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International Tribunal for the Prosecution
of Persons Responsible for Serious Violations
of International Humanitarian Law Committed
in the Territory of Former Yugoslavia since 1991

Case No. IT-05-88/2-T
Date: 28 November 2012

IN THE TRIAL CHAMBER

Before: Judge Christoph Flügge, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Prisca Matimba Nyambe

Registrar: Mr. John Hocking

THE PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC
WITH PUBLIC ANNEX A AND CONFIDENTIAL ANNEX B

**PROSECUTION NOTICE OF RE-FILING OF PUBLIC
REDACTED FINAL TRIAL BRIEF**

The Office of the Prosecutor:

Peter McCloskey

Accused:

Zdravko Tolimir

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-05-88/2-T

THE PROSECUTOR

v.

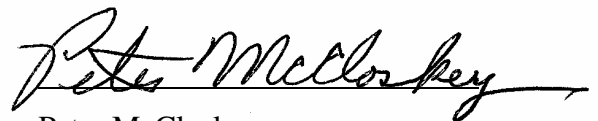
ZDRAVKO TOLIMIR

PUBLIC
WITH PUBLIC ANNEX A AND CONFIDENTIAL ANNEX B

**PROSECUTION NOTICE OF RE-FILING OF PUBLIC REDACTED FINAL
TRIAL BRIEF**

1. The Prosecution provides notice of re-filing of its Public Redacted Final Trial Brief.¹ The re-filed Public Redacted Version of its Final Trial Brief is attached at **Annex A**. For the information of the Trial Chamber and the Defence, the changes that have been made are identified at **Confidential Annex B**.

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Peter McCloskey
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Dated this 28th day of November 2012
The Hague, The Netherlands

¹ See Prosecution Filing of Public Redacted Version of its Final Trial Brief, dated 31 October 2012. The Prosecution requests that the status of this prior filing be changed from public to confidential.

PUBLIC

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EXECUTIVE SUMMARY¹

1. Zdravko **TOLIMIR** was one of the Army of Republika Srpska (“VRS”) Main Staff generals closest to and most-trusted by General Mladić. He played a leading role in the crimes committed against the Bosnian Muslims of Srebrenica and Žepa in 1995, including ethnic cleansing and genocide. **TOLIMIR** was the Main Staff’s Assistant Commander for Intelligence and Security, and as such commanded the VRS Sector for Intelligence and Security Affairs and directed and controlled all subordinate VRS security and intelligence officers and military police. By rule and also by necessity of war, **TOLIMIR**—above anyone else—was informed about all significant events which posed a threat or an opportunity to his army and his country, and was engaged throughout the process to eliminate the Srebrenica and Žepa enclaves and remove their populations from Republika Srpska (“RS”). When President Karadžić and Mladić chose to complete the destruction of the Bosnian Muslims from Srebrenica and Eastern Bosnia through the execution of their military-aged Muslim men, **TOLIMIR** joined in and contributed to this common plan. **TOLIMIR**’s participation in these crimes occurred at the highest military level and he shares the greatest level of responsibility for them.

2. The common plan to forcibly remove the Bosnian Muslim populations from Srebrenica and Žepa, shared from around 8 March 1995 between Karadžić, Mladić, **TOLIMIR** and others, was the culmination of one of the wartime strategic goals of the RS political and military leadership. During March-July 1995, **TOLIMIR** applied his specialist knowledge and skill in military strategy, intelligence and security matters and organised, directed and co-ordinated the VRS intelligence, security and military police personnel and assets which were used to achieve this goal.

3. In furtherance of the common plan, **TOLIMIR** directed his subordinates in restricting access to the enclaves for humanitarian convoys and UNPROFOR and personally engaged in VRS Main Staff decisions on these issues. **TOLIMIR** directed his subordinates in a terror raid against Srebrenica in June 1995. When the military attack against Srebrenica was launched in July 1995, **TOLIMIR** deployed security and intelligence officers and assets to the area near Srebrenica while—alongside General Gvero—he undertook the skilful task of

¹ Reference in this brief to evidence heard in private session, exhibits admitted under seal or information potentially revealing the identity of witnesses who testified or whose statements were admitted into evidence with protective measures will be redacted in the public version of the brief. Unless otherwise stated, all references to page numbers are to the English versions of the exhibits according to their numbering in eCourt, unless otherwise indicated. Similarly, references to ERNs are to the English versions of the exhibits. Adjudicated Facts are referenced by ‘AF’ and their number, e.g., AF1. For ease of reference, *Appendix F* contains an alphabetical list identifying certain individuals named in the brief, with position and rank.

lying to, stalling and manipulating UNPROFOR's senior commanders to neutralise their defence of Srebrenica. Operating at the highest level of the VRS, **TOLIMIR** also passed on to Generals Gvero and Krstić—the latter, in command of the VRS offensive against Srebrenica—President Karadžić's authorisation to seize the enclave. Once Srebrenica had fallen, **TOLIMIR** directed and supervised his subordinates' organisation, oversight and implementation of the expulsion of the Srebrenica civilians who had gathered at the UNPROFOR base in Potočari for protection.

