of Babić testimony, P01878, as well as: witness Maksić, September 6, 2010, transcript pages 6849-6850 accessed April 20, 2019,

volunteers of this RSK special police unit under Captain Dragan.⁴⁸⁰ However, the reality was that the content of the training was nothing special.⁴⁸¹ Arkan's base in Erdut was also used for training, and there are a number of documents from the 1st Military District Security Organ describing it. One document from October 1991 stated that volunteers were trained to "kill whomever they find in the house" during raids.⁴⁸²

The nucleus that would create what Gow called Milošević's Praetorian guard⁴⁸³, the Special Operations Unit, was created in the Krajina region of Croatia likely sometime in early May 1991. This special unit, called the Red Berets, started from the effort to train the "Knindže", when the most capable candidates were selected for the elite units.⁴⁸⁴ They received their signature mark, the red beret, after one of the first operations, in Glina in early summer 1991. They wore it throughout their existence, up to the dissolution of the unit in the aftermath of the assassination of Prime Minister Đinđić. Captain Dragan who trained the first members described that the red beret was a recognition, a reward of sorts, for participation in one of the first operations. It is notable that red berets are, in many militaries, worn by elite troops, which may have been a further reason for Captain Dragan to give them out.⁴⁸⁵

The unit began, essentially, with a few men going from Belgrade to Knin, to talk about setting up a training camp, after a meeting where Dragan suggested to SDB operative Simatović a 3-week long training for what was to be a special police unit.⁴⁸⁶ Dragan, a Belgrade-born immigrant to Australia, had a military background and was eager to get involved. He had a vision for what needed to be done and was anonymous in Serbia at the time—an ideal candidate to hire for setting up a training camp.⁴⁸⁷ The mistrust seen with the recruitment by political parties applied to close but external DB associates too, as evidenced by records of SDB monitoring of Captain Dragan.⁴⁸⁸

http://www.icty.org/x/cases/stanislav_simatovic/trans/en/100906FE.htm. Witness JF-039 testified about Korenica being set up, September 14, 2010, transcript pages 7246-7247, http://www.icty.org/x/cases/stanislav_simatovic/trans/en/100914ED.htm.

⁴⁸⁰ Drago Kovačević, former Knin mayor, speaking in "Jedinica", episode 1.

⁴⁸¹ ICTY *Stanislav*, witness JF-031, was heard in closed session, so its content can be reconstructed only partially. See: Simatović Final defense brief, 23.

⁴⁸² These documents are extensively discussed in the expert report for ICTY *Stanislav*, 74. The capacity in Erdut was 260 volunteers. See: ICTY *Stanislav*, witness Dimitrijević, a clerk for Arkan and the Guard, January 17, 2012, accessed April 22, 2019, transcript page 16100,

http://www.icty.org/x/cases/stanislav_simatovic/trans/en/120117ED.htm.

⁴⁸³ Gow, *Serbian Project*, 87.

⁴⁸⁴ The Knindžas were a powerful propaganda tool too, to inspire young men to join, as evidenced by a comic book of the same name that was published in Serbia in 1991. See: Ivana Nikolić, "The Art of Post-War Trauma," *Balkan Insight*, January 22, 2015, accessed April 10, 2019, <https://balkaninsight.com/2015/01/22/the-art-of-post-war-trauma/>.

⁴⁸⁵ Vasiljković, speaking in the "Jedinica", episode 1.

⁴⁸⁶ ICTY *Stanislav*, P03251, dated 13 April 1991, 1.

⁴⁸⁷ According to Dragan, he became even friendly with Frenki. See: "Jedinica", episode 1.

⁴⁸⁸ ICTY *Stanislav*, evidence of Vasiljković being under surveillance was discussed during the testimony of Dejan Lučić, on December 13, 2011. These are not publicly available, but are discussed in court, http://www.icty.org/x/cases/stanislav_simatovic/trans/en/111213ED.htm. The MICT retrieval of Stanišić and Simatović saw evidence introduced on this matter, and Nielsen's expert report discusses it on page 63.

SDB's Simatović was clear when in 1997 he described the activities of the unit, which “since it emerged has constantly worked to protect national security in circumstances where the existence of the Serbian people was directly jeopardized *throughout its entire ethnic area*”—meaning outside Serbia's borders. Frenki continued by saying that the unit engaged in combat operations that were anti-terrorist, directed at preventing war crimes, mass retaliation, and genocide. Crucially, he uttered the following—“due to the international circumstances familiar / to all of us/, we were forced to operate in *complete secrecy*”.⁴⁸⁹

Joining this secretive unit required taking an oath:

One day when you find yourself alone in the battlefield,
And the enemy women, children, and dogs come to tear you to pieces,
Shoot a bullet through your head and die a hero.⁴⁹⁰

The training centers, affiliated with the SDB and the Red Berets, trained men who went on to lead their own units, such as Milan Lukić in Višegrad.⁴⁹¹ Šešelj's fighters gathered around Branislav Gavrilović Brne spoke about being trained by Captain Dragan.⁴⁹² Veljko Milanković, commander of the Wolves from Vučjak active in Bosnia was trained in these early days⁴⁹³, as was Ljubiša Savić Mauzer, who later established his own unit⁴⁹⁴. According to one former member, 30% of Scorpions were members of the Red Berets, i.e. were trained in camps affiliated with or started by the Serbian State Security.⁴⁹⁵ One quote succinctly summarizes the creed of the Scorpions commander, describing the disposition of some of those joining the MUP affiliates:

I loved three things in life, and I am going to share them with all of you. I loved, and I am going to be vulgar because that is the kind of man I am... I loved pussy, the rifle, and the state and I still stand by that. That has to be clear to all.⁴⁹⁶

⁴⁸⁹ ICTY *Stanisic*, P00061, 5.

⁴⁹⁰ ICTY *Stanisic*, played during testimony of JF-048, June 15, 2010. The unit's oath resembles the last verse of the poem “The Young British Soldier” by Rudyard Kipling, from 1892. See: Rudyard Kipling, *If – and Other Poems* (London: Michael O'Mara Books Ltd, 2016).

⁴⁹¹ Lukić writes about training in Ilok, a known Red Berets base, in his memoir, *Ispovesti haškog sužnja* (Beograd: Srpska Radikalna Stranka, 2011), 58.

⁴⁹² ICTY *Seselj*, P00937, 3.

⁴⁹³ Tromp, *Prosecuting Milošević*, 130. Milanković died in Belgrade's Military Medical Academy, in early 1993. So, while being wounded on the front lines in Croatia, he died in Belgrade, where medical care was often provided for fighters who were Croatian or Bosnian Serbs. See: Slobodan Kostić, “Milankovićevom, nizbrdo,” *Vreme*, April 12, 2007, accessed April 22, 2019, <https://www.vreme.com/cms/view.php?id=494598>.

⁴⁹⁴ ICTY *Stanisic*, witness Dimitrijević, January 17, 2012, discussing Mauzer and the fact he was with the SDG early on, but then started his own unit, the Panther Guards, in Bijeljina.

⁴⁹⁵ MICT *Stanisic*, witness Stoparić. See: Milutinovic, “Serbian State Security ‘Controlled Scorpions Paramilitary Unit.’”

⁴⁹⁶ County Court in Belgrade, Scorpions trial, testimony of Slobodan Medić Boca, Scorpions commander, February 22, 2006, transcript, 45. See also: Tanja Tagirov, “Presuda Škorpionima: Istina, ali samo pravosudna,” *Vreme*, April 12, 2007, accessed May 31, 2019, <https://www.vreme.com/cms/view.php?id=494573>.

Conclusion

This chapter described and analyzed early units in 1990 and 1991, unveiling how they were established. What became clear from the sources is the extent of differences between them.⁴⁹⁷ No single term can perfectly capture their essence as reality on the ground was simply too complex for them to be categorized neatly. While remaining cognizant of that, a distinction can be made between the units, designating some as “professionalized” and others as “non-professionalized”. The former category refers to units with closer ties to the Serbian Ministry of Internal Affairs (the MUP affiliates), and the latter to those further afield, such as groups established and deployed by political parties, for example the Šešeljevci. The designation of “professionalized” or “non-professionalized” thus refers to how the units were set up, and how they operated.⁴⁹⁸

These designations are not without problems. First of all, they represent ideal types. Moreover, as Janowitz points out, “professionalization” is a concept which implies an element of desirable behavior”.⁴⁹⁹ Huntington wrote about three essential elements in military professionalism - expertise, responsibility and corporateness.⁵⁰⁰ But Janowitz recognized the difficulty of trying to apply this term to the military. What does professionalism mean in the military? As he rightly noted, was the German general staff acting professionally in the Second World War when following orders which were destructive and with little or no military purpose?⁵⁰¹ The application of this term “professional” is even more complicated when applied to paramilitaries, some of which participated in attacks on civilians which were manifestly illegal. Therefore, here the term “professionalized” contains no value judgment. It merely means that their establishment, training and operation, as well as the equipment they had, and status in the field made them elite—units of a higher order. Their ability, especially in comparison to the non-professionals, made them “professionalized” units.

Both types of units were formed as a result of cooperative action of the Serbian MUP, federal army and local Serb civilian and military structures, and as a response to a need to seize territory and remove large numbers of non-Serbs. Volunteers provided the much-needed manpower to supplement the still-not-fully trusted army, and in ways that did not directly implicate Milošević’s regime. As Croatia and Bosnia were slipping out of Yugoslavia, units were proliferating. Their establishment took place along a few separate trajectories that

⁴⁹⁷ One witness who discussed the differences between the units was B-299 from the ICTY *Stanisic*, May 6, 2008. B-299 was a former State Security operative at the federal level, and he spoke about the different units he encountered as he was travelling in Croatia on the eve of and during the first months of the war, accessed April 28, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/080506ED.htm. For example, on transcript page 1119, the witness makes the distinction between units run by Frenki and Badža, with close ties to the MUP because the two were its employees, and other unit further afield from the government agencies.

⁴⁹⁸ Anastasijević offered an interpretation making distinctions between units, and comparing them to football clubs, where there is substantial variation in terms of quality. Arkan’s Guard was an A-lister, the Scorpions one level below, and the Yellow Wasps were at the very bottom, “made up of people from the social bottom, criminals, alcoholics and psychopaths”. See Anastasijević, “Kratka istorija paravojnih jedinica”.

⁴⁹⁹ Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (Glencoe: The Free Press, 1960), 6.

⁵⁰⁰ Samuel Huntington, *The Soldier and the State* (Cambridge: Harvard University Press, 1957), 8.

⁵⁰¹ Janowitz, *The Professional Soldier*, 6.

occasionally crossed. The MUP established its own affiliates, primarily the Red Berets and Arkan's Tigers and their satellites. They were the better trained, and more mobile units, providing the sharp edge to the armed forces who could do what the army could not.

The JNA on the other hand, and the local Serb TO, accepted volunteers, many through Šešelj's mobilization efforts, where the recruitment was more permissive. The MUP affiliates were closer to the regime and more tightly controlled through its associates and ran covertly. They were the reliable, trained force the regime needed—easy to deploy and efficient. These units were also reasonably small, in total up to a few hundred men each, but they gathered, for the most part, those with physical aptitude and ability to fight. Šešelj's men were there to help fill the JNA's ranks, dwindling after desertions. Overall, Šešelj's volunteers were there for numbers, not for skill. Local TOs in Croatia and Bosnia, as well as local party structures opened doors to local Serbs wanting to join. Paramilitary-inspired inclusiveness to volunteers proved attractive to local police structures who created units which were police in name only. All this activity, bypassing or violating the legal framework, led to the diversification and deprofessionalization of security and armed forces. Rules governing the legal deployment of volunteers were bent and broken, and the situation on the ground legalized and legitimated retroactively.

Coordination concerning the capacity building and establishment of the first units was done by those trusted by Milošević. Following initial meetings and smaller scale arms supplies, in the spring of 1991, the first training took place in Golubić, sponsored by the State Security, and in the early fall Arkan's Serbian Volunteer Guard took shape in Erdut. However, there was also caution on the side of the DB about mobilization efforts outside of government control, as in the case of Operation Tomson, and in the monitoring of Captain Dragan, who was after all, a hired outsider. This chapter has shown that some of the units such as Arkan's Guard and Dragan's Knindžas had ties to both the Serbian MUP and the local Serb authorities. That local affiliation was useful to mask ties to Serbia.

Thus, between the spring of 1991 and spring of 1992, there was substantial diversity in the emerging units and unit proliferation was a result of cooperative action. In order to exist, units needed support and resources, a welcoming ecosystem that fulfilled their material needs. The Serbian MUP and State Security were the implementers of much of the operation and had a coordinating and overseeing function. For the regime, relying on these units was a marriage of necessity, a way to do what needed doing, without too much risk for Milošević and his associates. Clearly, many early units, especially those at the local level, were not micro-managed at every step of the way. There were far too many units, in too many places. However, the stage for these units to walk onto, and fulfill their role, was set by the regime and its partners. This extensive paramilitary activity would simply not have been possible without resources Belgrade provided.

Unit establishment was a top-down organizing and coordinating effort which drew on bottom-up pressures fueling mobilization. Those behind the paramilitary mobilization were employed by the state or were their partners, even only temporarily. These men used

informal networks that crossed institutional boundaries and territories, held together by a shared political goal: a reinvented Serb state. The cooperation was centered on employing interlocking, complementary strategies and harnessing mutually reinforcing processes.

CHAPTER IV: Functioning of paramilitary units (1991 - 1995)

After determining how, why, where, when and by whom paramilitary units were established early in the war, this chapter discusses how they worked. Which functions did they serve? What features of units were created and maintained to benefit the sponsoring state? What fueled continued engagement by these units? How did deployment change between the start of the war in Croatia and Bosnia and its end? What followed initial unit proliferation? This chapter demonstrates that cooperation between the Milošević regime, its Ministry of Internal Affairs, the three Serb-dominated armies, local authorities in the RSK and RS and select paramilitaries continued throughout the war, up to the very end. This cooperation, publicly unacknowledged, continued, despite political problems between partners—mainly Belgrade and the Bosnian Serbs.⁵⁰² Throughout the war, select units served to support local Serbs in their territorial ambitions, maintain direct control over important parts of war-making, and provide distance from the brutality in the field, and thus continuously serving the aims of the regime.

Belgrade relied on select units while simultaneously renouncing them as private actors.⁵⁰³ The mutually beneficial relationship was cemented after the process of consolidation of armed force, which took place after the fall of Vukovar in November 1991 and the violent takeover of municipalities in Bosnia in the summer of 1992. This made paramilitaries less diverse and established lines of authority more rigidly. The chapter argues that the regime made strategic choices about where and when to engage key units, and implemented them in partnerships, while heavily relying on the Serbian MUP. Daily operations in unit deployment were left to trusted operatives. For example, Arkan, a former state security asset himself, relied on ex-French legionnaire Milorad Ulemek Legija, who later commanded the Special Operations Unit.⁵⁰⁴ These units firmly pursued control over what they considered Serb lands.

There were two main features of unit functioning which contributed to their sustained engagement. The different paramilitary units produced ambiguity useful for the regime. By outsourcing much of the violence to units whose affiliation and chain of command were unclear to outsiders, the regime was protecting itself from additional sanctions, diplomatic pressure and criminal prosecution. Secondly, in different ways and to a different extent, all these units engaged in some form of profit-driven criminality and that ensured their continuous engagement.

Ambiguity about control over select units was strategically maintained. Members were instructed to remove insignia as they went into an operation; units were frequently renamed, changed locations, integrated or subordinated to local armies and were paid as freelancers.

⁵⁰² See: Donia Radovan Karadžić; Tromp, *Prosecuting Slobodan Milošević*; Waters; *The Milošević Trial*.

⁵⁰³ Milošević consistently distanced himself from paramilitaries. See: Judith Armatta, *Twilight of Impunity: The War Crimes Trial of Slobodan Milošević* (Durham: Duke University Press, 2010), 156; Waters, *The Milošević Trial*, 365-366, Cigar, *Indictment in The Hague*, 82-83.

⁵⁰⁴ Vojin Ražnatović, *Stories About My Father: An Intimate Portrayal of Europe's Most Controversial Paramilitary Commander* (Self-published, 2014). See also: Arkan interview in "Moj gost njegova istina", discussing Legija's experience and capability.

Unit members held several IDs identifying them as Serbian security operatives as well as employees of local structures in Croatia and Bosnia. These actions created distance from the most unsavory elements of the campaign to seize territory throughout the war. That distance was necessary as credible reports about mass violence by Serb(ian) forces and paramilitaries emerged as early as 1991.⁵⁰⁵ Soon, Yugoslavia was under sanctions for its involvement, causing further economic decline and creating domestic pressures on the regime.⁵⁰⁶ Amplifying substantially the regime's interest in distancing itself from illegal violence, in May 1993, the United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia.⁵⁰⁷ After that, a prison sentence for those responsible was looming as a possibility, so Milošević and those around him had one more reason to obscure links to paramilitaries and claim that whatever was happening in Croatia and Bosnia was a local affair.

From the earliest days of the war, various units engaged in looting non-Serb property. This form of criminality was widespread, and both professionals and non-professionals participated in it. Paramilitaries were by no means the only pillagers. Local authorities engaged in the confiscation of assets regularly, in a formalized process involving permits to leave the area granted to non-Serbs, but only after they relinquished their property. The highest military and civilian leaders were aware of this and looted property was both appropriated by individuals but also kept as "state property". Cars, furniture and domestic appliances were looted *en masse*. Much of the looted property ended up in Serbia. Apart from looting, there was sanctions-busting, an activity involving State Security operatives and professionalized units. This widespread criminality was not a consequence of chaos, but a lucrative, organized activity which created incentives for paramilitaries to keep engaging.

The chapter proceeds with presenting how the select units deployed in Croatia and Bosnia and differentiates between the functioning of professionalized versus non-professionalized paramilitaries. It investigates who held control and authority over units, how this changed through time and which processes influenced these changes. Instances of paramilitaries asserting their power over friendly forces like Serb military officers in municipalities where they deployed, uncovered much about the hierarchies between these different armed actors. Finally, the chapter analyzes ambiguity as a mechanism of pursuing goals while remaining shielded of consequences for the regime, followed by an investigation into profit-driven criminality as a powerful incentive furthering paramilitary participation.

⁵⁰⁵ Stephen Engelberg, "Villagers in Croatia Recount Massacre by Serbian Forces," *New York Times*, December 19, 1991, accessed April 29, 2019, <https://www.nytimes.com/1991/12/19/world/villagers-in-croatia-recount-massacre-by-serbian-forces.html>.

⁵⁰⁶ Different sanctions were implemented between 1992 and 1995 and had far-reaching consequences on the economy and the welfare of the population. Hyperinflation hit the country, production was largely halted, income fell significantly, unemployment rose. See: Jovanovic, Predrag and Danilo Sukovic. "A Decade Under Sanctions." Beograd: Transparentnost, no date. Accessed April 29, 2019. <http://www.transparentnost.org.rs/stari/dokumenti/d012.html>.

⁵⁰⁷ UN SC Resolution 827, May 25, 1993: <http://unsr.com/en/resolutions/827>

Unit deployment in Croatia and Bosnia and Herzegovina

Throughout the war, the alliance between the leadership in Belgrade, the Serbian Ministry of Internal Affairs and the federal Army and the local Serbs in Republika Srpska Krajina and Republika Srpska, was continuously tested. Serbia was under pressure domestically, through galloping inflation, high war-related spending, a collapsing economy, and strong outside demands to end the war.⁵⁰⁸ As substantial territory was taken early, Milošević wanted to end the fighting, legitimize gains and have stifling sanctions lifted.⁵⁰⁹ The Bosnian Serbs around Radovan Karadžić had a different plan. They held grand territorial ambitions and did not want to compromise, enabled by a strong military. This disagreement escalated with the Bosnian Serb rejection of the Vance Owen peace plan in 1993, leading Milošević to impose a blockade, pressuring them to change their minds.⁵¹⁰ These tensions and disagreements did not break the unity. Under the radar, the alliance between security forces and intelligence on each side of the river Drina held, and Serbia continued to secretly supply those it was pressuring into peace.⁵¹¹ Through all this, regime-affiliated units were continuously deployed to ensure dominance in the field. Even after the crisis, State Security chief Stanišić confirmed the commitment to a joint political project in 1994: “We are now entering the decisive phase of the fight to achieve the common goals of all the Serbian lands.”⁵¹²

Geographically, unit deployment followed along lines set by nationalist ideologues like Šešelj and Karadžić. Some of the most egregious paramilitary attacks on civilians date from the fall of 1991 in Croatia, in towns and villages like Dalj, Lovas, Voćin, Vukovar, and Škabrnja. In 1992 Bosnia and Herzegovina was marked by unit deployment and attacks in Bijeljina, Zvornik, Višegrad, Doboj, Bosanski Šamac, Sarajevo, Mostar, Nevesinje, and elsewhere, and in villages violently emptied of their inhabitants. Attacks peaked in late 1991 and the first half of 1992, then somewhat subsided, and then increased again towards the end of the war.⁵¹³ In 1994 and 1995, the MUP affiliates engaged jointly in western Bosnia in Operation Spider,

⁵⁰⁸ ICTY *Prosecutor v Stanisić*, Mladic diary, D00767, diary of Ratko Mladić for period between October 28, 1993 and January 15, 1994. On page 24 Milošević is quoted as saying “RS has become reality... To end the war in Bosnia as soon as possible”.

⁵⁰⁹ During the presentation of arguments at the International Court of Justice in The Hague, in the case of BiH v Serbia, about the violations of the Genocide Convention, various documents relating to the financial assistance to Bosnian Serbs were discussed. Evidence presented also concerned discussions in the State Council for Harmonization of policy, where officials representing Yugoslavia, Serbia, Montenegro, the RS and RSK discussed issues like the positions taken in peace negotiations. See: “U ponedjeljak o finansijama i paravojskama,” *Sense News Agency*, March 5, 2006, accessed April 30, 2019, http://sense-agency.com/medjunarodni_sud_pravde/u-ponedjeljak-o-finansijama-i-paravojskama.46.html?cat_id=2&news_id=3440. See also, Tromp, *Prosecuting Slobodan Milošević*, 160.

⁵¹⁰ Caspersen, *Contested Nationalism*. See also: Vladimir Petrović, “Serbian Political Elites and the Vance-Owen Peace Plan,” in Florian Bieber and Armina Galijaš (eds.), *Debating the End of Yugoslavia* (New York: Routledge, 2016).

⁵¹¹ Donia, *Radovan Karadžić*, 231. See also, ICTY *Milošević*, expert witness Donia, September 12, 2003, transcript pages 26582-26584, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030912IT.htm and MICT *Stanisić*, witness Donia, February 1, 2018. See: Radosa Milutinovic, “Milošević ‘Didn’t Fully Back Bosnian Serb War Goals,’” *Balkan Insight*, accessed April 30, 2019, <https://balkaninsight.com/2018/02/01/milosevic-didn-t-fully-back-bosnian-serb-war-goals-02-01-2018/>.

⁵¹² ICTY *Stanisić*, P02667.

⁵¹³ Mirsad Tokača, *Bosnian Book of the Dead: Human Losses in Bosnia and Herzegovina 1991-1995* (Sarajevo: Istraživačko dokumentacioni centar, 2012).

and in the summer, paramilitaries deployed across Bosnia, where the Scorpions supported VRS units in their takeover of Srebrenica⁵¹⁴, and Arkan's men went to Sanski Most⁵¹⁵.

One large operation from early in the war demonstrates how Serb(ian) forces, the army and the paramilitaries, jointly deployed. In the attack on Zvornik, in May 1992, as elsewhere, cooperation was what made the takeover possible.

The Zvornik operation was planned in Belgrade. Bosnian Serb forces participated in it, and they were the most numerous ones. However, the special units, and the units most eager to fight, came from this side [from Serbia]. Those were the very police units, the so-called Red Berets. They are special units of the Serbian State Security Service. There were volunteers of the Serbian Radical Party, Arkan's volunteers, and there was also a smaller volunteer unit also under the control of the police. The army did not participate much in this operation, they mainly provided artillery support where needed. It took a long time to plan, to prepare the operation, so there was no nervousness.

Radical nationalist Serbian politician Vojislav Šešelj continued by saying "it was the key people of the State Security Service who thought it up, among them Franko Simatović Frenki" and that he was also "one of the key executors".⁵¹⁶ From the summer of 1992, the front lines largely settled, and would not move much until the end of the war. Many of the early volunteers retreated after the initial campaign and there was no more mass recruitment. A consolidation process took place which integrated the TO units into local armies. Commanders such as general Mladić repeatedly asserted the need for the military to be in control, and for armed units to put themselves under local army command. The local police was also increasingly consolidated in Serb-dominated areas in Croatia and Bosnia. So, after 1992 the Serb(ian) paramilitaries were less diverse. Those with close ties to the regime that remained active were the professionalized MUP-affiliates and their satellites⁵¹⁷, and of the non-professionalized units, the Šešeljevci, which were increasingly moored in their respective locations.

⁵¹⁴ ICTY *Stanisic*, expert Theunens, October 26, 2010, accessed April 30, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101026ED.htm. See also: P01452, the RS MUP dispatch dated July 1, 1995. On page 1, it lists the Scorpions and in brackets "Serbian MUP" as participants in the operations.

⁵¹⁵ ICTY *Stanisic*, Theunens, October 26, 2010. See also: P00289, a dispatch from general Mladić dated September 23, 1995. In it, on page one, Mladić is critical of the actions of Arkan's forces in the area of Sanski Most, where they do not engage in fighting, they do not operate under VRS command and as they bully, mistreat and abuse officers, and "liquidated a certain number of loyal Muslim citizens".

⁵¹⁶ ICTY *Šešelj*, interview in "Death of Yugoslavia", P00064.

⁵¹⁷ ICTY *Stanisic*, witness Stoparić refers to these units as "satellites", December 14, 2010, accessed April 30, 2019, transcript page 10338, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101214ED.htm. See also witness statement, P01702.

Deployment of professionalized units

The professionalized units, the Red Berets, Arkan's SDG and the Scorpions were agents of the state, without formally representing the state. Legally, few ties to Serbia's MUP existed for the duration of the war. What was distinct about professionalized units was their mobility, growing capacity and ambiguity of affiliation. Early in the war, these units settled in areas taken by Serb(ian) forces in eastern Croatia, suitably positioned to reach the Krajina, Bosnia, and Belgrade. The Red Berets was based in Ilok, Arkan's men in Erdut, and Scorpions in Đeletovci. Throughout the war, these units moved, and the Berets especially had a number of bases, but these areas remained a springboard for deployment.

Professionalized units differed from one another. The "Red Berets" was, essentially, an umbrella term for a network of sub-units, satellites, which cooperated with, temporarily became part of and (or) subordinated to local authorities and local armies when needed but maintained close ties and received overall direction from the Serbian MUP. These satellites were gradually built up as more and more people were trained. From the fall of 1991, the unit's functioning and deployment became increasingly complex, with background checks for new members, evaluation of trainers in the camps, and acquiring more equipment and arms.

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In Croatia, the Pajzoš camp was set up close to Ilok in late 1991⁵¹⁹, and locally the men were recognizable for wearing red berets⁵²⁰. DB's Frenki Simatović visited the camp and was wearing the same uniform as the unit members, including the red beret.⁵²¹ Recruits were trained before deployment, in general fitness, military tactics, shooting, reconnaissance and taking over buildings. It was "very intense".⁵²² In Bosnia and Herzegovina, satellite units existed in Brčko, Bosanski Šamac, Doboј, Ozren, Skelani, Bratunac and elsewhere. Each of these camps served to accommodate, train and deploy volunteers to take over and maintain control of territory. Brčko camp, for example, was established months before the attacks actually began, with "instructors of Captain Dragan" who formed a "special unit".⁵²³ Men, goods, and equipment moved between these camps.⁵²⁴ Some of the satellites seem to have had some independence, but still maintained ties to the MUP.⁵²⁵ It appears that commanders

⁵¹⁸ All of these actions are referred to in the ICTY and MICT Stanišić and Simatović trials, yet many of these documents are confidential and inaccessible. It is clear they exist (and it is often explicitly stated what they refer to), but there is no way of checking the originals. For example, the Prosecution and Defense briefs (for both accused) refer to documents that are inaccessible, especially in the sections where they discuss ties between the State Security and the units in the field.

⁵¹⁹ ICTY *Stanišić* P00553, paragraph 24; P0554, paragraph 9.

⁵²⁰ ICTY *Stanišić* witness DST-044, August 23, 2011, transcript page 13524, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/110823ED.htm; witness Bogunović, June 28, 2010, transcript page 5998, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/100628IT.htm.

⁵²¹ ICTY *Stanišić*, witness JF-047, October 4, 2010, accessed April 30, 2019, transcript page 7623, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/101004ED.htm.

⁵²² ICTY *Stanišić* witness JF-047, October 4, 2010, transcript page 7623.

⁵²³ ICTY *Stanišić*, D00083, 3; Theunens report, 92.

⁵²⁴ ICTY *Stanišić*, Theunens report discusses these camps in his report.

⁵²⁵ ICTY *Stanišić*, witness Plahuta, May 17, 2012, transcript page 19535, accessed April 30, 2019, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/120517ED.htm.

in some of these compounds were known only by their nicknames, to respect the covertness of the operation.⁵²⁶

There were training compounds in Serbia proper, like Ležimir in Fruška Gora, the first camp in Serbia established in the fall of 1991.⁵²⁷ As discussed in chapter three, after training, select men would go elsewhere, to train others.⁵²⁸ These were the people who commanded the satellite units. Some of the most prominent commanders were Radojica Božović Rajo or Kobac, Živojin Ivanović or Žika Crnogorac, Vasilije Mijović Vaso, Dragan Đorđević Crni, Zvezdan Jovanović Zmija, Dragan Filipović Fića, Milan Radonjić Medo, Goran Opačić Klempo, and others. Many of these men were not employed randomly to train and command these units, but had police or State Security backgrounds.⁵²⁹ Some of them appear in the important Kula video, showing the celebratory gathering in May 1997 to mark the anniversary of the establishment of the Special Operations Unit. There, they were thanked for their contributions.⁵³⁰

A short illustration of the various ways in which units changed names and formal affiliations is presented here.⁵³¹ One example is from June 1992 onwards, when some documents refer to the Pajzoš unit as the “JPN of the MUP Krajina”, JPN meaning Special Purpose Unit.⁵³² Vaso Mijović, a permanent fixture in the Red Beret satellite units, signed documents as Commander of the Special Unit of Republika Srpska, while stationed with his men in Bratunac, east Bosnia.⁵³³ The Scorpions, on the other hand, were formally part of the 11th Slavonia Baranja Corps of the Army of RSK.⁵³⁴ All of these are examples of the varied formal affiliations these units had.

A part of the Red Berets became known as the JATD - the Anti-terrorist Action Unit in mid-1993.⁵³⁵ That was essentially an attempt to formalize a part of the Red Berets. The JATD, according to unit member Dejan Slišковиć, operated alongside Arkan’s men and the Scorpions in Operation Spider, discussed below. There are numerous references in ICTY archives to documents linking the JATD directly to Stanišić and the State Security, about members becoming actually employed in the DB, and documents showing that they had an active and reserve component to the unit, about them providing protection for DB staff, but

⁵²⁶ ICTY *Stanisic*, witness Tihic testifying about Bosanski Šamac, February 3, 2010, transcript page 3122, accessed April 30, 2019. http://www.icty.org/x/cases/stanisic_simatovic/trans/en/100203ED.htm.

⁵²⁷ ICTY *Stanisic*, D00423.

⁵²⁸ ICTY *Stanisic*, Simatović spoke about the Ležimir camp at the Kula ceremony in 1997, P00061, 11.

⁵²⁹ ICTY *Stanisic*, personnel files and documents are overall all confidential but are listed and briefly described in the Prosecution Final brief, page 326 onwards.

⁵³⁰ ICTY *Stanisic*, P00061.

⁵³¹ This is extensively covered in both the ICTY and MICT reports by military expert Theunens, and the MICT report by expert Nielsen.

⁵³² ICTY *Stanisic*. This is referred to in the case, but a dozen documents cited are all confidential. See: Prosecution Final brief, 107.

⁵³³ ICTY *Stanisic*, D01224.

⁵³⁴ ICTY *Stanisic*, witness Đukić, March 8, 2012, transcript page 18151, accessed April 30, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/120308ED.htm.

⁵³⁵ MICT *Stanisic*, Nielsen writes about this change, see especially summary.

almost all of them are inaccessible.⁵³⁶ What can be reconstructed from the available documents is that the JATD used DB offices in Belgrade⁵³⁷, and trained in Batajnica, a military compound just outside the capital.⁵³⁸

The Red Berets and their satellites were thus an elaborate, dynamic structure, deploying across a wide area, and ran through DB-affiliated personnel. Arkan's men and the Scorpions were smaller and tended to deploy from their main bases, Erdut and Đeletovci, to one or two locations for operations, and then return. Again, many of the documents are confidential, but references about them indicate that Arkan's men were most active in Slavonia and north-east Bosnia in 1991 and 1992, while in 1993, 1994 and 1995 they increasingly deployed in Krajina, and around Bihać, Banja Luka and Sanski Most in western Bosnia.⁵³⁹

The fact that cooperation persisted between the regime and the professionalized units until the final phases of the war is obvious from three different operations. This cooperation was most obvious during Operation Spider, when all three MUP affiliates, Red Berets, SDG and the Scorpions came together to support Fikret Abdić's troops in western Bosnia. Abdić, a Bosnian Muslim, clashed with the Sarajevo-based government and his troops, alongside Serbian MUP affiliates, fought the Bosnian Army's 5th Corps. Operation Spider began in late 1994 and included the deployment of professionalized units under DB command.⁵⁴⁰ Stanišić was personally involved in setting up the operation.⁵⁴¹ The commander was formally SVK general Novaković, but he too reported to Stanišić.⁵⁴² This operation brought together many known DB operatives and commanders: Stanišić and Simatović's were at the command in Petrova gora⁵⁴³; Legija and Rajo Božović each led one of the tactical groups, the Scorpions commander Boca was there with his men. Legija came to Frenki's office to report about operations.⁵⁴⁴ Slišković, member of one of the Red berets satellites, the JATD, claimed that during Operation Spider, the Red Berets commander was Frenki, while Božović commanded a part of the JATD, while the operation was headed by Stanišić.⁵⁴⁵

The other instance of cooperation included the deployment of the MUP units to Trnovo and Treskavica to help out Bosnian Serb forces in 1995, as their hold over territory was being threatened. The well-known massacre of six Bosniak boys and men by the Scorpions unit,

⁵³⁶ ICTY *Stanišić*, Prosecution Final brief, page 121 onward.

⁵³⁷ ICTY *Stanišić*, witness Mičić, May 29, 2012, transcript page 19842, accessed April 30, 2019, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/120529ED.htm.

⁵³⁸ ICTY *Stanišić*, statement by Slišković, P00440, paragraph 4.

⁵³⁹ ICTY *Stanišić*, Prosecution Final brief, page 40 onward.

⁵⁴⁰ ICTY *Stanišić*, D00040. Operation Spider is discussed in detail in the Theunens report, page 126 onward.

⁵⁴¹ ICTY *Stanišić*, P00382, P00380. See also: Prosecution Final brief, 154.

⁵⁴² ICTY *Stanišić*, P0382, P00380, P00235, 17; P01302; Slišković, May 19, 2010, transcript page 5194, accessed May 1, 2019, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/100519ED.htm.

⁵⁴³ ICTY *Stanišić*, Slišković, P00440, paragraph 7.

⁵⁴⁴ ICTY *Stanišić*, Slišković, May 19, 2010, discussing a fragment from the diary of Operation Spider, P00235, at transcript page 5258.

⁵⁴⁵ ICTY *Stanišić*, Slišković, May 18, 2010, accessed May 1, 2019, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/100518ED.htm.

captured on video, took place during this deployment.⁵⁴⁶ However, the Scorpions were not the only ones supporting the Bosnian Serbs. Vaso Mijović, one of the Red Berets satellites was there too.⁵⁴⁷ Finally, the third operation showing sustained cooperation between the Serbian authorities and the MUP affiliates was the forcible mobilization of Serb refugees, discussed separately in the final chapter as it included substantial civilian abuse. These operations show that cooperation between the regime and these core MUP affiliates continued throughout the war unabated.

Deployment of non-professionalized units

Deployment of non-professionalized units like the Šešeljevci too was a consequence of cooperation of formal and informal security actors, from within Serbia and the RS and RSK. What characterized the deployment of Šešeljevci was that it was uneven, much more pronounced early in the war, and then decreasing, as well as the tendency of SRS-affiliates to settle into their localities. In 1991, and early 1992, Šešeljevci units were rather mobile, and went to support other Serbs, such as Vasilije Vidović, a prominent volunteer, who fought in Krajina in Croatia.⁵⁴⁸ Crucially, Serbian authorities knew about their movements, and provided assistance, so that the volunteers could continue fighting around the region.⁵⁴⁹ Their first significant engagement was in Borovo Selo, in early May 1991, when a dozen members of Croatian forces were killed in an ambush, and twenty of them wounded.⁵⁵⁰ The recognizable insignia the Šešeljevci wore while featured a depiction of a human skull, a two-headed eagle, and the four letters “S”.⁵⁵¹

The JNA provided material support and pay⁵⁵², and was even in charge of social security, health insurance and the burial of fallen volunteers.⁵⁵³ Petković, an important associate of Šešelj met with high-ranking officials and Serbia’s Defense Ministry staff to discuss how to send volunteers to Croatia.⁵⁵⁴ According to Šešelj, Petković’s role was to “organize our volunteers and send them to the battlefields, obtain weapons and uniforms, provide transport etc.”⁵⁵⁵ After May 1992, when the remnants of the JNA became the Army of Yugoslavia (VJ), and local armies consolidated, this cooperation continued.⁵⁵⁶

⁵⁴⁶ ICTY *Stanisic*, P01469 describes the Scorpions as the unit of the Serbian MUP, but they are engaging on behalf of the Bosnian Serb forces.

