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D 1038- D 1032  
21 OCTOBER 2009

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THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

Case No. IT-05-88/1-PT

IN THE REFERRAL BENCH

Before Judge Alphons Orie, Presiding  
Judge O-Gon Kwon  
Judge Kevin Parker

Registrar: Mr. John Hocking

Date Filed: 21 October 2009

THE PROSECUTOR

v.

MILORAD TRBIĆ

PUBLIC

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PROSECUTION'S TENTH PROGRESS REPORT

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The Office of the Prosecutor  
Mr. Serge Brammertz

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

Case No. IT-05-88/1-PT

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PROSECUTION'S TENTH PROGRESS REPORT

1. Pursuant to the Referral Bench's Decision on Referral of Case Under Rule 11 *bis* with Confidential Annex ("Referral Decision") of 27 April 2007, the Prosecution hereby files its tenth progress report in this case.
2. The Decision on referral ordered:

...the Prosecutor to file an initial report to the Referral Bench on the progress made by the Prosecutor's Office of Bosnia and Herzegovina in this case six weeks after transfer of the evidentiary material. Thereafter, the Prosecution shall file a report every three months. These reports shall include information on the course of the proceedings before the competent national court after commencement of trial, and shall include any reports or other information received from any international organizations also monitoring the proceedings.<sup>1</sup>
3. The ninth progress report in the *Trbić* case was filed on 23 July 2009.<sup>2</sup>
4. Following the agreement between the Chairman in Office of the Organization for Security and Co-operation in Europe's Mission to Bosnia and Herzegovina (the "OSCE") and the Office of the Prosecutor ("OTP"), the Prosecution received OSCE's ninth report on 18 October 2009.<sup>3</sup>

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<sup>1</sup> *Prosecutors v. Milorad Trbić* ("Trbić case"), Case No. IT-05-88/1-PT, Referral Decision, p. 26.

<sup>2</sup> *Trbić* case, Prosecutor's Ninth Progress Report, 23 July 2009.

<sup>3</sup> OSCE's Ninth Report in the *Milorad Trbić* Case Transferred to the State Court pursuant to Rule 11 *bis*, October 2009 ("Report").

5. OSCE reports that the closing arguments of the parties were held on 24 August and 28 September 2009.<sup>4</sup>
6. On 16 October 2009, the Trial Panel rendered its oral verdict finding the Defendant guilty of Genocide and sentencing him to 30 years' long-term imprisonment:<sup>5</sup>
  - The Panel found that the Defendant participated in a joint criminal enterprise together with Ljubiša Beara, Vujadin Popović, Drago Nikolić and others, within the zone of responsibility of the Zvornik Brigade with the common purpose and plan to capture, detain, summarily execute, and bury all able bodied Bosniak males from the Srebrenica enclave and then conceal the evidence of those crimes through the reburial of victims in unmarked graves between July and November 1995. This included crimes committed at the detention sites in Orahovac, Ročevići, and Petkovci, as well as the execution sites near Lažete, Kozluk and Petkovci Dam.
  - The Trial Panel acquitted Trbić of all other charged offences falling outside of the responsibility of the Zvornik Brigade, namely those in Potočari and at other locations in Bratunac, including the Vuk Karadžić school, stadium and meadow in Sandići and Kravica. The Panel held that there was insufficient evidence presented to prove involvement of Trbić in those operations.
  - In addition to the findings on guilt, the Trial Panel referred all compensation claims filed during the criminal proceedings to civil proceedings and relieved the Defendant of the obligation to pay for the costs of the trial.
  - Trbić remains in custody because of risk of flight and threat to public security.
7. OSCE noted that they will provide a more detailed review of the verdict once it becomes available in written form. Unless otherwise advised, the Prosecution will provide a copy of the written judgement to the Referral Bench together with OSCE's assessment.