4. As the operation to forcibly remove the 20,000-30,000 refugees in Potočari got underway, **TOLIMIR**'s subordinate security and intelligence officers reported on the presence of 1,000-2,000 able-bodied men in the crowd. On 11-12 July 1995, Karadžić and Mladić responded to this information by developing a plan to murder those men. **TOLIMIR** joined this common plan by 13 July 1995—when the number of captured Muslim men rose above 7,000 and mass killings started—and then significantly contributed to its success. At the same time, Mladić deployed **TOLIMIR** to the Žepa front to guide and oversee the attack on that enclave. Therefore, from 13 July 1995 onwards, **TOLIMIR** was engaged in both the Srebrenica murder operation and the attack to eliminate the Žepa enclave and force out its population.

5. While **TOLIMIR** was threatening lethal force against the Žepa Muslim population during supposed 'negotiations', he was also directing his subordinates as they detained, transported, murdered and buried the thousands of captured Srebrenica Muslims. With vast numbers of Srebrenica men and boys captured for execution, **TOLIMIR**, in his role as Assistant Commander for Intelligence and Security, took a commanding role in concealing the crimes as they were hastily planned and committed. **TOLIMIR** made proposals and took decisions to ensure that the mass killings could be completed in secrecy without interference. While most of the captured Srebrenica Muslims were killed between 13-16 July 1995, Bosnian Serb forces murdered significant numbers in the weeks that followed. **TOLIMIR** continued to supervise his subordinates as they finished off the murders, while simultaneously he led the forced removal of the Žepa Muslims, personally organising and supervising their transportation on 25-28 July 1995.

6. **TOLIMIR**'s subordinates most deeply involved in the crimes were, from the Main Staff (under **TOLIMIR**'s direct command): BEARA, SALAPURA, JANKOVIĆ and PEĆANAC; and from the VRS Drina Corps and its subordinate units (under **TOLIMIR**'s professional direction and control): POPOVIĆ, KOSORIĆ and GOLIĆ (Drina Corps), Drago NIKOLIĆ and TRBIĆ (Zvornik Brigade), PERIĆ (1st (Pilica) Battalion, Zvornik Brigade),

Momir NIKOLIĆ (Bratunac Brigade), ČARKIĆ (Rogatica Brigade). In addition, **TOLIMIR** had control over the 10th Sabotage Detachment and all VRS Military Police (MP) units, whose members were also deeply involved in the crimes. To indicate their pervasive involvement, **TOLIMIR**'s security and intelligence subordinates (though not his subordinate military police officers and soldiers) are indicated in capital letters throughout this Brief.

7. In addition to **TOLIMIR**'s engagement in the crimes and management of his subordinates, **TOLIMIR** was duty-bound to protect the captured prisoners from Srebrenica. He had power over his subordinates—indeed, over all members of the VRS—who committed the crimes against them. However, **TOLIMIR** chose to disregard his duty and instead committed himself to the crimes.

8. In a case of this magnitude, it is not possible to recite in a Final Brief all the relevant evidence before the Trial Chamber. The Prosecution has therefore assessed those matters it considers of major importance. However, if the Chamber should find there is evidence outside of that cited, lending support to the submissions made by the Prosecution, its omission herein should not be construed to mean that the Prosecution considers it less than compelling.

TOLIMIR WAS MLADIĆ'S RIGHT HAND MAN AND LED THE VRS INTELLIGENCE AND SECURITY SECTOR

(A) INTRODUCTION

9. **TOLIMIR** was an intelligent, capable, decisive and powerful military officer. His position as the VRS Main Staff's Assistant Commander for Intelligence and Security Affairs, demanded that he review, absorb, prioritise, manage and act upon large volumes of important information while dealing with subordinates and superiors. He was the direct conduit by which Mladić and the Main Staff obtained real time information which informed all their decisions. **TOLIMIR** participated in and directed the work of the Intelligence and Security Sector in the Srebrenica ethnic cleansing from 6-13 July and the murder of the Srebrenica prisoners, while at the same time providing Main Staff leadership and influence over the operation to eliminate the Žepa enclave.

10. **TOLIMIR**'s intelligence and skills—in particular his ability to both advise and act decisively, as well as to work together with others in doing so—is evident from his career rise in the JNA and his position as one of Mladić's most trusted advisors and Assistant Commanders throughout the war and Dayton.²

11. The security and intelligence sections of Directives 4 and 7 reveal the quality and overall thoroughness of **TOLIMIR**'s analysis.³ His daily intelligence reports throughout the war⁴ and specifically, his daily situation reports from the Drina Corps HQ on 12 July and from Borike and Žepa from 13 July onwards⁵ also reflect **TOLIMIR**'s analytical acumen. **TOLIMIR**'s 13 and 14 July Žepa reports reveal that **TOLIMIR** was capable of and remained fully involved in the murder operation of the Srebrenica prisoners, while concurrently dealing with Muslim representatives of the Žepa enclave and the planned combat operations against Žepa.

12. These materials also reveal **TOLIMIR**'s ability to act decisively. His 12 July orders related to capturing and dealing with Muslims are clear and unambiguous.⁶ His 13 July ideas and proposals related to Srebrenica Muslim prisoners are equally clear and go to the heart of

² See para.19-24, 30. See also Exh.P02234, ERN:0680-1086 (Appraisal "Excellent" by Mladić in 1994).

³ Exh.P01214; Exh.P02495. **TOLIMIR** was involved significantly in drafting both directives.