⁵⁴⁷ ICTY *Stanisic*, P01084; Theunens report, 127.

⁵⁴⁸ ICTY *Seselj*, P00966; P00218, 1.

⁵⁴⁹ ICTY *Seselj*, statement Rankić, P01074, paragraph 56.

⁵⁵⁰ ICTY *Seselj*, Šešelj was interviewed about volunteers in Borovo selo, P00346. Some of those involved in the incident were interviewed in P01277.

⁵⁵¹ ICTY *Seselj*, P00455. The four “S” stand for “only unity saves the Serbs”.

⁵⁵² ICTY *Seselj*, expert witness Theunens, February 20, 2008, accessed May 1, 2019, <http://www.icty.org/x/cases/seselj/trans/en/080220ED.htm>.

⁵⁵³ ICTY *Seselj*, Šešelj testimony in Milošević, P00031, 244-245.

⁵⁵⁴ ICTY *Seselj*, P01074, paragraphs 28, 57; P01075, paragraph 13.

⁵⁵⁵ ICTY *Seselj*, P01234, 8, P01074, paragraph 84.

⁵⁵⁶ ICTY *Seselj*, expert witness Theunens, February 20, 2008. See also: Theunens testimony in ICTY Milošević trial, January 27, 2004, accessed May 1, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/040127IT.htm. In the ICTY Perišić trial, an extensive record of interviews with general Perišić, chief of the General Staff of the VJ from 1993 to 1998, was made public, under exhibit numbers P00804, P00805, P00806, P00807, P00808, P00809, P00815.

In their deployment, these volunteers received support from the professionalized units, with the Šešeljevci receiving training in Erdut.⁵⁵⁷ Šešelj visited Erdut and met Arkan and Hadžić.⁵⁵⁸ Early on in the war, while they were still active, some White Eagles of the SNO were also trained in Erdut⁵⁵⁹, before deploying in Slavonia. The Šešeljevci joined Arkan and the local TOs, in JNA-led operations,⁵⁶⁰ and were tasked to “conquer” house by house”.⁵⁶¹ The army continued cooperating with Šešelj’s men while knowing of “sadistic abuse” of civilians.⁵⁶²

Commanders of these detachments were distinguished with the “vojvoda” honorary Chetnik titles.⁵⁶³ Milan Lančuzanin Kameni in the Vukovar area, Slavko Aleksić, Nikola Poplašen and Branislav Gavrilović Brne around Sarajevo, Vasilije Vidović Vaske in Ilijaš, and many others. Their deployment was coordinated through the War Staff of the Serbian Radical party.⁵⁶⁴ Units like the Leva Supoderica, led by Kameni, at the height of deployment in Vukovar numbered as many a few hundred.⁵⁶⁵ They were visited by Šešelj while deployed⁵⁶⁶, and got their orders from the JNA First Guards Brigade⁵⁶⁷.

In Bosnia, the deployment of Šešeljevci followed similar lines as in Croatia. They were particularly active in Zvornik, the Sarajevo region, Nevesinje and Mostar. There too, these volunteers deployed in cooperation with others, the JNA and then VRS, the local police, TOs, the White Eagles, and Arkan’s men.⁵⁶⁸ They were often invited by local authorities, as in the case of deployment in east Herzegovina.⁵⁶⁹ Under Brne there were around 300 fighters.⁵⁷⁰ Brne’s unit, as other Chetnik groups, was criticized for abuse of civilians. Stanislaw Galić, commander of the Sarajevo-Romanija Corps of the Bosnian Serb Army called them a “group of criminals whose actions damage the VRS reputation”.⁵⁷¹ Vaske’s group in Ilijaš reached the number of 70.⁵⁷² Vaske wore a black camouflage uniform, and had Chetnik

⁵⁵⁷ ICTY *Seselj*, statement Stojanović, P00526, paragraphs 18-19; P00527, paragraph 17; P00528 paragraphs 30-31; P01074, paragraph 85.

⁵⁵⁸ ICTY *Seselj*, Stojanović, P00528, paragraph 30.

⁵⁵⁹ ICTY *Seselj*, witness Stojanović, July 22, 2008, accessed May 1, 2019, transcript page 9683, <http://www.icty.org/x/cases/seselj/trans/en/080722ED.htm>.

⁵⁶⁰ ICTY *Seselj*, P00253, 3-5.

⁵⁶¹ ICTY *Seselj*, P00185.

⁵⁶² ICTY *Seselj*, P00251, 2.

⁵⁶³ ICTY *Karadzic*, P05035, ICTY *Seselj*, P00218.

⁵⁶⁴ ICTY *Seselj*, P01059.

⁵⁶⁵ ICTY *Seselj*, P00055, 6; P01291, 3. In light of other documents, the number 600 may have been an exaggeration.

⁵⁶⁶ ICTY *Mrksic*, witness Stijaković, October 12, 2006, transcript page 12878, accessed May 1, 2019, <http://www.icty.org/x/cases/mrksic/trans/en/061012ED.htm>.

⁵⁶⁷ ICTY *Seselj*, witness Vukašinović, November 27, 2008, accessed May 1, 2019, transcript pages 12305-12306, <http://www.icty.org/x/cases/seselj/trans/en/081127ED.htm>.

⁵⁶⁸ ICTY *Seselj*, P01319, P01000, P00840, paragraph 11, P00836 paragraphs 35, 42, 47.

⁵⁶⁹ ICTY *Seselj*, P00055, 9; P00217.

⁵⁷⁰ ICTY *Seselj*, P01000, 9.

⁵⁷¹ ICTY *Mladic*, P04595, 1.

⁵⁷² ICTY *Seselj*, P00840, 4.

insignia on his car, which was further adorned with a human skull.⁵⁷³ These commanders spoke to Šešelj, visited Belgrade, and referred to themselves as “Šešeljevci”.⁵⁷⁴

Finally, the Grey Wolves and their engagement in Bosanski Šamac in Bosnia, shows an interesting example of a unit which started as an SRS affiliate, with notable members like Slobodan Miljković Lugar. With some associates, he went on to become a MUP satellite unit.⁵⁷⁵ The Wolves deployed to Šamac were commanded by Dragan Đorđević Crni.⁵⁷⁶ His deputy was Srećko Radovanović Debeli⁵⁷⁷, leading a group of 30 or so men.⁵⁷⁸ This unit emerged through recruitment by the Radical Party in Kragujevac, Serbia.⁵⁷⁹ Stevan Todorović, former chief of police in Šamac testified that Slobodan Miljković Lugar was an SRS volunteer and a member of the “special unit of the state security in Serbia”.⁵⁸⁰ Early on, these men, SRS volunteers⁵⁸¹, were trained in Ležimir and Pajzoš, known State Security-affiliated compounds⁵⁸². Lugar, referred to himself as part of the “state security”.⁵⁸³

Control and authority

Paramilitary engagement was neither spontaneous nor chaotic, and for the select units, those with direct relationships with Belgrade, there was a multi-layered system of control in place. Milošević held a distance from the units, a necessity if the state was to profit from them. For example, there is no record of Milošević ever speaking to Arkan directly, and the only images of them at the same location are from 1997, when they both attended Radovan Stojičić Badža’s funeral.⁵⁸⁴ The 1997 Kula video of the anniversary of the establishment of the Special Operations Unit is the only publicly available footage of Milošević in the proximity of many of the security operatives and commanders. However, his rapport with some of those present at the anniversary celebrations for the unit was indicative. At one point, Milošević tells Božović, one of the Red Berets commanders, that he read all those reports Božović sent, revealing that Milošević was well informed.⁵⁸⁵ What connects Milošević and his regime to the

⁵⁷³ ICTY *Seselj*, P00455, 2-5, 6-8, P00840, paragraph 5.

⁵⁷⁴ ICTY *Seselj*, P00840 paragraphs 20-22.

⁵⁷⁵ ICTY *Stanisic*, witness JF-047, a Red Berets member testified about preparations for this deployment and being briefed by Frenki Simatović. See: October 4, 2010, transcript page 7615, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101004ED.htm.

⁵⁷⁶ ICTY *Stanisic*, witness Tihić, February 3, 2010, transcript page 3136, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/100203ED.htm.

⁵⁷⁷ ICTY *Stanisic*, D01198, P01518.

⁵⁷⁸ ICTY *Stanisic*, witness JF-047, October 4, 2010, transcript page 7619.

⁵⁷⁹ ICTY *Stanisic*, P01518. This is a record of a member who was wounded around Bosanski Šamac, and who was later transferred to Belgrade’s Military Medical Academy for treatment. A Scorpions member, Aleksandar Vukov, was wounded in Croatia, close to Đeletovci, in August 1995, and he was also transferred for treatment to the same hospital in Belgrade. See: Tanja Tagirov, “Presuda Škorpionima: Istina, ali samo pravosudna,” *Vreme*, April 12, 2007, accessed May 31, 2019, <https://www.vreme.com/cms/view.php?id=494573>.

⁵⁸⁰ ICTY *Stanisic*, P01576, 4.

⁵⁸¹ ICTY *Stanisic*, D01198.

⁵⁸² ICTY *Stanisic*, P01425.

⁵⁸³ ICTY *Stanisic*, P01425, 1.

⁵⁸⁴ Image available in “Britanski novinar otkriva: Istina o Miloševićevom posljednjem letu,” *Vesti online*, February 5, 2017, accessed May 1, 2019, <https://vesti-online.com/Vesti/Srbija/631417/Britanski-novinar-otkriva-Istina-o-Milosevicevom-poslednjem-letu>.

⁵⁸⁵ ICTY *Stanisic*, P00061, 4.

select units are operatives and intermediaries, statements by insiders repeatedly identifying Jovica and Frenki as being in charge, payment slips linked to the DB, and military and security documents referring to the professionalized units as MUP or DB affiliates, as well as subsequent expert reports confirming these relationships.

Consolidation of armed force

The period of 1991 and early 1992 was marked by unit proliferation and diversity. This unit proliferation took place in ways which contradicted law and military doctrine, and some of the units increasingly abused Serbs too and damaged public property, so effort was put in by the military leadership in particular to introduce more order. The military rules dictated the unity of command.⁵⁸⁶ Units needed to be under control, and some military officers as early as October 1991 clearly recommended disarming them, but that never happened.⁵⁸⁷ These early efforts of legalization and consolidation took root only after much of the initial campaign to seize territory was completed.⁵⁸⁸ This seems to have been driven by a desire for normalization after the takeover of municipalities.

By mid-1992, the paramilitary landscape was much less diverse as two processes took place simultaneously: various local units were integrated into local armies and police, and the high numbers of volunteers subsided. In Croatia, a peace plan was put into place in December 1991, which included measures for substantial demilitarization, where the local Serb authorities took the local TOs and rebranded them as police.⁵⁸⁹ Local ministries of internal affairs began functioning more smoothly, integrating local (para)police units, in Serb-dominated areas in both Croatia and Bosnia.⁵⁹⁰

After the establishment of the VRS in May 1992, and Mladić's appointment as commander, a concerted effort was mounted to regularize the situation in Serb-dominated territory. Expert Hanson testified about the ways in which the units formerly controlled at the local level by Crisis Staffs, such as TOs, were slowly being integrated into the VRS in June 1992.⁵⁹¹

⁵⁸⁶ Unity of command is explained in the Theunens reports, and he discusses it in ICTY *Mrksic*, June 19, 2006, transcript pages 10702-10704, accessed May 2, 2019, <http://www.icty.org/x/cases/mrksic/trans/en/060619IT.htm>.

⁵⁸⁷ ICTY *Seselj* P00251, 3.

⁵⁸⁸ ICTY *Stanisic*, P01418, Report by the Command of the 2nd Posavina Brigade of the VRS from December 1992, as an example from Bosanski Šamac. There, the unit led by Crni and Debeli is described as being given legal cover, being "legalized", after their arrival and armed engagement. The same document recognizes, just a few lines down, that this group engaged in „looting, banditry and all types of crimes, including their official / as printed / role as war criminals in the area”.

⁵⁸⁹ ICTY *Martić*, witness Perić. The transcript is not available, but the content of the testimony was reported in “Šta su Srbi naučili od Hrvata,” *Sense News Agency*, September 7, 2006, accessed May 2, 2019, [http://sense-agency.com/tribunal_\(mksj\)/sta-su-srbi-naucili-od-hrvata.25.html?cat_id=1&news_id=3876](http://sense-agency.com/tribunal_(mksj)/sta-su-srbi-naucili-od-hrvata.25.html?cat_id=1&news_id=3876). See also: MICT *Stanisic*, Nielsen report, 12.

⁵⁹⁰ MICT *Stanisic*, Nielsen report. This consolidation was also a result of these structures becoming overwhelmingly staffed by Serbs. In ICTY *Krajišnik*, Nielsen's report, page 4, states that by the end of June 1992, there were merely six non-Serbs working in the RS MUP.

⁵⁹¹ ICTY *Mladić*, expert Hanson, October 30, 2012, accessed May 2, 2019, transcript page 4154, <http://www.icty.org/x/cases/mladic/trans/en/121030IT.htm>. Hanson here also explains regional differences affecting this process.

In May 1992, Mladić made statements about controlling all Serb(ian) armed groups, but at the time that was probably merely wishful thinking. For example, on 13 May 1992, he had a phone conversation with Unković from the Ilidža Crisis Staff, in which he claimed that “all [men] under arms are under my command, if they want to stay alive /that is/...So, all shall be under our command, No one shall do things on their own”.⁵⁹² The fact that it was wishful thinking is proved by the fact that two months later, he had to issue a clear order concerning paramilitary units.⁵⁹³ The order followed a report by his subordinate Zdravko Tolimir, who assessed the situation as dramatic, where units were roaming around outside VRS command. Tolimir concluded some local units have submitted themselves to army command, or the police, but emphasized that some “display hatred of non-Serbian peoples and one can conclude without reservation that they are (sic) the genocidal element among Serbian people”.⁵⁹⁴

What is remarkable is that these consolidation efforts by local authorities did not really affect the professionalized units, and they continued operating under the overall direction of the Serbian MUP. For example, the Red Berets stationed in Bratunac and Skelani in 1993 refused to submit to Bosnian Serb Army command, and claimed they were under the exclusive command of the Serbian MUP.⁵⁹⁵ For all the criticism concerning Arkan’s men for example, regularly discussed in military and security reports, no decisive action was really pursued locally to subdue them. It appears that no one seriously attempted this because of the special status of these units—the professionalized MUP units were simply units of a different order. Even Mladić, who did not shy away from asserting his authority, did not really venture into subduing Arkan or the other professionalized units. The VRS were thousands of men under arms, the SDG were a few hundred, and if Mladić really wanted Arkan’s men pacified, that would likely have happened. However, Mladić probably understood that doing that would have provoked outrage in Belgrade.

Formal and informal control

The regime’s main instrument of control over the paramilitaries in the border-changing project was the Ministry of Internal Affairs and those working with it, formally or informally. Unambiguous, signed instructions or anything resembling orders by Milošević directly to the paramilitaries have not surfaced and probably do not exist. What does exist are fragments, military and police documents, meeting notes, and insider accounts. These fragments, put together, show a complex structure of formal and informal actors, at various levels of seniority, in different places, connecting the regime and paramilitaries. There are numerous recollections, at various times, indicating who in fact stood behind the professionalized units.

⁵⁹² MICT *Mladić*, 65ter20759.

⁵⁹³ MICT *Mladić*, 65ter03744.

⁵⁹⁴ MICT *Mladić*, 65ter03743.

⁵⁹⁵ MICT *Stanisic*, Theunens report. See: Radosa Milutinovic, “Serbian Security Service ‘Participated in Bosnia War Crimes,’” *Balkan Insight*, March 6, 2018, accessed April 30, 2019, <https://balkaninsight.com/2018/03/06/serbian-security-service-participated-in-war-time-crimes-03-06-2018/>.

Witness Kovačević testified about Erdut in November 1991, when Arkan talked about Stanišić: “He mentioned the boss, his boss in the state security.”⁵⁹⁶ Bosnian Serb Army general Manojlo Milovanović quoted Radovan Stojičić Badža, referring to Jovica Stanišić: “I arrived here with the boss.”⁵⁹⁷

The planning of how the units would contribute to the war effort required a lot of information and knowledge on the part of the DB:

Badža was in uniform and Stanišić in plain clothes. I asked general Panić who these people were. He told me that it was Stanišić – he only said that he was from the State Security Service, he did not say that he was the chief. I was astounded by Stanišić’s knowledge about our situation in Podrinje. Some things he even knew better than I did. He knew who was fighting in which village, who was in command, who...I really was a bit amazed.⁵⁹⁸

Frenki was so well-known in the military and security circles in Krajina that he signed orders with his nickname, and received reports addressed only to “Frenki”.⁵⁹⁹ Participants in meetings at the time recalled hearing only first names and knowing who they referred to: “Serbia State Security is in charge now, ‘Frenki’, ‘Jovica’.”⁶⁰⁰

According to expert Theunens, the DB had “command and control” over Arkan’s SDG, and the Scorpions, but it was not formalized.⁶⁰¹ Within security and military circles it was clear who these units represented as the references to “special units of Serbian MUP” and “Serbian DB” are plentiful, from Captain Dragan in 1991, Arkan, Red Berets, up to the Scorpions in 1995.⁶⁰² The JATD’s relationship to the DB was clear to JATD members, and that Stanišić was in charge.⁶⁰³ One former JATD member, JF-048, testified and recalled joining the unit, and described the atmosphere of secrecy around it, being told not to discuss what he was doing, where and with whom. He was told “it was very difficult to join this unit, but it is even more difficult to leave it”. It was clear to him at the time that he was joining a special unit of the state security and referred to it as “a kind of paramilitary branch of the DB”.⁶⁰⁴

⁵⁹⁶ ICTY *Stanisic*, witness Kovačević, August 27, 2009, accessed May 2, 2019, transcript pages 2145-2147, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/090827ED.htm. See also: P00053, paragraphs 4-5.

⁵⁹⁷ ICTY *Stanisic*, witness Milovanović, April 23, 2010, transcript page 4385, accessed May 2, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/100423ED.htm.

⁵⁹⁸ ICTY *Stanisic*, witness Milovanović, April 23, 2010.

⁵⁹⁹ ICTY *Stanisic*, P00979, P01186, P01122.

⁶⁰⁰ ICTY *Stanisic*, P02360, confidential exhibit but it is referred to in the Prosecution Final brief, 84.

⁶⁰¹ MICT *Stanisic*, expert Theunens, March 8, 2018. See: Radosa Milutinovic, “Serbian State Security Chief Denies Controlling Arkan’s Tigers,” *Balkan Insight*, March 8, 2018, accessed May 2, 2019, <https://balkaninsight.com/2018/03/08/serbian-security-chief-denies-controlling-arkan-s-tigers-03-08-2018/>.

⁶⁰² Experts Theunens and Nielsen refer to a number of documents referring to these units as DB affiliates or DB units.

⁶⁰³ ICTY *Stanisic*, Slišković, May 18, 2010.

⁶⁰⁴ ICTY *Stanisic*, JF-048, June 15, 2010. This testimony is very much like the testimony of K-2 in ICTY *Milosevic*. See: January 9, 2003, accessed June 4, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030109ED.htm. K-2 also speaks about the secrecy, the lack of paperwork in the employment process, and the fact that in select circles “everyone knew” who the Red Berets were and who they worked for. See transcript page 14611. K-2 also testified about unit members

One quote represents the deployment of Arkan's men well:

There is a rumor among the JNA members located in the area, that Arkan goes into action only after the JNA units mop up the area and then...commits crimes. They think Arkan is doing it with a full support of the SDB of Serbia.⁶⁰⁵

Even from Mladić's diary entries, it is clear who had the ultimate authority over the professionalized units. In an entry from 30 June 1995 Mladić recalls Stanišić saying he sent men to participate in an operation: "we gave 80 from Erdut [SDG base], we gave 80 from Đeletovci [Scorpions base]".⁶⁰⁶

This however did not mean that the units had no ties with the army. One example was the affinity general Andrija Biorčević, commander of the JNA Novi Sad Corps seemed to have had towards Arkan.⁶⁰⁷ Few JNA officers openly endorsed Arkan's actions, but Biorčević did, praising the unit, saying they are not a paramilitary but "people who came voluntarily to fight for the Serbian people". Crucially, Biorčević described how the army and Arkan's men worked together: "we surround a village, they enter it, kill those who refuse to surrender and we go on".⁶⁰⁸ Biorčević was however not really representative of the JNA, and Arkan was not part of it, said general Aleksandar Vasiljević, head of JNA counterintelligence early in the war, who has dismissed Biorčević as "a drunken fool".⁶⁰⁹

As for Šešelj's men and their cooperation with the regime, the Zvornik example he described in the interview for the "Death of Yugoslavia" series is illustrative.⁶¹⁰ An important difference from the way professionalized units were managed, is that Šešelj was rarely in the field, apart from an occasional visit to cheer up volunteers, make a speech and take photos.⁶¹¹ The volunteers of Šešelj's Serbian Radical Party were managed through what started as a Crisis Staff, established on 6 April 1991, but renamed War Staff on 1 October of the same year. It "played a key role in the recruitment and dispatching of volunteers to the conflict areas in Croatia and BiH, with the knowledge of Vojislav Šešelj". The War Staff cooperated with the Ministry of Internal Affairs and Ministry of Defense.⁶¹² It was the War Staff which sent volunteers to fill in army ranks.⁶¹³

being prohibited from talking about their engagement with family members and generally talking about what they were doing.

⁶⁰⁵ ICTY *Stanisic*, P00327, 2.

⁶⁰⁶ ICTY *Stanisic*, P00394, 15.

⁶⁰⁷ This relationship has been discussed by Vasić and Švarn in "Paramilitary Formations in Serbia", and it has been extensively debated in ICTY and MICT trials. See, for example, Theunens in ICTY *Stanisic*, October 27, 2010, accessed May 2, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101027ED.htm. There is also record of Biorčević awarding Arkan with a trophy weapon, a machine gun, for his notable performance as "special volunteers' squad commander" in east Slavonia, see ICTY *Stanisic* P03010.

⁶⁰⁸ ICTY *Seselj*, Theunens report, 83. The same speech was admitted into evidence in ICTY *Stanisic*, P01219.

⁶⁰⁹ ICTY *Hadzic*, witness Vasiljević, September 4, 2013, transcript page 8105, accessed May 2, 2019, <http://www.icty.org/x/cases/hadzic/trans/en/130904ED.htm>.

⁶¹⁰ ICTY *Seselj*, P00064. The case contains a great number of articles in the party newspaper "Velika Srbija" and interviews with commanders describing their deployment across the territories in Croatia and Bosnia.

⁶¹¹ ICTY *Seselj*, P00185. A number of other inflammatory speeches were entered into the record in his trial.

⁶¹² ICTY *Seselj*, Theunens, Section Two, 23 onward.

⁶¹³ ICTY *Seselj*, P01059.

This cooperation with the regime was ongoing from the earliest days when his volunteers received weapons from the MUP, through Radmilo Bogdanović.⁶¹⁴ There were other links between the MUP and Šešelji's men. One of Šešelji's early volunteers, Lugar from Kragujevac, was a volunteer in east Slavonia under Badža in December 1991 before joining a DB satellite.⁶¹⁵ In 1993 Šešelji and Milošević's clashed over the future of the war in Bosnia. Šešelji did not support Milošević in his insistence that the Bosnian Serbs accept the peace plan, providing relief to Serbia. However, in an interview in November 1993, Šešelji confirmed that some cooperation with MUP affiliates continued in Skelani and Srebrenica.⁶¹⁶

Testing the limits of paramilitary power

There was an informal hierarchy between the units. Professionalized units were considered to have a special status, and even between the MUP affiliates, there were differences.⁶¹⁷ According to former member Stoparić, all members of the core Red Berets could wear their signature headgear, while only about 50% of members of the satellite units were allowed to do the same. For example, that was the case with the Scorpions, many of whom wore black berets. That right to wear a red beret belonged to those with a certain rank and position. In fact, wearing the symbol was something special: "The story was that one had to earn that right."⁶¹⁸ This hierarchy was reflected also in pay. The Berets were paid double of what the Tigers were making.⁶¹⁹ That special status of professionalized units, and the hierarchy among them was reflected in their functioning.

There were a number of instances where paramilitaries asserted their power over local authorities and crossed the boundaries of what was acceptable, causing backlash. It appears that when they transgressed, only non-professionalized units suffered any consequence for it. This testing of limits will be illustrated with some examples: one attack on the police station in Bijeljina by a Šešeljevci group, an instance of the paramilitaries in Zvornik harassing an RS minister and making him eat grass like a farm animal, and the third of Arkan slapping around a VRS officer. What happens in these situations helps tell a story about who these units were and how they could act.

Bijeljina was a site of significant paramilitary deployment in the spring of 1992, and it was one of the first bigger towns to be taken.⁶²⁰ It was also where Arkan made a very public Bosnian debut, as pictured by Ron Haviv's images and a number of interviews Arkan was

⁶¹⁴ ICTY *Stanisic*, P00018, 7.

⁶¹⁵ ICTY *Seselj*, Theunens, 208.

⁶¹⁶ ICTY *Seselj*, Theunens, 251.

⁶¹⁷ Vasić and Švarn, "Paramilitary Formations in Serbia", Anastasijević, "Kratka istorija".

⁶¹⁸ ICTY *Stanisic*, Stoparić, December 14, 2010, transcript page 10339.

⁶¹⁹ ICTY *Stanisic*, Slišković, May 18, 2010.

⁶²⁰ A good overview of local developments during the takeover of town is provided by Vladimir Petrovic, "Power(lessness) of Atrocity Images: Bijeljina Photos between Perpetration and Prosecution of War Crimes in the Former Yugoslavia," *International Journal of Transitional Justice* 9 (2015): 367-385.

giving to the local press.⁶²¹ A struggle for power was taking place between the Serbian Radical Party and Karadžić's SDS, and the Šešeljevci were so angered by the distribution of local posts in the aftermath of the takeover that they attacked the police station multiple times.⁶²² The situation in Bijeljina stabilized after the deployment of the RS MUP special police unit.⁶²³

The special police units from the Republika Srpska and Serbia were deployed to pacify the units in Zvornik, too. Like Bijeljina, Zvornik was overrun by paramilitaries early in the war.⁶²⁴ The decision to control the situation in Zvornik only came after much violence against the non-Serbs was already done, and the units started tormenting Serbs—and in particular prominent Serbs.⁶²⁵ In July 1992 the Yellow Wasps stopped a car carrying RS minister of information Ostojić, humiliated him and made him eat grass. It was only after that incident that RS authorities sent a special unit there to chase away the paramilitaries.⁶²⁶

Finally, in 1995 Arkan stopped a car with a VRS officer in western Bosnia and slapped him around. General Milovanović, a close associate of Mladić, spoke about it, expressing disdain for Arkan. Looting, self-aggrandizing, and arrogance were some of the attributes Milovanović recognized in Arkan who had no respect for military authority. Milovanović remembered the VRS officer complaining to him, asking “can anyone beat VRS officers? Because I just got beat up by Arkan”. Apparently, the VRS officer was not only beaten, but also had his head shaved and was robbed.⁶²⁷ Arkan suffered no consequences for it. This was not the only instance of professionalized units being privileged. Crni of the Red Berets was arrested by the VRS, and Stanišić had him released.⁶²⁸ When another group of Red Berets were confronted in Brčko, Frenki asked who authorized that.⁶²⁹ The professionalized units were special, and everyone understood it.⁶³⁰

Again, as in the consolidation process and the exercise of control by the local armies, there were rules which simply did not apply to the Serbian MUP affiliates because they were MUP affiliates. That is why Arkan could slap around a VRS officer without much consequence, and that the furthest the local authorities ever went was to arrest a few of his men.⁶³¹ They were units of a higher order, due to their links to the Serbian State Security and there was

⁶²¹ Haviv gave an interview soon after taking these pictures, not dated, accessed May 3, 2019, https://www.youtube.com/watch?v=4POqAfBm_ss.

⁶²² MICT *Stanisic*, Nielsen report, 216.

⁶²³ MICT *Stanisic*, Nielsen, 217.

⁶²⁴ ICTY *Milosevic*, witness Dulović, October 18, 2002, accessed May 3, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/021018ED.htm.

⁶²⁵ ICTY *Mladić*, witness Andan, June 6, 2014, <http://www.icty.org/x/cases/mladic/trans/en/140606ED.htm>.

⁶²⁶ ICTY *Stanisic and Župljanin*, witness Đokanović, 20 November 20, 2009, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/091120ED.htm.

⁶²⁷ “Jedinica”, episode 2.

⁶²⁸ ICTY *Stanisic*, Prosecution Final brief, 336. See also: P01576, 53-55. By arresting him, witness Todorović testified Stanišić saying, they were “touching into the hornet’s nest”.

⁶²⁹ ICTY *Krajišnik*, witness Davidović, June 10, 2005, transcript page 14291, accessed May 2019, <http://www.icty.org/x/cases/krajisnik/trans/en/050610IT.htm>.

⁶³⁰ ICTY *Stanisic*, witness Tihić, February 4, 2010, transcript page 3215, 3219-3220, accessed May 3, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/100204ED.htm.

⁶³¹ MICT *Stanisic*, Nielsen, 216.

arrogance that came with it, as everyone involved understood that they sat at the very top of unit hierarchy. Furthermore, it is interesting to observe that units disobeyed or ignored orders by local armies, and openly challenged local authority. Why did military officers overwhelmingly fail to stand up to them? According to Miloš Vasić, a prominent Serbian journalist, it was because they were afraid. They saw who they were dealing with. They knew the professionals had backing at the highest levels in Belgrade, and that standing up to paramilitaries brought considerable risk. One could lose one's life in an instant.⁶³²

Manufacturing ambiguity and plausible deniability

Ambiguity was inextricably linked to deniability. If it is unclear who commands a unit, it is impossible to claim with certainty who is responsible for what they do. The regime and the MUP went through significant trouble to manufacture and maintain ambiguity, and it was done on multiple levels. Legally, the MUP did not have any armed units until some steps were made to formalize the JATD in mid-1993. The unit was fully legalized only after the Bosnian war. While violence was being unleashed in 1991 and 1992, the Serbian MUP formally had nothing to do with units expelling civilians. These volunteers were used like contractors, and not acknowledged publicly.⁶³³ The Red Berets had its roots in Dragan's Knindžas, which grew, changed names and insignia. Satellite units were created, and stationed in different places, sometimes temporarily becoming part of a local security structure, complicating the ability of anyone but the most seasoned observers to understand how they were all connected.

Continuity between units under the Red Berets umbrella emerges if one looks at unit members, from the first men gathering in Golubić in 1991, to those deploying throughout the war, up to 1995. Much of the personnel files are unavailable, but references to them unveil that these men were members which documents, insiders, as well as other witnesses consistently link to the Serbian MUP and DB. There were also instances of the same stamp of DB-affiliated units being used throughout on official documents, no matter the name changes.⁶³⁴

Therefore, these measures for producing ambiguity were pragmatic moves designed to confuse outsiders. When Captain Dragan declared that his men were the "special police of the Krajina"⁶³⁵, when units were referred to as "Frenki's men"⁶³⁶, later when JATD

⁶³² Vasić, Miloš. "Pohvala dužnosti ili pravi odgovor." *Vreme*. May 22, 2003. Accessed May 3, 2019. <https://www.vreme.com/cms/view.php?id=341019>.

⁶³³ ICTY *Stanisic*, Sliskovic, May 18, 2010. The men were paid in cash. Payments in cash were confirmed by JF-048, June 15, 2010.

⁶³⁴ ICTY *Stanisic*, documents with this stamp are either confidential or listed as public, but unavailable.

⁶³⁵ "Izvištaj TV Beograd o logoru Milicije Krajine u Golubiću," TV Belgrade, undated, accessed May 3, 2019, <https://www.youtube.com/watch?v=wP95Xd-xmw>. ICTY *Stanisic*, Theunens discusses Dragan's MUP affiliations in his report, page 96-97.

⁶³⁶ ICTY *Milosevic*, witness K-2, October 9, 2003, transcript page 14590, accessed May 3, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030109ED.htm. See also: MICT *Stanisic*, witness RFJ-150. See: Radosa Milutinovic, "Red Berets Fighter: Serbian Official was Our Commander," *Balkan Insight*,

operated⁶³⁷, Božović's unit⁶³⁸, Mijović's unit, Ivanović's unit⁶³⁹, these were all different constitutive elements of one heterogeneous structure. This was a network of formal and informal relationships, covertly implementing plans and doing what should not be easily linked to the regime. Captain Dragan put it bluntly: "many things changed in the unit during those years, but in essence, as the DB's secret armed formation—that never would".⁶⁴⁰

Professionalized units adopted increasingly chameleonic properties to adapt their affiliation to what was suitable for the situation. What further complicated matters was the public appearances Arkan had with some local leaders like Hadžić in east Slavonia⁶⁴¹ and Plavšić and Karadžić in Bosnia⁶⁴². Their participation added legitimacy to Arkan's presence, and an extra level of authority which could be used to create distance from Belgrade. At times, units were part of local military and security structures, like Arkan in east Slavonia⁶⁴³, and the Scorpions in the oil industry.⁶⁴⁴ Arkan's men and the Scorpions, after the Vance peace plan, were designated as members of Special Police Units (PJMs) also referred to as the "Plavi brigades", i.e. Blue brigades, and that existed until early 1993.⁶⁴⁵ Scorpions were further rebranded as part of the RSK army.⁶⁴⁶ However, no matter who else may have had formal control over the unit, it was Mrgud, their handler of sorts with DB connections, who the Scorpions commander feared, and not the army.⁶⁴⁷ In operations they sometimes subordinated to army command, but even then Arkan exercised some independence because he was well-connected.⁶⁴⁸

The difference between the exercise of overall direction by the MUP and the temporary cooperation or command of the army over units in combat further muddled the waters about who was ultimately in charge.⁶⁴⁹ That served the regime perfectly. The purpose of all this was not to completely conceal participation of any individual Serbian volunteer in action. What

May 22, 2018, accessed May 3, 2019, <https://balkaninsight.com/2018/05/22/serbian-security-official-commanded-red-berets-unit-05-22-2018/>.

⁶³⁷ The JATD is analyzed in the reports by Theunens and Nielsen for the ICTY and MICT Stanišić and Simatović trials.

⁶³⁸ MICT *Stanišić*, Nielsen, 67.

⁶³⁹ ICTY *Stanišić*, Theunens, 108-109.

⁶⁴⁰ ICTY *Stanišić*, P02976, 7.

⁶⁴¹ ICTY *Stanišić*, witness Pelević, January 24, 2012, accessed May 3, 2019, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/120124ED.htm.

⁶⁴² ICTY *Stanišić*, witness Pelević, January 25, 2012, accessed May 3, 2019, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/120125ED.htm.

⁶⁴³ ICTY *Hadžić*, witness Nielsen, January 11, 2013, accessed May 3, 2019, <http://www.icty.org/x/cases/hadzic/trans/en/130111ED.htm>.

⁶⁴⁴ RSK Ministry of Defense document formally establishing Scorpions was discussed in MICT *Stanišić*, on January 24, 2018. ICTY *Stanišić*, witness Gagić, February 13, 2012, transcript pages 17223-17224, accessed May 3, 2019, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/120213ED.htm.

⁶⁴⁵ ICTY *Stanišić*, Prosecution Final brief, page 146, refers to several documents, all of which are confidential.

⁶⁴⁶ ICTY *Stanišić*, Theunens, November 2, 2010, transcript pages 8632-8633, accessed May 3, 2019, http://www.icty.org/x/cases/stanistic_simatovic/trans/en/101102ED.htm.

⁶⁴⁷ MICT *Stanišić*, witness Stoparić, November 7, 2017. See: Radoša Milutinović, „Škorpione je kontrolirala i plaćala Služba državne bezbednosti Srbije,” *Detektor*, accessed May 3, 2019, <http://detektor.ba/skorpione-kontrolisala-i-placala-sluzba-drzavne-bezbjednosti-srbije/>.

⁶⁴⁸ ICTY *Hadžić*, witness Theunens, May 10, 2013. Expert testified that at times, Arkan's unit engaged in operations under JNA command. See: <http://www.icty.org/x/cases/hadzic/trans/en/130510IT.htm>.

⁶⁴⁹ ICTY *Stanišić*, witness Theunens, November 2, 2010.

Milošević needed was to plausibly be able to deny responsibility for organized, extra-legal Serbian forces acting across the border and engaging in violence against civilians, and for that he needed distance. Running the units in this way provided that distance.

