



CASE INFORMATION SHEET


“SREBRENICA” (IT-05-88)

POPOVIĆ *et al.*


The Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Radivoje Miletić, Vinko Pandurević, Ljubomir Borovčanin & Milan Gvero





VUJADIN POPOVIĆ

	Lieutenant Colonel and the Chief of Security of the Drina Corps of the Army of Republika Srpska (“Vojska Republike Srpske” or “VRS”)
Indictment	Initial: 26 March 2002; operational indictment confirmed: 15 August 2006
Surrendered	14 April 2005
Transferred to ICTY	14 April 2005
Plea	4 April 2006, pleaded not guilty to all charges
Commencement of Trial	21 August 2006
Closing arguments	2 – 15 September 2009
Trial Chamber Judgement	10 June 2010: convicted of genocide, crimes against humanity, and violations of the laws or customs of war
Appeals Chamber Judgement	30 January 2015: convicted of genocide, conspiracy to commit genocide, crimes against humanity, and violations of the laws or customs of war
Sentence	Life imprisonment
Serving sentence	On 24 August 2015, transferred to Germany to serve his sentence

LJUBIŠA BEARA

	Colonel and Chief of Security of the VRS Main Staff
Indictment	Initial: 26 March 2002; operational indictment confirmed: 15 August 2006
Surrendered	9 October 2004
Transferred to ICTY	10 October 2004
Plea	4 April 2006, pleaded not guilty to all charges
Commencement of Trial	21 August 2006
Closing arguments	2 – 15 September 2009
Trial Chamber Judgement	10 June 2010: convicted of genocide, crimes against humanity, and violations of the laws or customs of war
Appeals Chamber Judgement	30 January 2015: convicted of genocide, conspiracy to commit genocide, crimes against humanity, and violations of the laws or customs of war
Sentence	Life imprisonment
Serving sentence	On 8 October 2015, transferred to Germany to serve his sentence

DRAGO NIKOLIĆ	
	2nd Lieutenant who served as Chief of Security for the Zvornik Brigade of the VRS
Indictment	Initial: 6 September 2002; operational indictment confirmed: 15 August 2006
Surrendered	15 March 2005
Transferred to ICTY	17 March 2005
Plea	4 April 2006, pleaded not guilty to all charges
Commencement of Trial	21 August 2006
Closing arguments	2 – 15 September 2009
Trial Chamber Judgement	10 June 2010: convicted of aiding and abetting genocide, crimes against humanity, and violations of the laws or customs of war
Appeals Chamber Judgement	30 January 2015: convicted of aiding and abetting genocide, crimes against humanity and violations of the laws or customs of war
Sentence	35 years' imprisonment
Deceased	Died on 11 October 2015 while on provisional release in Serbia

RADIVOJE MILETIĆ	
	Chief of Operations and Training Administration of the VRS Main Staff
Indictment	Initial: 10 February 2005; operational indictment confirmed: 15 August 2006
Surrendered	24 February 2005
Transferred to ICTY	28 February 2005
Plea	6 July 2006, pleaded not guilty to all charges
Commencement of Trial	21 August 2006
Closing arguments	2 – 15 September 2009
Trial Chamber Judgement	10 June 2010: convicted of crimes against humanity
Appeals Chamber Judgement	30 January 2015: convicted of crimes against humanity and violations of the laws or customs of war
Sentence	18 years' imprisonment
Serving sentence	4 April 2016, transferred to Finland to serve his sentence

VINKO PANDUREVIĆ


Lieutenant Colonel and Commander of the Zvornik Brigade of the Drina Corps of the VRS

Indictment	Initial: 10 February 2005; operational indictment confirmed: 15 August 2006
Surrendered	23 March 2005
Transferred to ICTY	23 March 2005
Plea	4 April 2006, pleaded not guilty to all charges
Commencement of Trial	21 August 2006
Closing arguments	2 – 15 September 2009
Trial Chamber Judgement	10 June 2010: convicted of crimes against humanity and violations of the laws or customs of war
Appeals Chamber Judgement	30 January 2015: convicted of crimes against humanity and violations of the laws or customs of war
Sentence	13 years' imprisonment
Sentence served	Early release granted on 9 April 2015

LJUBOMIR BOROVIĆ

Deputy Commander of the Republika Srpska Ministry of Internal Affairs ("Ministarstvo unutrašnjih poslova" or "MUP") Special Police Brigade; from 10 July 1995, Commander of a joint force of MUP units subordinated to the Drina Corps of the VRS to participate in the Srebrenica operation