⁴ See e.g. Exh.P02440; Exh.P02263; [REDACTED] [REDACTED] Exh.P02601, Exh. P02512, Exh. P02498.

⁵ See e.g. Exh.D00064 (12 July); Exh.P00491 (13 July); Exh.P00123 (13 July); Exh.P00124 (14 July); Exh.P02552 (16 July, informed by **TOLIMIR**); Exh.P02207 (17 July); Exh.P00488 (21 July); Exh.P00494 (25 July).

⁶ Exh.D00064, p.2.

the matter—the need to detain, transport large numbers of prisoners in complete secrecy, in order to ensure their impending summary execution.⁷

13. The quality of **TOLIMIR**'s communications demonstrates his dedication and attention to detail, which he demanded from his staff and those working with him, especially from those organs he professionally supervised. The demanding nature of **TOLIMIR**'s leadership of the security organs of the VRS was encapsulated by Mikajlo Mitrović: “[...] General **TOLIMIR** would have surely found out if something had been kept a secret. And in that case, I wouldn't like to be in the skin of the person who tried to keep secrets from him.”⁸ **TOLIMIR** required that he be kept informed of all major orders and developments involving the VRS and his Sector. Chief of the Main Staff, Milovanović, confirmed that **TOLIMIR** was more knowledgeable of events on the ground than both Chiefs of his Administrations.⁹

(i) TOLIMIR rose to the highest military ranks and was closely connected with Mladić

14. **TOLIMIR** joined the JNA in 1967. After completing the Military Academy in Belgrade in 1971, he held diverse infantry positions in Macedonia until mid-1974 and, following completion of security officers' training in Pančevo in September 1974, held several increasingly responsible appointments in counter-intelligence affairs in Croatia at the Naval District, Split Garrison.¹⁰

15. **TOLIMIR** completed the High Military-Political School in 1980. In 1986, he became Assistant Chief of the Counter-Intelligence Group Administrator for Operations Affairs in Split.¹¹ **TOLIMIR** held this position until August 1990, when he became Chief of the Security Organ of the 9th Corps, in Knin (the “Knin Corps”).

16. In October 1991, **TOLIMIR** was promoted to the rank of colonel. In April 1992, he was assigned to the command of the 2nd Military District, as Chief of Security Services.¹² He remained in this position until he was appointed to the VRS Main Staff upon its formation in May 1992 as Assistant Commander for Intelligence and Security Affairs and Chief of the

⁷ See paras.37-39; Exh.D00049 (Sjemeč proposal); Exh.P00125 (Savčić proposal).

⁸ Exh.D00276, p.95. This information was obtained from Mikajlo Mitrović in his interview, which he stood by in his testimony: [REDACTED – see Exh.P02259], M.MITROVIĆ, T.25142-25143; M.MITROVIĆ, T.14990-14991.

⁹ See paras.25-29, 40; MILOVANOVIĆ, T.14248.

¹⁰ Exh.P02234.

¹¹ Exh.P02234.

¹² Exh.P02234; Exh.P02476; Exh.P02475, ERN:0600-6258-0600-6261.

Sector for Intelligence and Security.¹³ Indeed, the Command Staff of the 2nd Military District formed the nucleus of the VRS Main Staff.¹⁴

17. In 1994, **TOLIMIR** was promoted to the rank of major-general.¹⁵ He was relieved of duty on 31 January 1997.¹⁶

18. During his service in Croatia, **TOLIMIR** worked with both BEARA and Mladić. In Split, he worked under BEARA, then Chief of Security of the Naval District.¹⁷ In Knin, **TOLIMIR** worked with Mladić, then Chief of Staff of the Knin Corps,¹⁸ where they shared nearly a year of joint combat experience.¹⁹ In the VRS Main Staff, **TOLIMIR**, BEARA and Mladić maintained a close relationship.²⁰ **TOLIMIR** supervised Dragomir PEĆANAC in the Knin Corps²¹ and knew Petar SALAPURA prior to the Main Staff's formation.²² PEĆANAC later became a VRS intelligence officer and SALAPURA the Chief of Intelligence within **TOLIMIR**'s Sector. A close working relationship among these officers endured throughout the 1992-1995 war.²³

(ii) TOLIMIR was within Mladić's inner core of advisors

19. **TOLIMIR** brought a wealth of experience, professional training, military acumen and expertise to his position²⁴ in the VRS Main Staff, which required overseeing the work of the Administration for Security and the Administration for Intelligence.²⁵ He was assisted throughout the war by SALAPURA²⁶ and BEARA, who took up his post as Chief of the Security Administration around September of 1992.²⁷ Although BEARA had previously

¹³ MILOVANOVIĆ, T.14184-14185; M.TODOROVIĆ, T.13010-13011; Exh.P02234; MILOVANOVIĆ, T.14183-14184.

¹⁴ Exh.P02475, ERN:0600-6263, para.1:14.

¹⁵ Exh.P02437, p.2.

¹⁶ Exh.P02461.

¹⁷ KESEROVIĆ, T.13916; Exh.P02221, p.25.

¹⁸ MILOVANOVIĆ, T.14240.

¹⁹ MILOVANOVIĆ, T.14245.

²⁰ Exh.P02221, p.25; KESEROVIĆ, T.13916-13917.