For example, distance was created by removing insignia before units went into action. Red Berets members testified about being made to leave everything behind.⁶⁵⁰ Wearing a Serbian three-color flag instead with no additional marking was confusing, because it did not make clear the units' formal affiliation: "I can only say that when we went to our third deployment to Treskavica, that we were advised to remove the insignia of the Scorpions and to put the Serbian tricolor."⁶⁵¹ Insignia was a source of confusion for outsiders. One symbol that was frequently featured in MUP-affiliates' insignia was the sword, while particular units used also images of a grey wolf, a tiger and a scorpion.⁶⁵² However, the use of insignia was inconsistent. For example, a former JATD member describes how Zvezdan Jovanović, one long-term unit member wore different insignia than members of his unit.⁶⁵³ Complicating things further was the fact that there was probably some imitation of the Red Berets going on, by those with weak or non-existent ties to the actual unit.⁶⁵⁴

Furthermore, a way of practicing ambiguity was in recruitment and employment. The Scorpions had a straightforward technique. Stoparić, a Scorpions volunteer, remembered the rule that not more than 40% of members could be Serbian, and the rest had to be from Croatia, Bosnia or elsewhere.⁶⁵⁵ That made the unit more easily dismissed as not really from Serbia proper, and being the responsibility of local authorities in the RSK and RS. There were instances of people being employed by both the RSK and the Serbian DB at the same time, sometimes in high positions, such as Ilija Kojić, a DB operative serving as RSK Assistant Minister of Internal Affairs.⁶⁵⁶ Vaso Mijović, a Red Berets commander, had three different IDs identifying him as an employee of the Ministry of Internal Affairs—in Republic of Serbia, in Republika Srpska Krajina, and in the Republika Srpska.⁶⁵⁷

At times, those working for the DB were told to be quiet about it.⁶⁵⁸ Unit members, when being paid, were sometimes advised to not sign the receipts with their full names, "to make it impossible to establish later who signed which document".⁶⁵⁹ Documents concerning MUP

⁶⁵⁰ ICTY *Stanisic*, witness JF-047, October 4, 2010, transcript page 7626, accessed May 3, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101004ED.htm.

⁶⁵¹ Scorpions member Dušan Kosanović Sova, in the documentary "Škorpioni – Spomenar", 2007, Fond za humanitarno pravo, accessed May 25, 2017, <https://www.youtube.com/watch?v=nqsDRw04Z6U&feature=share>.

⁶⁵² ICTY *Stanisic*, P00255. The Gray Wolves patch is P00141; a personnel file with the same symbol is P02786. Gray wolves are again shown in the Kula video - P00163 are images from Kula. P02157 is the Scorpions patch, and P02158 is a collection of images showing the Scorpions patch on uniforms.

⁶⁵³ ICTY *Stanisic*, Slišković, May 19, 2010.

⁶⁵⁴ ICTY *Stanisic*, witness Plahuta, May 14, 2012, transcript page 19336-19338, accessed May 3, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/120514ED.htm.

⁶⁵⁵ ICTY *Milutinovic*, witness Stoparić, July 12, 2006, transcript page 695, accessed May 3, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/060712ED.htm>.

⁶⁵⁶ ICTY *Stanisic*, Prosecution Final brief, 146. MICT *Stanisic*, Nielsen report, 138.

⁶⁵⁷ ICTY *Stanisic*, P00488.

⁶⁵⁸ ICTY *Stanisic*, D0256 is confidential, but mentioned in Prosecution Final brief, 355.

⁶⁵⁹ ICTY *Stanisic*, Slišković, May 18, 2019, transcript page 5116.

employees were purposefully drafted incorrectly to reflect people serving in Kosovo, while in fact they were in Krajina.⁶⁶⁰ All of these techniques made it possible to raise doubt as to who these men were, and who they ultimately reported to, and that was all that the regime needed.

The cooperation between Šešeljevci and the DB and other partners in the political project was already illustrated with an example from Zvornik, as described by Šešelj. However, he later recanted that statement, claimed he lied, saying that by the time of that interview, he was in conflict with Milošević and wanted to politically harm him. On other occasions, he gave other contradictory statements.⁶⁶¹ However, former war correspondent Anastasijević was not convinced: “I think he [Šešelj] lied when he said he lied”.⁶⁶² Some Šešelj volunteers who ended up in the Red Berets, like VS-1058, faced problems as a consequence of the covertness and ambiguity of unit deployment. VS-1058 was wounded in Bosnia in late May 1992, at a time when officially there was no one from Serbia there anymore, so that had consequences for claiming rights in Serbia as a wounded volunteer.⁶⁶³

One instance of paramilitary violence—the massacre in Ovčara near Vukovar, which was the biggest mass execution during the war in Croatia, shows just how aware the perpetrators were of the need to conceal the link between the violence and the state. The perpetrators were a group of men affiliated with Šešelj’s party and local TO members. They executed over two hundred prisoners: Croat civilians and fighters who sought refuge in the city hospital as the town fell to Serb(ian) forces in November 1991. The army basically gave them access to the prisoners who were then killed.⁶⁶⁴ Some perpetrators stated that everything needed to be done to shift responsibility to local individuals, Serbs in Croatia, and away from the Yugoslav Army, otherwise “our children will be born indebted to the state of Croatia”, indicating that perpetrators understood well the consequences of Serbia being linked to these murders.⁶⁶⁵ These local Serbs and their units served as a convenient distancing mechanism.

Ambiguity and a lack of government recognition extended after serving. For example, the Captain Dragan Fund, a non-governmental organization, provided some social security to returning fighters and their families.⁶⁶⁶ That helped the state to not recognize their status in

⁶⁶⁰ MICT *Stanisic*, Nielsen, 37. See also: Prosecution Final brief, 367.

⁶⁶¹ Šešelj claimed that statements were not contradictory but were merely reflecting new information he gained. See: ICTY *Hadžić*, September 10, 2014, accessed May 3, 2019, <http://www.icty.org/x/cases/hadzic/trans/en/140910ED.htm>.

⁶⁶² MICT *Stanisic*, witness Anastasijević, June 21, 2018. See: “Odbrana Simatovića: Anastasijević ima posredne informacije,” *NI*, accessed May 3, 2019, <http://rs.n1info.com/Region/a398064/Sudjenje-Franku-Simatovicu.html>.

⁶⁶³ ICTY *Šešelj*, witness VS-1058, March 9, 2010, accessed May 3, 2019, <http://www.icty.org/x/cases/seselj/trans/en/100309ED.htm>.

⁶⁶⁴ This massacre was extensively dealt with in ICTY and local trials in Serbia. See for example: Mrkšić et al., Šešelj, Hadžić, where dozens of witnesses testified about this particular incident.

⁶⁶⁵ ICTY *Hadžić*, witness Stoparić, May 15, 2013, transcript page 4788, accessed May 14, 2019, <http://www.icty.org/x/cases/hadzic/trans/en/130515IT.htm>.

⁶⁶⁶ ICTY *Stanisic*, witness Bosnić, July 14, 2011, transcript pages 12824-12825, 12883-12884, accessed May 3, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/110714ED.htm.

any way. The Fund was set up in the fall of 1991⁶⁶⁷ and included members of the MUP affiliates and their satellite units⁶⁶⁸. The board of that Fund was presided over by Bogdanović, former Minister of Internal Affairs and Milošević's close associate.⁶⁶⁹ The organization was described by Frenki as a humanitarian initiative.⁶⁷⁰ All of this made it possible for the regime to distance itself from paramilitary violence. This ambiguity at multiple levels allowed that distancing. A good illustration comes from a meeting when Milošević refers to paramilitaries as "wild brigades", therefore implying no state backing, direction or support, and emphasizing their alleged independence and spontaneous nature.⁶⁷¹ In reality, for the most part, they were anything but.

Profit-driven criminality

Profit-driven criminality in war-affected areas was part of a wider criminalization that took place at various levels, enacted by regime cronies, businessmen, local strongmen, paramilitary commanders and members. This wartime criminality took a number of forms, from the micro-level looting of household appliances of those who were killed or expelled, to the more sophisticated extraction of resources like valued timber and smuggling for the goods-deprived market suffering sanctions. This section discusses paramilitaries and their commanders and associates, how their deployment coexisted with the pursuit of material gain, and how this provided incentives for continued engagement. As with deployment and control, what the sources show is that there were significant differences between how units operated in seeking wartime profit.

Looting is ubiquitous in sources and it is clear that paramilitaries were not the only ones engaging in it. Local authorities looted public property and confiscated the belongings of expelled citizens. One memorable example is of thousands of Volkswagen cars looted from a factory outside Sarajevo. Around three thousand cars were stolen, and a large number taken abroad. The vehicles were used by local officials and the magnitude of the theft caused even the RS government to investigate.⁶⁷² However, it appears that the operation was actually done with consent from the highest levels, up to Karadžić who apparently said the vehicles should be sold and equipment bought for Bosnian Serb police.⁶⁷³ Looting the property of non-Serbs often feigned legality, making non-Serbs sign houses and cars over in exchange for

⁶⁶⁷ ICTY *Stanisic*, the document is confidential, but referred to in Prosecution Final brief, 128.

⁶⁶⁸ ICTY *Stanisic*, P02657, 2-4; 7-8; P00337, 2-5; P02646, 2-4; P00148, P00145, P00147, P02655, etc.

⁶⁶⁹ "Preminuo Radmilo Bogdanović," *Slobodna Evropa*, October 26, 2014, accessed May 3, 2019, <https://www.slobodnaevropa.org/a/26657280.html>.

⁶⁷⁰ ICTY *Stanisic*, P00061.

⁶⁷¹ Milošević refers to them as wild brigades while questioning witness Milan Babić. See: Biserko, *Milošević vs Jugoslavija*, 815.

⁶⁷² This was discussed in several trials: ICTY *Krajisnik*, ICTY *Stanisic and Župljanin*, ICTY *Karadzic*. See: witness Dobrislav Planojević in the Karadžić case, March 28, 2013, accessed May 6, 2019, <http://www.icty.org/x/cases/karadzic/trans/en/130328ED.htm>.

⁶⁷³ ICTY *Stanisic and Župljanin*, witness Davidović, August 23, 2010, transcript page 13537, accessed May 7, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100823ED.htm.

leaving the area where their lives were threatened.⁶⁷⁴ Thus, the pillage by paramilitaries was a part of a wider context of dispossession.

Local strongmen were the brokers organizing the looting, often masquerading as humanitarians. Arkan's associate in Bijeljina, Vojkan Đurković Puškar was one such individual, who established himself a powerful local actor. He led the local Commission for the Exchange of the Civilian Population, which extorted non-Serbs to pay if they wished to get out of town when the Serb(ian) forces took it. Before leaving, the civilians had to sign over their property.⁶⁷⁵ Đurković was interviewed by journalists, posing for cameras in attention-grabbing Italian sunglasses, when he claimed he was involved in "social work" and that he should be given a Nobel Peace Prize.⁶⁷⁶ Those who were forced to leave remember him as the man who facilitated the expulsion of non-Serbs.⁶⁷⁷ The searches of those leaving the town were so intrusive that what they included was comparable to "gynecological examinations" in order to prevent women smuggling out valuables.⁶⁷⁸

Importantly, there was a certain hierarchy in profit-driven criminality, and the Šešeljevci and other non-professionals were at the very bottom, engaging in low-level individual theft, but on a large scale. The professionalized units, and people like Arkan, were at the top. They took cars, home appliances, but also high-quality wines from cellars in Slavonia. They looted, and documents refer to truckloads of goods being driven out, but they also engaged in high-profit smuggling and resource extraction. Extensive investigative reporting showed Arkan's considerable wealth came from high-quality oak, smuggling oil and cigarettes, and operating gas stations.⁶⁷⁹ Arkan made additional profits as he was apparently charging for "services" his men provided in the takeover of territory, and the price one witness listed for the participation in the Zvornik operation was 400,000 Deutschmarks.⁶⁸⁰ High-ranking Bosnian

⁶⁷⁴ These kinds of measures were discussed extensively for a number of municipalities in a number of trials. One example is from western Bosnia. See: ICTY *Brđanin*, witness Džonlić, February 28, 2002, <http://www.icty.org/x/cases/brdanin/trans/en/020228IT.htm>, witness BT-88, February 24, 2003, <http://www.icty.org/x/cases/brdanin/trans/en/030224ED.htm>, both accessed May 6, 2019. These witnesses testified extensively about measures put in place to dispossess mainly non-Serbs, such a rule by the local Crisis Staff that people leaving the area had to leave any valuables above 300 Deutschmarks behind. "Abandoned property" was made into the property of the state.

⁶⁷⁵ HRW, "The individuals involved in the ethnic cleansing of Bijeljina," New York: Human Rights Watch, 2000, accessed May 6, 2019, <https://www.hrw.org/reports/2000/bosnia/Bosn005-05.htm>. Similar practice was introduced in Prijedor, west Bosnia, where non-Serbs could not leave town before "pledging" all possessions to local authorities. See: ICTY *Kvočka*, witness J, September 5, 2000, transcript page 4790, lines 8 – 11, accessed June 1, 2019, <http://www.icty.org/x/cases/kvocka/trans/en/000905ed.htm>.

⁶⁷⁶ ICTY *Karadžić*, witness Bowen, November 13, 2011, transcript page 10100-10101, accessed May 5, 2019, <http://www.icty.org/x/cases/karadzic/trans/en/110113ED.htm>. See also: 65ter 40350A.

⁶⁷⁷ ICTY *Seselj*, witness VS-1028, December 9, 2008, transcript page 12798, accessed May 5, 2019, <http://www.icty.org/x/cases/seselj/trans/en/081209ED.htm>.

⁶⁷⁸ ICTY *Karadžić*, witness Davidović, June 28, 2011, transcript page 15533, accessed May 6, 2019, <http://www.icty.org/x/cases/karadzic/trans/en/110628ED.htm>.

⁶⁷⁹ Vasić, "Dosije Arkan". See also: Miloš Vasić, "Poreklo bogatstva Željka Ražnatovića Arkana," *Vreme*, April 7, 2011, accessed May 5, 2019, <https://www.vreme.com/cms/view.php?id=984700>; Nikolić, „Srpska dobrovoljačka garda.“

⁶⁸⁰ ICTY *Milosevic*, witness B-161, May 22, 2003, transcript page 21016, accessed May 4, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030522ED.htm.

Serb generals like Milovanović spoke critically about Arkan, saying his men were not as interested in protecting Serbs, as they were in looting.⁶⁸¹

Paramilitaries, both professionalized and non-professionalized, participated in looting homes and businesses, public and private property, from the earliest days of the war.⁶⁸² Šešeljević were looting around Vukovar early in the war.⁶⁸³ Later, they continued doing so in Bosnia and Herzegovina. One document from Trebinje, from July 1992, says that Šešeljević engaged in “looting social and private property”.⁶⁸⁴ Šešelj acknowledged small-scale theft by his men and claimed that the war booty from Skelani was listed and given over to the MUP. He went on to accuse that it was them, the MUP, and Arkan’s men and not the Šešeljević, engaging in serious looting and using trucks to move goods from the municipalities along the river Drina.⁶⁸⁵

Arkan’s looting early in the war was recorded in military intelligence reports, as in one from January 1992: “it is undeniable that Ražnatović’s involvement in the war is not motivated purely by patriotic reasons and is also motivated by looting and /illegible/ to make a name for himself as a soldier, which would help him to legalize him unlawfully acquired wealth.”⁶⁸⁶

Arkan’s prolific criminal enterprise in east Slavonia was so notable that an entire area was called “Arkansas”.⁶⁸⁷ Furthermore, access to looted goods was “payment” for services provided, and authorities allowed trucks of looted goods to cross into Serbia. Karadžić said “let them do what they can, whatever they take, they can keep it for free”.⁶⁸⁸ War booty demanded by paramilitaries appears in documents, as in the case of Lugar.⁶⁸⁹ In some instances, Simatović’s men were involved in shipping looted property to Serbia.⁶⁹⁰ The loot and the ability to move it and sell it was an opportunity for material advancement that was granted to those who provided services to the state.⁶⁹¹ “The fact that so many of these goods could enter Serbia signaled that the police, at the federal and republican level, allowed it.”⁶⁹² Within Serbia, Arkan’s headquarters was guarded by men with automatic weapons, which made it clear to unit members that the SDG was operating with the consent of Serbian authorities because civilians were not allowed to have those kinds of armaments.⁶⁹³

⁶⁸¹ ICTY *Stanisic*, witness Milovanović, April 23, 2010, accessed May 6, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/100423ED.htm.

⁶⁸² ICTY *Seselj*, witness Theunens, February 21, 2008, accessed May 6, 2019, <http://www.icty.org/x/cases/seselj/trans/en/080221IT.htm>.

⁶⁸³ ICTY *Hadzic*, Theunens report, 151.

⁶⁸⁴ ICTY *Seselj*, Theunens report, 246.

⁶⁸⁵ ICTY *Seselj*, Theunens, 251.

⁶⁸⁶ ICTY *Hadzic*, Theunens, 62.

⁶⁸⁷ Filip Svam, “Patriots and Godfathers,” *Vreme*, March 1, 1993, accessed May 6, 2019, <http://www2.scc.rutgers.edu/serbiandigest/75/t75-6.htm>.

⁶⁸⁸ ICTY *Karadzic*, witness Davidović, June 24, 2011, transcript page 15465, accessed May 6, 2019, <http://www.icty.org/x/cases/karadzic/trans/en/110624IT.htm>.

⁶⁸⁹ ICTY *Stanisic*, P01428.

⁶⁹⁰ MICT *Stanisic*, Nielsen, 260.

⁶⁹¹ Džidić, “Arkan’s Paramilitaries: Tigers Who Escaped Justice”.

⁶⁹² ICTY *Stanisic*, witness Theunens, October 27, 2010, transcript page 8194, accessed May 6, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101027ED.htm.

⁶⁹³ ICTY *Stanisic*, Slišković, May 18, 2010, transcript page 5139.

Red Berets were also looting in the Baranja region of Croatia. It was organized and widespread and included commanders like Vaso Mijović and local collaborators. It went beyond theft and included smuggling cars that were stolen around Europe, which were being taken to Serbia through this region.⁶⁹⁴ One VJ report says that Mijović's men were a special MUP unit connected to the Serbian MUP and DB, active in Baranja, and that they were engaged in black-marketeering, looting, threats and blackmail. It unequivocally stated that Mijović belonged to "the mafia".⁶⁹⁵ However, not everyone in the unit was involved, according to insider JF-036.⁶⁹⁶

The extraction of valuable resources was referred to in sources, such as in the undated report of the VJ on paramilitary units in Croatia:

None of them was completely independent, and in various ways they are connected to certain structures in the Republic of Serbia. In agreement with and as tasked by these structures, they frequently performed specific tasks, including the extraction of natural and other resources in the said territories (tree felling, petroleum extraction), black-marketeering of cereal crops and other foodstuffs, and going as far as open looting and the worst forms of crime and individual acts of terrorism against the local population.⁶⁹⁷

In the aftermath of the war, it became clear that some of these men were significantly better off than they were before, and that can be explained by their continued participation in different illegal activities which brought quick cash returns. Criminal activity and smuggling involved individuals who were facilitated paramilitary activity, such as DB's Ilija Kojić, Mrgud, and other high-ranking officials.⁶⁹⁸ The Scorpions and Mrgud, then-deputy defense minister of the RSK with ties to the Serbian DB, is said to have made a fortune during wartime on smuggling timber, oil and cigarettes.⁶⁹⁹ Goran Stoparić, former Scorpions member, drew attention to the notable wealth of Slobodan Medić Boca, his unit commander.⁷⁰⁰ Arkan's illegal activities were no particular secret during the war, but his finances were scrutinized in the aftermath of Milošević losing power.⁷⁰¹ They showed that for him and those like him, without a doubt, war was a lucrative affair.

⁶⁹⁴ MICT *Stanisic*, witness RFJ-151, September 19, 2017, Radosa Milutinovic, "Serbia's Red Berets Accused of Croatia Crimes," *Balkan Insight*, September 19, 2017, accessed May 6, 2019, <https://balkaninsight.com/2017/09/19/serbia-s-red-berets-accused-of-croatia-crimes-09-19-2017/>.

⁶⁹⁵ ICTY *Hadžić*, Theunens, 135.

⁶⁹⁶ ICTY *Stanisic*, JF-036, April 12, 2010, accessed May 6, 2019, accessed May 6, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/100412ED.htm.

⁶⁹⁷ ICTY *Hadžić*, Theunens, 121.

⁶⁹⁸ MICT *Stanisic*, Nielsen, 138.

⁶⁹⁹ MICT *Stanisic*, witness RFJ – 144, January 24, 2018. See: Radoša Milutinović, "Škorpioni pod kontrolom Ministarstva odbrane Republike Srpske Krajine," *Detektor*, January 24, 2018, accessed May 6, 2019, <http://detektor.ba/skorpioni-pod-kontrolom-ministarstva-odbrane-republike-srpske-krajine/>.

⁷⁰⁰ Stojanović, "Škorpioni – Spomenar".

⁷⁰¹ Vasić, "Poreklo bogatstva."

Conclusion

Paramilitary unit deployment was, as their establishment, a cooperative effort conducted largely covertly. These men moved across Serb-dominated areas seamlessly, and cooperated through formal and informal channels, to obtain and maintain control over territories. After the initial period of unit proliferation, there was a concerted effort by local Serbs in the RSK and the RS to consolidate armed force. Those units which can still be considered paramilitaries, and with clear, albeit unequal ties with the Belgrade regime, that remain in the field post-summer 1992 were the professionalized MUP affiliates and some non-professionals, mainly the Šešeljevci. The former were much closer to the regime and they were the ones who worked for Milošević and the MUP until the very end of the war in Bosnia, and beyond. The local authorities' control never seemed to have reached these professionalized units who continued operating with direction from Belgrade. This fruitful relationship lasted until 1995, with unit engagement extending beyond the initial taking of territory, to include profit-driven crime.

The professionalized MUP affiliate units continued to grow in complexity and ability throughout the war. That was a result of the regime's effort to build up force, and manufacture ambiguity and distance, in order to end crippling sanctions imposed for supporting violence in Croatia and Bosnia and shield itself from criminal prosecutions in The Hague looming on the horizon. Elaborate schemes to continuously rename units or temporarily integrate these men into local security structures were designed to obscure the true affiliations of the people working on behalf of the Serbian MUP and DB. Manufacturing ambiguity consisted of a series of actions, at the leadership but also member-level, designed to confuse observers. However, there was a number of key men, some were original Golubić volunteers, who were always involved. Some of them were greeted by Milošević in 1997 at the Kula ceremony, and recognized as valuable fighters, as Frenki read the speech describing their contributions across Croatia and Bosnia. Furthermore, the DB's control, through Stanišić, Simatović and their associates is consistently confirmed by a number of insiders and volunteers like Slišković, Stoparić, and others.

Finally, when it comes to the professionalized MUP affiliates, this chapter shows that they were units of a different order, based on their affiliation, and that rules simply did not apply to them in the same way they did to other armed groups. When local authorities, Serbs in Croatia and Bosnia, tried to subdue the units, they consistently failed with respect to the professionals, who maintained a closeness to the authorities in Belgrade.

The presence and importance of political party volunteers such as Šešeljevci decreases from the early days of the war. Many of these units left Croatia after the ceasefire, and settled in Bosnia, moored in an area and acting alongside local army troops. That was, at least in part, the effect of Mladić's insistence on the establishment of full control over forces in his territory that applied largely to various local non-professional units. After 1993, when Šešelj and Milošević broke their cooperation over Milošević's pressure on Bosnian Serbs to sign the

peace agreement, Šešeljevci's presence falls even further and by 1995, they almost disappear from sources.

Two important factors propelled the engagement of paramilitaries throughout the war. First was the efficient way they contributed to the furtherance of a common plan while shielding the regime of consequences of their engagement. This ambiguity of affiliation and control over paramilitaries, which was purposefully produced and maintained, and the plausible deniability this created served the interest of the regime and perpetuated their use. Secondly, profit-driven criminality in which a number of units engaged further sustained paramilitary deployment. While both professionals and non-professionals looted, the more lucrative business opportunities like sanctions-busting was an elite affair: high-end profit for high-end units.

CHAPTER V: Transformation of paramilitary units (1996 - 2003)

The end of the wars in Croatia and Bosnia did not terminate the cooperative relationship between the state and select units, it merely transformed it. In the period between 1996 and 2003, the boundaries disintegrated between the state, professionalized paramilitary units and organized crime. That is best exemplified by the 1996 formal establishment and legalization, but in fact merely another rebranding of the Red Berets into the State Security's Special Operations Unit (Jedinica za specijalne operacije, JSO). In the last four years of Milošević's rule, the state was increasingly criminalized through members of the State Security participating in assassinations of Milošević's political opponents. Increasing criminalization included drug trafficking, racketeering and kidnappings by members of the State Security and JSO. With the end of the war in Croatia and Bosnia, violent, emboldened men came home, and with them, came violence. Milošević fell in October 2000 not least because the JSO allowed it, by siding with the opposition. The reformist coalition government that followed simply did not have the capacity to subdue the strengthening alliance between the Special Unit and the Zemun clan, whose cooperation further criminalized the state. This corruption of the state was deep but not complete, and after members of the JSO assassinated the Prime Minister in March 2003 in an act of self-preservation, the state mustered some strength to re-establish control.

The late 1990s and early 2000s in Serbia were marked by several important changes. Those encompassed the state, the remnants of select units, and their mutual relationships, as well as how entangled they were with organized crime. In 1996, Arkan dissolved his unit, the Serbian Volunteer Guard (SDG) and some members, like Milorad Ulemek Legija, transferred to the Special Operations Unit where he became commander. A year later, a high-ranking police official and a key figure in paramilitary deployment, Radovan Stojičić Badža, was killed in a mafia-style execution. In 1998, the top of the state security establishment changed, Stanišić and then Simatović were removed from top positions, and Rade Marković became head of the DB. However, the two men remained highly influential.⁷⁰² In January 2000, Arkan was gunned down in a Belgrade hotel lobby. All those events created shifts in the existing relations and Arkan's death ignited a turf war and increased violence, much of it by former paramilitary members who had become integral parts of the criminal underground. The number of assassinations of opposition politicians, journalists, organized crime members, and state officials skyrocketed, with both the regime and organized crime circles eliminating opponents.⁷⁰³

This chapter analyzes how the state, the JSO and organized crime interacted after the war in Croatia and Bosnia, through unit deployment in Kosovo, the fall of Milošević and up to the assassination of the Prime Minister. It unveils the impact paramilitary entanglements between

⁷⁰² Dejan Anastasijević, "Špijun koji se sklonio u samicu," *Vreme*, March 27, 2003, accessed May 19, 2019, <https://www.vreme.com/cms/view.php?id=336128>.

⁷⁰³ Miloš Vasić, "Ubistva poznatih ličnosti od 1990. do 2002," *Vreme*, November 7, 2002, accessed May 15, 2019, <https://www.vreme.com/cms/view.php?id=325042>.

the state and the units had on Serbia proper. It argues that the ties between parts of the state security apparatus, members of the elite unit and groups in the criminal underground surpassed what can be deemed cooperation and become nothing short of a fusion—an erasure of boundaries. Some of those involved in this criminalization of state structures were the same people who participated in the paramilitary training and deployment early in the war. While ostensibly fighting for the state, embodying patriotism, they were hollowing out the state, diminishing its capacity to counter organized crime and protect citizens. These actors became so powerful that they outlasted the regime that created them and used them for a decade. They showed remarkable resilience and adapted to new political circumstances. For them, the fall of Milošević was not the end, it was merely a chance to reinvent themselves. However, soon they became too ambitious and bold, aiming to remove those who threatened them and install friendly individuals in government positions. That ruthless ambition caused a backlash, and that was their undoing.

Broader political developments in Serbia in the relevant period are discussed more extensively here because members of the JSO and those who commanded them were directly involved in creating these circumstances, with significant consequences for the state and its population. The sources in this chapter come from ICTY records, investigative journalism on organized crime, and accounts by participants of these events. Transcripts in the trial for the assassination of the Prime Minister provide important insights on the relationship between state security and organized crime, as perpetrators were members of the JSO and the Zemun clan.⁷⁰⁴ This material tells the story of a corrupt state security system perverting the functioning of the state, a regime clinging to power by any means necessary, a special unit which abandoned the regime once it realized its time has passed, and about the lasting damage the state suffers when it uses violent paramilitaries and criminal gangs to obtain short-term goals. In the end, it is that state itself which is eroded.

Coming out of the shadows: the Special Operations Unit

The war in BiH ended with the signing of the Dayton Peace Accords in December 1995. The agreement established a Serb-dominated entity whose territory was secured through extensive paramilitary engagement by both professionalized and non-professionalized units as well as the military and police. The end of the war put forward a question to the regime: what to do with several hundred trained men, experienced in violence, and emboldened by years of acting largely beyond reprimand? Furthermore, there was still the crisis in Kosovo lingering. In May 1996 they had an answer: the JSO was established, now officially under the Serbian MUP's State Security. What was colloquially referred to as "the unit" was out of the shadows. It was created out of the remnants of the MUP affiliates which were scanned for suitable candidates.⁷⁰⁵ The commander was Legija, the star of Arkan's unit.⁷⁰⁶ In the JSO, he had the

⁷⁰⁴ Transcripts of the trial against perpetrators in the Đinđić assassination, accessed May 20, 2019, <https://pescanik.net/transkripti-sa-sudenja-za-atentat-na-zorana-dindica/>.

⁷⁰⁵ Miloš Vasić, *Atentat na Žorana* (Beograd: Politika, B92, Vreme, Narodna knjiga, 2005).

⁷⁰⁶ Mirko Rudić, "Šta je ostalo od Arkanove garde," *Vreme*, April 10, 2014, accessed May 19, 2019, <https://www.vreme.com/cms/view.php?id=1188784>.

rank of colonel, appointed with a vaguely-phrased formal decision.⁷⁰⁷ The choice of Legija as commander was logical given his experience and standing in the SDG. However, Legija's uncle Mihajlo, also a former member in Arkan's unit thought that choice said something about the kind of state Serbia has become, asking "what kind of state would make a commander out of a troublemaker? This is no real state, that is no real police, and you can't be the commander".⁷⁰⁸

And yet, that was exactly what he was. Although formally a new entity, it was very clear that there was continuity between the wartime MUP affiliates and the JSO. Many of its commanders distinguished themselves in Croatia and Bosnia. The Kula video, already mentioned, shows that.⁷⁰⁹ Furthermore, the main unit compound in Kula, about 100 kilometers from Belgrade, was named after Radoslav Kostić Kole, a Red Berets member who died on deployment during Operation Spider.⁷¹⁰ When Legija was testifying in the trial where he was the main accused for the assassination of Đinđić, he referred to the celebrations in May 2001 as marking "a ten-year anniversary".⁷¹¹ Zvezdan Jovanović, who was convicted as the assassin, was a long-term member of the unit, "from 1991".⁷¹² When journalists came to Kula during a crisis in relations between the unit and the government in November 2001, when members blocked major roads and demanded the resignation of the minister of internal affairs and DB leadership, cameras recorded memorabilia from the war in Croatia.⁷¹³ Even the JSO symbol with the grey wolf linked it to its predecessors.⁷¹⁴ Continuity between the professionalized units and the JSO was clear: "this unit is the child of the Service, created in difficult times".⁷¹⁵

Legija was both respected and feared by his subordinates, according to a close associate of the murdered Prime Minister, Vladimir Popović Beba:

A number of those people, JSO members, were simple people, not educated, many haven't even graduated from primary school [...] they come from some village around Knin or who knows where, they come home after deployment and see someone whose father, mother, brother and sister and everyone was murdered, and they are not interested in anything but revenge. Those kinds of people were taken in the unit. Those people were taken after the war to Belgrade or Kula. To them, the ones who took them there were absolute rulers, masters [...] You take the simplest

⁷⁰⁷ The MUP DB employment decision for Legija available at "Reporting project," accessed May 20, 2019, <https://www.reportingproject.net/peopleofinterest/profil.php?profil=21>.

⁷⁰⁸ Mihajlo Ulemek in "Dosije – Milorad Ulemek Legija," *Prva TV*, aired 2014, accessed April 18, 2018, <https://www.youtube.com/watch?v=h6C1MvzE4AE&t=1s>.

⁷⁰⁹ ICTY *Stanisic*, P00061.

⁷¹⁰ ICTY *Stanisic*, Radovan Kostić profile discussed in Prosecution Final brief, 344.

⁷¹¹ Đinđić trial transcripts, testimony June 14, 2004, 15.

⁷¹² Statement in investigation, dated April 6, 2004, accessed on May 20, 2019, <https://pescanik.net/priznanje-zvezdana-jovanovica/>.

⁷¹³ A video that appears to have been produced by the unit, accessed May 2019, 2019, <https://www.youtube.com/watch?v=v-T5CUom0IM&t=315s>.

⁷¹⁴ ICTY *Stanisic*, P00163.

⁷¹⁵ Švarn, *Jedinica*, episode 1.

men, poor, you show them power and authority and you know they're yours until the rest of their lives: they don't understand politics, they don't read newspapers, don't watch the news, they don't care. For them, there is one god, that's you, and as long as you give orders and a salary, they obey you.⁷¹⁶

There was thus a special reverence for Legija, and members felt loyalty towards him even after he was formally removed as commander. That was the result, unit members claimed, of his knowledge and ability, and the fact that he always led them into action.⁷¹⁷ The experience gained in the French Legion was something that impressed others from the early days when Legija joined Arkan.⁷¹⁸ Legija remained the commander formally until the summer of 2001, when he was removed following two incidents in which he wounded police officers and set a dance club on fire.⁷¹⁹ This period in the unit's history will be discussed in more detail below, as it involved deepening ties with the Zemun clan which was quickly becoming the most powerful criminal gang in Serbia. Here it suffices to note that the new commander was Dušan Maričić Gumar, who was "picked up" in Krajina during the war, and who was made commander only for show.⁷²⁰ It was clear to everyone that Legija was, and remained, in charge.⁷²¹

In terms of structure and function, the JSO had an active and reserve component. The active component was about 450 men in total, including logistics, and in reserve, a few hundred more.⁷²² The unit had snipers, divers, alpinists, and close combat groups.⁷²³ The JSO provided security for officials and institutions. At a later stage, they were the security detail of the Zemun clan. The new DB head, whom the JSO answered to, Rade Marković, was a close Milošević ally and made the unit, and the State Security, even more subservient to regime interest. It was during his tenure that a number of assassinations of individuals deemed dangerous for the regime were conducted. Furthermore, the DB made sure the JSO was well equipped, which cemented its elite status. Unsurprisingly, the funding for the unit did not come from the state budget. It came from racketeering wealthy businesses—the DB had a list of 170 companies, state and private, who were pressured into contributing.⁷²⁴

⁷¹⁶ Đinđić trial, Vladimir Popović Beba, May 16, 2005. Integral testimony published by Helsinki Committee for Human Rights, 2006, 70.

⁷¹⁷ Former unit members gave statements about this in Švarn's *Jedinica*, and documentaries "Dve strane medalje: Priča o crvenim beretkama", "Dosije – Legija".

⁷¹⁸ Mihajlo Ulemek in "Zemunski klan," episode 2, accessed May 20, 2019, <https://www.youtube.com/watch?v=dgm9CYaqmrl>.

⁷¹⁹ These events are discussed by Legija during the Đinđić trial when he describes them as a "problem". See June 14, 2004, 18.

⁷²⁰ Miloš Vasić, "Jedinica za specijalna ubistva," *Vreme*, March 27, 2003, accessed April 10, 2019, <https://www.vreme.com/cms/view.php?id=336127>.

⁷²¹ Testimony of Saša Pejaković, accessed May 2019, <https://pescanik.net/sest-godina-2/>.

⁷²² Vasić, *Atentat na Žorana*, 65, 90. See also "Crvene beretke", accessed May 20, 2019, <http://www.crveneberetke.com/o-jedinici/>.

⁷²³ "Dve strane medalje: Priča o crvenim beretkama," accessed May 20, 2019, <https://www.youtube.com/watch?v=soXJ4zrBaow>.

⁷²⁴ Jovan Dulović and Filip Švarn, "Vukovi i Zmije," *Vreme*, March 27, 2003, accessed May 20, 2019, <https://www.vreme.com/cms/view.php?id=336129>.

The changing nature of paramilitarism in Kosovo

The transformation of paramilitaries was visible not only in the formation of the JSO, but also in how units acted in Kosovo. Fundamental differences between events in 1998 and 1999 in the province, and the paramilitary engagement in Croatia and Bosnia stemmed from the fact that Kosovo was legally in Serbia and Yugoslav army and Serbian police units had a right to be there. There was no need for the same covertness as in the previous conflicts, in what were becoming independent, internationally recognized states. What had to be hidden in Kosovo was the violence and its civilian victims, not the armed involvement itself. The urgency of hiding evidence of abuses rose as the ICTY investigations gained momentum. Furthermore, there was no need to establish new units—the regime simply relied on the paramilitary infrastructure put together between 1991 and 1995. By early 1999, when the conflict escalated, and operations started unfolding contemporaneously with the NATO bombing campaign, there were at least 40,000 Yugoslav Army and police, alongside special police and paramilitaries, present in Kosovo.⁷²⁵

Reactivation of select paramilitaries

From 1997, following years of peaceful resistance led by Kosovo leader Ibrahim Rugova, a new armed actor emerged and branded itself the Kosovo Liberation Army (Ushtria Çlirimtare e Kosovës, UÇK, KLA).⁷²⁶ It is that enemy that the Serbian forces were fighting, while engaging in sweeping operations that targeted civilians and caused massive displacement. From the perspective of the regime, given that this was a province of Serbia, the armed Albanian struggle was terrorism and separatism, and Serbian forces were suppressing it. In 1998, professionalized paramilitary units which had been active in Croatia and Bosnia were sent to Kosovo.⁷²⁷ The law did not allow the MUP to engage paramilitaries and volunteers⁷²⁸, but the Yugoslav army could accept volunteers during the state of war, imminent threat of war or state of emergency.⁷²⁹ Witnesses recalled the units appearing in larger numbers from May 1998 onwards⁷³⁰, deploying as part of both the MUP or the army.

In early 1999, then-Minister of Internal Affairs Stojiljković warned that the deployment should be done cautiously: “approach and engage volunteers carefully, linking their

⁷²⁵ OSCE, “Kosovo / Kosova: As seen as told,” 2003, accessed May 20, 2019, <https://www.osce.org/odihr/17772?download=true>.