Indictment	Initial: 6 September 2002; operational indictment confirmed: 15 August 2006
Surrendered	1 April 2005
Transferred to ICTY	1 April 2005
Plea	4 April 2006 and 13 July 2006, pleaded not guilty to all counts
Commencement of Trial	21 August 2006
Closing arguments	2 – 15 September 2009
Trial Chamber Judgement	10 June 2010: convicted of crimes against humanity, and violations of the laws or customs of war
Sentence	17 years' imprisonment
Sentence served	No appeal of the Trial Chamber Judgement. On 10 November 2011, transferred to Denmark to serve his sentence. Early release granted on 14 July 2016 (effective 1 August 2016)

MILAN GVERO	
	Assistant Commander for Morale, Legal and Religious Affairs of the VRS Main Staff
Indictment	Initial: 10 February 2005; operational indictment confirmed: 15 August 2006
Surrendered	24 February 2005
Transferred to ICTY	24 February 2005
Plea	6 July 2006, pleaded not guilty to all charges
Commencement of Trial	21 August 2006
Closing arguments	2 – 15 September 2009
Trial Chamber Judgement	10 June 2010, convicted of crimes against humanity
Sentence	Five years' imprisonment. Early release granted on 28 June 2010
Proceedings terminated	7 March 2013, following death of the Accused.

INDICTMENT

Popović, Beara, Nikolić, Pandurević and Borovčanin

One count of genocide (Count 1)

One count of conspiracy to commit genocide (Count 2)

Five counts of crimes against humanity

- Extermination (Count 3)
- Murder (Count 4)
- Persecutions (Count 6)
- Inhumane acts (forcible transfer) (Count 7)
- Deportation (Count 8)

One count of the violations of the laws or customs of war

- Murder (Count 5)

Miletić and Gvero

Four counts of crimes against humanity

- Murder (Count 4)
- Persecutions (Count 6)
- Inhumane acts (forcible transfer) (Count 7)
- Deportation (Count 8)

One count of the violations of the laws or customs of war

- Murder (Count 5)

All the accused were charged on the basis of their individual criminal responsibility (under Article 7(1) of the ICTY Statute). Borovčanin and Pandurević were also charged on the basis of their command responsibility (under Article 7(3) of the Statute).

Alleged responsibility of the accused

The indictment focused on the events that followed the takeover of the Muslim enclaves of Srebrenica and Žepa in Bosnia and Herzegovina by the Army of Republika Srpska (VRS) and the Ministry of Interior (MUP) troops from July until November 1995.

In the indictment it was alleged that, starting on 13 July, thousands of able-bodied Muslims were detained and executed at various locations around Srebrenica. In addition, it was alleged that, by 1 November 1995, the entire Muslim population had

been either removed or had fled from Srebrenica and Žepa, and over 7,000 Muslim men and boys from Srebrenica had been murdered by VRS and MUP forces.

Finally, in the indictment it was alleged that, from around 1 August - 1 November 1995, the Bosnian Serb Army and MUP personnel including Popović, Nikolić and Pandurević participated in an organised and comprehensive effort to conceal the executions by reburying bodies in secondary graves.

THE TRIAL

The trial commenced on 21 August 2006.

The Prosecution case closed on 7 February 2008.

On 3 March 2008, the Trial Chamber issued an oral decision pursuant to Rule 98*bis* and dismissed the motions for acquittal filed by the Defence teams of Beara, Nikolić, Borovčanin, Miletić, Gvero and Pandurević.

The Defence case commenced on 2 June 2008 and closed on 12 March 2009.

On 10 and 11 March and then on 25 March 2009, the Prosecution called three witnesses in their reopened case. Further, the Prosecution called four rebuttal witnesses in the period 23 March - 5 May 2009. From 30 June - 15 July 2009, the Defence teams of three of the accused called a number of witnesses in their reopened cases.

The parties presented their closing arguments on 2 - 15 September 2009.

The Judgment was delivered on 10 June 2010.

TRIAL CHAMBER JUDGEMENT

The Trial Chamber found that a widespread and systematic attack against a civilian population commenced with the issuance of a Supreme Command Directive in March 1995 by former Bosnian Serb President Radovan Karadžić. In this Directive Karadžić set out the criminal plan for an attack against protected UN safe areas aimed at forcing the Bosnian Muslims of Srebrenica and Žepa to leave the enclaves. It tasked the Drina Corps of the VRS to create "an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa".

The Chamber found that two Joint Criminal Enterprises (JCEs) existed in Eastern Bosnia in July 1995: the JCE to murder the able-bodied Bosnian Muslim men from Srebrenica, and the JCE to forcibly remove the Bosnian Muslim population from Srebrenica and Žepa. The Chamber found that genocide was committed in Srebrenica. Furthermore, the Chamber found that at least 5,336 identified individuals were executed following the fall of Srebrenica. The Chamber also acknowledged that the total number of individuals could be as high as 7,826 given that the evidence presented was not all-encompassing.

Vujadin Popović and Ljubiša Beara, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), were found guilty of genocide, crimes against humanity, and violations of the laws or customs of war. They were sentenced to life imprisonment.