²¹ PEĆANAC, T.18037. **TOLIMIR** was also superior in the Knin Corps to Mikajlo Mitrović, subsequently Chief of Intelligence & Security for the VRS's 2nd Krajina Corps. M.MITROVIĆ, T.14930-14931, T.14956-14960.

²² SALAPURA, T.13471-13472.

²³ Exh.P01029, transcript pp.1, 6-7, 17; *see* Exh.P02149, p.2, Exh.P02233, *see e.g.* ERN:R067-7181 (BCS), ERN:R067-7183 (BCS), ERN:R067-7186 (BCS), ERN:R067-7191 (BCS), ERN:R067-7192 (BCS), ERN:R067-7193 (BCS) and so on in addition to [REDACTED], Exh.P02465, Exh.P02464, Exh.D00534 (all reflecting Mladić's familiar reference to **TOLIMIR** by his nickname "Tošo"); [REDACTED];[REDACTED]; *see also* Exh.P02466, p.5; Exh.P00767, p.1.

²⁴ *See* paras.14-18; MILOVANOVIĆ, T.14245.

²⁵ MILOVANOVIĆ, T.14243; Exh.P02210.

²⁶ MILOVANOVIĆ, T.14185.

²⁷ MILOVANOVIĆ, T.14187-14188; KESEROVIĆ, T.13917-13918.

been **TOLIMIR**'s superior while in Split, their working relationship in the VRS was not affected.²⁸

20. **TOLIMIR** was among Mladić's closest and trusted advisors.²⁹ Commenting about the course of the war in early 1996, Mladić stated:

Very complex and very difficult decisions had to be made within a very short period of time [...] those who helped me most were definitely my closest associates [...] the most important decisions were taken by a group of five people. This was the inner core of the Main Staff, which in addition to myself, included General Milovanović, my deputy and Chief of Staff, and Generals Đukić, Gvero and **TOLIMIR**. This was the *inner core*.³⁰

21. **TOLIMIR** was one of the few members of the Main Staff who could directly influence Mladić's decisions.³¹ He "had the courage to criticise Mladić" and Mladić would often seek **TOLIMIR**'s opinion and counsel.³² Mladić manifestly respected and valued **TOLIMIR**.

22. Members of the VRS Main Staff and international officials observed the extremely close relationship between **TOLIMIR** and Mladić. For example, Milovanović testified that Mladić and **TOLIMIR** often consulted one another.³³ Rupert Smith testified:

on many occasions when I had met Mladić, General **TOLIMIR** was there as well. You saw there the interplay between them [...] There were one or two occasions when I can remember them having an argument, you know, we were talking across the table, Mladić and I, and then suddenly **TOLIMIR** was having an argument with Mladić. That sort of relationship. This was close.

[...] you could see that this was an [*sic*] a pair operating together, if you will, rather than a – a straightforward hierarchical structure with one doing what he was told.³⁴

Both Smith and UNPROFOR JCO David Wood perceived **TOLIMIR** as Mladić's "right-hand man."³⁵

23. **TOLIMIR**'s recognition was not limited to the VRS Main Staff, but extended to the RS leadership. Along with Milovanović and Gvero, Mladić entrusted **TOLIMIR** to represent the VRS at the highest political level in the RS. **TOLIMIR** frequently attended RS Assembly Sessions and was among those designated to keep the RS Presidency apprised of the situation on the ground, particularly in respect of issues directly implicating the enclaves.³⁶

²⁸ KESEROVIĆ, T.13918.

²⁹ MILOVANOVIĆ, T.14246; P.ŠKRBIĆ, T.18722.

³⁰ Exh. P01029, pp.6-7 (emphasis added).

³¹ KESEROVIĆ, T.13927-13929, T.14000.

³² MILOVANOVIĆ, T.14245-14246; *see for e.g.* Exh.P02233 pp.76, 80, 81, 82; Exh.P02149, p.1.

³³ MILOVANOVIĆ, T.14245.

³⁴ SMITH, T.11586.

³⁵ SMITH, T.11584-11585; WOOD, T.11091-11093.

³⁶ *See e.g.*, Exh.D00529.

24. In addition, **TOLIMIR** represented the VRS at high-level meetings with UNPROFOR, international organisations and the ABiH,³⁷ and was a signatory to the freedom of movement agreement negotiated in 1995.³⁸ **TOLIMIR** was considered the most skilful diplomat amongst VRS Main Staff officers³⁹ and had been a part of the RS political delegation at various negotiations, representing the Army.⁴⁰ Near the war's end, **TOLIMIR** represented the VRS and the RS political leadership as a delegate during the Dayton peace negotiations.⁴¹

(iii) TOLIMIR had full knowledge of all important matters

25. **TOLIMIR** was kept fully informed on matters of importance to the VRS. The VRS security and intelligence apparatus ensured that there was a continuous flow of information from the ground up.⁴² Subordinate security and intelligence organs reported up the chain to the security and intelligence administrations of the Main Staff, who in turn reported to **TOLIMIR**. **TOLIMIR** was kept abreast of all developments and was more knowledgeable than anyone in his Sector.⁴³ The Intelligence and Security Administrations were required to work closely together, with Chiefs of intelligence and security sections being specifically instructed to “exchange mutually relevant information on a daily basis.”⁴⁴

26. The Intelligence Administration received daily reports from the Corps intelligence organs and from the 410th Intelligence Centre⁴⁵ and compiled daily summaries. These reports were provided to **TOLIMIR**, who decided what information was passed on and to whom.⁴⁶ The 10th Sabotage Detachment, operating under the control of the Intelligence Administration,⁴⁷ also maintained “close and continuous communication with intelligence and security organs.”⁴⁸ Reports from the 65th ZMTP MP also “arrived at General **TOLIMIR**'s desk”.⁴⁹

³⁷ See e.g., Exh.D00255; KRALJ, T.18274-18275; Exh.P02233, pp.223-224. See also Exh.P02094, p.3; Exh.D00225.