⁷²⁶ Cohen. *Serpent in the Bosom*; Kyril Drezov, Bulent Gokay and Denisa Kostovicova, “Kosovo: Myths, Conflict and War,” (Staffordshire: Keele European Research Centre, Keele University, 1999). More broadly on the conflict in Kosovo, see: Tim Judah, *The Serbs: Myth, history and the destruction of Yugoslavia* (3rd Edition) (New Haven: Yale University Press, 2009).

Pettifer, J. (2005) *Kosova Express: A Journey in Wartime*, University of Wisconsin Press.

⁷²⁷ ICTY *Djordjevic*, witness Vasiljević, June 8, 2009, transcript pages 5663-5664, 5667-5668, accessed May 20, 2019, <http://www.icty.org/x/cases/djordjevic/trans/en/090608ED.htm>. See also: Stoparić statement P00493, paragraphs 34-35.

⁷²⁸ ICTY *Djordjevic*, witness Ljubinko Cvetić, July 1, 2009, transcript pages 6675, 6678, accessed May 20, 2019, <http://www.icty.org/x/cases/djordjevic/trans/en/090701IT.htm>.

⁷²⁹ ICTY *Djordjevic*, P00043, article 15 and P00044, article 18. Volunteers were defined as individuals who were not subject of compulsory military service and conscripts who did not have any wartime assignments.

⁷³⁰ ICTY *Djordjevic*, witness Baton Haxiu, P00994, testimony in ICTY *Milutinovic*, 24.

engagement through the reserve police force when assessed as necessary”.⁷³¹ Vlastimir Đorđević, head of MUP Public Security sent a dispatch the day later telling police and state security posts to “establish complete control over volunteer and paramilitary units”.⁷³² One of the clearest illustrations of the MUP’s intentions for these units comes from Stojiljković, when he sent a dispatch to “register all volunteers and paramilitary units and their members and keep them under control in case that you might need to engage them”.⁷³³ Insiders recalled that it was through the MUP that many paramilitaries deployed.⁷³⁴ There is evidence of a number of veteran units deploying to Kosovo: the JSO, the Scorpions, and Arkan’s men. Many of those deploying had a history of committing crimes in Croatia and Bosnia.⁷³⁵ The JSO was in Kosovo in 1997 already and went to every corner of it.⁷³⁶

There is significant evidence of the Scorpions deploying in the province, such as the 1999 order of police general Đorđević.⁷³⁷ The unit had dissolved in 1996, with about 100 to 150 members.⁷³⁸ However, they were reactivated and while deploying to Kosovo, the Scorpions were “under the command of SAJ”, Special Antiterrorist Unit of the Serbian MUP, its Public Security Branch.⁷³⁹ On their uniforms, the Scorpions had both the SAJ and their own insignia.⁷⁴⁰ They were also paid as SAJ reservists.⁷⁴¹ Records also confirm members of Arkan’s SDG deploying, though Arkan himself did not take part. These men were apparently in possession of MUP ID cards.⁷⁴² They were sent to Kosovo based on a decision by DB chief Marković.⁷⁴³ While in Kosovo, the members of the Tigers were incorporated into the JSO and placed under Legija’s command.⁷⁴⁴

The leadership was well-aware of paramilitaries being used in Kosovo. At a meeting in Belgrade on May 17, 1999, Milošević met with army commanders and Marković, where the DB chief remarked that Arkan offered him 100 of his men. There was another unit, alongside

⁷³¹ ICTY *Djordjevic*, P00085, 3.

⁷³² ICTY *Djordjevic*, P00356, 3.

⁷³³ ICTY *Djordjevic*, P00702, 1.

⁷³⁴ ICTY *Djordjevic*, witness Vasiljević, June 8, 2009, <http://www.icty.org/x/cases/djordjevic/trans/en/090608ED.htm>; ICTY *Milutinovic*, witness Branko Gajić, September 11, 2007, accessed May 20, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/070911IT.htm>.

⁷³⁵ ICTY *Milutinovic*, witness Vasiljević, January 19, 2007, accessed May 20, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/070119ED.htm>.

⁷³⁶ “Crvene beretke,” accessed May 20, 2019, <http://www.crveneberetke.com/momci-iz-brazila/>. Legija refers to the JSO as “boys from Brazil”, probably referencing the 1978 British-American science fiction thriller starting Gregory Peck and Lawrence Olivier, about a secret group of Nazi war criminals, including Josef Mengele. Legija published a book of the same title in 2006.

⁷³⁷ ICTY *Djordjevic*, witness Živko Trajković, September 28, 2009, accessed May 20, 2019, <http://www.icty.org/x/cases/djordjevic/trans/en/090928ED.htm>.

⁷³⁸ ICTY *Djordjevic*, Stoparić, P00493, paragraphs 22-26, testimony March 25, 2009, <http://www.icty.org/x/cases/djordjevic/trans/en/090325ED.htm>. See also references to testimony of protected witness K92, ICTY *Djordjevic* Trial Chamber judgment, 754.

⁷³⁹ ICTY *Milutinovic*, Vasiljević, January 19, 2007.

⁷⁴⁰ ICTY *Djordjevic*, Stoparić, P00493, paragraphs 11, 41.

⁷⁴¹ ICTY *Milutinovic*, witness Stoparić, July 13, 2006, transcript pages 771, 778, 787, accessed May 20, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/060713ED.htm>; P02224 paragraph 41.

⁷⁴² ICTY *Djordjevic*, Vasiljević, June 8, 2009; ICTY *Milutinovic*, Vasiljević, P02600 paragraphs 33, 40-42.

⁷⁴³ ICTY *Milutinovic*, Gajić, September 11, 2007.

⁷⁴⁴ ICTY *Milutinovic*, Vasiljević, P2600 paragraphs 33, 40-42, January 19, 2007, transcript pages 8703-8705.

experienced MUP-affiliates. Its commander Nebojša Minić Mrtvi was earlier in Arkan's SDG.⁷⁴⁵ Minić was brutal and feared.⁷⁴⁶ In Kosovo, his Jackals were deployed as members of the 177th Military Territorial Detachment of the 125th Motorized Brigade of the Yugoslav Army⁷⁴⁷:

We had army symbols, benefits the army had, like gas and arms. And Mrtvi had official documents saying he was an officer. I don't know if he was under Yugoslav Army command, but I know I took him at least ten times to the Yugoslav Army command for consultation.⁷⁴⁸

However, the Jackals were not just a regular army unit - they were "dogs of war". A former member described them as not caring much about religion, or ethnicity. They did the job no one else wanted or had the stomach for.⁷⁴⁹ Sources indicate that the military faced personnel shortages, and that fueled the use of men like the Jackals.⁷⁵⁰ All these different units deployed to Kosovo at the same time.⁷⁵¹ There is some record of limited deployment by the Šešeljevići. Their participation seems to have been on an *ad hoc* basis.⁷⁵² Locals remembered men wearing symbols associated with Šešelj's party.⁷⁵³ Others saw black caps, cockades and Chetnik insignia.⁷⁵⁴

Issues of control over these units and their behavior in the field emerged again, as in Croatia and Bosnia. Unit engagement was followed by a lax attitude of authorities allowing attacks on Albanian civilians and looting. These attitudes extended beyond paramilitaries. The behavior of some members was described by witness K-79, a member of the Special Police Unit, who recalled overhearing officers discuss how the police should be allowed to loot as "this will have a positive effect on their morale".⁷⁵⁵ As in Croatia and Bosnia, volunteers were not properly screened, because violence against civilians was not being actively prevented.⁷⁵⁶

As earlier, the JSO considered itself special, and took liberties few other units would dare take. One example encapsulates this perfectly. Aleksandar Vasiljević, the deputy chief of the Yugoslav Army Security Administration, had a tense encounter with the JSO in May 1999.

⁷⁴⁵ In BCS, "Mrtvi" means "dead".

⁷⁴⁶ "Svedok: Šakali su bili najsvirepija jedinica," *Beta*, January 26, 2012, accessed May 20, 2019, <https://www.telegraf.rs/vesti/40927-svedok-sakali-su-bili-najsvirepija-jedinica>.

⁷⁴⁷ Humanitarian Law Center. *Dossier: The cover-up of evidence of crimes during the war in Kosovo: The concealment of bodies operation* (Belgrade: Humanitarian Law Centre, 2017), 16.

⁷⁴⁸ Marija Ristić, "Zoran Raskovic – The Jackal Who Repented," *Balkan Insight*, May 17, 2013, accessed May 20, 2019, <https://balkaninsight.com/2013/05/17/zoran-raskovic-the-paramilitary-who-repented/>.

⁷⁴⁹ "Šokantno svedočenje srpskog Šakala: Kako smo klali Šiptare na Kosovu," *Telegraf*, January 20, 2014, accessed May 20, 2019, <https://www.telegraf.rs/vesti/920294-sokantno-svedocenje-srpskog-sakala-kako-smo-klali-siptare-po-kosovu-video>.

⁷⁵⁰ Marija Ristić, "The Unidentified," BIRN, 2016, accessed May 20, 2019, <https://vimeo.com/178172497>.

⁷⁵¹ "Svedok: Šakali su bili najsvirepija jedinica".

⁷⁵² ICTY *Djordjevic*, Peraj, P00313, paragraph 12.

⁷⁵³ ICTY *Djordjevic*, Pnishi, P01033, 5.

⁷⁵⁴ ICTY *Djordjevic*, Kryeziu, P00878, 8.

⁷⁵⁵ ICTY *Milutinovic*, witness K-79, February 1, 2007, accessed May 20, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/070201ED.htm>.

⁷⁵⁶ ICTY *Djordjevic*, P00680.

In Trstenik, they beat up officers of the VJ, and when confronted about it, the JSO members threatened him. Vasiljević responded “so shoot me, I’ve lived long enough” indicating the seriousness of the encounter. When Vasiljević later intervened to have the JSO members punished, none of them were.⁷⁵⁷

Like transgressions against high military officers, violence against civilians had no real consequences on future deployment. The command was informed about the paramilitaries and the crimes they were committing, and in particular the Scorpions.⁷⁵⁸ After the killings they committed in Podujevo, they were sent back to Serbia, but returned soon after.⁷⁵⁹ DB chief Marković took thirty of Arkan’s men for an operation even though he found out the day before they had killed a married couple in Kosovo.⁷⁶⁰ In sum, no matter what they did, the professionalized units were redeployed.

A different kind of deniability

Kosovo operations left around 14,000 people dead or missing⁷⁶¹, and about 800,000 displaced.⁷⁶² Many of them were victims of professionalized paramilitaries now included in police and army structures. In order to protect the regime, bodies needed to be hidden, and for that, the MUP was instrumental.⁷⁶³ General Obrad Stevanović, then-Serbian assistant minister of internal affairs met with Milošević in May 1999, at the height of Kosovo operations. Stevanović kept a diary and, during that meeting he made a telling note: “no body—no crime”.⁷⁶⁴ Traces of an operation to remove the bodies became obvious when trucks full of corpses started surfacing in rivers and lakes around Serbia. Trucks were found in the Perućac lake and in Kladovo, at the banks of the Danube river.⁷⁶⁵ Those involved in the transport of bodies were instructed to keep quiet: “if you talk, you lose your head”.⁷⁶⁶ It was a

⁷⁵⁷ Švarn, *Jedinica*, episode 2.

⁷⁵⁸ ICTY *Djordjevic*, P00884, Vasiljević, June 8, 2009, transcript page 5681.

⁷⁵⁹ ICTY *Milutinovic*, Stoparić, P02224, paragraph 63, July 13, 2006, 783, Gajić September 7, 2007, transcript pages 15273-15274, accessed May 20, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/070907IT.htm>, September 11, 2007, transcript page 15370.

⁷⁶⁰ ICTY *Djordjevic*, P00884, 1, Vasiljević, transcript page 5681.

⁷⁶¹ Humanitarian Law Center, “Kosovo Memory Book,” Presentation and evaluation, February 4, 2015, accessed May 20, 2019, http://www.kosovskaknjigapamcenja.org/wp-content/uploads/2015/03/Transcript_KMB_Data_Evaluation_Press_Conference_February_2_and_6_2015.pdf.

⁷⁶² Human Rights Watch, “Under orders: War Crimes in Kosovo,” October 26, 2001, accessed May 20, 2019, <https://www.hrw.org/legacy/reports/2001/kosovo/>.

⁷⁶³ Much of the crucial evidence about this operation from ICTY trials is presented here:

“ICTY: The Kosovo Case, 1998-1999.” *Sense News Agency*. 2017. Accessed May 20, 2019. <http://kosovo.sense-agency.com/>.

⁷⁶⁴ ICTY *Milosevic*, diary entry discussed in detail during Stevanović’s testimony on June 2, 2005. Transcript page 40380, accessed May 20, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/050602IT.htm.

⁷⁶⁵ Dejan Anastasijević, “Tovar strave – Leševi u Dunavu,” *Vreme*, May 10, 2001, accessed May 19, 2019, <https://www.vreme.com/cms/view.php?id=165702>.

⁷⁶⁶ Marija Ristić, Milka Domanović and Petrit Çolaku, “Ko je prebacivao tijela kosovskih Albanaca u masovne grobnice u Srbiji?” *Al Jazeera*, April 23, 2015, accessed May 20, 2019, <http://balkans.aljazeera.net/vijesti/ko-je-prebacivao-tijela-kosovskih-albanaca-u-masovne-grobnice-u-srbiji>.

“task which was very important and which was in the interest of the state.”⁷⁶⁷ Those handing the bodies were paid in cash.⁷⁶⁸ Available sources show that the MUP was the key institution behind the operation to hide the evidence⁷⁶⁹ and that police general Đorđević was a key organizer.⁷⁷⁰

The operation to conceal the evidence was named Depth Two.⁷⁷¹ Bodies were naturally being hidden in places that were difficult for outsiders to access. The conflict was being closely observed, and international actors leveled accusations for abuses against Serbian forces. Milošević was ultimately charged by the ICTY prosecutor on May 24, 1999 for crimes in Kosovo.⁷⁷² It was clear that international investigators would be going around and looking for evidence after the peace agreement was signed, so this evidence needed to disappear.⁷⁷³ In 2001, after the fall of the regime, the first mass grave filled with bodies, mainly civilians, was discovered in Batajnica. The grave was found on the Public Security’s Special Antiterrorist Unit’s training ground, a key MUP site just outside the capital. The number of victims exhumed in Batajnica exceeded 700 people, including 70 children.⁷⁷⁴ This indicates that beyond the engagement with paramilitaries and the erosion of boundaries between state security and organized crime in this period, the MUP was involved in hiding evidence of war crimes to achieve a different kind of deniability.

The fusion of state security and organized crime

Organized crime in Serbia in the late 1990s was widespread, and much of its strength had to do with Yugoslavia enduring sanctions, having porous borders with war-torn areas in Croatia and BiH and the fact that criminals such as Arkan grew their business under the auspices of the state.⁷⁷⁵ The increase in crime included an increase in violence on the streets of Belgrade where rival gangs targeted one another on a daily basis. In the aftermath of Arkan’s assassination in particular, there was a turf war, a “dispute over his inheritance”. After all, Arkan was the undisputed boss of the Serbian underground—no one could run a serious

⁷⁶⁷ ICTY *Milutinovic*, witness Protić, March 9, 2007, transcript page 11320, accessed May 20, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/070309ED.htm>.

⁷⁶⁸ Ristić, “Ko je prebacivao tijela kosovskih Albanaca u masovne grobnice u Srbiji?”, Jovan Dulović, “Kako su uklanjani tragovi zločina, gde su završili leševi iz hladnjače, i da li je postojala Dubina 1,” *Vreme*, May 31, 2001, accessed May 20, 2019, <https://www.vreme.com/cms/view.php?id=235705>.

⁷⁶⁹ Humanitarian Law Center, *Dossier: The cover-up of evidence of crimes during the war in Kosovo*, ICTY *Milutinovic*, witness Sakić, February 12, 2008, accessed May 20, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/080212IT.htm>.

⁷⁷⁰ ICTY *Djordjevic* dealt with the operation to hide the bodies extensively. <http://www.icty.org/case/djordjevic/4#tjug>

⁷⁷¹ Ognjen Glavonić, “Depth Two,” from 2016, is a documentary film largely based on ICTY evidence. The director later made a feature film based on the same set of events, “The Load”, 2018.

⁷⁷² ICTY *Milosevic*, the Prosecution’s case summary, accessed May 20, 2019, <http://www.icty.org/en/content/slobodan-milo%C5%A1evi%C4%87-trial-prosecutions-case>

⁷⁷³ Ristić, “Ko je prebacivao tijela kosovskih Albanaca u masovne grobnice u Srbiji?”

⁷⁷⁴ “15 godina od otkrivanja grobnice – obeležja nema,” *B92*, April 4, 2016, accessed May 20, 2019, https://www.b92.net/info/vesti/index.php?yyyy=2016&mm=04&dd=04&nav_category=64&nav_id=1115935.

⁷⁷⁵ Lenard Cohen, “Political Violence and Organized Crime in Serbia”, in William Crotty, *Democratic Development and Political Terrorism* (Boston: Northeastern University Press, 2005). See also: Dejan Anastasijević, “Organized Crime in the Western Balkans”.

criminal operation, without Arkan profiting from it. He was, in fact, racketeering other gangs.⁷⁷⁶

The Zemun clan

The Zemun clan was the biggest group in Belgrade and its surroundings in the late 1990s and early 2000s, involved in all sorts of criminal activities.⁷⁷⁷ The drug-dealing cartel that would fuse with parts of the JSO and in 2001 and 2002 and form the most powerful criminal organization in the region had humble beginnings. Its leaders, Dušan Spasojević Duća, or Šiptar, and Mile Luković Kum, came from the south of Serbia. Early in the 1990s they settled in Zemun, just across the river from Belgrade. Their business started with cars—stealing them, selling them, or both: stealing them and then selling the back to the owners.⁷⁷⁸ They started building up a reliable group of eager young criminals, as well as moving towards drug trade. The gains made on heroin could hardly be matched by any other commodity. The core of the group consisted of 40 to 50 members.⁷⁷⁹

There were a few major developments that propelled the group to the top of the criminal underworld. First was getting to know Ljubiša Buha Čume, a local criminal from Surčin, who decided it was time to legalize his businesses and turn a new page. Čume, who had a reputation of being remarkably intelligent, recognized the talent Duća had for management.⁷⁸⁰ Then, it was the meeting between Legija and Duća in the late 1990s which led to the fruitful cooperation that ended up being so significant for them both and Serbia as a whole. With the backing of parts of the JSO and Legija's standing and connections in the DB, the clan significantly raised its profile.⁷⁸¹ One additional opportunity was provided by the vacuum created by the assassination of Arkan. The final push came after a clash with the government in November 2001 which resulted in personnel changes in the DB, installing clan associates in high positions.

Cooperation between the JSO and the Zemun clan: Drugs, Abductions and Assassinations

The fall of Milošević and the death of Arkan in January 2000 brought significant changes for the state security, the JSO and the Zemun clan. The political background of the assassination of Arkan has not been revealed to this day, as only direct perpetrators have been

⁷⁷⁶ Filip Švarn, "Arkanova ostavština," *Vreme*, January 14, 2010, accessed April 22, 2019, <https://www.vreme.com/cms/view.php?id=906970>.

⁷⁷⁷ MUP White book of organized crime, 2001, accessed May 20, 2019, <https://www.reportingproject.net/security/view.html>.

⁷⁷⁸ "Intervju: Mile Novaković – Zemunski klan je na vrhuncu mislio da je moćniji od države," *Balkan Info*, March 22, 2018, accessed May 20, 2019, <https://www.youtube.com/watch?v=vw1BURS3IYk>.

⁷⁷⁹ "Milorad Ulemek Luković," Reporting Project, accessed May 20, 2019, <https://www.reportingproject.net/peopleofinterest/profil.php?profil=21>.

⁷⁸⁰ "Dosije: Zemunski klan," *Prva TV*, episode 1, accessed May 20, 2019, <https://www.youtube.com/watch?v=GJWr6hzErCg&t=2s>.

⁷⁸¹ See profiles at the "Reporting Project".

apprehended, leaving questions about who ordered the killing unanswered.⁷⁸² Some claim the DB was behind it.⁷⁸³ According to police operatives, it could have been rival gangs because of Arkan's racketeering.⁷⁸⁴ In any case, Arkan fully embodied connections between politics, crime and paramilitaries⁷⁸⁵, and his death made it possible for others to take center stage.

Legija and Spasojević benefited greatly from Arkan's death. Legija looked up to Arkan, and desired status, and importance. He managed to briefly succeed: Legija fulfilled every criminal's dream, to be simultaneously the head of a criminal syndicate and a commander of an elite police unit.⁷⁸⁶ The clan leader Spasojević, Duća, was aggressive and had no qualms about hurting people.⁷⁸⁷ As pressure increased in 2001 and 2002 and as he faced prosecution, he became increasingly belligerent. It was "non-stop about killing" with Spasojević.⁷⁸⁸ These two men, Legija and Spasojević, would be at the very core of the fusion of state security and organized crime.

Drug trade was the major source of income for the Zemun clan and increasingly, they cooperated with cartels in Latin America and western Europe.⁷⁸⁹ Another important source of income was a number of abductions of wealthy Serbian businessmen. These brought them millions in ransom money.⁷⁹⁰ Legija was involved in organizing them⁷⁹¹, and he took a significant cut from the profits.⁷⁹² Apparently, part of the profit Legija made from abductions and murders was reinvested into the JSO, possibly because he felt genuine dedication to it, but possibly also to make it stronger and better equipped, as well as to make sure the men in it felt supported which could further cement their loyalty.⁷⁹³

⁷⁸² Miloš Vasić, "Dosije Arkan," The shooter was Dobrosav Gavrić, a former police officer. He is currently fighting an extradition case from South Africa to Serbia. Gavrić had been convicted to 35 years in prison in absentia by a Serbian court for the murder. See also: Aleksandar Đuričić, "Serbian Gangsters' Deadly South African Connection," *Balkan Insight*, November 12, 2018, accessed May 21, 2019, <https://balkaninsight.com/2018/11/12/serbian-gangsters-deadly-south-african-connection-11-08-2018/>.

⁷⁸³ Arkan's son Mihajlo claimed that the murder was orchestrated by "a part of the DB". See: Jovan Dulović, "Mihajlo Ražnatović, Arkanov sin: Iza ubistva mog oca stoji deo DB-a," *Vreme*, January 11, 2001, accessed May 20, 2019, https://www.vreme.com/arhiva_html/523/33.html. A similar claim was made by Mihajlo Ulemek, once an officer in the SDG. See: "Intervju: Mihajlo Ulemek – Služba je ubila Arkana, jer je postao pretnja Miloševiću!" *Balkan Info*, February 13, 2018, accessed May 21, 2019, <https://www.youtube.com/watch?v=5FyklLBj32Q&t=1s>.

⁷⁸⁴ "Intervju: Mile Novaković – Zemunski klan je na vrhuncu mislio da je moćniji od države."

⁷⁸⁵ Eileen Simpson, "Stop to The Hague: Internal versus External Factors Suppressing the Advancement of the Rule of Law in Serbia," *Georgetown Journal of International Law* 36, no.4 (2005): 1255-1287, 1258.

⁷⁸⁶ Švarn in "Dosije: Zemunski klan," *Prva TV*, episode 2, accessed May 20, 2019, <https://www.youtube.com/watch?v=dgm9CyaqmrI>.

⁷⁸⁷ Miloš Vasić, "Novi prilozi za biografiju Duće Spasojevića," *Vreme*, January 29, 2004, accessed May 20, 2019, <https://www.vreme.com/cms/view.php?id=365915>.

⁷⁸⁸ Đinđić trial, witness Ljubiša Buha Čume, April 19, 2004.

⁷⁸⁹ Vasić in "Dosije: Zemunski klan," *Prva TV*, episode 3, accessed May 20, 2019, <https://www.youtube.com/watch?v=dgm9CyaqmrI>.

⁷⁹⁰ See: Judgment against Milorad Ulemek Legija and associates dated January 18, 2008, for murder, racketeering and abductions as well as organizing with a criminal purpose, High Court in Belgrade.

⁷⁹¹ Mile Novaković, *Otmice Žemenskog klana* (Beograd: Novosti, 2013).

⁷⁹² Vasić, "Novi prilozi za biografiju Duće Spasojevića."

⁷⁹³ Vasić, *Atentat na Žorana*, 42.

While the Zemun clan expanded its criminal networks, it also cooperated with the DB and the JSO. One example of that cooperation was the involvement of the clan in political assassinations targeting those the regime wanted gone. Three examples are most prominent, but there were a number of others. First, the murder of opposition journalist, Slavko Ćuruvija, shot in Belgrade on April 11, 1999.⁷⁹⁴ Secondly, the murder of Ivan Stambolić, possible rival to Milošević in the September 2000 elections, who was abducted a month before, while jogging, then shot and buried in a shallow grave. The order to remove Stambolić came from Milošević, and former DB chief Rade Marković and Legija were convicted for organizing it.⁷⁹⁵ The third example is the case of Vuk Drašković, leader of the opposition SPO, who was targeted for assassination twice, and miraculously survived. In one attempt a heavy truck smashed into the vehicles Drašković was in with his associates in October 1999, killing four men. The perpetrators said they were told the attack involved “killing ‘Albanian terrorists’”, which they proceeded to do even though it was an order that was manifestly illegal.⁷⁹⁶ The other attempt was when Drašković was shot at in Budva, Montenegro, when bullets grazed his head.⁷⁹⁷ Radomir Marković was convicted for the highway attack, alongside Legija, and a number of others.⁷⁹⁸ The participants in all these assassinations (and attempts) were the Zemun clan, JSO and DB members.

Witness testimony reveals that Spasojević, because of his ties to the JSO, thought he had full state backing for what he was doing. He thought no one could harm him and as “he had the unit”, the unit—the JSO—could defeat anyone.⁷⁹⁹ As described below, those in the reformist coalition government did not disagree with Spasojević on this point. Spasojević went to meetings with security officials in government buildings. In other words, the head of a criminal cartel was working with the state security in 1998 and 1999. He had bodyguards from the state security and was driven around in official cars.⁸⁰⁰ Furthermore, he met with Rade Marković, DB chief, and Legija.⁸⁰¹ At the height of the close cooperation between the JSO, the DB and clan, the leader of the latter, Spasojević and his associates had Serbian DB IDs, identifying them as its operatives.⁸⁰²

⁷⁹⁴ The trial for the assassination of Ćuruvija has been completed on April 5, 2019. The accused were former DB chief Radomir Marković and chief of the Belgrade DB centre Milan Radonjić, and operatives Ratko Romić and Miroslav Kurak, and they were convicted and given high prison sentences. The decision can be appealed. See: Filip Rudic, “Serbian Opposition Editor Spied on and Assassinated,” *Last Dispatches, Balkan Insight*, April 5, 2019, accessed May 20, 2019. <http://last-despatches.balkaninsight.com/serbian-opposition-editor-spied-on-and-assassinated/>.

⁷⁹⁵ Stambolić remained missing until during during Operation Sabre, in the aftermath of the Dindić murder, some of those involved spoke up. Judgment in the case of Stambolić’s murder available at: <https://www.reportingproject.net/peopleofinterest/profil.php?profil=21>

⁷⁹⁶ Miloš Vasić, „Državna bezbednost prikazuje - Crvene beretke i prijatelji,” *Vreme*, February 27, 2003, accessed May 21, 2019, <https://www.vreme.com/cms/view.php?id=333949>.

⁷⁹⁷ Miloš Vasić, „Budvanski atentat – Rat dugih pušaka,” *Vreme*, June 24, 2000, accessed May 21, 2019, https://www.vreme.com/arhiva_html/494/04.ASP.

⁷⁹⁸ Miloš Vasić, „Nervoza, zastrašivanje i presuda” *Vreme*, June 30, 2005, accessed May 20, 2019, <https://www.vreme.com/cms/view.php?id=420484>. See more in documentary: “Ubistvo na Ibarskoj magistrali,” Insajder, three episodes, 2005, accessed May 20, 2019, <https://insajder.net/sr/sajt/ibarska/>.

⁷⁹⁹ Dindić trial, witness Čume, April 19, 2004, 31.

⁸⁰⁰ Dindić trial, witness Čume, April 19, 2004, 6.

⁸⁰¹ Dindić trial, witness Čume, April 19, 2004, 11.

⁸⁰² Miloš Vasić, “Operacija Sablja – Na krvavom tragu,” *Vreme*, April 3, 2003, accessed May 20, 2019, <https://www.vreme.com/cms/view.php?id=336722>.

The Zemun clan was trading drugs and acting as hired assassins for the regime together with the JSO and sat in meetings with government officials. In the late 1990s, there was thus a deepening of relations between the state and criminal networks. The cooperation between them made it possible for the clan to act with impunity, and expand its criminal activities, enhancing its status as the strongest cartel in the country. Through this cooperation between the DB, the JSO and the Zemun clan, the destruction of Serbia's institutions, so thoroughly advanced during the first few years of Milošević's rule, was exacerbated.

The JSO and the fall of Milošević

Milošević was ousted in an uprising following his refusal to accept election results in late September 2000, when he was defeated by Democratic Party of Serbia's Vojislav Koštunica, a law professor and coalition partner to Đinđić's Democratic Party.⁸⁰³ Koštunica was far from a reformer—he opposed the ICTY and thorough measures to rehabilitate institutions after years of conflict and repression. The commitment of Koštunica and his associates to continuity with the old regime resulted in tense relations in the governing coalition and increasingly open hostility with Đinđić and his ministers. However, these representatives of two very different approaches to understanding and dealing with Serbia's past worked together, alongside other opposition parties, to organize massive protests that led to the storming of the parliament building, the national television broadcaster and other symbols of Milošević's rule. It was only after October 2000, when the questions of how to deal with Milošević's legacy needed answering by enacting policy that these two approaches, of Đinđić and Koštunica collided.

Milošević could not have fallen without the JSO allowing it, by refusing orders to violently disperse hundreds of thousands of protesters, gathered from across the country. It was clear that Milošević's time had ran out, that the masses turned against him, and that in order to survive, the unit needed to move with the times. Legija did not seem particularly saddened. In a rare interview given not long after Milošević's fall, he was quite blasé about it: "we are all disposable goods, Milošević is disposable goods, people come and go."⁸⁰⁴

The night before the massive protests of October 5, the future Prime Minister Zoran Đinđić and the JSO commander Legija met. It was then, in a jeep in downtown Belgrade, that an agreement was made: as long as protesters do not attack the police and the JSO, the unit would not protect Milošević.⁸⁰⁵ The JSO received an order to go out and defend institutions against protesters but it did not engage and that cemented both Milošević's future, and theirs,

⁸⁰³ On the October 5, 2000 events see: Dragan Bujosevic, Dragan and Ivan Radovanovic, *The fall of Milosevic* (London: Palgrave Macmillan, 2003). Many of the participants, politicians and officials spoke in the documentary "Konačni obračun – dokumentarni film o Petom oktobru ili kako je srušen Milošević," *Vreme film*, 2010, accessed May 20, 2019, <https://www.youtube.com/watch?v=6fTMatYw4SY>.

⁸⁰⁴ Milorad Ulemek Legija, interview in documentary "Peti oktobar – Kako je otišao Milošević," *RTS*, 2005, accessed May 21, 2019, https://www.youtube.com/watch?v=4FbzR_AgyIk&t=2s.

⁸⁰⁵ Meeting discussed in Vasić, *Atentat na Žorana*, 24, 27. The deal between the future Prime Minister and Legija is also discussed in statements at the Đinđić assassination trial, given by associates of Đinđić, Vladimir Popović Beba, Čeda Jovanović.

for the time being.⁸⁰⁶ In a way, this was a deal with the devil for the new government, a dangerous but necessary concession to the reality of the situation.⁸⁰⁷ Had the JSO backed Milošević, and with them other security forces and the military, the regime would likely not have been ousted. However, luckily for the protesters, no one was ready to shoot at hundreds of thousands of citizens to protect the regime. As Otpor, a powerful mass movement to oust Milošević led by youths, said in their slogan “gotov je!”—he was truly finished.⁸⁰⁸

Not supporting Milošević on October 5 was an asset for the JSO in relations with the incoming government. There was a sense of gratitude towards the DB circles around Legija, expressed succinctly by one Đinđić associate who said an attitude of “thanks for not killing us” was almost expected.⁸⁰⁹ The unit could not be publicly criticized easily, as they were regarded by many as brave patriots, and any action against them was both risky and likely to be unpopular. Furthermore, if they were dissolved, then what? Đinđić had this to say in a public interview:

The JSO obeys orders and these are not criminals but professionals. And even if I did want to dissolve the unit, tell me, what am I supposed to do with 200 people who know how to do only what they’re doing now. Do you want them on the streets?⁸¹⁰

The night of October 5 was however not the first contact between the associates of the incoming government members and people with dubious backgrounds. Ljubiša Buha Čume, for example, had shared connections with Đinđić, primarily through Đinđić’s friend Dragoljub Marković who knew some of these people from growing up in the same neighborhood. At the night of October 5, 2000, when Belgrade City Hall was filling up with associates and supporters of the future state leaders, the Zemun crowd was in attendance too, providing security or posing as if they did.⁸¹¹

When the dust of October 5 settled, skeletons started falling out of the closet with remarkable speed. As an illustrative example of what Milošević’s institutions left behind, there were the 600 kilos of heroin found in the vault used by the State Security in a bank in Belgrade. The drugs were evidence of illicit businesses of the DB. At the time, the drugs were worth at least 65 million German marks. They were not properly labelled, and they should have been in custody of a court, not the DB.⁸¹² What was handy, from the perspective of the DB, is that Rade Marković, Milošević’s DB chief and, when needed, assassination organizer, remained in

⁸⁰⁶ See: *Jedinica*, “Dve strane medalje: Priča o crvenim beretkama.”

⁸⁰⁷ Vasić, *Atentat na Žorana*, “Konačni obračun – dokumentarni film o Petom oktobru ili kako je srušen Milošević”, Đinđić trial testimony by Vladimir Popović Beba, Čeda Jovanović.

⁸⁰⁸ Roger Cohen, “Who Really Brought Down Milosevic?” *New York Times*, November 26, 2000, accessed May 20, 2019, <https://www.nytimes.com/2000/11/26/magazine/who-really-brought-down-milosevic.html?mtref=undefined>.

⁸⁰⁹ Đinđić trial, Vladimir Beba Popović, see: Biserko, Sonja. *Svedočenje, pred Specijalnim sudom Vladimira Popovića na suđenju za ubistvo Zorana Đinđića*. Belgrade: Helsinki Committee for Human Rights, 2006, 143.

⁸¹⁰ “Crvene beretke,” <http://www.crveneberetke.com/o-jedinici/>.

⁸¹¹ “Dosije: Zemunski klan” documentary series.

⁸¹² Vasić, *Atentat na Žorana*, 46. See also: Miloš Vasić, „Državna bezbednost: Heroin – 600 kilograma,” *Vreme*, March 15, 2001, accessed May 21, 2019, <https://www.vreme.com/cms/view.php?id=1256&print=yes>.

his post for three months after the fall of the regime, using this time to systematically destroy archives. There was talk in Belgrade at the time, among well-informed individuals, about how piles of documents were set alight in furnaces and even outside DB buildings.⁸¹³ In those three months of Marković being left in charge of the State Security after the fall of the regime, there was plenty of time to conceal other evidence of DB drug dealings and the dirty work the JSO was involved in.

None of this was particularly surprising to Đinđić and his associates who won elections promising to clean up Milošević's legacy. There was a commitment to a crackdown on crime and corruption.⁸¹⁴ However, the challenge was that the government had no state apparatus it could fully count on. The institutions, the army, the police, the DB, the judiciary, everything was so depleted and eroded after a decade of Milošević's rule that the new government had no idea who it could trust. Furthermore, the opposition now in power were for the most part not experienced in governance. Several of Đinđić's associates remember this period and say that they were "not a normal state"⁸¹⁵, and that the government "had no institutional support". The reality of the situation was that the new government truly controlled just about the block around its seat.⁸¹⁶

Resilience of paramilitarism post- Milošević

In 2001, the new government wanted to clean up the legacy of Milošević's regime, while the JSO and the clan wanted to remain the most powerful cartel with unobstructed profit flows and their leaders enjoying impunity. The situation was becoming increasingly uncomfortable for Duća, Zemun clan chief, and Legija. Duća and his associates faced prosecution for abductions and were being investigated for drug-related offences and assassinations. Legija was also being mentioned in the case of the assassination attempt on Drašković, which left four of his party associates dead. These pressures led the JSO and the clan to react and first stage an uprising which provided temporary relief. Once the pressure started rising again and they faced long prison sentences brought about through the testimony against them by former associate Ljubiša Buha Čume, they decided to gamble. They thought they could improve their situation by killing the Prime Minister. At the time, it was not an unreasonable assumption.

⁸¹³ Vasić, *Atentat na Žorana*, 33. See also: Dejan Anastasijević, "Večni plamen," *Vreme*, October 3, 2003, accessed May 21, 2019, <https://www.vreme.com/cms/view.php?id=354426>. See also article where Vasić recalls the rule of the State Security Service, „States come and go, but the State Security remains," in Miloš Vasić, „Tajne službe: Velika braća," *Vreme*, February 14, 2002, accessed June 10, 2019, <https://www.vreme.com/cms/view.php?id=307865&print=yes>. By destroying evidence, Marković was trying to ensure impunity and continuation of the Service without thorough reform after the October 2000 regime change.

⁸¹⁴ Štrbac, "Organized Crime in Western Balkans – Case of Serbia," 46.

⁸¹⁵ Đinđić trial, Vladimir Beba Popović, Biserko, Sonja. Svedočenje, 73.

⁸¹⁶ Đinđić trial, Čeda Jovanović, April 11, 2005, 73.