Drago Nikolić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of (aiding and abetting) genocide, crimes against humanity, and violations of the laws or customs of war. He was sentenced to 35 years' imprisonment.

Radivoje Miletić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of crimes against humanity. He was sentenced to 19 years' imprisonment.

Vinko Pandurević, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of aiding and abetting crimes against humanity and violations of the laws or customs of war. On the basis of superior criminal responsibility (Article 7(3) of the Statute of the Tribunal), he was found guilty of crimes against humanity and violations of the laws or customs of war. He was sentenced to 13 years' imprisonment.

Ljubomir Borovčanin, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found

guilty of aiding and abetting crimes against humanity and violations of the laws or customs of war. On the basis of superior criminal responsibility (Article 7(3) of the Statute of the Tribunal), he was found guilty of crimes against humanity and violations of the laws or customs of war. He was sentenced to 17 years' imprisonment.

Milan Gvero, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of crimes against humanity and was sentenced to five years' imprisonment.

Judge Prost appended a separate opinion and Judge Kwon appended dissenting and separate opinions to the Judgement.

APPEALS PROCEEDINGS

In the case of the Prosecutor vs. Borovčanin, neither the Prosecution nor the Defence appealed the Trial Chamber's judgement. On 10 November 2011, Borovčanin was transferred to Denmark to serve his sentence.

In the case of all other accused, both the Defence and the Prosecution appealed the Trial Chamber's judgement.

Appeals hearing took place between 2 - 6 December 2013.

Following the death of Milan Gvero on 17 February 2013, the Appeals Chamber terminated appellate proceedings in that case, on 7 March 2013.

APPEALS CHAMBER JUDGEMENT

The Appeals Judgement was pronounced on 30 January 2015. The Appeals Chamber dismissed, unanimously or by majority, most of the appellants' challenges.

The final convictions are as follows:

Vujadin Popović and Ljubiša Beara, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), were found guilty of:

- Genocide
 - Conspiracy to commit genocide
 - Extermination, persecution (crimes against humanity, Article 5)
 - Murder (violations of the laws or customs of war, Article 3)
- Sentence: life imprisonment

Drago Nikolić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of:

- Aiding and abetting genocide
 - Extermination, persecution (crimes against humanity, Article 5)
 - Murder (violations of the laws or customs of war, Article 3)
- Sentence: 35 years' imprisonment

Radivoje Miletić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of:

- Murder, persecution, inhumane acts/forcible transfer (crimes against humanity, Article 5)
 - Murder (violations of the laws or customs of war, Article 3)
- Sentence: 18 years' imprisonment

Vinko Pandurević, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of aiding and abetting:

- Murder, persecution, inhumane acts/forcible transfer, extermination (crimes against humanity, Article 5)
- Murder (violations of the laws or customs of war, Article 3)

On the basis of superior criminal responsibility (Article 7(3) of the Statute of the Tribunal), he was found guilty of:

- Extermination, persecution, murder (crimes against humanity, Article 5)
- Murder (violations of the laws or customs of war, Article 3)

Sentence: 13 years' imprisonment

Judge Patrick Robinson and Judge Fausto Pocar appended partially dissenting opinions, and Judge Mandiaye Niang appended separate and dissenting opinions.

On 24 August 2015, Vujadin Popović was transferred to Germany to serve his sentence.

On 8 October 2015, Ljubiša Beara was transferred to Germany to serve his sentence.

On 11 October 2015, Drago Nikolić died while on provisional release in Serbia.

On 4 April 2016, Radivoje Miletić was transferred to Finland to serve his sentence.

STATISTICS

Trial days	425
Witnesses called by Prosecution	182
Prosecution exhibits	2906
Witnesses called by Defence	Popović: 28; Beara: 45; Nikolić: 27; Miletić: 17; Pandurević: 9; Borovčanin: 15; Gvero: 5
Defence exhibits	Popović: 488; Beara: 119; Nikolić: 234; Miletić: 666; Pandurević: 282; Borovčanin: 563; Gvero: 122
Witnesses called by Trial Chamber	1
Chamber exhibits	3

RELATED CASES

BLAGOJEVIĆ & JOKIĆ (IT-02-60) "SREBRENICA"
ERDEMOVIĆ (IT-96-22) "PILICA FARM"
KARADŽIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
KRSTIĆ (IT-98-33) "SREBRENICA-DRINA CORPS"
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"
MLADIĆ (IT-09-92) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
NIKOLIĆ MOMIR (IT-02-60/1) "SREBRENICA"
OBRENOVIĆ (IT-02-60/2) "SREBRENICA"
PERIŠIĆ (IT-04-81)
STANIŠIĆ & SIMATOVIĆ (IT-03-69)
TOLIMIR (IT-05-88/2) "SREBRENICA"
TRBIĆ (IT-05-88/1) "SREBRENICA"