³⁸ Exh.D00077.

³⁹ MILOVANOVIĆ, T.14248-14249.

⁴⁰ MILOVANOVIĆ, T.14263.

⁴¹ Exh.D00223, p.2; Exh.P02468; Exh.P02466.

⁴² Exh.D00248, p.72, Ch.IV, item 238; Exh.D00203, ERN:0092-0107, Ch.I, paras.12-13; M.TODOROVIĆ, T.13080, T.13082

⁴³ MILOVANOVIĆ, T.14248; SALAPURA, T.13484-13485.

⁴⁴ Exh.P02609, p.3.

⁴⁵ SALAPURA, T.13483.

⁴⁶ SALAPURA, T.13483, T.13485.

⁴⁷ See para.69-71.

⁴⁸ Exh.P02213, p.14, para.15; see SALAPURA, T.13837.

⁴⁹ KESEROVIĆ, T.13897.

27. Corps security organs functioned in the same way.⁵⁰ Daily security reports were sent to the Security Administration and up to **TOLIMIR**.⁵¹ These security reports were more detailed than the daily combat reports and provided precise information about the counter-intelligence and general security situation in the Corps' area.⁵²

28. Moreover, all Corps security organs were connected through a secure computer-based system called "Neven" to the Security Administration and **TOLIMIR**.⁵³ Corps commands could not and did not withhold information from **TOLIMIR**.⁵⁴

29. The Main Staff Intelligence and Security Sector also sent daily intelligence and security reports to the Corps commands.⁵⁵

(iv) TOLIMIR was an integral part of decision-making within the Main Staff

30. As an Assistant Commander, **TOLIMIR** was integral to the decision-making process within the VRS Main Staff.⁵⁶ Milovanović and the Main Staff's Assistant Commanders formed Mladić's "inner circle" and worked together as "a team".⁵⁷ Mladić "would not reach decisions without having consulted the Main Staff"⁵⁸ and depended on Milovanović and his Assistant Commanders, chiefly **TOLIMIR** and Gvero, for their analysis and to "give a green light to him in relation to his intentions."⁵⁹ **TOLIMIR** was Mladić's "eyes and ears."⁶⁰ **TOLIMIR**'s primary duties were, "gathering intelligence. Those would be Mladić's ears" and "[preventing] leaks of information from the VRS, meaning he was there to open Mladić's eyes".⁶¹ **TOLIMIR** was responsible for keeping the Main Staff informed about the security situation in the Republic and to provide intelligence on the intentions of the enemy.⁶² Thus, he submitted proposals on matters within his field of expertise and competence to Mladić for his consideration in taking decisions⁶³ and fought for their adoption.⁶⁴

⁵⁰ M.MITROVIĆ, T.14952-14953.

⁵¹ M.MITROVIĆ, T.14950, T.14952; KESEROVIĆ, T.13904.

⁵² M.MITROVIĆ, T.14952.

⁵³ M.MITROVIĆ, T.14954-14955.

⁵⁴ M.MITROVIĆ, T.14990; [REDACTED – see Exh.P02259], M.MITROVIĆ, T.25142.

⁵⁵ M.MITROVIĆ, T.14951; [REDACTED – see Exh.P02259], M.MITROVIĆ, T.25141-25142.

⁵⁶ KESEROVIĆ, T.13874.

⁵⁷ OBRADOVIĆ, T.11943, T.12019.

⁵⁸ MILOVANOVIĆ, T.14194.

⁵⁹ MILOVANOVIĆ, T.14245-14246.

⁶⁰ MILOVANOVIĆ, T.14247-14248.

⁶¹ MILOVANOVIĆ, T.14247-14248.

⁶² MILOVANOVIĆ, T.14200.

⁶³ MILOVANOVIĆ, T.14216-14217; BUTLER, T.16352-16353 (referring to Exh.P02216 as exemplifying the relationship between security organs and commanders); KESEROVIĆ, T.13913-13914.

⁶⁴ MILOVANOVIĆ, T.14217.