In early November 2001, the JSO staged an uprising to reassert itself against the new government. In two instances, they blocked a road during rush-hour, stopping traffic.⁸¹⁷ In Belgrade, they parked about twenty Humvees on the highway and 100 members in uniform, wearing red berets, stepped out to send a message. It was a show of defiance and insubordination, justified with expressions of unit dissatisfaction over being made to arrest the Banović brothers in Obrenovac, south of Belgrade, on an ICTY warrant.⁸¹⁸ The brothers were arrested at the market where they sold vegetables and then put on a plane to The Hague. The JSO, the explanation went, was deceived and made to participate in ICTY arrests, which it refused to do.⁸¹⁹

The JSO objected to ICTY trials, perceiving the court as a NATO-sponsored institution, set up by western countries which bombarded Yugoslavia for 78 days in the spring of 1999. The antipathy towards the Tribunal was strong and shared by many in the army and the police, as well as the population. It was an institution which represented the enemy, even more so since Milošević was transferred to The Hague in June 2001. So, to the JSO, the brothers were victims and the arrest was an act of betrayal by the government of the unit's trust as the latter were apparently not aware this was an ICTY-related arrest. Once in The Hague, one of the brothers, Predrag, confessed to five murders and a number of beatings in the Keraterm camp in 1992 in western Bosnia.⁸²⁰

The uprising was presented by the JSO as a protest against the government betraying war heroes and surrendering to western aggressors. It was actually a display of strength, showing the government the limits of their reach and sending a message about who in the country needed to be left alone. The uprising was about removing the then-minister of internal affairs, Dušan Mihajlović, and the heads of the DB that came after Rade Marković. And in that sense, the uprising succeeded. The minister stayed, after dramatic negotiations in the unit compound in Kula, but the DB leadership was removed—and JSO favorites were installed in key positions. The job of DB chief went to an academic with little initiative. More importantly, the mutiny put Milorad Bracanović in the position of deputy head. Bracanović was a former JSO officer in charge of security and was close to Legija, and from then on, he dominated the DB.⁸²¹

⁸¹⁷ A substantial collection of media reports is available here: "Pobuna JSO," accessed May 20, 2019, <https://pobunajso.wordpress.com/>.

⁸¹⁸ Vasić, Miloš. „Oružana pobuna.“ *Vreme*. November 15, 2001. Accessed May 20, 2019. <https://www.vreme.com/cms/view.php?id=301595>. See also: "Zemunski klan" documentary series. The article on the court case on the uprising refers to the Banović brothers as "members" of the JSO, while other sources talk about them as associates of the JSO. See: Milica Stojanovic, "Serbian State Security Officers' Armed Uprising Acquittal Upheld," *Balkan Insight*, June 24, 2019, accessed June 25, 2019, <https://balkaninsight.com/2019/06/24/serbian-state-security-officers-armed-uprising-acquittal-upheld/>.

⁸¹⁹ Vasić, *Atentat na Žorana*, "Intervju: Mile Novaković – Zemunski klan je na vrhuncu mislio da je moćniji od države."

⁸²⁰ ICTY *Banovic*. The other brother was released, accessed May 20, 2019, http://www.icty.org/x/cases/banovic/cis/en/cis_banovic_en.pdf.

⁸²¹ Vasić, *Atentat na Žorana*, 65, 71-72, 91.

After the uprising the government fully understood that the unit was out of control, and that they could not count on the DB leadership to restrain it.⁸²² The uprising once again showed the deep cleavages between the circle around president Koštunica who was surrounded by army cadres and old Milošević associates and the reformist government. This old cadre was invested in holding on to power, and to save themselves from prosecution. The already tense relationship between Koštunica and Đinđić broke after Milošević was transferred to the ICTY in June 2001. Koštunica, then Federal President, showed his support for the JSO when he commented on the JSO closing the highway, in uniforms and Humvees with machine guns mounted. Koštunica stated that this event should really not be blown out of proportion, and that they protested in uniforms not because they wanted to be threatening, but because those were “the only uniforms they owned”.⁸²³ According to the head of state, this was a completely normal protest. For people around Koštunica, there was nothing dangerous about a special police unit protesting about who it has to arrest and publicly expressing political views.

This support from the very top emboldened the JSO and the clan and made them believe that having only Koštunica and his circle in charge meant security, immunity and prosperity. There are records of army security senior staff and Aco Tomić, its chief, meeting with the JSO and Zemun clan in the weeks before the assassination of the Prime Minister. There is even record of a Nokia phone, “with a camera” that Tomić got as a present from the clan leader, Spasojević.⁸²⁴

A failed coup d'état: The assassination of Žoran Đinđić

In late 2002 and early 2003 it was becoming clear to the Zemun clan and Legija that time was running out. It was increasingly looking like the government would be seriously clamping down on organized crime and that they would be arrested. For one, Ljubiša Buha Čume was, after being targeted by the Zemun clan, ready to cooperate and become a witness for the prosecution. Secondly, the special law guaranteeing protection to cooperative insider witnesses was being prepared, providing him with incentives to say what he knew about Duća and Legija's dealings.⁸²⁵ Among a part of the JSO and more broadly, in the army and the police, there was an increased sense of nervousness, fear and revolt about the threat of arrest and prosecution in The Hague. For those not fearing the ICTY, they feared a loss of jobs and privileges.

One event in particular exemplified this fear from going to The Hague. The former Serbian Minister of Internal affairs, Vlatko Stojiljković, sought by the ICTY over his alleged role in

⁸²² There were some organizational changes to extract the JSO from the DB and move it directly under government control, but few changes had any real effect. See: Vasić, *Atentat na Žorana*.

⁸²³ A fragment of the statement by Koštunica is available here, November 2001, accessed May 20, 2019, <https://www.youtube.com/watch?v=fKP9pLnmIqE>.

⁸²⁴ Ministry of Defense of Serbia and Montenegro, Army Security Administration Letter to Administration for the Fight Against Organized Crime, June 22, 2003, available at “Reporting project,”

<https://www.reportingproject.net/peopleofinterest/profil.php?profil=21>.

⁸²⁵ Vasić, *Atentat na Žorana*, 116.

Kosovo, shot himself in the head on the steps of the Serbian parliament on April 11, 2002. Stojiljković did this after the law regulating cooperation with the ICTY was passed. He died two days later. Stojiljković left a letter accusing the government and the state leadership of betrayal.⁸²⁶ Therefore, the perception of the ICTY as a threat to those who engaged in Kosovo was acute. For the JSO, the sense of fear and revolt was exacerbated when an alleged list of dozens of ICTY indictees was published by the press, creating a sense of imminence. This was presented as a fact even though there was no evidence that any JSO member was charged by the prosecution in The Hague.⁸²⁷

Legija's open letter from January 2003 draws on this grievance and makes dramatic claims about Serbian dignity and the inability of the government to protect it. The pressure mounting on him was obvious, as he criticized a state that accepts testimony of men like Čume against those who "care about this country and this people and have shown it and proved it countless times".⁸²⁸ What Legija was afraid of were judicial repercussions for the abductions and assassinations he was involved in. Possibly he also worried about the ICTY. In February 2003 the fight against organized crime was gaining steam and Đinđić promised: "we will fuck them up", meaning the clan and the JSO.⁸²⁹

Therefore, there was an alignment of interests: Legija wanted shielding from domestic investigations, and potentially The Hague if the ICTY ever charged him, and he wanted to protect the unit and his control over it. According to a JSO member, Legija was nervous.⁸³⁰ The cartel wanted to protect itself from investigations, prison sentences and the loss of dominance in the underworld. After one failed attempt at killing Đinđić on a Belgrade highway, Duća, Legija and their associates decided to go "one on one"—with a sniper.⁸³¹ Zvezdan Jovanović, the JSO member who fired the sniper rifle that killed the Prime Minister, wanted to change the political course Serbia was on, embodied by Đinđić and "stop The Hague".

It remains unclear when precisely the decision was made to proceed with the assassination, but Jovanović implied it was early February. He was in meetings with Spasojević and Legija discussing why Đinđić needed to be killed, and Legija kept saying the unit will otherwise be dissolved and several JSO members, military and police officials would be sent to The Hague:

⁸²⁶ Stojiljković's suicide note was published in full, April 20, 2014, accessed May 20, 2019, <https://www.kurir.rs/vesti/drustvo/2793783/ovo-je-oprostajno-pismo-vlajka-stojiljkovica-otkrilo-prave-razloge-samoubistva-i-sokiralo-srbiju>.

⁸²⁷ Vasić, *Atentat na Žorana*, "Intervju: Mile Novaković – Zemunski klan je na vrhuncu mislio da je moćniji od države."

⁸²⁸ Legija's Open letter was published, January 2003, accessed May 20, 2019, <https://pescanik.net/legijino-pismo-javnosti/>.

⁸²⁹ Vasić, *Atentat na Žorana*, 159.

⁸³⁰ Witness Šare in Đinđić trial, summary of statement in "Nenad Šare: Legija je bio nervozan," *Politika*, October 6, 2006, accessed May 20, 2019, <https://www.vesti.rs/Hronika/Nenad-Sare-Legija-bio-nervozan.html>.

⁸³¹ Statement in investigation, dated April 6, 2004.

“Legija insisted that Zoran Đinđić be killed [...] so that such changes would be caused in the country and its security that would cause the end of transfers to The Hague”.⁸³²

The shooter, Jovanović, veteran Red Berets unit member and instructor was known to those arrested in Bosnia in the spring of 1992, for example in Bosanski Šamac. One of the survivors of the arbitrary arrests recalled seeing Jovanović on TV after the assassination and remembered Jovanović beating him.⁸³³ For the assassination, a Heckler and Koch G3 rifle was used, from the JSO stockpile, with Winchester 308 cartridges.⁸³⁴ According to the statement Jovanović gave after his arrest, “it was a good rifle”. He further went on to say: “I personally liquidated Zoran Đinđić... For me this is a political murder because I believed it would stop further extraditions of Serbian warriors to The Hague”:

I was not interested in any money nor would I have done it for money, but for the interests of the unit, I would...I'm a big opponent of trials in The Hague and I could not allow myself to be dragged around by all kinds of European deadbeats. I agree to trials in Serbia, that is my country, but I'm not going to The Hague.⁸³⁵

The final question to answer here is what did the assassins want to achieve? What did they think would happen? It appears that Legija and the Zemun clan hoped that after the assassination the government would fall, and the other political option, the one around President Koštunica, much more favorable for them, would take over. The JSO would rise up and make sure there is a change of government and within this new Serbia, organized crime, presided by over the clan, would continue unabated and no one would ever go to The Hague again. However, they miscalculated. There was a massive public outpouring of rage about the assassination and sympathy for the murdered Prime Minister, and a renewed resolve that Serbia could not possibly go on like this.⁸³⁶ That resolve brought a serious crackdown.

The State's response

In the immediate aftermath of the assassination, the state of emergency was declared giving the police additional powers to search and detain suspects. Operation Sabre was underway. A warrant of arrest for suspects in the assassination case was issued the same day.⁸³⁷ Very soon it became clear who was probably behind the assassination. Zvezdan, the shooter, was arrested and gave a statement describing what had happened, and why he did it.⁸³⁸ He would later retract the statement, claiming he was pressured to sign something the police handed to

⁸³² Statement in investigation, dated April 6, 2004.

⁸³³ ICTY *Stanisic*, witness Tihić, February 3, 2010, transcript page 3151.

⁸³⁴ Vasić, *Atentat na Žorana*, 162, 171.

⁸³⁵ Statement in investigation, dated April 6, 2004.

⁸³⁶ “Intervju: Mile Novaković – Zemunski klan je na vrhuncu mislio da je moćniji od države.”

⁸³⁷ Arrest warrant issued against these individuals: Milorad Ulemek Luković Legija, Dušan Spasojević Duća, Mile Luković Kum, Dejan Milenković Bagzi, Aleksandar Simović, Milos Simović, Miladin Suvajdžić, Dušan Krsmanović, Đorđe Krsmanović, Sretko Kalinić Beli, Vladimir Milisavljević Budala and Nikola Bajić. Arrest warrant in the case of the Đinđić assassination. Archive of Glas Javnosti. Accessed May 20, 2019.

<http://arhiva.glas-javnosti.rs/arhiva/2003/04/17/srpski/A03041603.shtml>

⁸³⁸ Statement in investigation, dated April 6, 2004.

him.⁸³⁹ However, the original statement was signed numerous times, according to procedure, raising doubts about his claim. Furthermore, Zvezdan took investigators to various relevant sites such as the other locations initially considered for the assassination.⁸⁴⁰ There is a video of this, filmed at Fruška Gora where he tried out the rifle he used to kill Đinđić. Jovanović showed how he tested the rifle, and the initial search of the terrain recovered the piece of paper he used for target practice.⁸⁴¹

Operation Sabre led to over eleven thousand arrests. About 300 of them were directly tied to the assassination.⁸⁴² Dušan Spasojević and Mile Luković were killed by the special police after resisting arrest in late March.⁸⁴³ Legija hid and was arrested the following May.⁸⁴⁴ The extended detention made possible by the state of emergency gave police and the judiciary time to interview witnesses and suspects and get evidence that was otherwise unattainable. Among those picked up were high-ranking officials of the MUP and DB such as Jovica Stanišić and Franko Simatović, head of army intelligence Aco Tomić, Arkan's widow Svetlana Ražnatović Ceca, and many others, including lower-level JSO and Zemun clan members and associates.

This assassination marked the end of the unit. The JSO was dissolved, quietly, at the end of March 2003, twelve years after its first iteration was established. Members who were deemed suitable, without ties to organized crime, were reassigned to other special police units such as SAJ and the gendarmerie.⁸⁴⁵ At the level of the individual, direct perpetrators, Operation Sabre was a success. However, as public support dwindled, and the state of emergency ended, investigations did not uncover the political background to the assassination. It has been established, for example, that close associates to then-president Koštunica had met with the Zemun clan members in the two weeks before the assassination.⁸⁴⁶ Šešelj, who was known to associate of the clan, conveniently left to surrender himself to the ICTY on February 23, 2003.⁸⁴⁷ The details of who at the top of political, security and intelligence circles knew, or had good reason to know what was coming, remain unknown.

When it comes to the reform of security structures, and in particular the police and state security, in the aftermath of the assassination only limited progress was made. Assessments by organizations dealing with the rule of law and institutional reform at the time identified several key changes that needed to be made: among them, the priority were depolitization

⁸³⁹ Đinđić trial, Zvezdan Jovanović statement in court, brief undated video available here, a part of a news report on RTS 1, accessed May 20, 2019, <https://www.youtube.com/watch?v=-8pqVDXlqZg>.

⁸⁴⁰ "Intervju: Mile Novaković – Zemunski klan je na vrhuncu mislio da je moćniji od države."

⁸⁴¹ Video, Zvezdan Jovanović at Fruška Gora, accessed May 20, 2019, <https://www.youtube.com/watch?v=dnqPOPbLo8>.

⁸⁴² "Intervju: Mile Novaković – Zemunski klan je na vrhuncu mislio da je moćniji od države."

⁸⁴³ Vasić, "Operacija Sablja".

⁸⁴⁴ "Intervju: Mile Novaković – Zemunski klan je na vrhuncu mislio da je moćniji od države." The record of Legija's arrest on May 3, 2004 is available at the Reporting project.

⁸⁴⁵ Švarn, *Jedinica*, episode 3.

⁸⁴⁶ Dejan Anastasijević, "Karijere: Aca Tomić – Devet života jednog generala," *Vreme*, May 20, 2004, accessed May 20, 2019, <https://www.vreme.com/cms/view.php?id=379191>.

⁸⁴⁷ ICTY *Seselj*, accessed May 19, 2019, http://www.icty.org/x/cases/seselj/cis/en/cis_seselj_en.pdf.

and demilitarization of the police.⁸⁴⁸ Research shows that barely any progress on discovering the role of security structures during the 1990s was ever made, and establishing responsibility was extremely limited.⁸⁴⁹

Conclusion

In the aftermath of the Croatian and Bosnian wars, the legalization of the chosen remnants of MUP affiliates took place, with the establishment of the JSO. The unit, under Legija's leadership remained loyal to the regime, and fought in Kosovo. There they were joined by other paramilitaries, the same units that already deployed in Croatia and Bosnia: the Red Berets which were now recognized as the MUP DB elite special unit, Arkan's SDG and the Scorpions. Some of them, especially the JSO, displayed notable hubris when confronted with army command. The regime used the units tested in earlier operations. As Kosovo was legally part of Serbia, there was no need for the regime to conceal armed engagement as it did earlier. In Kosovo, the units could act more openly, formally subordinated to the army, and included in existing military and police formations. What the Kosovo context required was concealing the consequences of that deployment—the dead bodies which ended up in trucks dumped into rivers, and in mass graves in MUP compounds.

In parallel, during the late 1990s, parts of the DB, JSO, commander Legija and associates developed deep ties to organized crime groups, mainly the Zemun clan. It was with them that some of the dirtiest work for the regime, such as political assassinations, was done. Once it became clear Milošević was losing, the JSO command switched sides and supported the opposition. The support was displayed through not intervening to disperse protesters and end the popular uprising. However, that was not a show of patriotism or a change of heart, but an act of self-preservation. Once the JSO and the Zemun cartel joined forces, they felt increasingly emboldened, wanting to become the dominant clan, and occupy the position once held by Arkan. They were aware that the new government was weak, as after a decade Milošević's policies had left the institutions feeble and corrupt.

It was that thirst for power and preservation that drove Legija, Spasojević, Luković and their associates to think that they could take on the state and win. They were emboldened by the support from the highest state security circles. When the reformist government threatened their future, the drug trade and the existence of the JSO, the most elite unit turned against the state and Prime Minister Đinđić to save itself. Contrary to all the statements about patriotism and sacrifice, when the time came to choose between a Serbia ruled by law and a criminal state, their commander and those around him chose the latter no matter the consequences.

⁸⁴⁸ OSCE, "Reforma Policije u Srbiji: Ka stvaranju savremene i odgovorne policijske službe." Odeljenje za sprovođenje zakona Misijska OEBS u Srbiji i Crnoj Gori, 2004.

⁸⁴⁹ Jelena Subotić, "Building Democracy in Serbia: One Step Forward, Three Steps Back," in Ramet, S.P., Hassenstab, C.M., and Lijthaug, O. (eds.), *Building Democracy in the Yugoslav Successor States: Accomplishments, Setbacks, and Challenges since 1990* (Cambridge: Cambridge University Press, 2017), 165-191.

This fusion of organized crime and state security structures in Serbia in the late 1990s was the culmination of years of the regime's close cooperation with men who had no problem with unchecked brutality. Murder and crime under the auspices of the state finally engulfed the state and hollowed its institutions. Some of the people who led this criminalization were with the paramilitaries from the start and were absorbed into state security structures such as the JSO. Legija was the prime example. The MUP affiliates, especially the Red Berets, showed remarkable resilience and ability to adapt, outlasting the very regime that created them.

The assassination of Đinđić was a result of aligning interests and fears: Legija and the clan feared ending up in prison with their empire crumbling, the JSO and Zvezdan Jovanović feared ICTY prosecutions and the dissolution of the unit. The ICTY threat made them nervous and afraid. For a brief month, during the state of emergency following the assassination, the government had significant public support to rid the country of violent crime and the legacy of war and corruption. However, that resolve did not last, and the most sensitive, arguably the most important part of the story—the political structures, the high-ranking supporters of the assassinations—were never discovered or punished. It was only the direct perpetrators.

“If someone believes he will stop the implementation of laws by getting rid of me—then he is very wrong, because I am not the system.”⁸⁵⁰ When Đinđić said those words in late February 2003, he may have been too optimistic. As much as the assassination struck the Serbian public at its very core and ushered in a new resolve to fight organized crime, it was short-lived and insufficient to extricate Serbia from its paramilitary and criminal entanglements, curated for over a decade.⁸⁵¹ In sum, what this shows is that the criminalization Milošević enabled, and exploited, outlived him. It killed a reformist Prime Minister who symbolized a break with the bloody past. It corrupted the state, in ways that have left lasting marks.⁸⁵² That damage, in which paramilitaries played a vital role, had not been repaired post-Milošević and shows that the use of violent, covert units and criminal networks, does not harm only its intended victims, but, especially in the longer term, corrupts the state that harnessed those forces. Like a domesticated wild animal kept as a pet, these forces have, not unexpectedly, ended up harming their keeper.

⁸⁵⁰ Quoted in Cohen, “Political Violence and Organized Crime in Serbia”, in Crotty, *Democratic Development and Political Terrorism*, 396.

⁸⁵¹ The funeral was attended by hundreds of thousands of people. See: “Serbia bids farewell to Djindjic,” *BBC News*, March 15, 2003, accessed May 20, 2019, <http://news.bbc.co.uk/2/hi/europe/2852393.stm>.

⁸⁵² Subotić, “Building Democracy in Serbia”.

CHAPTER VI: Paramilitary Violence

After establishing where, when, why and how paramilitary units emerged, how they functioned, and transformed through the 1990s, this chapter examines and analyzes what forms of violence units engaged in and unveils patterns in the perpetration of violence. It answers questions about how and against whom select units perpetrated violence and investigates what fueled widespread victimization of civilians. The focus remains on units, and not individuals, and investigates why some units were much more likely to engage in certain forms of violence such as torture, as opposed to others.

In other words, what can we learn about units and perpetration from *the ways in which* violence was perpetrated? These are relevant questions as thousands of people were killed and harmed by both professionalized and non-professionalized units. There is no scholarly analysis which tries to determine if forms of violence units perpetrated can be explained, at least partially, by the types of units involved.⁸⁵³ Furthermore, as already noted, little is actually known about acts of violence and perpetrators in the former Yugoslavia, including paramilitaries.⁸⁵⁴ To fill that gap, the research turns to sources about many violent incidents involving paramilitary perpetrators collected, created and preserved in legal proceedings in The Hague and in Serbia.

Before continuing, it is worth remembering that paramilitaries were by no means the only perpetrators. Military and police units, in particular *special* units, were involved in mass executions. The massacre at Korićanske stijene in August 1992⁸⁵⁵, by the special police intervention platoon from Prijedor⁸⁵⁶, and the mass killings after the fall of Srebrenica like the

⁸⁵³ There are limitations to what is knowable about perpetration of mass violence, as perpetrators do not record their feelings and motivations during the act, and few describe the experiences later, often in the context of criminal trials where incentives to purposefully misrepresent their role to evade punishment are strong. Also, individuals may recount distorted versions of past events because they constructed more favorable memories in the aftermath. See: Bouwknecht and Nistor, "Studying 'Perpetrators' through the Lens of the Criminal Trial" and Jane Kilby, "Introduction to Special Issue: Theorizing Violence." *European Journal of Social Theory* 16, no.3 (2013): 261-272.

⁸⁵⁴ Clark, "Genocide, war crimes and the conflict in Bosnia".

⁸⁵⁵ The massacre at Korićanske stijene on August 21, 1992 was extensively discussed in a number of ICTY trials. Darko Mrđa pleaded guilty to the crime (IT-02-59), while extensive documentation and testimony has been collected in the trials of Radoslav Brđanin (IT-99-36), Mićo Stanišić and Stojan Župljanin (IT-08-91). See for example testimony of survivors Emsud Garibović, testifying in the Brđanin case on December 9, 2002. The Court of Bosnia and Herzegovina also heard cases concerning the massacre, e.g. Petar Čivčić et al. (X-KR-09/772).

⁸⁵⁶ Darko Mrđa was a member of the intervention platoon, statement, accessed May 26, 2019, http://www.icty.org/x/cases/mrda/cis/en/cis_mrdja_en.pdf

one at Branjevo farm on July 16 1995⁸⁵⁷ by the 10th special detachment of the VRS⁸⁵⁸ are cases in point. These were in fact some of the biggest massacres of the war, traces of which were difficult to hide. At Korićanske stijene, when men were lined up at the edge of a ravine and shot⁸⁵⁹, people in surrounding villages later complained as birds and wild animals carried the decomposing body parts of some of the 200 victims around the area.⁸⁶⁰ Regular military units were also attacking civilians, such as during the siege of Sarajevo, when the VRS was shelling and sniping citizens as they fetched water or went to work.⁸⁶¹ Even children were targeted.⁸⁶²

This chapter understands perpetration as action.⁸⁶³ There is extensive literature, especially in criminology and sociology presenting different theoretical approaches to understanding, and explaining, actions of individuals and groups in violent situations. These are instructive in framing thinking about violence by paramilitaries in the former Yugoslav context and uncovering patterns in paramilitary violence. In one of these works Gudehus invites scholars to investigate and analyze the “doing” in violence, and to look at “who does what in which way”.⁸⁶⁴ In this final chapter, the aim is to do just that. Given the number of incidents and the corresponding volume of available sources, the actions which are being scrutinized are beatings, killings and torture. These represent some of the most egregious attacks on civilians perpetrated by paramilitaries and are thus suitable to try to understand how they took place. Beatings and killings were particularly common, warranting particular attention.

As sources show that a number of incidents were perpetrated very publicly, some in fact almost seeking audiences, the goal is to understand why some units perpetrated very public acts of violence while others turned away from the spotlight. While recognizing that there may be instances in which a violent act may fit into both categories, this chapter explains the involvement of units in, to borrow from Wikström and Treiber, “instrumental” and

⁸⁵⁷ The Srebrenica massacres and the different units involved were discussed in a number of ICTY trials: Blagojević and Jokić (IT-02-60), Dražen Erdemović (IT-96-22), Radovan Karadžić (IT-95-5/18, MICT-13-55), Radislav Krstić (IT-98-33), Slobodan Milošević (IT-02-54), Ratko Mladić (IT-09-92, MICT-13-56), Momir Nikolić (IT-02-60/1), Dragan Obrenović (IT-02-60/2), Momčilo Perišić (IT-04-81), Vujadin Popović et al. (IT-05-88), Stanišić and Simatović (IT-03-69, MICT-15-96), Zdravko Tolimir (IT-05-88/2). Erdemović, Obrenović and Nikolić pleaded guilty. The Court of BiH also heard a number of cases, e.g. Milorad Trbic (X-KRZ-07/386). An overview of Srebrenica evidence from ICTY cases is available, accessed May 26, 2019, <http://srebrenica.sense-agency.com/en/>.

⁸⁵⁸ Humanitarian Law Center. “Dossier: The 10th Sabotage Detachment of the Main Staff of the Army of Republika Srpska.” Belgrade: Humanitarian Law Centre, 2011.

⁸⁵⁹ ICTY *Mrđja*, witness Mujkanović, October 22, 2003, accessed March 25, 2019, <http://www.icty.org/x/cases/mrda/trans/en/031022ED.htm>.

⁸⁶⁰ ICTY *Stanišić and Župljanin*, witness Krejić, September 1, 2010, transcript page 14055, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100901IT.htm

⁸⁶¹ Siniša Malešević and Niall O Dochartaigh, “Why combatants fight: The Irish Republican Army and the Bosnian Serb Army Compared,” *Theory and Society* 47 (3) (2018): 293-326.

⁸⁶² ICTY *Karadžić*, expert witness van der Weijden, September 27, 2010, accessed 24 March 2019, <http://www.icty.org/x/cases/karadzic/trans/en/100927ED.htm>.

⁸⁶³ Timothy Williams, “Thinking beyond perpetrators, bystanders, heroes: A typology of action in genocide,” in Williams and Buckley-Zistel, *Perpetrators and Perpetration of Mass Violence*. See also Gudehus in same volume.

⁸⁶⁴ Christian Gudehus, “Violence Studies: Social Theoretical Considerations Towards Understanding of War Crimes” in Jonathan Waterflow and Jacques Schumacher (eds.), *War Crimes and Investigations: A Multi-Disciplinary Introduction* (Cham: Palgrave macmillan, 2018), 210, 214-215.

“expressive” violence. Here, expressive violence is one that is conducted with the primary aim of harming, while instrumental violence has the primary purpose outside of the harm itself.⁸⁶⁵

Fujii’s work, while not focusing on paramilitaries, is particularly helpful in thinking about paramilitary violence because it provides important insights into collective efforts to make violence visible. She recognizes the time and energy needed to engage in what she calls “violent displays”, and examines why perpetrators participate in them, given that if killing of victims was the goal, that could be done swiftly. A violent display, according to Fujii, is “a collective effort to stage violence for people to take in, notice, or experience first-hand”. The participants are “anyone and everyone who takes part”, both those committing an act, and those watching from a distance. As she explains, the logic driving these episodes is social, “to be seen and make people take notice”.⁸⁶⁶

Casting is another one of Fujii’s notions, helpful in thinking about paramilitary violence and explaining pathways to participation in violent display. As she explains, “casting is the apportioning of roles that make a display what it is”. The roles are what give the display form, content and meaning. The casting process is interactive, and social, and gives those in important roles powers they never enjoy outside of the act itself. In the violent display, they may be powerful and important, while on any other day, that may not be true. Ultimately, violent displays are about communication and ways of inscribing meaning “about key political concerns such as power and hierarchy”.⁸⁶⁷

These insights provide useful tools for exploring the repertoires of violence in which paramilitary units engaged.⁸⁶⁸ The following sections will analyze how select Serb(ian) units attacked civilians. As it is impossible to summarize, describe and explain all the recorded instances of paramilitary attacks, even if only select units and acts are considered, the following sections are based on a limited number of incidents. Some of those, such as attacks in Bijeljina and the massacre in Trnovo are well known, while others, like the killings in Dalj, Sanski Most or Podujevo, less so. These incidents are representative and well documented and encompass a range of actions in different times and in different places. That provides an opportunity to make broader claims about the nature and patterns in perpetration of paramilitary violence in the breakup of Yugoslavia.

⁸⁶⁵ Per-Olof Wikström, and Kyle H. Treiber, “Violence as Situational Action.” *International Journal of Conflict and Violence* 3, no.1 (2009): 75-96.

⁸⁶⁶ Lee Ann Fujii, “Talk of the town’: Explaining pathways to participation in violent display,” *Journal of Peace Research* 54, no.5 (2017): 661-673, 661.

⁸⁶⁷ Fujii, “Talk of the town”, 663-664.

⁸⁶⁸ Elisabeth Wood uses this term, “repertoires”, as adapted from Charles Tilly. See: Jean Elisabeth Wood, “Armed Groups and Sexual Violence: When is Wartime Rape Rare?” *Politics and Society* 37, no.1 (2009): 131-161, 133.

Violence by professionalized units

What forms of violence were the professionalized units involved in, was it more often expressive or instrumental, was it public, and how did unit characteristics influence patterns of involvement? There are a few important factors influencing perpetration by the professionalized units. First of all, as already discussed, their relationship to the Serbian MUP, while opaque for outsiders, gave them a certain special status and a level of importance not shared by others. Secondly, they tended to be trained, uniformed, and sober. Arkan's disapproval of alcohol consumption is well documented⁸⁶⁹, as well as the strict discipline⁸⁷⁰. These units were structured, hierarchical, and it was clear who occupied which role. Non-professionalized units, as already noted, were different—more fluid and permissive about recruitment. MUP affiliates were more mobile and were thus less likely to attack civilians they personally knew. That is a significant difference to some of the non-professionalized units which, especially as the war progressed, became moored in one locality. Often, that locality was where the members were from.

The Red Berets

According to sources, the Red Berets perpetrated a number of violent attacks on civilians in the areas of Doboj and Bosanski Šamac, both important municipalities for establishing control over the corridor that connected the Krajina in Croatia, around Knin, with Serb-controlled areas in Bosnia, and ultimately Serbia. The takeover of Doboj took place in early May 1992, and after that arrests and beatings of Croats and Muslims were common. The police station in town was taken over by the Berets under the command of Rajo Božović, arresting non-Serb employees. The Berets were joined by special police from Banja Luka. The hall of the police station was used to beat up detainees, before they were moved to the local prison, without warrants. Members of the Red Berets took the deputy of the local police commander, a Croat, out of the prison and shot him.⁸⁷¹ Hundreds of people passed through the prison in 1992, experiencing beatings and maltreatment.⁸⁷²

One incident when Beret members killed at least 16 non-Serb civilians was in the detention facility at Crkvine, close to Šamac, on May 7, 1992. This incident involved both Berets and volunteers of the Serbian Radical Party.⁸⁷³ When the paramilitaries arrived at the detention facility, they found 30 to 35 non-Serb civilians there. These people were then beaten and killed.⁸⁷⁴ The Bosnian Serb police recorded the incident alongside others.⁸⁷⁵ The Army knew

⁸⁶⁹ Švarn, "Arkanova ostavština".

⁸⁷⁰ Švarn, "Arkanova ostavština," Vasić, "Dosije Arkan".

⁸⁷¹ ICTY *Stanisic and Župljanin*, witness Obren Petrović, May 10, 2010, accessed 23 March 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100510IT.htm.

⁸⁷² ICTY *Stanisic and Župljanin*, witness Miroslav Vidić, April 27, 2010, accessed 23 March 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100427IT.htm.

⁸⁷³ ICTY *Stanisic*, Prosecution Final brief, 225-226.

⁸⁷⁴ ICTY *Stanisic*, witness JF-047, October 4, 2010, accessed 25 May 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/101004ED.htm.

⁸⁷⁵ ICTY *Stanisic*, P01416, 2.

about this incident too, as reflected in the documents from the time.⁸⁷⁶ Officers understood what this kind of violence meant for the legitimacy of their struggle for Serb-control of the land.

The crime committed by ‘Lugar’ in Crkvina was reported on by the Yugoslav and international press and attributed to the Serbian soldiers from our municipality, creating a difficult collective legacy that will have to be cleared up only after the war.⁸⁷⁷

Slobodan Miljković Lugar, as already discussed, was from Kragujevac, starting his paramilitary engagement as a Šešelj volunteer and then became part of a Red Berets affiliated unit, the Grey Wolves. He was in the area when a few weeks prior to the massacre in Crkvina, local non-Serbs were severely beaten and killed. One example was the murder of Anto Brandić, a 60-year old Croat, who was beaten by Lugar with a wooden table leg. Brandić told his tormentor “don’t do this, you’ll kill me”, but he kept hitting until the victim passed out with blood gushing from his mouth. Lugar then dragged the victim outside the detention facility and shot him.⁸⁷⁸

At least one instance of sexual abuse was documented involving the Berets and Lugar. It took place at the Bosanski Šamac police station, where a local woman was taken for questioning, and was met by men with distinct Serbian accents. Lugar ordered her to take her clothes off, calling her a whore, while others hurled insults at her as she undressed. The fact that she was on her period “saved her from getting raped”. She was then beaten and tormented, and one of the soldiers urinated on her: “it was really something that a normal mind cannot even comprehend”. The one man who helped her was also a member of the Berets, even though as a local she knew others in the police administration. He took her out of the room and went to get her clothes: “I would like to thank him a hundred times.”⁸⁷⁹

The Serbian Volunteer Guard

Arguably the most well-known incident of SDG attacking civilians was in Bijeljina, due to the infamy acquired through the series of photos Ron Haviv made in spring 1992.⁸⁸⁰ These images were made secretly, and when Srđan Golubović kicked Tifa Šabanović, who was dying on the ground in the street, he did not know there was a camera shutter clicking.⁸⁸¹

⁸⁷⁶ MICT *Stanisic*, expert witness Theunens, March 6, 2018, accessed March 23, 2019 (transcripts available in ICR database), 72.

⁸⁷⁷ ICTY *Stanisic*, P01582, 2.

⁸⁷⁸ ICTY *Stanisic*, Prosecution Final brief, 224.

⁸⁷⁹ ICTY Simic, IT-95-9, witness G, November 19, 2001, accessed 23 March 2019, <http://www.icty.org/x/cases/simic/trans/en/011119ED.htm>.

⁸⁸⁰ ICTY *Stanisic*, P0605.

⁸⁸¹ On the images he made in Bijeljina, see: James Estrin, “Photography in the Docket, as Evidence,” *New York Times*, April 2, 2013, <https://lens.blogs.nytimes.com/2013/04/02/photography-in-the-docket-as-evidence/?mtrref=www.google.nl&mtrref=undefined>. Haviv spoke about making those images not long after they were taken, “Bijeljina 92 – Ron Haviv – Evidence of ethnic cleansing,” 1992, accessed May 3, 2019, https://www.youtube.com/watch?v=4POqAfBm_ss.

However, months before Bijeljina, in September and October 1991, the unit was active in east Slavonia—in Erdut, where Arkan had his base, and Dalj. One incident in Dalj stands out because it implicates Arkan and Goran Hadžić, then-prime minister of Serb-dominated east Slavonia. During the night of September 21, 1991, these two, escorted by a number of Arkan's men, arrived in the Dalj police station. Two detainees with connections to prominent local Serbs were taken out of prison, while eleven non-Serbs were executed.⁸⁸²

The way the SDG operated early in the war is well-described by none other than JNA general Andrija Biorčević, commander of the Novi Sad corps: “we surround a village, they enter it, kill those who refuse to surrender, and we go on.”⁸⁸³ In Bijeljina, as in many other places, arrests and beatings were common. Survivors of the beatings remember them well: “those people knew what they were doing”, “after the beating, there was not a centimeter of white skin on me”, “it was all black and blue.”⁸⁸⁴

While the attack on Bijeljina early in the war and the SDG involvement were discussed elsewhere⁸⁸⁵, the violence perpetrated by the unit in Sanski Most, at the very end of the Bosnian war in September 1995, is harder to investigate as fewer sources are available. The Bosnian Army was getting close to capturing Sanski Most, costing the Serb forces to lose control, so Jovica Stanišić, DB head in Serbia, sent Arkan to help repel the attack.⁸⁸⁶ Two groups of non-Serbs were massacred in late September, and soon after the unit left town. The SDG seems to have been involved in the murder of around 65 non-Serbs in the Sasina massacre, and 11 in Trnova. While many of the documents concerning the first massacre are confidential and inaccessible⁸⁸⁷, the bodies of the victims were exhumed and identified in 1996.⁸⁸⁸ The second massacre was described by JF-064, a local Bosnian Muslim, recalled that Arkan's men took the group, handcuffed in pairs, to be executed.⁸⁸⁹

The Scorpions

While much has already been unveiled about the way Scorpions members killed six Bosniak men and boys in July 1995, after the fall of Srebrenica⁸⁹⁰, the killings in Kosovo where the unit engaged four years later have been analyzed much less. The details of the former were uncovered through a video that became public in 2005 through the Milošević trial⁸⁹¹, and the

⁸⁸² ICTY *Stanisic*, P0512, 10-11, P00514, 40, P0516, 6-7.