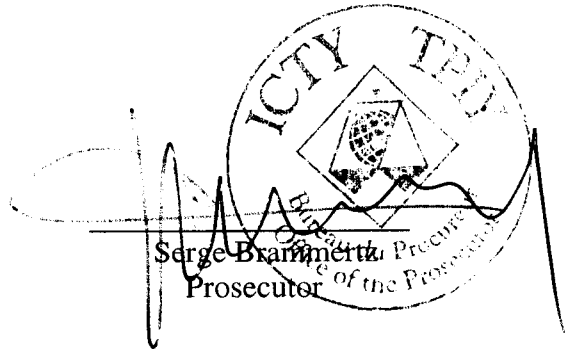
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<sup>4</sup> Report, Summary of Developments, p. 1

<sup>5</sup> *Ibid.*

8. Attached to this report is a copy of the OSCE's Report.

Word Count: 540



Dated this twenty first day of October 2009  
At The Hague  
The Netherlands

INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

Case No. IT-05-88/1-PT

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ANNEX A

TO

PROSECUTION'S TENTH PROGRESS REPORT



**Organization for Security and Co-operation in Europe  
Mission to Bosnia and Herzegovina**

**Ninth Report in the  
*Milorad Trbić Case***

**Transferred to the State Court pursuant to Rule 11bis**

**October 2009**

### SUMMARY OF DEVELOPMENTS

The case of Milorad Trbić (hereinafter also Defendant) is the sixth case transferred from the ICTY to the BiH State Court pursuant to Rule 11*bis* of the ICTY Rules of Procedure and Evidence (RoPE). This constitutes the ninth report in this case that the OSCE Mission to Bosnia and Herzegovina (Mission) submits to the ICTY Prosecutor, covering the period from 3 July to 16 October 2009.

During this reporting period:

- The Court held two sessions to hear the closing arguments of the Prosecution and the Defence on 24 August and 28 September 2009. In the latter session, the Panel indicated that the oral verdict would be pronounced on 16 October, instead of within the three-day deadline provided by the BiH Criminal Procedure Code, to allow the Panel sufficient time to review the evidence properly.
- On 16 October 2009, the Trial Panel rendered its oral verdict finding the Defendant guilty of Genocide and sentencing him to 30 years' long-term imprisonment. In a formal, yet clear to the public, announcement of the verdict, the Panel found that the Defendant was a participant in a joint criminal enterprise together with Colonel Ljubiša Beara, Lieutenant Colonel Vujadin Popović, Lieutenant Drago Nikolić and others, within the zone of responsibility of the Zvornik Brigade with the common purpose and plan to capture, detain, summarily execute, and bury all able bodied Bosniak males from the Srebrenica enclave and then conceal the evidence of those crimes through the reburial of victims in unmarked graves between July and November 1995.<sup>1</sup> This included crimes committed at the detention sites in Orahovac, Ročevići, and Petkovci, as well as the execution sites near Lažete, Kozluk and Petkovci Dam.
- The Panel acquitted Trbić of all other charged offences falling outside of the responsibility of the Zvornik Brigade, namely those in Potočari and at other locations in Bratunac, including the Vuk Karadžić school, stadium and meadow in Sandići and Kravica. The Panel held that there was insufficient evidence presented to prove involvement of the Defendant in those operations, although the Presiding Judge noted that the acquittal of the Trbić for these crimes did not imply that they did not occur.
- Injured parties present at the session reacted with disappointment towards the portion of the decision acquitting the Defendant and the sentence imposed.
- In addition to the findings on guilt, the Trial Panel referred all compensation claims filed during the criminal proceedings to civil proceedings and relieved the Defendant of the obligation to pay for the costs of the trial.
- The Defendant remains in custody because of risk of flight and threat to public security.
- A more detailed review of the verdict will be carried out once it is available in written form.

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<sup>1</sup> Article 171(a) & (b) of the Criminal Code of Bosnia and Herzegovina in conjunction with Article 181.