31. Once Mladić made a decision, regardless of whether it was consistent with his proposal, **TOLIMIR** “would carry out Mladić’s decision no matter what it was”.⁶⁵ **TOLIMIR** had to monitor the execution of the decision and as explained by Milovanović that meant “seeing if the subordinate unit that was issued the decision was implementing it in the way the commander had decided”, that is, in accordance with Mladić’s intentions.⁶⁶ Where subordinates failed to do so, it was “**TOLIMIR**’s duty to direct him back to work in the spirit of the commander’s [Mladić’s] decision”, issuing additional guidance, explanations or orders as necessary.⁶⁷ **TOLIMIR**’s obligation to monitor the execution of Mladić’s decision continued “until the assignment was completed”.⁶⁸

(v) **TOLIMIR had a lead role in prisoner-related matters**

32. One of **TOLIMIR**’s vital functions during the war effort was his management of prisoner-related issues, including their detention, securing, transport, interrogation and exchange.⁶⁹ Throughout the war, **TOLIMIR** served as Mladić’s most senior officer responsible for prisoner-related matters.⁷⁰ With respect to the important issue of prisoner exchanges, the VRS Main Staff maintained control, and **TOLIMIR** in particular.⁷¹ The VRS faced pressure from families of captured VRS soldiers⁷² and occasionally corps commands had to resort to obtaining prisoners from other corps in order to gather sufficient PoWs for exchange.⁷³ Senior officers were of high value and could be exchanged for large numbers of enemy soldiers.⁷⁴ **TOLIMIR** instructed and directed his subordinates and MPs in their handling of PoWs throughout the conflict⁷⁵ and during the time surrounding the fall of Srebrenica and Žepa.⁷⁶

⁶⁵ MILOVANOVIĆ, T.14218.

⁶⁶ MILOVANOVIĆ, T.14219; KESEROVIĆ, T.13913-13914.

⁶⁷ MILOVANOVIĆ, T.14219; BUTLER, T.17313-17314.

⁶⁸ MILOVANOVIĆ, T.14219.

⁶⁹ See BUTLER, T.17394-17396.

⁷⁰ See e.g. OBRADOVIĆ, T.11930-11931; BUTLER, T.16338 (**TOLIMIR** served as the “pinnacle” of prisoner processing); see also Exh.P02485, p.1; BUTLER, T.16345.

⁷¹ Exh.P01112, p.1; Exh.D00226; BUTLER, T.16336-16337 (MP and criminal-legal tasks and duties carried out by security and intelligence organs included dealing with PoWs).

⁷² M.TODOROVIĆ, T.12941-12942; L.MITROVIĆ, T.15173-15174.

⁷³ M.TODOROVIĆ, T.12943; Exh.P02490; BUTLER, T.16433-16434.

⁷⁴ See eg. M.MITROVIĆ, T.14928-14929.

⁷⁵ Exh.P02880, p.84, p.90; BUTLER, T.16346, T.16440; Exh.P02871, pp.1-2 (PEĆANAC was assigned by **TOLIMIR** to work on this task); Exh.P02249; Exh.P02486, p.2; Exh.P02272, pp.1-3; Exh.P02181; Exh.P01970; OBRADOVIĆ, T.11930-11931.

⁷⁶ BUTLER, T.16336-16337; see also BUTLER, T.16347; e.g. Exh.P02272, pp.1-3; Exh.P00395a [REDACTED]; see paras.321-342, 426-453.

33. **TOLIMIR** was discharging this duty when he ordered preparations be made for over 1,000 Srebrenica Muslims at the ICRC-monitored VRS prison camp at Batković.⁷⁷ **TOLIMIR** later halted these preparations in light of the plan to murder the Srebrenica Muslim men and boys.⁷⁸

34. After most of the over 7,000 Srebrenica prisoners had been executed, **TOLIMIR** continued his prisoner-related work. On 29 July 1995, after the forcible removal of the Muslim population from Žepa, **TOLIMIR** issued instructions to the Rogatica Brigade Command⁷⁹ regarding the capture and disarmament of the ABiH's Žepa Brigade. He instructed the Rogatica Brigade not to register or report the captured Muslims until the ceasefire took effect,⁸⁰ an instruction that ran contrary to the standard procedure of registering all PoWs with international organisations,⁸¹ and was moreover "illegitimate according to international law."⁸² There was no logical military reason for him to instruct that these captured persons not be registered.⁸³

35. Also on or around 29 July, **TOLIMIR** personally informed a group of elderly, wounded and sick men from Žepa that they were being detained as a consequence of the collapse of a prisoner exchange deal,⁸⁴ another example of **TOLIMIR**'s responsibility and intimate involvement in prisoner issues.

36. **TOLIMIR**'s role in prisoner issues continued through to the end of the war, as evidenced by his urgent request of 15 December 1995 in relation to a prisoner exchange with both the HVO and the ABiH.⁸⁵

(vi) TOLIMIR was in command and control of the Intelligence and Security Sector and reported directly to Mladić

37. As Chief of the Intelligence and Security Sector,⁸⁶ **TOLIMIR** headed the highest administrative and professional body⁸⁷ for VRS security and intelligence organs.⁸⁸

⁷⁷ E.g. Exh.D00064 p.2 (stressing the importance of recording the names of military-aged men being evacuated from the UNPROFOR base at Potočari); BUTLER, T.16356.

⁷⁸ See paras.519-533. Concerning **TOLIMIR**'s specific involvement with PoWs during the events of Srebrenica and Žepa, See paras.454-457, 474-479, 512-533, 537-549, 579-585, 742-1, 756-758.

⁷⁹ **TOLIMIR** also addressed the instructions personally to Krstić, Kušić and PEĆANAC as well as various of his intelligence and security subordinates.

⁸⁰ Exh.P00122, p.2; see also Exh.P02875.

⁸¹ BUTLER, T.16430-16431. Exh.P02756, N.SIMIĆ, T.28693-28694 (regarding standard PoW procedure).

⁸² [REDACTED]

⁸³ See BUTLER, T.16430-16431.