⁸⁸³ ICTY *Stanisic*, P1219.

⁸⁸⁴ Jusuf Trbić in Džidić, “Arkan's Paramilitaries: Tigers Who Escaped Justice”.

⁸⁸⁵ Petrovic, “Power(lessness) of Atrocity Images”.

⁸⁸⁶ ICTY *Stanisic*, P02545.

⁸⁸⁷ ICTY *Stanisic*, Prosecution Final brief, 245.

⁸⁸⁸ ICTY *Stanisic*, P02165, 3.

⁸⁸⁹ ICTY *Stanisic*, Prosecution Final brief, 247, P02111.

⁸⁹⁰ Ivan Zverzhanovski, “Watching War Crimes: The Srebrenica Video and the Serbian Attitudes to the 1995 Srebrenica Massacre,” *Southeast European and Black Sea Studies* 7, no.3 (2007): 417-430, Vladimir Petrović, “A Crack in the Wall of Denial: The Scorpions Video in and out of the Courtroom,” in *Narratives of Justice In and Out of the Courtroom: Former Yugoslavia and Beyond*, ed. Dubravka Žarkov and Marlies Glasius (New York: Springer, 2014).

⁸⁹¹ Vukušić, “Nineteen Minutes of Horror”.

subsequent trial in a Belgrade, after public pressure led to numerous arrests.⁸⁹² One of the witnesses who helped uncover events surrounding the Podujevo massacre in Kosovo was Goran Stoparić, who also testified about the Srebrenica-related killings in Trnovo in July 1995. He was a member of the Scorpions and recalled in detail how the unit behaved, and who it targeted.

The massacre in Podujevo took place on March 28, 1999, when a number of armed men burst into the homes of three families: Bogujevci, Duriqi and Llugaliu. Fourteen women and children were killed. One of the survivors was Saranda Bogujevci, 13 at the time, who was shot in the leg, back and arm. Another survivor was her cousin, then 12 years old, who was shot in the legs. Three other children survived. Their mothers, brothers aged 9 and 12, grandmother, and other relatives were all killed.⁸⁹³

Journalist Dejan Anastasijević remembers hearing about the Scorpions massacre in Podujevo: “as soon as they came, they entered the first house that seemed wealthy and killed the entire family over one golden lighter and some foreign currency.”⁸⁹⁴ The five surviving children, all of them injured, were saved when the Scorpions left. As Saranda recalls, “then the regular unit came and sent us to the hospital in Priština”.⁸⁹⁵

Scorpions commander Slobodan Medić Boca felt no regret about the units’ behavior during the war:

I did not take people prisoner. When I was in a position to kill all of them, I did. Whom I kill, I kill. I don’t feel sorry for him. Trust me, I sleep just fine even now. I don’t regret those killings.⁸⁹⁶

But not every Scorpions member wanted to participate in the execution of civilians. In the Trnovo killing of six unarmed men and boys after the Srebrenica enclave fell in July 1995, Aleksandar Medić, who taunted victims in the video as they were about to be executed, did not shoot when the time came to kill. For it, he suffered pressure and ridicule by his comrades.⁸⁹⁷ Goran Stoparić, the Scorpions member, kept his distance and did not participate in the killing of civilians, neither in Trnovo nor in Podujevo. He recalled some of his comrades also avoiding involvement: “don’t dirty your hands”, they said to one

⁸⁹² Transcripts from that trial have been published, see: Humanitarian Law Center, *Škorpioni od zločina do pravde* (Beograd: Fond za humanitarno pravo, 2008).

⁸⁹³ The first time Saranda and her cousin testified was in the Belgrade trial of Scorpions member Saša Cvjetan, in 2003, just four years after the massacre. She testified on March 9, 2009, at the ICTY trial of Vlastimir Đorđević, commander of MUP Public Security during the Kosovo campaign, accessed April 20, 2019, <http://www.icty.org/x/cases/djordjevic/trans/en/090309IT.htm>.

⁸⁹⁴ Anastasijević’s recollection can be seen in “Paravoja jedinica Škorpioni,” Insajder, 2006, Belgrade, accessed April 22, 2019, <https://www.youtube.com/watch?v=hQNePutCvPk>.

⁸⁹⁵ Statement of Saranda Bogujevci. Oral history Kosovo. February 7, 2018. Accessed May 26, 2019. http://oralhistorykosovo.org/wp-content/uploads/2018/06/Saranda-Bogujevci_ENG.pdf, 6.

⁸⁹⁶ Scorpions trial, Belgrade, December 20, 2005, transcript discussed in “Paravoja jedinica Škorpioni,” Insajder.

⁸⁹⁷ Vukušić, “Nineteen Minutes of Horror”.

another.⁸⁹⁸ There was also substantial resentment against those who did participate in the killing, in the aftermath, by fellow unit members: “in ten minutes, it was all over”. In ten minutes, Stoparić recalled, “they pissed all over my war, they ruined everything.”⁸⁹⁹

In sum, what the sources show is that there are identifiable patterns in the violence perpetrated by professionalized MUP affiliates. Members of these units were more likely to beat or kill and do it in ways that were not designed for wider audiences to witness. Furthermore, the violence against civilians was perpetrated by some, but not all, unit members. The violence they performed was, for the most part, not staged and did not include particularly gruesome acts. In that regard, they differed from some of the non-professionals discussed below. Professionalized units were efficient—they arrested and beat people or shot them in the head and moved on, to paraphrase JNA general Biorčević.

Their victims were often, but not always, non-Serbs, and they were male. These units tended to be mobile and deployed in areas where they did not know the local population so they were less likely to target particular individuals for personal revenge or resentment. Particularly expressive forms of violence or sadistic torture conducted in public were not common. Their violence was not designed to shock—it was instrumental. They often deployed in collaboration with other troops and were sent to subdue a city and a population. Their task was to arrest those who needed arresting according to their patrons and local partners; kill those who were singled out for removal, such as local leaders; and they made sure the population was expelled and that the remaining individuals were unable to resist.

Violence by non-professionalized units

What forms of violence were the non-professionalized units perpetrating and how was it different from violence perpetrated by MUP affiliates? The sources show that the violence by non-professionals was more frequently expressive and public and this section examines how unit characteristics influence patterns of violence in their case. Four units and their engagement will be used to paint the picture of violence by non-professionalized groups: Leva Supoderica active around Vukovar; and two other Chetnik affiliates, one around Sarajevo; and the Yellow Wasps around Zvornik. Finally, the discussion includes violence perpetrated by the Avengers in Višegrad, east Bosnia. The purpose is to analyze both some of the most significant incidents these units are known for, which have been well documented, and those that resulted in the greatest number of victims.

The Chetnik affiliates

There were a number of units affiliated with Vojislav Šešelj's SRS across the territory of Croatia and Bosnia and Herzegovina. Leva Supoderica was involved in the massacre at Ovčara, when over 200 detainees, civilians and Croatian fighters taken from the city hospital,

⁸⁹⁸ Stoparić in “Paravoja jedinica Škorpioni”.

⁸⁹⁹ Stoparić in “Škorpioni – Spomenar”.

behind the backs of the international observers like the Red Cross, and were shot.⁹⁰⁰ This, the massacre after Vukovar fell in November 1991 to JNA and other Serb(ian) forces, was the largest execution in Croatia. The atmosphere in town after the fall is depicted well with footage of a group of about two dozen men in olive-toned uniforms, walking through the rubble of the city devastated by weeks of relentless artillery fire. As they marched, they sang “there will be meat, there will be meat, we will slaughter Croats.”⁹⁰¹ According to a Sky news reporter covering the fall of Vukovar, the town resembled the film ‘Apocalypse Now’, and “it was very strange and spooky”.⁹⁰²

Leva Supoderica participated in the massacre at Ovčara⁹⁰³, alongside other individuals and some local civilians as well.⁹⁰⁴ The JNA guarded the detainees, but then retreated, effectively leaving the group of over 200 people, all of them men except for two (one of the women was heavily pregnant⁹⁰⁵), at the mercy of the paramilitaries who executed them.⁹⁰⁶ The killings were preceded by severe beatings, and humiliation of the detainees, and hours of fear, pierced by screams and moans. Perpetrators beat some detainees to death in the aftermath of a three-month long operation to capture the city. Those on the losing side, among them Croatian fighters and family members of distinguished local Croats were now suffering at the hands of the victors.

A number of people visited the hangar where the beatings took place, many taking part in the beatings. Some violence was clearly personal.⁹⁰⁷ The well-known among the detainees, like journalist Siniša Glavašević, who spent the siege reporting for the Croatian media, were beaten with metal rods. Glavašević died as a result.⁹⁰⁸ One survivor recalls a whistle being

⁹⁰⁰ ICTY *Mrksic*, witness van Lynden, January 23, 2006, accessed 27 March 2019, <http://www.icty.org/x/cases/mrksic/trans/en/060123IT.htm>, ICTY *Milosevic*, witness Bosanac, February 4, 2003, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030204IT.htm.

⁹⁰¹ ICTY *Seselj*, P00058.

⁹⁰² ICTY *Mrksic*, witness van Lynden, January 23, 2006, transcript page 3108, lines 5-7.

⁹⁰³ Ovčara was discussed extensively in several ICTY trials: *Milosevic*, *Seselj*, *Hadžić*, *Mrkšić*, and there is extensive documentation about it.

⁹⁰⁴ One of the civilians, a woman called Nada Kalaba, stood trial in Belgrade. Transcripts are available, accessed May 29, 2019, <http://www.hlc-rdc.org/Transkripti/ovcara.html>. See more: Filip Rudic, “Serbian Court Sentences Eight for Ovčara Massacre,” *Balkan Insight*, January 15, 2018, accessed May 27, 2019, <https://balkaninsight.com/2018/01/15/serbian-court-sentences-eight-in-ovcara-massacre-case-01-15-2018/>.

⁹⁰⁵ The pregnant woman who was killed at Ovčara was Ružica Mrkobašić. See more: “Darkness at Noon,” *Sense News Agency*, February 8, 2006, accessed May 15, 2018, http://www.sense-agency.com/icty/darkness-at-noon.29.html?cat_id=1&news_id=9475.

⁹⁰⁶ The details of this process and relationship between the JNA and the paramilitaries was discussed extensively in ICTY trials, especially in the *Mrkšić* case, where the three accused were all JNA officers. It was also discussed in the *Milosevic* trial, where Dejan Anastasijević testified on October 15, 2002, accessed May 27, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/021015ED.htm. See also: Tanja Tagirov, “Presuda za masakr na Ovčari: Sudska overa zločina,” December 15, 2005, accessed May 31, 2019, <https://www.vreme.com/cms/view.php?id=436948>.

⁹⁰⁷ For example, one killing was perpetrated by Nada Kalaba, a woman who shot in the head the man who, a few months prior, had fired her from her job. See: Tanja Tagirov, “Presuda za masakr na Ovčari: Sudska overa zločina,” December 15, 2005, accessed May 31, 2019, <https://www.vreme.com/cms/view.php?id=436948>.

⁹⁰⁸ ICTY *Mrksic*, witness Berghofer, March 2, 2006, accessed 25, March 2019, <http://www.icty.org/x/cases/mrksic/trans/en/060302ED.htm>.

blown to mark the change of groups entering and beating detainees.⁹⁰⁹ The atmosphere at the hangar was horrific, and witnesses, JNA officers, describe swearing, beatings and looting. Information about what was going on was available to the JNA officers at the time.⁹¹⁰

After the beatings and torture that lasted for hours, the remaining detainees were transported to a nearby meadow where they were shot and buried. Some of them may have been killed with knives.⁹¹¹ One man survived the massacre by throwing himself out of the truck headed for the execution site.⁹¹² Vilim Karlović, a former Croatian fighter, survived the hangar once a JNA soldier called Štuka helped take him out after they struck a conversation and it turned out that they had shared acquaintances. Karlović clearly recalled seeing men wearing Chetnik insignia and, like other witnesses, remembers them as being SRS volunteers. Karlović's ordeal did not end after being released from the hangar, he ended up in custody of other Chetnik groups, and with them was a woman taunting the paramilitaries to rape Karlović.⁹¹³

The Chetnik units were also active in Nevesinje, in south-eastern Bosnia, and in Ilijaš and Vogošća close to Sarajevo, among others. Vasilije Vidović Vaske's unit in the Sarajevo region was known for brutal killings. Vidović displayed his penchant for violence like few others by riding around in a jeep with a human skull mounted on its hood and wearing a UN blue helmet.⁹¹⁴ They were known for slitting victims' throats.⁹¹⁵ They bragged about the violence they perpetrated.⁹¹⁶ Vaske's men targeted both captured Bosnian Army fighters, as well as civilians.⁹¹⁷ Some witnesses recall seeing members of the unit carrying around human heads. The brutality was publicly displayed on at least two occasions, when Vaske's Šešeljevci brought human heads from the front lines, and then displayed them in front of houses where they were based in Ilijaš. One witness was told these were heads of Muslim civilians beheaded by Vaske.⁹¹⁸ So, their violence was not being concealed: in fact, it was being advertised.

⁹⁰⁹ ICTY *Mrksić*, witness P-031, January 26, 2006, transcript page 3347, lines 20-24, accessed March 27, 2019, <http://www.icty.org/x/cases/mrksic/trans/en/060126ED.htm>.

⁹¹⁰ ICTY *Seselj*, witness Vojnović, November 5, 2008, accessed 27 March 2019, <http://www.icty.org/x/cases/seselj/trans/en/081105ED.htm>.

⁹¹¹ ICTY *Hadžić*, witness Stoparić, May 15, 2013, transcript page 4729, lines 11-14, accessed March 27, 2019, <http://www.icty.org/x/cases/hadzic/trans/en/130515IT.htm>.

⁹¹² ICTY *Hadžić*, witness GH-080, March 6, 2013, accessed 27 March 2019, <http://www.icty.org/x/cases/hadzic/trans/en/130306ED.htm>.

⁹¹³ ICTY *Seselj*, witness Karlović, March 11, 2008, accessed March 27, 2019, <http://www.icty.org/x/cases/seselj/trans/en/080311ED.htm>.

⁹¹⁴ ICTY *Seselj*, witness Sejdić, June 12, 2008, transcript pages 8213-8214, accessed May 29, 2019, <http://www.icty.org/x/cases/seselj/trans/en/080612ED.htm>, witness Džafić, P00840, paragraph 5.

⁹¹⁵ ICTY *Seselj*, witness Sejdić, June 12, 2008, transcript page 8215.

⁹¹⁶ ICTY *Seselj*, witness Džafić, P00840.

⁹¹⁷ ICTY *Seselj*, witness Sejdić, transcript page 8215.

⁹¹⁸ ICTY *Seselj*, witness Džafić, P00840, paragraph 17.

The Yellow wasps

The Yellow Wasps, operating around Zvornik in spring and summer of 1992, perpetrated acts of violence marked by unusual cruelty.⁹¹⁹ A group of civilians detained in Čelopek were subjected to extreme torture by members of this unit.⁹²⁰ The detainees were subjected to severe abuse, including beatings with spiked metal bars and chains; they were forced to beat each other, and several were murdered. They were sexually abused, and prisoners were fed severed body parts, and when two did not eat them as ordered, they were killed.⁹²¹ The cruelty of this unit is matched by few other paramilitaries. By his own admission, one of the leaders of the group, Dušan Vučković Repić had been dismissed from the army when he was supposed to serve, after only two months, after being diagnosed as a “psychopath and an alcoholic” and had since been treated both for alcoholism and drug abuse.⁹²²

Survivors recalled their experience with horror: “we realized there was no way out, and a horrible destiny awaited us.” They described violence designed to inflict not only physical but emotional devastation for the victims before death, and lasting psychological harm to those who survive.

His first victim was 16 years old, Damir Bikić. He [Dušan] approached while we were all standing in a group and asked for his father. His father said, ‘this is my child’. Then he was asked if he had more children, and the father answered ‘no’. Then Dusan said, ‘so you won’t have this one either’, he then turned to the boy, put his small caliber gun in his mouth, and shot him. This was his first victim.⁹²³

One distinct feature of the violence by Yellow Wasps was that they staged particularly violent orgies on Muslim religious holidays and the Christian Orthodox Saint Vitus’ day.⁹²⁴ One witness recalled being one of the 186 local Bosniak men, arrested after the Serb take-over of the area, being taken to the culture center in the village of Čelopek. During the holiday of Eid al-Adha in June 1992, Vučković announced the holiday would be “bloody”.⁹²⁵ Fathers and sons have been singled out for abuse and were made to perform sexual acts on one another,

⁹¹⁹ In fact, one member’s nickname appears to have been “Genocide”, see Milan Timotić Genocid, ICTY *Stanisic*, P03017, 9.

⁹²⁰ ICTY *Stanisic and Župljanin*, witness ST-121, November 23, 2009, transcript page 3686, accessed May 31, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/091123ED.htm. Witness ST-215 spoke about everyone knowing about the violence this unit was perpetrating. See: September 27, 1010, transcript page 14916, lines 12 – 13, accessed May 31, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100927ED.htm.

⁹²¹ ICTY *Krajisnik*, witness 165, July 4, 2005, transcript pages 15726, accessed March 28, 2019, <http://www.icty.org/x/cases/krajisnik/trans/en/050704ED.htm>. The image of the Čelopek Culture Hall is available as P863.

⁹²² Human Rights Watch, “War Crimes Trials in the Former Yugoslavia,” June 1, 1995, accessed May 29, 2019, <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ac6a7ed0>.

⁹²³ Ibrahim Efendić, speaking to the journalists in Ilan Ziv and Rory O’Conner, “Yellow Wasps: Anatomy of a War Crime,” USA, 1995, <https://www.hrw.org/legacy/iff-97/filmuz/zivvwao.html>. Segment available here, accessed May 28, 2019, <https://www.youtube.com/watch?v=c3yx-v6m37s>.

⁹²⁴ See for example testimony of VG-1065 in ICTY *Seselj*, April 22, 2008, accessed May 28, 2019, <http://www.icty.org/x/cases/seselj/trans/en/080422ED.htm>.

⁹²⁵ ICTY *Krajisnik*, witness 165, July 4, 2005, transcript page 15726, lines 10-11.

in front of everyone. To make the humiliation worse, and to add a performative element, the ‘show’ was staged, literally, as the fathers and sons were made to stand on the stage in the cultural center. These men had their penises cut off, and others were made to eat them. The perpetrators slaughtered the other victims.⁹²⁶ Some had Orthodox crosses carved into their foreheads.⁹²⁷ The detainees, the 104 that survived the detention, were finally moved to the Batković camp, after an intervention by some local Serb women.⁹²⁸ Surviving Čelopek prisoners were in a “very bad condition”, “wounds all over their bodies”, and “had been beaten up, and they hadn’t been provided with any medical care”.⁹²⁹

The Avengers

When it comes to the forms of violence, the Avengers led by Milan Lukić were remarkably versatile. This unit operated around Višegrad, on the border between eastern Bosnia and Serbia. This unit, led by then-25-year-old Lukić who grew up in the area, engaged in a litany of very public violent acts, including killings, arbitrary arrests, beatings, and rape. The group included a number of policemen such as Lukić’s cousin Sredoje, the bartender of the local hotel, Mitar Vasiljević, and other local friends and acquaintances. Vasiljević was known for having a serious alcohol problem, and residents of Višegrad remember him going around town carrying a black flag with a skull on it, and singing “Muslims, yellow ants, black days have arrived for you”.⁹³⁰ The very public acts of violence included a number of killings at the bridges over the Drina, which, given that the town lies on hills on both sides of the river, were clearly visible—and often committed in broad daylight.⁹³¹ In one instance, the number of dead bodies in the river was so high that it clogged up the culverts to the hydroelectric plant down-stream.⁹³²

Furthermore, there were two mass killings committed in the Pionirska street and in the area of Bikavac in June 1992, when 120 civilians were barricaded inside houses, and set ablaze. Before that, they were robbed.⁹³³ In one of those incidents, in Pionirska, over 40 members of the Kurspahić family were killed, including a newborn baby.⁹³⁴ The houses were prepared in

⁹²⁶ ICTY *Krajišnik*, witness 165, July 4, 2005, transcript page 15726, lines 12-17.

⁹²⁷ Indictment Zvornik I case, Belgrade, transcripts available here, accessed May 27, 2018, http://www.hlc-rdc.org/Transkripti/zvornik_1.html.

⁹²⁸ ICTY *Krajišnik*, witness 165, July 4, 2005, transcript page 15727, lines 7-18.

⁹²⁹ ICTY *Stanisic and Župljanin*, witness Smajilović, November 6, 2009, transcript page 2748, lines 9-11, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/091106ED.htm.

⁹³⁰ Statement of Bakira Hasečić, dated January 18 and 23, 2001. Sredoje Lukić collection of documents, no number, ICTY *Lukić*, 18 (page 3 of statement).

⁹³¹ Many of the killings on the bridges in Višegrad are detailed in the ICTY Milan and Sredoje Lukić case, and some are summarized in the Trial Chamber judgment, 269.

⁹³² Ed Vulliamy and Nema Jelacic, “The warlord of Visegrad,” *Guardian*, August 11, 2005, accessed May 27, 2019, <https://www.theguardian.com/world/2005/aug/11/warcrimes.features11>.

⁹³³ ICTY *Lukić*, witness VG-038, September 2, 2008, transcript page 1031, accessed May 27, 2019, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/080902ED.htm.

⁹³⁴ Pionirska and Bikavac are discussed in detail in the Lukić trial record. In the Trial Chamber judgment, the Pionirska street incident is discussed on pages 115 onwards, while the Bikavac incident is discussed on the pages 209 onwards.

advance, doused with flammable substance, in order to make the spreading of fire easier.⁹³⁵ The arrival of members of the Lukić paramilitary group to the Bikavac house was accompanied by music blasting from their vehicles, and it was loud and “very vulgar”.⁹³⁶ One survivor remembered it like this: “the people inside were burned alive... They were wailing, screaming. It’s just not describable what I heard.”⁹³⁷ These incidents caused the rest of the Bosniak population to flee, in fear for their lives.⁹³⁸

The Uzamnica camp was in the area, and the Lukić group visited it, and tormented prisoners for the duration of the war. There is a plethora of testimony, and some of it is particularly worth recounting. Detainees in the camp—Bosniak civilians, mostly men—remember being beaten so badly that wooden poles were broken on their backs. This abuse of Lukić, his cousin Sredoje, and their unit lasted throughout the war, and they visited sometimes several times a week.⁹³⁹ Lukić would come, beat a few people up and leave.⁹⁴⁰ Some detainees had their arms broken, and recalled Lukić beating the detainees so that others could watch.⁹⁴¹ Witness Kustura was detained with members of his family, including his mother, who was kept in another part of the camp, and died there.

She died in the camp because of all the suffering. She just died. There you go. She had to watch what they were doing to us. She had to listen to all the stories about the hangar and everything. She just had to die. She had no choice.⁹⁴²

Beyond very public killings and torture in and around Višegrad, this unit enables the exploration of two interesting aspects of paramilitary violence. One has to do with its territory and borders, and the other with the targets of violence. Ron has written about the role of boundaries in perpetration, arguing that they define the nature of the violence because what

⁹³⁵ Flammable material was subject to expert analysis in both incidents in ICTY *Lukić*, and a number of survivors testified about substances that were put in those houses to help incinerate them. See, for example, reference to Huso Kurspahić’s testimony in Trial judgment, 47.

⁹³⁶ ICTY *Lukić*, VG-119, October 1, 2008, transcript pages 2403-2404, not accessible in transcripts, but referred to in the Lukić Trial Chamber judgment, 209.

⁹³⁷ ICTY *Lukić*, witness Turjačanin, September 25, 2008, accessed May 27, 2019, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/080925ED.htm. There are a number of videos taken of Turjačanin not long after the attack, with her face, arms and hair burned, receiving medical care. See: <https://www.youtube.com/watch?v=WDpqWPXfckk>. A later interview, 1992, is available here, accessed May 27, 2019, <https://www.youtube.com/watch?v=q1Qe-2EjJsl>. An overview of these attacks is also available in “Crimes before the ICTY: Višegrad.” ICTY, 2016, accessed May 27, 2019, <https://www.youtube.com/watch?v=eQL2edzoJ5M>.

⁹³⁸ ICTY *Lukić*, witness VG-133, October 29, 2008, accessed May 27, 2019, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/081029ED.htm.

⁹³⁹ ICTY *Lukić*, witness Berberović, October 2, 2008, accessed March 25, 2019. No transcript available, daily report here, accessed May 27, 2019, “Lomljenje palica o leđa zatvorenika,” *Sense News Agency*, October 2, 2008, accessed May 27, 2019, [https://www.sense-agency.com/tribunal_\(mksj\)/lomljenje-palica-o-ledja-zatvorenika.25.html?cat_id=1&news_id=5899](https://www.sense-agency.com/tribunal_(mksj)/lomljenje-palica-o-ledja-zatvorenika.25.html?cat_id=1&news_id=5899).

⁹⁴⁰ ICTY *Lukić*, witness Dervišević, September 19, 2008, transcript page 1961, lines 24-25, accessed 27 March 2019, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/080919ED.htm.

⁹⁴¹ ICTY *Lukić*, witness Kustura, September 24, 2008, transcript page 2271, lines 14-18, accessed March 28, 2019, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/080924ED.htm.

⁹⁴² ICTY *Lukić*, witness Kustura, September 23, 2008, transcript page 2195, lines 14-17, accessed March 28, 2019, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/080923ED.htm.

is tolerated or encouraged on one side of the boundary will not be on the other.⁹⁴³ The border between Serbia and Bosnia during the Bosnian war is a good example. Much of the border area was held by Serb(ian) forces and paramilitaries could move across it seamlessly, yet what they did on each side of this border was very different. Two abductions, perpetrated by Lukić's men, the Sjeverin and Štrpci cases, unveil these important differences of how paramilitary violence was perpetrated.

The first involved the abduction on October 22, 1992 of 16 Bosniak civilians from the village of Sjeverin, taken off the bus in Mioče, Bosnia, and later killed. Lukić's men simply stopped the bus, stepped in, asked for IDs and took people away. Victims were robbed, beaten severely in the basement of Vilina vlas hotel in Višegrad, and murdered. Images of the bloodied victims emerged later, to depict the horror the victims went through.⁹⁴⁴ These were Serbian, i.e. Yugoslav residents and citizens of Muslim faith. There are indications these people were abducted to be exchanged for captured Serbs, but the deal fell through, so the abductees were murdered.⁹⁴⁵ A similar abduction of Serbian citizens occurred in Štrpci, when 20 civilians were taken off a train at a stop in Bosnia, in February 1993. One victim was an unidentified black man.⁹⁴⁶ One passenger, seeing what was going on, challenged the paramilitary members picking up Muslim passengers. That was Tomo Buzov, a retired JNA officer on his way to see his son in Montenegro. Buzov's effort to intervene caused him to be taken away as well, and to this day his remains have not been found.⁹⁴⁷ This bus and this train were from Serbia, carrying Serbian residents, just briefly passing through Bosnia—and it was there, in Bosnia, that the Muslims were targeted. The abductions did not take place in Serbia proper, and did not target ethnic Serbs. These two incidents thus reveal that borders mattered in the perpetration of violence because the victims were targeted only outside of formal Serbian control.

Finally, Milan Lukić and his associates in Višegrad were distinct in their systematic perpetration of sexual violence. While rape and sexual violence was ubiquitous during the war, and there are records of both professionalized and non-professionalized units perpetrating it, Lukić's men did it more than other units. Milan Lukić was never charged with rape at the ICTY, so this form of violence was never fully addressed there⁹⁴⁸, but many other sources confirm that rape in Višegrad was widespread. The spa hotel Vilina vlas, allege

⁹⁴³ Ron, *Frontiers and Ghettos*.

⁹⁴⁴ Photographs of detainees being brutally beaten are available here, accessed May 27, 2019 (graphic material), <https://www.b92.net/specijal/sjeverin/fotografije.php>.

⁹⁴⁵ Two documentaries discuss the abductions in detail. One is "Otmica," produced by B92 in 2002, <https://www.youtube.com/watch?v=TXbaegPCYC8>, and the other "Voz 671", <https://www.youtube.com/watch?v=QPsAaZPgKBs>.

⁹⁴⁶ There was allegedly a twentieth passenger, described by witnesses as a "black man", "like an Egyptian", "large". See: Humanitarian Law Center. *Otmica u Štrpcima: Analiza suđenja za ratni zločin, činjenice, pravna pitanja i političke implikacije*. Belgrade: Humanitarian Law Center, 2003, 10.

⁹⁴⁷ Boris Dežulović, "Priča o Tomislavu Buzovu," *Mreža mira*, February 27, 2019, accessed May 27, 2019, <https://www.mreza-mira.net/vijesti/razno/boris-dezulovic-prica-o-tomislavu-buzovu/>. See also: Miloš Vasić, "Put bez povratka u vozu 671," *Vreme*, December 11, 2014, accessed May 31, 2019, <https://www.vreme.com/cms/view.php?id=1252156>.

⁹⁴⁸ Sexual violence was prosecuted extensively at the ICTY. See: Michelle Jarvis and Serge Brammertz, *Prosecuting Conflict-Related Sexual Violence at the ICTY* (Oxford: Oxford University Press, 2016).

survivors, was a hub for armed groups including Lukić's unit who used it as a detention facility for women, many of them abducted, gang-raped and tortured. Up to 200 women from the area were abused, and many were never seen again. Experiences of the victims that survived Vilina vlas were recounted later, revealing the extent and brutality of the abuse.⁹⁴⁹

The suffering in Vilina vlas, which was essentially a rape camp, was apparently so unbearable that one young woman chose to jump out the window onto the parking lot asphalt rather than continuing to bear it.⁹⁵⁰ Her remains were recovered from the Perućac lake years later.⁹⁵¹ One survivor described it like this: "Day in and day out he took me there. He assaulted me and raped me...He did the worst things to me."⁹⁵²

In sum, the sources show that with non-professionals, there were more instances of public violence, in broad daylight and with music blasting, and extreme cruelty and torture. Expressive violence, almost performative, like staging sexual abuse and singling out fathers and sons for particular maltreatment on religious holidays was revealed. There is evidence of significant alcohol abuse as well. One witness described non-professionals like this: "They were low-life people who would go around begging for cigarettes. When the war broke out and when they got their hands on some rifles, they began to feel big and strong."⁹⁵³ In that respect the non-professionals were also different as many of them were known to their victims as they originated from the area where they perpetrated violence against their neighbors, school mates and work colleagues.

The non-professionals were thus more likely to perpetrate expressive violence aimed to shock those who witnessed it, and cause emotional harm, both to victims seeing the torture of their loved ones before they themselves are killed, and lasting psychological damage on those who survive. Therefore, while like professionalized units, non-professionals killed and beat their victims, the non-professionals invested time, effort and imagination into designing violent acts for maximum effect. Unlike the professionalized units, some non-professionals' efforts extended even after their victims were dead, and included arranging human remains and displaying body parts, such as in the case of Vaske's men. In that expressive violence designed for maximum effect, the non-professionals were also much more likely to target large numbers of women and children for killing, including newborn babies. For them, there seem to have been next to no boundaries on what they were capable of doing.

⁹⁴⁹ One survivor of sexual abuse and rape spoke to "Javna Tajna," *RTV BiH*, no date, accessed May 27, 2019, <https://genocideinvisegrad.wordpress.com/2009/03/25/visegrad-genocidal-rape/>. Her son's throat was slit in front of her eyes, in the yard of her house.

⁹⁵⁰ Bassiouni report, 51-52.

⁹⁵¹ What happened to Jasmina Ahmetšpahić has been discussed in Hikmet Karčić, "Uncovering the Truth: The Lake Perućac Exhumations in Eastern Bosnia," *Journal of Muslim Minority Affairs* vol. 37, no.1 (2017), 10.

⁹⁵² "Grim history of Bosnia's 'rape hotel'," *BBC News*, April 8, 2016, accessed April 17, 2018, <https://www.youtube.com/watch?v=dPgK8wfbxTY>.

⁹⁵³ Quote from a witness testimony in ICTY *Kunarac* case at the ICTY, as recorded by Slavenka Drakulić, *They Would Never Hurt a Fly*, 55.

Paramilitary violence against Serbs: the case of forcible mobilization

Both scholarship and this dissertation overwhelmingly discussed paramilitary violence against non-Serbs. That is, to a certain extent, understandable, given the number of Bosniaks and Croats who were targeted. However, Serbs too suffered at the hands of Serb(ian) paramilitaries, albeit more sporadically. Serb victims of Serb(ian) paramilitaries were fewer in numbers, and the violence was less deadly. When it took place, violence against Serb civilians targeted specific individuals because they helped Bosniaks or Croats, or because they were wealthy.⁹⁵⁴

In one series of events though, the professionalized units, and especially Arkan's Serbian Volunteer Guard (SDG), targeted Serb civilians more systematically. That was at the very end of the war in Croatia and Bosnia and Herzegovina, as Serb territory was contracting under pressure of joint Croatian and Bosnian Army attacks. This chapter will use this set of events to clarify how professionalized units acted against Serbs, and how this violence differed from violence perpetrated against non-Serbs. That is one question which has to date been largely neglected. Based on 120 civil lawsuits against the Serbian government which have never before been studied, the section unveils the nature and purpose of organized violence against ethnic kin, revealing its patterns.⁹⁵⁵ The judgments in these cases contain summaries of hundreds of testimonies detailing what Serb refugees and their families were subjected to, as these men were essentially abducted and turned into reluctant fighters.

Arresting and detaining Serb refugees

After the Washington agreement brought Croat and Bosniak forces together in 1994, Serb military dominance was melting away. By the summer of 1995, the situation was dramatic, as on August 4 the Croatian forces launched an attack—Operation Storm—seizing territory won by Serb(ian) forces in 1991. The Army of the Serbian Krajina (SVK) could not defend the collapsing RSK alone, and Serb civilians fled in large numbers.⁹⁵⁶ The Serb leadership simply lacked manpower to defend it.⁹⁵⁷ They found a solution in forcibly sending civilians,

⁹⁵⁴ See for example the murder of Stanko Pecikoza, the vice-president of the Serbian Democratic Party in Višegrad, who was murdered by "a certain gentleman by the name of Milan Lukić". Pecikoza was apparently killed for helping local Muslims get out of town and escape the violence. See ICTY *Lukić*, witness VG-022, August 25, 2008, transcript page 480, accessed May 28, 2019, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/080825ED.htm.

⁹⁵⁵ The Belgrade-based Humanitarian Law Centre represented some of those survivors: 644 refugees from Croatia and Bosnia and Herzegovina, and family members of 64 victims who died in this forcible mobilization operation. See: "Odsteta izbeglicama za patnje u logoru 'Crvenih beretki,'" *B92*, January 15, 2003, accessed May 28, 2019, https://www.b92.net/info/vesti/index.php?yyyy=2003&mm=01&dd=15&nav_category=11&nav_id=81062.

⁹⁵⁶ An overview of the situation in the SVK was given in a documentary containing interviews with many officers at the time, including the former commander, general Mile Novaković. See: "Pad Krajine", *Vreme film*, 2007, accessed May 29, 2019, <https://www.vreme.com/cms/view.php?id=1418112>.

⁹⁵⁷ In 1995 the Supreme Defense Council discussed repeatedly possible solutions to the manpower challenges. In the publicly available documents, there is no reference to the Council explicitly discussing the forcible mobilization of refugees and the use of paramilitaries to implement it. See, for example, 37th session, June 7, 1995 and 41st session, August 11, 1995.

Serb refugees who were fleeing the attacks in the Republika Srpska Krajina and Republika Srpska and entering Serbia, to the front lines, to fight a, by then, losing war.⁹⁵⁸

During and after Operation Storm around 200,000 Serb civilians left for Serbia in search for safety.⁹⁵⁹ Once there, often within hours, men were detained, taken to police stations or warehouses, shipped to “training”⁹⁶⁰ and sent to the front lines. Their transport was under armed guard.⁹⁶¹ These operations were conducted jointly, by the Serbian Ministry of Internal Affairs, its uniformed police and state security, local Serb authorities and armies, and MUP-affiliated paramilitaries.

Testimonies confirm the involvement of the Serbian police⁹⁶² and Arkan’s men⁹⁶³. The goal of this cooperation was to create a fighting force to respond to enemy attacks. At times, there was remarkable honesty by the Serbian police officers, as once a man was told that “it’s better that you go, and not us”.⁹⁶⁴ They were repeatedly told that they were off to “return” Krajina⁹⁶⁵, and in fact, to “protect Serbian national interest”⁹⁶⁶. The extent of the disconnect between what these men were experiencing and what the authorities were doing was obvious when they were told “you are all volunteers”.⁹⁶⁷

There is no order proving coordination and cooperation, but the scale of the operation and noticeable patterns leave no doubt that this was planned. The Serbian police was tasked with bringing the men in. Arkan’s men and, to a lesser extent the Red Berets and the Scorpions, managed the training, while the armies, the SVK and the VRS were the recipients of manpower. These men were picked up, brought to assembly points, and transported to compounds. Three locations connect paramilitaries and this large-scale operation: Erdut, Manjača and Luč. Most survivors describe Arkan’s base in Erdut as a gathering point for men being sent to RSK forces—those going to the Bosnian Serb forces often passed through Manjača.⁹⁶⁸ In Erdut, Arkan was in charge, and he participated in the maltreatment of the refugees, sometimes walking around with a young boy, who humiliated the men.⁹⁶⁹

⁹⁵⁸ Humanitarian Law Centre, Filing to the Supreme Court of the Republic of Serbia, May 28, 2001. The Filing puts the number to about 5,000, 6.