⁸⁴ DŽEBO, T.14812-14816.

⁸⁵ Exh.P02251.

⁸⁶ M.TODORVIĆ, T.13010-13011; MILOVANOVIĆ, T.14184.

⁸⁷ 'Organ' is the terminology used in the VRS to denote a specialised component of a command staff, such as the 'intelligence organ' or 'security organ' – see e.g. Exh.D00202, p.8.

⁸⁸ Exh.P02265; M.TODORVIĆ, T.13080. Also Exh.P01112.

Milovanović unequivocally confirmed that **TOLIMIR** commanded the Sector for Intelligence and Security.⁸⁹ **TOLIMIR** reported directly to Mladić.⁹⁰ **TOLIMIR** could pass on orders issued by Mladić,⁹¹ as well as discharge such additional functions and responsibilities that Mladić assigned him.⁹² Like Miletić, **TOLIMIR** was responsible for “[monitoring] the work of [his] subordinates, to assess the quality of their work and the work they put in to accomplishing their tasks”.⁹³ **TOLIMIR** was also responsible for “monitoring the professionalism, legality, and correctness of the work of security/intelligence organs.”⁹⁴ As regards the Intelligence Administration, SALAPURA explained that “[**TOLIMIR**’s] responsibility was for the work of the administration, the scope of the information, the – quality of information gathered by my service.”⁹⁵ **TOLIMIR**’s Sector was also the highest administrative and professional organ for activities relating to the VRS MPs,⁹⁶ sabotage and reconnaissance, and electronic reconnaissance units.⁹⁷

38. **TOLIMIR** was responsible for planning and organising security measures and intelligence support; preparing and conducting special operations; and providing training for special operations, intelligence operations and security training.⁹⁸ **TOLIMIR**’s expertise informed decisions on security and intelligence support for combat operations.⁹⁹

(vii) TOLIMIR commanded, supervised and was responsible for Main Staff security and intelligence officers

39. As Chief of the Intelligence and Security Sector, **TOLIMIR** commanded the Sector’s Intelligence and Security Administrations.¹⁰⁰ These Administrations were headed by **TOLIMIR**’s “closest associates”,¹⁰¹ BEARA and SALAPURA,¹⁰² whom **TOLIMIR** commanded.¹⁰³ As their commander and direct superior, **TOLIMIR** oversaw, administered

⁸⁹ MILOVANOVIĆ, T.14244; *see also* Exh.D00535, p.9; Exh.P02756, N.SIMIĆ, T.28598-28599.

⁹⁰ Exh.P02475, p.11; *see* Exh.D00203, Ch.II, para.16; MILOVANOVIĆ, T.14199-14201.

⁹¹ *See e.g.* KESEROVIĆ, T.13914 (discussing the Assistant Commander’s role in proposing to the Commander how to use the MPs).

⁹² *See* paras.143-153.

⁹³ OBRADOVIĆ, T.11945. *See also* OBRADOVIĆ, T.11947-11949, T.11949:2-18 (“[Miletić] was the one who evaluated my work, who followed my work, who was responsible for my work”).

⁹⁴ SALAPURA, T.13807.

⁹⁵ SALAPURA, T.13484-13486.

⁹⁶ KESEROVIĆ, T.13873-13874; M.TODOROVIĆ, T.13080.

⁹⁷ SALAPURA, T.13571-13572; Exh.P02876, p.28; *see generally*, Exh.P02880, pp.83-92.

⁹⁸ Exh.P02876, p.28.

⁹⁹ MILOVANOVIĆ, T.14216; *see e.g.* Exh.P02754.

¹⁰⁰ MILOVANOVIĆ, T.14244; SALAPURA, T.13484; M.MITROVIĆ, T.14973, T.14977; KESEROVIĆ, T.14001-14002; [REDACTED – *see* Exh.P02418], SAVČIĆ, T.15260. ,

¹⁰¹ M.MITROVIĆ, T.15067-15068.

¹⁰² MILOVANOVIĆ, T.14243-14244; Exh.P02210, p.3; Exh. P02265.

¹⁰³ MILOVANOVIĆ, T.14244; OBRADOVIĆ, T.11949; SALAPURA, T.13474. *See also* OBRADOVIĆ, T.12021 (for the equivalent command relationship in the Administration for Operations and Training).

and was immediately responsible for their work¹⁰⁴ and the work of their subordinates.¹⁰⁵ In the Intelligence Administration, this most notably included: Radoslav JANKOVIĆ (Desk Officer - Analysis Section),¹⁰⁶ Dragomir PEĆANAC (Intelligence Officer),¹⁰⁷ Jovica KARANOVIĆ (Chief - Analysis Section)¹⁰⁸ and Slobodan MAMLIĆ (Chief - Electronic Reconnaissance)¹⁰⁹; and in the Security Administration: Dragomir KESEROVIĆ (Chief - Military Police Department)¹¹⁰ and Milorad MARIĆ (Chief - Counter Intelligence).¹¹¹ As Chief of the Intelligence and Security Sector, **TOLIMIR** commanded the officers within both Administrations.¹¹² This was confirmed by KESEROVIĆ, who in answer to **TOLIMIR**'s cross-examination question: "Would you have been taken to task by me if you had not carried out my task, for example, if you had not briefed JANKOVIĆ about the tasks that I had given you?", responded: "I would have been taken to task first by you and then by the commander, I suppose".¹¹³