⁹⁵⁹ UNHCR, “Refugees,” vol.1, nr.14, 1999, accessed May 28, 2019. <https://www.unhcr.org/afr/3c6913a14.pdf>, 17.

⁹⁶⁰ Some men report not receiving much training while others had trained, in that regard their experiences were different.

⁹⁶¹ References to cases will be through the last name of the main plaintiff, with corresponding page numbers in their files (which have been scanned at the Humanitarian Law Centre in Belgrade, where the files are kept). See: Dobrijević, 13, Karaica, 8, Pajić, 6, Samardžija, 8.

⁹⁶² Almost all survivors recall being arrested by the Serbian police in uniform.

⁹⁶³ Witnesses report being guarded by Arkan’s men, and several remember seeing Arkan, and being slapped by him. See: Bogdanović, 9, Bulić, 10. One survivor remembers Milorad Ulemek Legija managing refugee transfers. See: Momčilović, 4.

⁹⁶⁴ Obradović, 5.

⁹⁶⁵ According to a statement in Dobrijević, Arkan uttered those words referring to the retaking of lost territory, 12.

⁹⁶⁶ Bolić, 17.

⁹⁶⁷ Mišković, 8.

⁹⁶⁸ Alavanja, 4, Gajić, 1, Berić, 8, 13, Jovančević, 2, Kukavica, 4, Mađerić, 3, Novaković, 3, Sorgić, 8.

⁹⁶⁹ Kuluvija, 7, Bogdanović, 8.

This is what one detainee in Erdut remembers:

Arkan spoke to us and told us to ‘listen here’. We all listened. ‘Does anyone want to blow me?’ Those were the words that mister Arkan told us. We all stood there, no one allowed to say a word, not one word.⁹⁷⁰

The Luč camp, in Croatia, survivors referred to as a “being under DB command”, where MUP DB special police conducted training.⁹⁷¹ Witnesses describe being detained there by the Red Berets⁹⁷², with Vaso Mijović, a DB employee⁹⁷³, managing the site⁹⁷⁴. Mijović maltreated refugees⁹⁷⁵, and abuse was commonplace.⁹⁷⁶ Other DB members are mentioned infrequently, but some did facilitate arrests.⁹⁷⁷

The Scorpions guarded refugees as they were siphoned off to the front lines through Sremska Mitrovica.⁹⁷⁸ Fewer sources depict their involvement, but it is clear that they were there, wearing black uniforms and identifiable insignia⁹⁷⁹, putting people onto buses against their will and without the knowledge of their families. In this operation, the Scorpions cooperated with the Krajina police.⁹⁸⁰ The Scorpions too were brutal, and abused refugees by hitting them, calling them names, and tearing up personal documents.⁹⁸¹

Patterns of violence in forced mobilization

The patterns of this operation emerge clearly from the sources, and there are very few deviations. Many of the statements detail how Serb men, refugees from the RSK mostly, but also Serbs not born in Serbia but residing there, ended up on the front lines without any legal basis. Families had no idea where their husbands, sons and brothers were taken, and heard from them, if they survived, after weeks or months. These men were picked up everywhere: refugee centers, apartments, in the street, on buses or railways stations.⁹⁸² They were taken,

⁹⁷⁰ Sorak case, when one survivor spoke about his watch, necklace and pocketknife being taken away in Erdut, 7. See also: Branka Mihajlović, “Neispricane priče: Prisilna mobilizacija u Srbiji devedesetih,” *Kontrapress*, August, 21, 2013, accessed May 28, 2019, <http://www.kontrapress.com/clanak.php?rub=Dru%C5%A1tvo&url=Neispricane-price-Prisilna-mobilizacija-u-Srbiji-devedesetih>.

⁹⁷¹ Banić, 10, Drača, 10.

⁹⁷² Banić, 9, Drača, 5.

⁹⁷³ Mijović appears in the 1997 Kula video and is introduced as a JSO member to Slobodan Milošević, see ICTY *Stanišić*, P00061. In the MICT Stanišić and Simatović retrial on September 19, 2017, witness RFJ-151 testified about Vaso Mijović and his actions in the Baranja region. See: Milutinovic, “Serbia’s Red Berets Accused of Croatia Crimes”.

⁹⁷⁴ Banić, 9, Drača, 5.

⁹⁷⁵ Banić, 10.

⁹⁷⁶ Drača, 5, Veselinović, 8.

⁹⁷⁷ Banić, 9, 10, Mileušić, 18.

⁹⁷⁸ Bolić, 17.

⁹⁷⁹ Bolić, 16.

⁹⁸⁰ Bajić, 17.

⁹⁸¹ Bolić, 13.

⁹⁸² Mileušić, 3, Drača, 5, Alavanja, 3, Ilić, 7.

often under false pretenses, by uniformed police, and always without a warrant.⁹⁸³ Under Serbian law, these men were protected as refugees and the police could not legally send them to fight.⁹⁸⁴ However, that is exactly what the police did.

Cooperation went beyond just the Serb(ian) security forces and their paramilitary associates. The Serbian Red Cross was a reliable partner.⁹⁸⁵ A number of survivors recall registering with the Red Cross, and often in the very next sentence describe how the police picked them up.⁹⁸⁶ It is likely that the Red Cross, contrary to its mandate, cooperated with the security apparatus and turned over lists with names and addresses. When these men had medical documents proving their inability to serve in the army, these were often destroyed or ignored.⁹⁸⁷

Dozens and dozens of witnesses describe Arkan's base in Erdut and a recognizable pattern of violence. Once taken off buses upon arrival, the men were insulted and slapped, called traitors, cowards and deserters⁹⁸⁸, and their heads were shaved⁹⁸⁹. Their documents and valuables were taken away.⁹⁹⁰ Some stayed merely a day or two, and others for months. They slept on the ground in tents and were treated harshly by Arkan's men. Witnesses describe a rock weighing around 25 kilos, which they had to carry around for hours.⁹⁹¹ This was punishment, applied to anyone who did something Arkan's men disapproved of. The rock was painted black and had "Mister Discipline" written on it.⁹⁹² Also, there was a dog house, where men were put, tied to the pole, and made to sleep there.⁹⁹³ When SDG officers passed, the men had to bark.⁹⁹⁴ The refugees were beaten, slapped, left tied to trees, shirtless, to weather rain and mosquitoes.⁹⁹⁵

Violence, insults and indignities were routine. Similar behavior by Arkan's men was reported in Manjača.⁹⁹⁶ The patterns were present in Luč, including beatings, and insults.⁹⁹⁷ Sources bring out intense fear, humiliation and helplessness felt by the abducted men, and the anxiety experienced by those left behind, wives, children and siblings. Being taken, sometimes in slippers and shorts, from a bed, or a bus, without justification, and taken away without the

⁹⁸³ Vuletić, 6, Bajić, 25, 29, Bjelić, 4, 7, Bojanić, 5, Dobrijević, 7, Gaćeša, 6, Jovančević, 6, Kalambura, 7, Marčić, 7.

⁹⁸⁴ Serbia had ratified the 1951 Refugee Convention and was thus obliged to protect refugees. Furthermore, the laws required a legal basis for arrest, and put mobilization firmly in the domain of the Ministry of Defense, and not Internal Affairs.

⁹⁸⁵ Opačić, Gorab, Vladimir Jović, Borislav Radović, Goran Knežević, "Redress in Action: Consequences of forcible mobilization of refugees in 1995," IAN International Aid Network, Belgrade, 2006, 26.

⁹⁸⁶ Dobrijević, 6, 10, 12, Gaćeša, 7, Krkljuš, 7, Penić, 11, Stegnjajić, 12.

⁹⁸⁷ Berić, 9, Dobrijević, 12.

⁹⁸⁸ Gaćeša, 8, Vukčević, 6, 11, Bogdanović, 26.

⁹⁸⁹ Čolović, 11, Bulić, 3.

⁹⁹⁰ Bogdanović, 3, Bulić, 9, Vukčević, 15, Vuletić, 8.

⁹⁹¹ Bulić, 3.

⁹⁹² Berić, 20, Bogdanović, 4, 10, Gugleta, 20, Ilić, 3, Jovetić, 4, Komazec, 6, Krkljuš, 6.

⁹⁹³ Vuletić, 8, Bulić, 3.

⁹⁹⁴ Mišković, 4, Bulić, 3.

⁹⁹⁵ Popović 2.

⁹⁹⁶ Alavanja, 4, Gajić, 1,2, Berić, 13.

⁹⁹⁷ Banić, 9.

ability to contact family was extremely distressing.⁹⁹⁸ These men, often unprepared for fighting, describe both experiencing and witnessing cruelty.

Experts emphasize lasting consequences of these experiences.⁹⁹⁹ Survivors describe returning from the frontlines traumatized, their families struggling to communicate with them; using medication, suffering nightmares and a persistent sense of fear and humiliation. Some of them experienced detention by Croatian and Bosniak forces, where many survived torture and brutal treatment.¹⁰⁰⁰ Apart from mental and emotional consequences, some were wounded and left disabled.¹⁰⁰¹ A number was killed on the front lines¹⁰⁰², or went missing, with their remains unaccounted for.¹⁰⁰³

What this section shows, is that at least in one instance, when pressured by unfavorable circumstances on the battlefield, violence was applied—rather systematically—to ethnic kin as well. There were patterns to this violence, from the moment of a warrantless detention by the Serbian MUP, making it essentially an abduction, to the transfer to the SDG compound and the humiliation and abuse suffered there. The stories of refugees are remarkably consistent in describing what they had been through. This operation targeted adult males from war-affected areas and was thus discriminate. The violence was overall instrumental—to beat the civilian refugees into submission, so they could be forcibly taken to the front lines.

Partially though, the violence was also expressive, and public, as in the instances of victims in Erdut being made to carry the heavy “Mister Discipline” or by tying them up or putting them into dog houses and forcing them to bark. These acts, while they may have provided the paramilitary members who applied it some amusement, were designed to send a message about who is in charge, and about the utter defenselessness of the victims. Nevertheless, while widespread, this violence was also more limited in numbers and not as deadly as that applied to the non-Serbs. While thousands were captured and abused in this process, the majority did return home after a few months. That is because the purpose of this violence was not to kill and expel, but to subdue. The Serb refugees were mocked and humiliated, but they were still Serbs, and were not killed *en masse* as Croats, Bosniaks and others were.

Impunity as a driving force for paramilitary violence

Paramilitary violence, both instrumental and expressive, perpetrated in public for an audience or not, was ubiquitous, from Croatia, through Bosnia and Herzegovina, to Kosovo. Impunity for wartime violence was just as rampant.¹⁰⁰⁴ While prevailing circumstances of instability and war did create challenges to police investigations, such as an increased number

⁹⁹⁸ Obradović, p. 2

⁹⁹⁹ Momčilović p. 5, 6.

¹⁰⁰⁰ Bolić, 15, Gavran, 2, Škaro, 7, Grbić, 3, Vuković, 13.

¹⁰⁰¹ Kuga, 3.

¹⁰⁰² Nicin, 2, 6.

¹⁰⁰³ Grbić, 8.

¹⁰⁰⁴ For a detailed discussion about the difficulties of prosecuting paramilitary violence, see: Vukušić, “Plausible Deniability: The Challenges in Prosecuting Paramilitary Violence”.

of potential cases, trouble with communications, security and funding, that does not fully account for the lack of response by authorities in whose territory these violations were taking place.¹⁰⁰⁵ In the case of Republika Srpska, the Ministry of Internal Affairs was a functioning institution.¹⁰⁰⁶ Yet, it failed to adequately address the widespread brutal violence targeting non-Serbs. One reason was that the police itself was compromised. As discussed in chapter three, the army and police were increasingly accepting men into their ranks who had criminal records and no adequate training. Even former high-ranking RS MUP officials recognized that the police was overly permissive in recruitment.¹⁰⁰⁷

Abuses of non-Serbs by various paramilitaries were no secret. Communications were sometimes slower at the height of fighting, but information did circulate within the RS police.¹⁰⁰⁸ There was also a functioning judicial system.¹⁰⁰⁹ However, only violations against Serbs really resulted in any action.¹⁰¹⁰ One reason given by police officials was the lack of qualified inspectors. Yet, upon closer scrutiny, in areas which where non-Serbs were targeted such as the Ilidža neighborhood in Sarajevo, there were around 100 employees, and 10 of them were inspectors. The same was the case in Vogošća and Rogatica, other municipalities which saw significant abuse by paramilitaries.¹⁰¹¹ Furthermore, there are police documents stating that paramilitary crimes were well known, but that it was not possible to make arrests because of security concerns.¹⁰¹² This local inaction included some of the municipalities where the most notorious were committed, like Višegrad.¹⁰¹³ In the case of the massacre in Crkvine, the army knew about it the very next day, and people were talking about it.¹⁰¹⁴

This attitude of permissiveness came from the very top. Radovan Karadžić advised a high-ranking police official that arresting suspects should be avoided. The reason being that it was better not to create a situation in which “a Serb attacks a Serb” which would create divisions,

¹⁰⁰⁵ According to the legal framework, civilian authorities were responsible for investigation unless the suspect was a member of the military, in which case the military authorities were called to act. The details of jurisdiction were discussed at length in the ICTY *Stanišić and Župljanin* trial.

¹⁰⁰⁶ ICTY *Stanišić and Župljanin*, expert reports on the MUP by Christian Axboe Nielsen, and on the cooperation and coordination between the RS MUP and the VRS by Ewan Brown.

¹⁰⁰⁷ ICTY *Stanišić and Župljanin*, witness Tutus, March 16, 2010, transcript pages 7668 - 7669, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100316ED.htm.

¹⁰⁰⁸ ICTY *Stanišić and Župljanin*, witness Kezunović, June 11, 2010, transcript page 11657, lines 11 – 13, accessed March 22, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100611IT.htm.

¹⁰⁰⁹ ICTY *Stanišić and Župljanin*, witness Gačinović, September 29, 2010, transcript page 15030 - 15031, accessed March 22, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100929IT.htm.

¹⁰¹⁰ ICTY *Stanišić and Župljanin*, witness Davidović, August 23, 2010, transcript page 13589, accessed March 22, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100823ED.htm.

¹⁰¹¹ ICTY *Stanišić and Župljanin*, witness Tuševljak, June 21, 2011. The relevant documents about police employees were presented to the witness throughout the testimony that day, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/110621ED.htm.

¹⁰¹² ICTY *Stanišić and Župljanin*, P123, discussed during the testimony of Milenko Delić, October 20, 2009, transcript page 1719, lines 12 – 15, accessed 19 March 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/091020IT.htm.

¹⁰¹³ ICTY *Stanišić and Župljanin*, witness Draško, June 29, 2010, accessed 23 March 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100629ED.htm.

¹⁰¹⁴ ICTY *Simić*, witness Antić, March 14, 2003, accessed March 23, 2019, <http://www.icty.org/x/cases/simic/trans/en/030314ED.htm>.

undesirable in the time of war.¹⁰¹⁵ In his testimony during the Karadžić trial, expert Nielsen used an old saying to illustrate the idleness with which the Bosnian Serb police approached crimes against non-Serbs.¹⁰¹⁶ When they acted to prevent further paramilitary violence, especially by units from Serbia such as men affiliated with Dragan Vasiļjković, authorities frequently disarmed the men and shipped them to the Serbian border to turn them over to Yugoslav police. Few however stood trial.¹⁰¹⁷

In Republika Srpska, not investigating violent crimes against non-Serbs was official policy, proclaimed by the then-minister of internal affairs Mićo Stanišić. In a dispatch dated May 16, 1992, sent to the security services in major towns under Serb control, the minister instructed subordinates to report on events “in order to collect documentation on the crimes against the Serbian population”. The emphasis on crimes against Serbs as a priority was made again, when discussing on-site investigations.¹⁰¹⁸ Croats, Bosniaks and others were not mentioned. Therefore, it was absolutely clear that at the highest levels a decision was made about which victims mattered and which did not.

Some violent crimes against non-Serbs did result in action by authorities, defying regular practice. The violence perpetrated by the Yellow Wasps around Zvornik was one such instance where the actions led to arrests, because the unit was so outrageous, but also because their abuse was causing problems for local Serbs.¹⁰¹⁹ The Yellow Wasps were known to authorities, as were their activities, from looting to abuse of civilians. One document from early August 1992, originating from the Republika Srpska MUP, even recognized their involvement in “massacres-genocide over citizens of the Serb Republic Bosnia Herzegovina of the Muslim ethnicity”.¹⁰²⁰ However, military and police authorities had tried to pass the responsibility of investigating the killings onto others. The police investigated only theft and not violence against civilians.¹⁰²¹ Sometimes the investigation of property crimes, as in the case of the stolen Volkswagen cars mentioned earlier, mobilized resources which were never matched in any effort to curb violent attacks against non-Serbs.¹⁰²²

¹⁰¹⁵ ICTY *Stanisic and Župljanin*, witness Davidović, August 23, 2010, transcript page 13535, lines 16 – 24, accessed March 22, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100823ED.htm.

¹⁰¹⁶ “This old woman is combing her hair regardless of the fact that the village is on fire.” See: ICTY *Karadzic*, expert witness Nielsen, July 11, 2013, transcript page 16521, lines 12 – 13, accessed March 19, 2019, <http://www.icty.org/x/cases/karadzic/trans/en/110713ED.htm>.

¹⁰¹⁷ ICTY *Stanisic and Župljanin*, witness Andan, June 1, 2011, transcript page 21669, lines 3 – 8, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/110601IT.htm.

¹⁰¹⁸ ICTY *Karadzic*, P02715. This dispatch was discussed in a number of trials, mainly ICTY *Stanisic and Župljanin*.

¹⁰¹⁹ Members of the unit were prosecuted in Sabac, Serbia, in 1994. Their sentences in Šabac were short: Repić—seven years, Vojin—suspended sentence. The Supreme Court increased the sentence to 10 years for Repić. He was then retried in Belgrade for other crimes. The Šabac indictment and judgment were introduced into evidence in the ICTY trial of Momčilo Krajišnik, speaker of the Bosnian Serb Parliament. See: Jovan Dulović, “Tragovi Žue ose,” *Vreme*, November 26, 2005, accessed May 28, 2019, <https://www.vreme.com/cms/view.php?id=434752>.

¹⁰²⁰ ICTY *Stanisic and Župljanin*, 1D75, 3.

¹⁰²¹ ICTY *Stanisic and Župljanin*, witness Macar, July 7, 2011, transcript page 23001, lines 1-25, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/110707IT.htm.

¹⁰²² ICTY *Karadzic*, witness Planojević, March 28, 2013, accessed May 31, 2019, <http://www.icty.org/x/cases/karadzic/trans/en/130328ED.htm>.

Even in Belgrade, not only in Bosnia, there was sufficient information about what was happening in Serb-controlled areas. One instance illustrating that a lack of awareness about the crimes was not why paramilitaries were not being punished is particularly worth noting. On August 8, 1992, then-inspector in the Federal Ministry of Internal Affairs, Milorad Davidović wrote a report describing the situation in Bijeljina, Zvornik and Brčko following the successful campaign to overtake them. Davidović was reporting on federal Ministry of Internal Affairs's members being sent there to stabilize the security situation.¹⁰²³ The report paints a dire picture of the units robbing civilians, committing rape, appropriating flats, and that these cases remain unresolved and that local authorities did not investigate. Davidović's report singled out the Serbian Volunteer Guard, the Red Berets, the Serbian Radical Party units and the Yellow Wasps as the principal offenders. The document also accused local police officials who participated in, and / or enabled violence and abuse. Davidović clearly noted that the Red Berets under Žika Ivanović abused locals, including police and army staff.¹⁰²⁴ The operation, while pacifying the Yellow Wasps and somewhat stabilizing the security situation, did not lead to any serious attempts to investigate and punish other mass atrocities on a larger scale, and especially not those committed by professionalized units.¹⁰²⁵

The special status of MUP affiliates was already discussed, and it was further demonstrated during their engagement in Sarajevo's surroundings when a message by the RS minister of internal affairs Mićo Stanišić allowed Arkan's men to freely loot and keep the goods for themselves.¹⁰²⁶ This level of protection from police was not guaranteed to others. Arkan's men were also based at the same building, hotel Panorama in Pale as Karadžić, the RS president, granting them unprecedented access.¹⁰²⁷ Therefore, the importance they held while in east Slavonia in 1991, when Badža who headed the local TO and was a senior Serbian MUP official intervened on their behalf, continued also in Bosnia.¹⁰²⁸ When some locals complained about SDG's abuse, looting and overall behavior, there were no consequences, especially not for any senior members.¹⁰²⁹

¹⁰²³ One event prompting intervention was already discussed earlier in the dissertation, when members of the Yellow Wasps made a Republika Srpska minister eat grass like a farm animal, after which authorities acted more decisively to expel them from the area.

¹⁰²⁴ ICTY *Stanišić*, P03017.

¹⁰²⁵ When arrested, the Yellow Wasps had on them 2.2 kilograms of jewelry, gold bars, ten cars and a large number of weapons, mines and explosives. See: ICTY *Stanišić*, P03017, 9. The operation and following interviews also confirmed that a number of the men from the professionalized units claimed affiliation with the Serbian MUP.

¹⁰²⁶ ICTY *Stanišić and Župljanin*, witness Davidović, August 24, 2010, transcript page 13626, lines 1-10, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100824IT.htm.

¹⁰²⁷ ICTY *Stanišić and Župljanin*, witness Borovčanin, February 23, 2010, transcript page 6705, lines 16 – 17, 6712, line 21, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100223ED.htm.

¹⁰²⁸ ICTY *Stanišić and Simatović*, witness Bogunović, August 17, 2011, transcript page 13256, accessed May 27, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/110817ED.htm

¹⁰²⁹ ICTY *Stanišić and Simatović*, witness Bogunović, 16 August 2011, transcript page 13221, accessed May 28, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/110816ED.htm.

When arrests of some of the most notorious paramilitary members did take place in Republika Srpska¹⁰³⁰, often they were released soon after.¹⁰³¹ That initially happened with the Yellow Wasps in Bijeljina where they were being investigated for car theft and not murder.¹⁰³² Trials were rare but in the case of the Yellow Wasps, a trial did take place later, in 1994 in Šabac, Serbia.¹⁰³³ The two brothers, Dušan and Vojin Vučković were sentenced to prison terms of ten years, and four months, respectively. Vojin was convicted for illegal weapons possession, and Dušan for the murder of 20 Bosniaks in Čelopek.¹⁰³⁴ Milan Lukić also had encounters with the authorities but none of them led to a serious investigation and punishment for brutal attacks, killings and rape against the civilians of Višegrad and the surrounding areas. During one of these encounters, when he was interviewed by Serbian DB operatives from Užice, he even openly said in his statement that he was killing Muslims.¹⁰³⁵ Lukić was arrested and detained several times in that period, but he was always soon released.¹⁰³⁶

This impunity continued in Kosovo. One instance of limited accountability was after the massacre of 14 civilians, women and children, in Podujevo in March 1999. In the aftermath, the Scorpions were sent back to Serbia, but soon after, everyone except the suspected murderers were sent back.¹⁰³⁷ There was an investigation, but it was unprofessional, and did not go beyond that one incident. According to general Vasiljević who was engaged in the Kosovo operations in counterintelligence, very little was done to actually address the paramilitary violence. According to Vasiljević, in the Podujevo case the dead bodies were left at the scene for three days because the investigating judge did not come.¹⁰³⁸ Even then, when the perpetrator was known, he was tried and convicted only in 2005.¹⁰³⁹

¹⁰³⁰ ICTY *Stanisic and Zupljanin*, witness Andan, May 30, 2011, transcript page 21507, lines 1 – 2, accessed March 19, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/110530IT.htm.

¹⁰³¹ ICTY *Stanisic and Zupljanin*, witness ST-127, June 17, 2010, accessed March 23, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100617ED.htm.

¹⁰³² ICTY *Stanisic and Zupljanin*, witness Simeunović, August 17, 2010, accessed March 23, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/100817IT.htm.

¹⁰³³ ICTY *Stanisic and Zupljanin*, witness ST-121, November 25, 2009. Much of his testimony was in closed session, but he spoke about interviewing the Vučković brothers in Bijeljina, after their arrest, accessed March 23, 2019, http://www.icty.org/x/cases/zupljanin_stanisic/trans/en/091125ED.htm.

¹⁰³⁴ Ilan Ziv and Rory O’Conner, “Yellow Wasps: Anatomy of a War Crime”. See also: Dulović, “Tragovi Žue ose”.

¹⁰³⁵ The statement of Milan Lukić, taken in the DB office in Užice, Serbia, on November 2, 1992, was addressed and discussed in the ICTY *Stanisic* case and with witness Radenko Novaković who interviewed Lukić. See P2448. Lukić was arrested with fake documents, issued in Višegrad, and a trunk full of weapons. See: October 4 and 5, 2011, accessed May 31, 2019,

http://www.icty.org/x/cases/stanisic_simatovic/trans/en/111004ED.htm,

http://www.icty.org/x/cases/stanisic_simatovic/trans/en/111005ED.htm.

¹⁰³⁶ Dejan Anastasijević, “Presude Milanu i Sredoju Lukiću,” *Vreme*, July 20, 2009, accessed May 31, 2019, <https://www.vreme.com/cms/view.php?id=877597>. He had family members and acquaintances in high positions, which shielded him even further from punishment. See: Momir Turudić, “Slika pakla,” *Vreme*, July 17, 2008, accessed May 31, 2019, <https://www.vreme.com/cms/view.php?id=650666>.

¹⁰³⁷ ICTY *Milutinovic*, witness Stoparić, July 12, 2006, transcript page 703, accessed May 31, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/060712ED.htm>.

¹⁰³⁸ ICTY *Djordjevic*, witness Vasiljević, June 11, 2009, transcript page 5916, accessed May 31, 2019, <http://www.icty.org/x/cases/djordjevic/trans/en/090611ED.htm>.

¹⁰³⁹ Fond za Humanitarno Pravo, “Saša Cvjetan na slobodi,” *Peščanik*, April 25, 2018, accessed May 31, 2019, <https://pescanik.net/sasa-cvjetan-na-slobodi/>.

In fact, impunity was the norm for paramilitary violence throughout the wars of the 1990s, and it fueled further abuses. Genuine investigations and prosecutions were rare, even though police authorities had the ability to curb violent attacks on civilians. Massacres and ill-treatment of non-Serbs were simply not pursued for punishment. The police, instead, spent time on looting and attacks on Serbs. When there were consequences in the aftermath of an attack of civilians, it was always the direct perpetrators and never those up the chain of command, and it tended to be non-professionals who were being held accountable.¹⁰⁴⁰ Investigations were also launched only after units started abusing Serbs, especially prominent Serbs.¹⁰⁴¹

It was the Yellow Wasps and the widespread abuse and torture that became known that resulted in their arrest. This transgressing of acceptable violence, and doing it publicly, did prompt some response. There was no serious investigation or punishment for any of the MUP affiliates in Croatia and Bosnia and Herzegovina. That is because they tended to refrain from perpetrating torture in public or drawing particular attention to themselves. Furthermore, they had a special status as MUP affiliates and it was hard for small-town police to investigate them without strong support from state institutions at the highest levels. That support was lacking. One instance in which a MUP affiliate was investigated was the Scorpions after the massacre in Podujevo. Again, it was only the direct perpetrators.

Conclusion

The sources show clear patterns in paramilitary violence and while not every incident can be neatly categorized, different units did commit distinct forms of violence, triggering also a varied response by authorities. Professionalized MUP affiliates were much more likely to beat, kill, and move on, while non-professionals went a step further and engaged in torture and sadistic abuse designed to shock and emotionally harm victims before death, and the survivors who were left to live with what they saw. The professionalized units, like the Red Berets, Serbian Volunteer Guard, and Scorpions largely engaged in instrumental violence, be it to subdue an area and remove their leaders, or, in the case of Podujevo, for robbery. The non-professionals perpetrated more expressive violence, and in some cases put time and effort in staging it: for instance, by making detainees perform sexual violence with their family members on stage, or by displaying severed heads of their victims. That expressive violence was often fueled by alcohol, such as in the cases of the Yellow Wasps or Avengers. The professionalized units were different and alcohol abuse did not appear with regularity in sources referring to them. Furthermore, while sexual violence has been perpetrated by members of both kinds of units, one unit in particular engaged in it much more than others,

¹⁰⁴⁰ In fact, professionalized units were lauded and rewarded, like Arkan at the end of the war, when he was decorated by Karadžić. See: ICTY *Stanisic*, witness Pelević, January 25, 2012, transcript page 16457, accessed May 31, 2019, http://www.icty.org/x/cases/stanisic_simatovic/trans/en/120125ED.htm. See also: D00669.

¹⁰⁴¹ No transcript is available of the testimony of Milorad Davidović in ICTY *Karadzic* on August 23, 2010, but details are available here, “Planned policy of ethnic cleansing,” *Sense News Agency*, August 23, 2010, accessed May 31, 2019, http://www.sense-agency.com/icty/planned-policy-of-ethnic-cleansing.29.html?news_id=11840.

running what was a *de facto* rape camp. Victims of this systematic paramilitary violence were overwhelmingly non-Serbs.

How can the differences in forms of violence and patterns be explained? Lee Ann Fujii's work on violent display helps understand why non-professionalized units were more likely to engage in ways which reached another level of brutality and sadism. If expressive and often public and sadistic acts of torture by paramilitaries are considered a form of violent display, then actors engaging in them face prosecution and imprisonment, and increase risks for themselves by using extra-lethal violence, transgressing shared norms.¹⁰⁴² Fujii's notion of casting can explain why non-professionals were more likely to engage in expressive, and public torture and killing, such as in the case of the murders perpetrated on the bridges in Višegrad, displayed for everyone to see.

Casting, Fujii posited, "is a process by which people take on roles and roles take on people", and they enable actors to do things they would normally not do. The process is interactive, roles birth new actions, and push them forward. Casting and roles are what "make the show what it is" and turn a murder into a lynching.¹⁰⁴³ With professionalized units, MUP affiliates, the roles are, for the most part, allocated in advance. These units are hierarchical and structured, with functioning commands. It is clear who is in the unit, and who is not, and what the role of each is. Their tasks, upon entering a town, are defined. That was different with the actions many of the non-professionals engaged in, where more roles were open in a situation, and were up for grabs, escalating the violence. This escalation was often furthered through the consumption of alcohol, as admitted by members such as Mitar Vasiljević.¹⁰⁴⁴

Professionalized units did not engage in much violent display or expressive violence, such as torture or desecration of bodies. These units had state sanctioned power behind them, and therefore may have shared a sense of a certain decorum one must keep, even in the killing of civilians. The Red Berets especially thought of themselves as elite. They were special units of the state security—they just killed, and killed in a context of war, as they understood it. Once they came into a town, they often settled into the police station and while there were beatings, and killing there, there was nothing resembling the brutality seen at the Čelopek Culture hall.

Furthermore, the professionalized units had a special status, often beyond reprimand by the local authorities, so they did not have to go around town claiming authority and power through particularly violent displays—they already had power, and everyone knew it. In non-professionalized units of a lower status, the need for power and notoriety could be established through violent displays, signaling to the observers, and those who later heard the stories, who was in charge. Leadership, power, notoriety and respect could be gained through this action, fueling the desire of non-professionals to engage in it.

¹⁰⁴² Fujii, "Talk of the town," 662.

¹⁰⁴³ Fujii, "Talk of the town," 663.

¹⁰⁴⁴ ICTY *Vasiljevic*, October 26, 2001, transcript page 2060, accessed June 1, 2019, <http://www.icty.org/x/cases/vasiljevic/trans/en/011026ED.htm>.

The fact that professionals acted covertly on behalf of the regime made them less likely to seek much attention—they had to be feared but were at the same time private about their identities and specific actions. The only reason why the images from the SDG attacks on civilians in Bijeljina were made public was because photographer Ron Haviv was brave enough to secretly take them and smuggle them out. These images of civilians dying on the ground were not intended for public display—Arkan’s Tigers thought that apart from those immediately around them no one was looking. Actually, in the pictures they do not seem to care if anyone is looking or not.

Non-professionals were less discerning in recruitment, and more open to individuals who were not trained and for whom no background checks were conducted. Mitar Vasiljević, the former waiter from Višegrad with a severe alcohol problem, stocky, out of shape and older would not have been a candidate the Red Berets would have considered. These kinds of men spent less time around any front lines, and therefore had the time to fantasize about their new gained power and ways to use it. Milan Lukić was younger and fit, but instead of spending time fighting, he rode around Višegrad in the red VW Passat he stole and picked up civilians to torment and kill.¹⁰⁴⁵

Paramilitary violence against civilians tended to target non-Serbs. However, not exclusively. As the example of the Štrpci abduction shows, Muslim Yugoslav citizens were the primary targets, but the victims were joined by retired JNA officer Buzov who, by intervening to challenge the paramilitaries’ taking of passengers, was seen as siding with the enemy and thus a legitimate target. The unidentified black man who was also abducted was likely singled out as a suspicious “other”. The Sjeverin and Štrpci incidents also show that units thought about borders and boundaries and were aware of what could be done where, i.e. that committing abductions in war-torn Bosnia was allowed. Committing those abductions in Serbia, i.e. Yugoslavia would have created trouble both for the paramilitaries and the state because, as corrupt as it was under Milošević, this was a functioning state and at least formally not engaged in war. Thus, the appearance of the rule of law was to be maintained.

The paramilitaries also targeted Serbs, but sporadically, except in one instance: the example of forcible mobilization of refugees in 1995. While the victims suffered abuse and fear, many of them survived and returned home after a few months. The purpose of that violence was not to expel and remove the population, like in the case of non-Serbs, it was to frighten and dominate the Serb refugees, and to make them go to the front lines. That is why the violence was not as deadly. The Serb refugees, while tormented, were still Serbs and as such warranted less brutal treatment than the Muslims and Croats which were targeted and

¹⁰⁴⁵ The “cherry red” Volkswagen Passat was discussed extensively during the trial, as a vehicle which was stolen after its original owner Behija Zukić, was murdered by Lukić and his men. See: ICTY *Lukić*, witness VG-064, October 28, 2008, transcript page 2881, accessed June 1, 2019, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/081028ED.htm, and witness VG-035, September 19, 2008, transcript page 1677, http://www.icty.org/x/cases/milan_lukic_sredoje_lukic/trans/en/080915ED.htm.

murdered *en masse*. It is also worth noting that no instance of Serb(ian) paramilitaries harming Serb women or children was recorded in the sources. That was a boundary they did not cross.

What the sources also show is how complicated these stories about violence and brutality are. There are few simple conclusions to make. While perpetrators discussed here were always paramilitary members, many of their comrades did not participate in the attacks on civilians. Some, like Stoparić, walked away and later testified about former mates in court. A Red Berets member was the one who helped the abused woman in the police station in Šamac. Aleksandar Medić decided not to fire his rifle and kill the six Bosniaks in Trnovo, even though earlier he taunted the victims. For this, he suffered ridicule by his unit members. Thus, not all the paramilitary members were enthusiastic killers and rapists.

Crucially, one important factor fueling paramilitary violence was widespread impunity for crimes against non-Serbs, from expulsions, looting, killing, beating and rape. This was the case for violence in Croatia, Bosnia and Herzegovina and Kosovo. Various actors at different levels in Serbia proper and the Serb-controlled municipalities across the border, local police, army, civilian authorities knew about widespread attacks on civilian populations. However, little was done until the violence started affecting local Serbs, even though some individuals within Serb-dominated security structures called for accountability. Minister Mićo Stanišić clearly wrote in his dispatch that the priority were crimes against Serbs, signaling which victims mattered and which did not. This attitude by the authorities fueled paramilitary violence because there was no, or little, cost to it. This attitude meant sending a message about which kind of behavior the state would tolerate. A perfect example are the Scorpiions. Had they been held to account for the murders in Trnovo in 1995, the chances of the massacre in Podujevo four years later could have been decreased. Had local authorities been vigilant and decisive in pursuing at least some egregious cases of attacks on civilians early on, the massive suffering paramilitaries caused could have been prevented or at least decreased.

CHAPTER VII: Conclusion

This research project provided the first comprehensive historical account about select Serb(ian) units and the violence in which they engaged during the breakup of Yugoslavia. By delving deeply into the treasure trove that are the archives of the International Criminal Tribunal for the former Yugoslavia in The Hague, it answered crucial questions of how and why these units emerged. It investigated their nature and functioning, unveiling important patterns in how they engaged. The research focused on units which had cooperative relationships with Slobodan Milošević's regime and state institutions in Serbia during the 1990s or had in fact been its effective and unaccountable violent arm. The conclusions presented here make substantial contributions to the study of the war that engulfed the former Yugoslavia at the end of the 20th century and its immediate aftermath, and more broadly, to understanding paramilitaries as distinct actors in armed conflict, perpetrating violence against civilians.

Four findings, more than any other, stand out among what this research has unveiled. First of all is that paramilitaries, in order to exist, need support and that this support requires cooperation and coordination—they cannot exist and sustain themselves on their own. Secondly, this research brings forth the importance of ambiguity as a crucial feature of paramilitary engagement and reveals different ways in which the government masks its ties to paramilitary units. In other words, this research uncovered, for the first time, the mechanics of plausible deniability. Thirdly, the perpetration of paramilitary violence had identifiable patterns and those can be explained by how various unit were established, trained and deployed. Finally, and this is a topic that has been neglected in academic research—while paramilitary violence by Serb(ian) units mostly targeted Bosnian Muslims, Croats and Kosovo's Albanians, Serb civilians were not always shielded from it. Ethnic kin were, at times, also the target of paramilitary violence.

What emerges clearly from the sources is that, while diverse in terms of capacity, function and closeness to the state, these paramilitaries can broadly be divided into professionalized and non-professionalized units. The affiliates of the Serbian Ministry of Internal Affairs (MUP) were professionalized; meaning they were trained, younger men with the ability to engage in combat effectively. The non-professionals emerged through political party mass recruitment and they included older members, less capable and less disciplined, with a penchant for alcohol abuse. However, for the large number of units in both of these broad categories, one thing is true: they were not spontaneous popular responses to political tensions or threats to security. They were a result of deliberate, cooperative action by state officials and agencies.

The units that deployed and lasted throughout the war all needed institutional support—a favorable surrounding, an ecosystem—to train them, arm them, feed them, and transport them. This required extensive cooperation and coordination across political, military, and security agencies. Cooperation between these various actors, while at times fraught, was long-lasting and successful, and the Serbian MUP was at the center of it. The territories which the

regime and its partners sought to control, they did, and attempts to capture territory and empty it from undesirable populations were largely successful.

These units had multiple functions and were useful to the regime in Belgrade and fulfilled both external and internal functions. Externally, outside of Serbia, the paramilitaries were set up as a solution to a problem. The problem was threefold: manpower shortages to fight a war and redraw boundaries of Yugoslav republics, a mistrust towards the Yugoslav People's Army and the need to keep up appearances about the non-involvement of Serbia in neighboring territories. Internally, the professionalized MUP affiliates in particular were the protectors of the regime, and towards the end of Milošević's rule, they were a private death squad, ran by parts of the State Security Service which were working with the Zemun clan. Non-professional political party affiliates with weaker ties to the regime were there for numbers and not for skill. While militarily less useful, they were effective in driving out populations.

Depending on their closeness to the regime, the units behaved differently and were subsequently treated differently, both by institutions in Belgrade as well as local authorities in Republika Srpska Krajina and Republika Srpska. The professionalized units had a special status as a consequence of their affiliation to the Serbian Ministry of Internal Affairs. Local authorities, the military, police, and the population—they all knew who these men were and that they were not to be challenged. When local authorities acted to curb some of them, they failed.

The professionalized units fully embraced their status by acting in ways which non-professionals would not easily dare. When the professionals beat up high-ranking military officers there were few consequences, and when they were punished, the punishment was brief. On the other hand, when the Yellow Wasps humiliated a Republika Srpska government minister, there was a crackdown against them. The professionals could simply get away with more because they were seen as a "branch" or an extension of the Belgrade regime, and, as such, untouchable.

These final pages will now briefly discuss the main findings, addressing specific questions about the circumstances of unit emergence, their functioning and post-war transformation, as well as the patterns of violence they perpetrated against civilians. The dissertation ends with discussing implications for researching and understanding paramilitaries elsewhere, and ideas outlining how and why this research should be built upon in the future.

Emergence of paramilitary units

The central inquiry about the establishment of units was who set them up, why and how, and what were the relationships between the state's security apparatus and these units. In 1990 and 1991, with the growing influence of nationalist politics, as well as clashing visions on the Yugoslav Federation's future, it became increasingly clear that an armed conflict was possible, if not probable. Those driving policy and defining Yugoslav and Serbian responses to the crisis understood this as an opportunity to implement a plan to join all Serbs in one state. For

that, an armed force was required: an efficient, reliable tool, and this was lacking. The Army was still nominally committed to brotherhood and unity, and had a multi-ethnic composition meaning it could not be fully trusted. Furthermore, the Yugoslav army openly attacking internationally recognized independent states could bring severe negative consequences to Belgrade.¹⁰⁴⁶ Thus, armed actors, including paramilitaries, deploying in Croatia and BiH were, for the benefit of Serbia, to seem independent—as fully local actors. However, international actors quickly realized Serbia's sponsorship role and Yugoslavia found itself under sanctions. The full extent of this sponsorship though was, at the time, far from clear.

Paramilitaries could at the same time build capacity, as they did in Golubić camp, and provide a ready-to-use force answering only to the regime. Golubić and Arkan's compound in Erdut were incubators for future paramilitaries. These volunteers did not formally exist as any recognized unit of the state, and yet they used the resources of that state. Setting them up to operate covertly ensured their ability to provide plausible deniability. If these units did not formally exist and if they were not openly tied to Belgrade, then their actions were not easily attributable to Milošević and his associates. That is how paramilitary units became a tool of distancing for the regime from violence in the field.

Milošević's networks of allies and supporters were formal, and informal.¹⁰⁴⁷ The same applied to the process of establishing paramilitaries. The networks which put them in place, from the MUP, through the army and the Territorial Defense, to local authorities—they all acted both formally and informally to make sure the paramilitaries were directed, supplied and deployed. The MUP State Security was the most important actor at the center of it¹⁰⁴⁸, and the sources presented in this research confirm their crucial coordinating function. In a way, even after the breakup of Yugoslavia, the DB remained “the sword in the hands of the party”, as it was described by Dušan Stupar, a former high-ranking DB official.¹⁰⁴⁹ The brains behind the operation of establishing and running the units the way they were ran was the MUP: Anastasijević described this informal network and the “military line”¹⁰⁵⁰, while Šešelj recounted the major operations in Zvornik, east Bosnia¹⁰⁵¹. Both those examples make this cooperative nature of paramilitary engagement abundantly clear.

Given the long-standing historical experiences in the region of irregular armed groups which had been memorialized and celebrated, once men were called to join units, the call did not fall on deaf ears.¹⁰⁵² What further aided recruitment was high unemployment.¹⁰⁵³ Thousands

¹⁰⁴⁶ The United Nations Charter, Article 2(4), defines legal use of military force. A state can only use force in self-defense, as laid out in Article 51. See full text, accessed June 10, 2019, <https://www.un.org/en/sections/un-charter/un-charter-full-text/>.

¹⁰⁴⁷ Ramet, *Serbia since 1989*, 61.

¹⁰⁴⁸ Gow, *The Serbian Project*, 80-81.

¹⁰⁴⁹ Stupar was referring to the role of the DB before the breakup of Yugoslavia. See: “Službe državne bezbednosti – Službena tajna,” Insajder, Episode 1, accessed June 9, 2019, <https://www.youtube.com/watch?v=959H7fL1VYA&t=1471s>.

¹⁰⁵⁰ MICT *Stanisic*, P2423, statement Anastasijević, 9.

¹⁰⁵¹ ICTY *Seselj*, P00064.

¹⁰⁵² Čolovic, *Bordel ratnika*, 23, 196.

¹⁰⁵³ Stojanović, „Tržište rada u Srbiji: 1990-2005“.

of men were recruited through political parties, kinship ties, sports clubs—especially martial arts—and football fan networks and integrated into two main types of units, professionalized and non-professionalized paramilitaries. The first were, as Horncastle noted for the Red Berets, not unlike special forces.¹⁰⁵⁴

This proliferation and diversification of armed units led to efforts, especially by the army, to fully subdue them. This effort increased in intensity in the aftermath of the violent campaign to seize territory. Mladić's late July 1992 order to units to submit themselves to army command or leave is evidence of this.¹⁰⁵⁵ The military officers had an uneasy relationship with these paramilitaries, and while sometimes acting together in the field, there were tensions. It appears that the army overall tolerated them because ultimately, they were useful in the seizing of territory and expelling unwanted populations, but there was little praise for Arkan and his men, and similar units, in army circles.

Functioning of paramilitary units

After the initial period of establishment, how did the units operate? The research showed that none of the units which lasted beyond 1991 and successfully deployed were actually independent from the regime in Serbia. Units affiliated with opposition parties or whose actions could not be controlled were repressed or their commanders ended up dead. Therefore, the ones which lasted were, in one way or another, acting with the regime's blessing. This cooperation between select units and the regime lasted throughout the war in Croatia and Bosnia, and beyond. There was a process of consolidation of armed forces following the first months of the war, as much of the territory was successfully taken. This consolidation was driven by longer-term ambitions to create a new state in place of the old one.

Which functions did they serve and what features of units were created and maintained to benefit the sponsoring state? There were two features of unit functioning which contributed to their sustained engagement. First, from the perspective of the regime, the units provided ambiguity and with it, plausible deniability about who would ultimately be responsible for their engagement. This ambiguity about control over select units was strategically produced. One excellent example is the different ID cards held by Vaso Mijović, indicating that he held positions in different security structures in Serbia, RSK and RS at the same time.¹⁰⁵⁶ Secondly, these units were also reliable—they never acted against the regime—and therefore Milošević had every reason to continue using them. As witness K-2 noted, Frenki was someone people were afraid of.¹⁰⁵⁷ Therefore, state officials in charge of running these units had real authority in the field. The professionalized paramilitaries were simply units of a

¹⁰⁵⁴ Horncastle, "Unfamiliar Connections: Special Forces and Paramilitaries in the former Yugoslavia".

¹⁰⁵⁵ MICT *Mladić*, 65ter03744, 65ter03743.

¹⁰⁵⁶ ICTY *Stanisic*, P00488.

¹⁰⁵⁷ ICTY *Milosevic*, witness K-2, January 9, 2003, transcript page 14585, lines 20 – 22, accessed June 4, 2019, http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030109ED.htm.

different order and they did not submit themselves to the control of local authorities, even though at times they formally belonged to their security or military structures.

What sustained paramilitary engagement through time is that in different ways and to a different extent, all of the units engaged in some form of profit-driven criminality. As there was money to be made, units were driven to continued engagement. Scholars wrote about connectedness of political elites, pre-existing criminal groups and paramilitaries in a war-time symbiosis between organized crime and the state.¹⁰⁵⁸ Sanctions-busting was indeed fueling paramilitary activity, as Bovenkerk noted¹⁰⁵⁹, and this research shows that there were differences in how units engaged in profit-driven criminality. Elite units were engaging in high-profit criminal activity, from smuggling of luxury goods and cigarettes to large-scale looting, while non-professionals settled for lower-scale theft of television sets and jewelry from petrified civilians.

One of the most relevant findings in the research project is how these units were run, with a clear goal of shielding the regime of the consequences of their actions. Plausible deniability has in this research proven to be one of the central reasons driving paramilitary engagement, and in this regard Alvarez, Warren and other scholars who emphasized it were right.¹⁰⁶⁰ Ambiguity protected the regime from the ICTY as well, after it was founded in May 1993. The different ways of running the units were all designed to create deniability, from the strict 40-60% recruitment in the Scorpions described by Stoparić¹⁰⁶¹, to being paid in cash with no paperwork, to formal inclusion into local structures, leaving insignia behind¹⁰⁶², the frequent changes of names to the overall secrecy that surrounded the units—it was deliberate, done below the radar of international press and monitors.

The mechanics of plausible deniability, the ways in which these units were established and ran by the MUP, were successful in shielding its principal organizers from accountability. In court, this plausible deniability works. Not one single senior official of the Serbian government has been held accountable for paramilitary violence post-independence of Croatia and Bosnia and Herzegovina. Every trial at the ICTY concerning the regime's responsibility for paramilitary violence has either ended without a judgment, as in the case of Milošević, or in an acquittal, as in the case of Stanišić and Simatović. All the convictions of senior Serbian officials for crimes by paramilitary units concern Kosovo because Kosovo was legally part of Serbia and the chain of command was much easier to establish. In Kosovo, these units acted as reserve forces, parts of police or the military, and it was more difficult to disown them. It is therefore particularly important to carefully follow the retrial of Stanišić and Simatović at the Mechanism for International Criminal Tribunals.¹⁰⁶³

¹⁰⁵⁸ Stojarova, "Organized Crime in the Western Balkans", Andreas, "Criminalized Legacies of War", Nielsen, "The Symbiosis of War Crimes and Organized Crime".

¹⁰⁵⁹ Bovenkerk, "Organized Crime in Former Yugoslavia".

¹⁰⁶⁰ Alvarez, "Militias and Genocide", Warren, "Death Squads and Wider Complicities".

¹⁰⁶¹ ICTY *Milutinović*, witness Stoparić, July 12, 2006, transcript page 695, accessed May 3, 2019, <http://www.icty.org/x/cases/milutinovic/trans/en/060712ED.htm>.

¹⁰⁶² Dušan Kosanović Sova, in the documentary "Škorpioni – Spomenar".

¹⁰⁶³ Vukušić, "Plausible Deniability", 272.

Transformation of paramilitary units

The end of the war in Croatia and Bosnia did not mean the end of the professionalized units, and the transformation they underwent was fundamental. Why? For the state and the professionalized units, it was a chance to reinvent the way they worked, which they did by establishing the JSO—the Special Operations Unit of the Serbian DB. This newest version of the Red Berets would last even beyond the fall of Milošević's regime in October 2000. There was, however, continuity—from 1991, and Frenki Simatović acknowledged this in his important address recorded in the Kula video from 1997.¹⁰⁶⁴ The JSO continued its existence until one of its principal and long-term members, Zvezdan Jovanović, shot the reformist Prime Minister Zoran Đinđić in March 2003. The paramilitary mobilization that began in 1991, to serve particular purposes, outlived the regime that put it in place and had far-reaching consequences beyond those initially intended. This proves that professionalized units became resilient and adaptable in unanticipated ways.

In this period, after 1995, there was a gradual binding between parts of the State Security apparatus, and during the leadership of Rade Marković, after 1998, it became nothing short of a fusion with the Zemun clan. Schlichte in his works describes state agencies in Serbia in 1990s as “criminalized themselves”¹⁰⁶⁵, and this fusion was a part of this criminalization. That process hollowed out the state almost completely, and the new government following Milošević could not muster the strength to break up this deadly alliance between state security and a powerful drug cartel. As Đinđić's associates pointed out, the new government could not count on the repressive apparatus for support and controlled, as one of them put it, only a block of buildings around the government's seat.¹⁰⁶⁶

As the tensions in Kosovo escalated, the transformation of paramilitaries was made visible, alongside efforts to achieve a new a new kind of deniability. After all, the Albanian-majority province was legally in Serbia and Yugoslavia and thus its armed forces had every right to be there. Albanian forces, now established as the Kosovo Liberation Army (a paramilitary in its own right) were attacking Serb forces and setting up ambushes to which the Serbian government reacted forcefully and indiscriminately, targeting civilians and causing hundreds of thousands to flee. In 1998 and 1999, the professionalized MUP affiliates from Croatia and Bosnia were reactivated, including Arkan's men and the Scorpions, and deployed alongside the JSO and other units like Mrtvi's Jackals. Now they were formally deploying as reserve forces of the police or as army units. There was simply no need for the deniability of the same form as in the first half of the 1990s. What was to be hidden in Kosovo was not that paramilitaries were there, but what they were doing. Even more so as the ICTY was by now fully operational and conducting investigations. Operation Depth Two was introduced in this

¹⁰⁶⁴ ICTY *Stanisic*, P00061.

¹⁰⁶⁵ Schlichte, “Na krilima patriotisma”, 322.

¹⁰⁶⁶ Đinđić trial, Čeda Jovanović, April 11, 2005, 73, Đinđić trial, Vladimir Beba Popović, Biserko, Sonja. Svedočenje, 73.

context, to hide the bodies of dead Albanian civilians, and protect the state and its leaders from criminal prosecution.¹⁰⁶⁷

Criminal prosecution was looming even larger after the fall of the regime in the October 5 uprising. Cooperation with the ICTY or “The Hague” as many referred to it, was an important priority for the reformist Prime Minister, but was objected to by the new President who followed Milošević—the conservative Vojislav Koštunica. The efforts were slow, but in early 2003 they were bearing fruit and a crackdown was being prepared. The urgency of this looming crackdown and increasing transfers of suspects to The Hague are best exemplified by the public suicide by former Minister of Internal Affairs who shot himself on the steps of the Parliament in central Belgrade.¹⁰⁶⁸

The killing of Đinđić by the unit—the JSO—and the clan was an act of self-preservation, an attempt to prevent arrest and prosecution for abductions and assassinations, as well as transfers to the ICTY. Zvezdan Jovanović who fired the bullets that killed the Prime Minister was a long-term Berets member, and for him it was a political assassination to stop reform and extraditions to The Hague.¹⁰⁶⁹ This event is a singular testament to the depth of the criminalization of the State, as it was revealed through the several trials convicting JSO, clan and DB members and associates.

Killing the Prime Minister was not only a murder, it was an attack on the state itself, and laid bare the long-term consequences of paramilitary engagement. While the punishment of the immediate perpetrators took place soon after, the political sponsors were never discovered and deep institutional reform in the DB and other state agencies was never initiated.¹⁰⁷⁰ This lack of substantial reform continues to this day. What Newman concluded about the role of irregular units in the first half of the 20th century remains true. As he put it, ironically, the continued existence and proliferation of these groups consistently undermined the very state they believed they were fighting for.¹⁰⁷¹ The same is true for the units fighting in the name of Serbia and the Serbs in the 1990s.

Paramilitary violence

What did the research show, which patterns emerged in paramilitary attacks on civilians? How can the different forms of violence by different paramilitaries be explained? This study clearly confirms assertions about the violence in the former Yugoslavia not being chaotic, decentralized and spontaneous, but structured and organized.¹⁰⁷² The consequences of this violence are nowhere clearer than in analyzing demographic data in some municipalities in the aftermath of the campaign to take over territory. As Tromp notes, some areas were

¹⁰⁶⁷ Glavonić, “Depth Two”, Ristić, “Ko je prebacivao tijela kosovskih Albanaca u masovne grobnice u Srbiji?”

¹⁰⁶⁸ Stojiljković’s suicide note.

¹⁰⁶⁹ Jovanović, Statement in investigation, dated April 6, 2004.

¹⁰⁷⁰ Subotić, “Building Democracy in Serbia”.

¹⁰⁷¹ Newman, “The Origins, Attributes, and Legacies”, 160.

¹⁰⁷² Malešević, “The Sociology of New Wars?”, 107.

virtually emptied of non-Serbs within a matter of weeks. While the paramilitaries were not solely responsible, they were crucial in making sure non-Serbs left their homes and possessions behind. The most staggering number reflecting the magnitude of the campaign is that in 1991, the Bosniak population of the territory which became Republika Srpska was 344,803. By 1997, only 2% of the pre-war population remained.¹⁰⁷³ The violence resulted in the emptying of territory of unwanted populations and was thus convenient for the regime and its partners.

Earlier research revealed that “informal, non-regular” units pursued objectives “that regular forces are unwilling or unable to achieve”.¹⁰⁷⁴ As the expert reports in Hague-based trials show, many professional officers in the army and police were critical of paramilitaries, the looting and violence against civilians. That is not to say that the army or the police committed no crimes or attacked no civilians. However, there were more uncertainties about their commitment to fulfilling the political goals no matter the price. Therefore, for some of the nastiest work of ethnic cleansing, it was important to find actors who would be willing to shoot unarmed civilians at close range to get the thousands of others to pack up and leave. In paramilitaries, they found those actors. As one former member said for their deployment in Kosovo, they did what no one else would do.¹⁰⁷⁵

Paramilitaries engaged in, as Schlichte called it, “demonstrative acts of violence”, but how units actually perpetrated violence followed certain patterns.¹⁰⁷⁶ The variations between units have already been noted by Horncastle, who emphasizes the differences in capacity and ability and willingness to persecute civilians.¹⁰⁷⁷ What this research showed is just how they differed in the perpetration of violence, and how authorities responded to their actions. The professionalized units were more likely to engage in instrumental violence which, while brutal, was not particularly sadistic. The MUP affiliates were only useful to the regime if they could act under the radar. They also thought of themselves as special forces and were thus probably disinclined to breach a certain decorum. For the regime, these units were only useful if they were effective but discrete, and if they did not particularly advertise their violent attacks.

Non-professionals often pursued the harm itself as the goal, which meant they tortured and sadistically abused civilians, in actions which were often fueled by alcohol abuse. They were more likely to perpetrate expressive violence, cause emotional harm to victims before death, and lasting psychological damage to the survivors. They invested time and effort into particular humiliation, and some of these units extended this investment into arranging severed body parts in ways which advertised their brutality. The Yellow Wasps and Milan Lukić’s men became notorious due to sadistic and public acts of violence. But even in the

¹⁰⁷³ Tromp, *Prosecuting Slobodan Milosevic*, 172.

¹⁰⁷⁴ Schlichte, “With the State, Against the State?”.

¹⁰⁷⁵ “Šokantno svedočenje srpskog Šakala: Kako smo klali Šiptare na Kosovu,” *Telegraf*.

¹⁰⁷⁶ Schlichte, “Na krilima patriotizma”.

¹⁰⁷⁷ Horncastle, “Unfamiliar Connections”.

cases of violence that were public knowledge, when there were interviews conducted with the perpetrators by security and police officials, punishment was elusive.¹⁰⁷⁸

When perpetrators were punished, it tended to be the non-professionals and not the MUP affiliates. The special status of professionals protected them from punishment. In particular, it was never commanders or political sponsors who suffered consequences. The violence had clear boundaries and the systematic violence targeted non-Serb civilians. While there were widespread attacks on entire communities, overall, the targets for killing were men. When these boundaries were transgressed, such as in the targeting of Serbs, and especially prominent Serbs, authorities acted. This was in fact in the Bosnian Serb case official policy—investigate cases where the Serbs are victims.¹⁰⁷⁹ It is this impunity and the understanding that no consequences were to follow for most acts of violence against non-Serbs that fueled the violence. It was the authorities signaling that violence was in fact acceptable.

Violence did not target non-Serbs only. As has been made clear by this research on forcible mobilization of refugees in 1995, Serbs were also victimized, and in this one particular case it was more than sporadic. However, the forms of violence, and its intended goals were different, and the violence was therefore less deadly. While the professionals, and in particular Arkan's men, displayed significant brutality during this operation of sending the refugees forcefully to the front lines, there were no mass murders of Serbs. In this final stage of the war, the instrumental violence applied had the purpose of dominating the refugees and scaring them into submission.

What Ron wrote about borders being “socially-constructed lines in the sand, but having dramatic, real-world consequences”, has been most clearly confirmed in the abductions of Yugoslav citizens and residents of Muslim faith in the Sjeverin and Štrpci cases. By abducting these civilians and murdering them in Bosnia, which was engulfed in war and in whose territory, controlled by Bosnian Serb authorities, the perpetrators knew they were unlikely to face any consequences. These two incidents indeed confirm that borders are “shaping mechanisms”.¹⁰⁸⁰

While it is hard to imagine that every instance of paramilitary attacks on civilians, every massacre and every beating was ordered or intended by Serbian authorities, it is clear that they were informed about what these units were doing. By not taking steps to prevent violence and punish perpetrators, the state was accepting the convenient outcome of their engagement—the departure of large numbers of unwanted civilians. By providing large-scale impunity, the state was giving its tacit approval. A striking feature of violence emerging from the sources is the matter-of-factness of the killing and violence.¹⁰⁸¹ For some people, killing was just a job like any other. Possibly more than hate or nationalism, what becomes apparent

¹⁰⁷⁸ Schlichte. “With the State, Against the State?”, 258.

¹⁰⁷⁹ ICTY *Karadzic*, P02715.

¹⁰⁸⁰ Ron, “Boundaries and violence”, 609-610.

¹⁰⁸¹ Vukušić, “Nineteen Minutes of Horror”.

is disdain for the victims. Their suffering for many of the paramilitary perpetrators simply did not matter.

On paramilitaries as armed actors

For this project, paramilitaries were defined as groups which are armed, organized, recognizable, political in their ambitions, and which are not, at the time of establishment, part of the regular police or army. This research has shown that not all paramilitaries systematically target civilians in the same way, and that in those that do attack, not all members kill enthusiastically. Sometimes paramilitary members do not attack when they are expected to, or try to even assist victims, or later testify against their comrades in court. This project unveiled all the different ways in which paramilitaries can be different from one another, from the way they recruit and train, the capacity they develop, to how they act towards the military or local authorities as well as civilians – be it ethnic kin or not. The sources also showed that states establish and support different kinds of units for different purposes, external and internal, and that they engage in different kinds of violence. Some units torture while others do not.

The nature and intensity of government cooperation and level of institutionalization of paramilitaries varies, as well as their proximity with regular forces and local authorities has already been noted.¹⁰⁸² The dissertation findings align with previous understandings of diverse and dynamic relationships of paramilitaries with the state.¹⁰⁸³ This diversity was confirmed in this project which showed remarkable adaptability by especially those units closest to the state, like the MUP affiliates, which not only survived beyond the war in Croatia and Bosnia and Herzegovina, but thrived, and even outlasted the very regime that established them. That proves resilience and the fact that even after regime change, security structures, less visible to the public, often remain in place and find ways to perpetuate their positions of power. These structures become entrenched, and do not seem to be affected by seemingly deep political changes.

The relationships between the state and the units can be understood as orbiting, where some units are closer to it than others. Those orbits change through time. Plausible deniability that units which are not formally part of the state provide is valuable, sometimes being the crucial reason why they were established in the first place. Apart from plausible deniability, a key reason to establish paramilitaries is the existence of a loyal force which will efficiently pursue the political leaderships' goals. This plausible deniability is manufactured and maintained. These mechanics of plausible deniability can be revealed in the ways in which units recruit, function in secrecy, provide salaries and equipment in extra-legal ways which do not show up in state budgets. Outsourcing violence thus requires hired agents, where relationships with the state take place under the radar.

¹⁰⁸² Ahram, "Pro-Government Militias".

¹⁰⁸³ Zohar, "A New Typology".

These formal and informal relationships essential for the establishment and functioning of paramilitary units show the elasticity and fluidity which is a feature of paramilitary engagement. Ambiguity about who controls them is then not peripheral, but a central feature of paramilitaries as armed actors. This ambiguity about who they “belong to” is not something easily resolved, and that is precisely the point. Ambiguity is also reflected in paramilitary deployment in other ways: as these units engage in profit-driven criminality, it becomes difficult to understand if their primary motivation for engaging is pursuing state goals, or financial benefit.

The violence they enact against civilians reflects the ways they were established, in the ways in which they recruited and operated. These forms of violence they enact are inextricably linked to the functions they serve, and for the units closest to the state, there are incentives to not perpetrate the most visible and gruesome acts. After all, they are useful to the state only if they are efficient and covert and thus do not appear to attract unnecessary attention to themselves.

Questions for further research

While this study has uncovered the processes and actors behind the emergence, functioning and transformation of select Serb(ian) units, thus revealing their role and function, it does not purport to be the final word on these violent actors. Thousands of pages containing the most sensitive details about the engagement of the Serbian regime in the wars in Croatia, Bosnia and Herzegovina and Kosovo remain redacted and confidential. Insider witness testimony remains sealed. These sources are, for the time being, unavailable, with no clear path to their unsealing. Parts may become public, but much of it may forever remain out of sight.

Nevertheless, this research should be built upon. One aspect which this research could not cover is the local level, the regional differences between say Krajina, Slavonia, east Bosnia and Kosovo. What were the paramilitary dynamics in these different areas, were there differences and similarities and what explains them? Who drove paramilitary engagement locally, and who resisted it? These micro-level studies could focus on individual personalities and particular local processes and how they drove, or contained, paramilitary engagement. These micro-studies should also investigate similarities and differences between Serb(ian) units and those on the Bosnian or Croatian “side”. These actors are still understudied.

Furthermore, there is a dire need to analyze violent incidents, and to paraphrase Christian Gudehus, learn who did what to whom and how.¹⁰⁸⁴ Even more so, there is a need to study neglected events in lesser known areas, away from Srebrenica or Prijedor. There is value in simply documenting what happened and registering the experiences of victims, but knowing more about the actual acts, and who perpetrated them can inform policy and efforts to deter violence, to the extent of course, that the different violent conflicts are comparable. Some skepticism in the hope that it is possible to truly *know* why perpetrators act the way they do is

¹⁰⁸⁴ Gudehus, “Violence Studies: Social Theoretical Considerations Towards Understanding of War Crimes”.

justified, especially in situations of particularly sadistic incidents, but that should not result in a lack of trying. While sources which may assist answering the question *why* may be difficult to reach, as perpetrators age and the threat of judicial prosecution subsides, as it seems currently to be the case, they may decide to speak openly.¹⁰⁸⁵ If they do, researchers should be there to hear them.

Beyond the former Yugoslavia, this research should be built upon with comparative studies, especially with the two other case studies within the project, i.e. with Syria and Turkey.¹⁰⁸⁶ Furthermore, studies should include especially contexts which seem, *prima facie*, comparable to the Serbian example, such as the conflict in Ukraine.¹⁰⁸⁷ If paramilitary dynamics in these two contexts, former Yugoslav and Ukrainian, are similar, what would be worth investigating are pathways of knowledge transmission between states and regimes in the ways in which they establish and use paramilitary units. How much do the practices of Milošević's regime, the successes and failures of the takeover of territory and the techniques used in the 1990s matter in Ukraine, Syria or Iran and Russia? How much does this knowledge influence policy creation in other conflicts where paramilitary units, as well as private military contractors are commonly deployed? Do states learn about plausible deniability and how to successfully apply it from one another?

Continuing with this kind of research, in the former Yugoslavia and elsewhere is of utmost importance because these kinds of units are not unique to this conflict. They are not a thing of the past. Different paramilitary units make up much of the forces fighting contemporary wars and abusing civilians, in places like Syria and Sudan.¹⁰⁸⁸ Further complicating the situation on the ground are a myriad of private security companies whose actions are insufficiently scrutinized. Aided by unprecedented documentation by civil society organizations and their efforts in war-torn areas in Syria, Ukraine and Myanmar, as well as a growing number of international and judicial instruments promises an increase in publicly available records on paramilitaries in the years to come. As long as engaging paramilitary units pays off, and in the former Yugoslavia it undoubtedly did, states will not stop using them. Outsourcing violence to covert units with few easily-observable ties to state institutions and leaderships brings many gains, especially in the short term, and few risks. That is why it is

¹⁰⁸⁵ Humanitarian Law Center, "Report on War Crimes Trials in Serbia," May 16, 2019, accessed June 5, 2019, <http://www.hlc-rdc.org/?p=36619&lang=de>. See also: Maja Zivanovic, "Amnesty highlights Continued Rights Failings in Balkans," *Balkan Insight*, February 22, 2018, accessed June 10, 2019, <https://balkaninsight.com/2018/02/22/amnesty-highlights-continued-rights-failings-in-balkans-02-21-2018/>.

¹⁰⁸⁶ "Paramilitarism," Paramilitarism.org, accessed August 3, 2019, <https://paramilitarism.org/>.

¹⁰⁸⁷ The question of Russia sponsoring rebel armed groups over the border in Ukraine is currently a matter which the International Court of Justice in The Hague is dealing with. See: Molly Quell, "Russia Fights Claims of Rebel Support in Top UN Court," *Courthouse News*, June 3, 2019, accessed June 3, 2019, <https://www.courthousenews.com/russia-fights-claims-of-rebel-support-in-top-un-court/>. Paramilitary engagement in Ukraine also seems to have strong links to extreme right-wing movements in Europe. See: Tim Hume, "Far-right extremists have been using Ukraine's civil war as a training ground. They're returning home," *Vice News*, July 31, 2019, accessed July 31, 2019, https://news.vice.com/en_us/article/vb95ma/far-right-extremists-have-been-using-ukraines-civil-war-as-a-training-ground-theyre-returning-home?utm_source=vicenewsfacebook.

¹⁰⁸⁸ Jason Burke and Zeinab Mohammed Salih, "Sudan paramilitaries threw dead protesters in Nile, doctors say," *Guardian*, June 5, 2019, accessed June 9, 2019, <https://www.theguardian.com/world/2019/jun/05/sudan-death-toll-rises-to-60-after-khartoum-pro-democracy-sit-in>.

important to study them. Paramilitaries have a long history and a rich present, and they are here to stay.¹⁰⁸⁹ Only by understanding them can we hope to try to prevent some of the violence they commit and save the lives they end or destroy.

¹⁰⁸⁹ Uğur Ümit Üngör, *Paramilitarism Mass Violence in the Shadow of the State*, forthcoming, 2019.

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Jovan Berić i drugi
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Žarko Matijaš i drugi
Dragan Petrović i drugi
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Desa Grbić i drugi
Žana Peulić i drugi
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Servische paramilitairen tijdens het uiteenvallen van Joegoslavië

Paramilitaire en onregelmatige strijdkrachten zijn een algemeen kenmerk van oorlogen. Ze vallen vaak burgers aan en veroorzaken veel pijn en leed. Hoewel er aanzienlijke verschillen bestaan in hoe deze eenheden tot stand komen en functioneren in verschillende conflicten, perioden en plaatsen—iedere eenheid wordt gekenmerkt door haar eigen unieke eigenschappen—kan men dit met zekerheid zeggen: paramilitaire eenheden als gewelddadige actoren in conflicten zullen waarschijnlijk niet snel verdwijnen. In vrijwel ieder boek en artikel over het uiteenvallen van (voormalig) Joegoslavië wordt geschreven over paramilitaire eenheden en bevelhebbers, en worden er incidenten beschreven waarbij eenheden betrokken waren bij de verdrijving van burgers en de moord op of het gevangen nemen van onschuldige mannen, vrouwen en kinderen. Er is echter nooit omvangrijk onderzoek gedaan specifiek naar Servische eenheden, die het meest talrijk waren en die tien jaar lang aanvallen op burgers uitvoerden in drie oorlogsgebieden: in Kroatië, Bosnië en Herzegovina, en Kosovo. Deze belangrijke speler in het conflict, deze eenheden en de duizenden mannen in die eenheden waren een alledaagse aanwezigheid in de door oorlog verscheurde gebieden. Duizenden slachtoffers zijn gedurende het decennium door hen gedood, gevangen genomen en misbruikt.

Mijn onderzoek en proefschrift maakt voornamelijk gebruik van de uitgebreide archieven en het bewijsmateriaal van het Internationale Tribunaal voor het voormalige Joegoslavië in Den Haag. Deze archieven en het bewijsmateriaal zijn tijdens meer dan twee decennia aan rechtszaken tot stand gekomen, om daarmee belangrijke vragen over deze eenheden te kunnen beantwoorden. Dit onderzoek beantwoordt voornamelijk de vragen over waar, hoe, waarom en door wie deze belangrijkste eenheden zijn opgericht en hoe ze functioneerden en transformeerden tussen 1991 en 2003—tussen hun oprichting en uiteindelijke opheffing. Het proefschrift beschrijft en analyseert de aard en het doel van deze eenheden, en de manieren waarop ze omgingen met overheidsinstellingen en georganiseerde misdaadnetwerken. Tot slot ontstaat er een belangrijke bijdrage aan de wetenschap door het categoriseren van deze eenheden en het uitleggen hoe en waarom ze verschillende vormen van geweld gebruikten tegen burgers. Dit onderzoek belicht hoe deze eenheden opgericht werden om het aantal troepen te verhogen en om voor het Servische leiderschap een manier te bieden om een deel van het geweld uit te besteden aan wat onafhankelijke actoren leken. Het regime van Slobodan Milošević deed dat om de doelen van de oorlog te behalen, maar ondertussen formeel afgezonderd te blijven van het geweld, dat duidelijk illegaal was en een diplomatieke terugslag veroorzaakte. Met dit proefschrift wordt zo een bijdrage geleverd aan de geschiedschrijving over het voormalige Joegoslavië, onderzoek naar paramilitairen als bewapende actoren en naar daders van massaal geweld.

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With all this support and a safe, stimulating environment to work in, my research was going well and I was set to finish on time, without major challenges to face. Then, in March 2018, less than two months after my otherwise healthy 66-year old mum was diagnosed with brain cancer, she passed away. That changed everything and the fact that she does not get to see me get the doctorate pains me immensely. She was always the number one champion of my education and success. A year later, in April 2019, I lost my friend, Serbian journalist Dejan Anastasijević who is quoted in this dissertation, and with whom I talked about paramilitaries and war crimes for the past fifteen years. The void that was left after these losses made everything so much harder. The world is so much poorer without them.

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Curriculum Vitae

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Iva Vukušić, M.A, is about to defend her PhD at the History Department of Utrecht University, focusing on Serbian paramilitaries and irregular armed forces during the breakup of Yugoslavia. She is a visiting research fellow at King's College London, War Studies Department, and for the duration of her PhD she was an affiliate researcher at NIOD, the Institute for War, Holocaust and Genocide Studies in Amsterdam. For five years, Iva worked for the Sense News Agency in The Hague, analyzing evidence from trials at the International Criminal Tribunal for the former Yugoslavia (ICTY). Before that, she was an analyst and researcher at the Special War Crimes Department of the State Prosecutor's office in Sarajevo, Bosnia and Herzegovina. Iva currently teaches an online course on perpetrators of mass violence in the Holocaust and Genocide Studies at Stockton University, in the United States. Recent writings include an article about the Scorpions unit (in the Special Issue 'Images and Collective Violence: Function, Use and Memory', Journal of Genocide Studies and Prevention), a chapter on the challenges of prosecuting paramilitary violence (in *Perpetrators of International Crimes – Methodology, Theory and Evidence*, Oxford University Press, 2019), and a chapter on justice options for Syria (in *New Critical Spaces in Transitional Justice*, Indiana University Press, 2019). In 2018, Iva won an award for best doctoral paper in the category "Balkans" at the Association for the Study of Nationalities conference at Columbia University, New York. In 2019, she received from the Balkan Investigative Reporting Network (BIRN) a grant to make some of the findings of her research accessible to the broader public.