40. **TOLIMIR** co-ordinated the work between the two Administrations, which frequently yielded information useful to one another.¹¹⁴ As SALAPURA put it, it was **TOLIMIR**'s function "to decide who will get what information, what will be referred to whom, in order to avoid duplication and -- and the crossing of competencies."¹¹⁵ Thus for example, upon receiving reports directly from the military police, **TOLIMIR** was responsible for disseminating to BEARA and SALAPURA the information that was pertinent to their respective Administrations.¹¹⁶

¹⁰⁴ OBRADOVIĆ, T.11949; [REDACTED] KESEROVIĆ, T.13884-13885, SALAPURA, T.13474; *see also* Exh.P02210; [REDACTED – see Exh. P02418], SAVČIĆ, T.15260: "[**TOLIMIR**] was [BEARA's] immediate superior, so logically he was the one to inform about the duties he had carried out and to receive new tasks [...]" ; Exh.P02756, N.SIMIĆ, T.28598-28599 (regarding Gvero and his role as assistant commander).

¹⁰⁵ SALAPURA, T.13478-13479; MILOVANOVIĆ T.14252 (410th Intelligence Centre); Exh.P02265; [REDACTED – see Exh.P02418], SAVČIĆ, T.15260.

¹⁰⁶ SALAPURA, T.13475-13476.

¹⁰⁷ M.TODOROVIĆ, T.13009-13012, T.13098; [REDACTED] MILOVANOVIĆ, T.14253-14254; [REDACTED]; SALAPURA, T.13500, T.13812-13813. *See also* Exh.P02212; Exh.P02211. Exh.P02529; Exh.P00486; Exh.P02182 (the English translation of this document refers to the "intelligence sector," however the BCS original denotes "sector za OBP GŠ VRS" which most likely indicates the Sector for Intelligence and Security Affairs, rather than the Intelligence Administration. "OB" and "OBP" can both mean "intelligence" and "intelligence and security." The context usually—but not always—clarifies the meaning); M.MITROVIĆ, T.14944-14945; BLASZCZYK, T.1463; P.ŠKRBIĆ, T.18799; [REDACTED]; [REDACTED]

¹⁰⁸ SALAPURA, T.13475-13476.

¹⁰⁹ SALAPURA, T.13476.

¹¹⁰ KESEROVIĆ, T.13866, T.13893.

¹¹¹ KESEROVIĆ, T.13882; Exh.P02226; Exh.P02430.

¹¹² MILOVANOVIĆ, T.14244; M.MITROVIĆ, T.14973; KESEROVIĆ, T.14001-14002; SALAPURA, T.13484.

¹¹³ KESEROVIĆ, T.14001-14002.

¹¹⁴ SALAPURA T.13644, T.13478.

¹¹⁵ SALAPURA, T.13479.

¹¹⁶ Exh.P02221, pp.58-59.

41. Throughout the war, both the Security Administration and the Intelligence Administration applied existing JNA rules and regulations to the greatest extent possible, particularly in respect of specialised management activities.¹¹⁷

Security Administration

42. The Security Administration was a professional body of the command of the Main Staff¹¹⁸ led by **TOLIMIR**'s assistant and immediate subordinate BEARA.¹¹⁹ Structurally, it comprised the Counter Intelligence Group (“KOG”) and associated analytical element,¹²⁰ a department for military police affairs, and personnel assigned to ensure the security of key Main Staff officers.¹²¹

43. Within its remit, the Security Administration was responsible for professionally managing subordinate security organs¹²² and subordinate military police units (including the 65th ZMTP MP Battalion),¹²³ for counter-intelligence support and the protection of facilities and units.¹²⁴ Because the 65thZMTP did not have a security organ, the Main Staff's Security Administration performed these functions directly for that regiment.¹²⁵ The Security Administration was also responsible for the selection and recruitment of personnel both for security organs and MP units¹²⁶ and for organising and implementing security measures and actions within VRS plans, decisions and orders.¹²⁷

Competence

44. The Security Administration operated in accordance with the Rules of Service of Security Organs, which the VRS adopted.¹²⁸ Its competence included detecting and preventing activities carried out *within* or against the armed forces, aimed at subverting or disrupting the RS constitutional order¹²⁹ and threatening the country's security (*i.e.*, acts undermining the “guarantee and protection of human freedom and rights with respect to

¹¹⁷ Exh.P02475, para.2.15; SALAPURA, T.13845; M.MITROVIĆ, T.14958.

¹¹⁸ [REDACTED – see Exh.P02418] SAVČIĆ, T.15240.

¹¹⁹ Exh.P02475, ERN:0600-6270-0600-6271, para.2.14; KESEROVIĆ, T.13881; SALAPURA, T.13475, T.13626; Exh.P02265; M.MITROVIĆ, T.14945.

¹²⁰ Exh.P02475, para.2.14; *see also* Exh.P02265.

¹²¹ Exh.P02475, para.2.14.

¹²² Exh.D00202, Art.29, item 9, p.31.; Exh.P02876, Art.31, item 7, p.29.

¹²³ [REDACTED – see Exh.P02418] SAVČIĆ, T.15227, 15241.15271-15272.

¹²⁴ [REDACTED – see Exh.P02418] SAVČIĆ, T.15241, T.15271.

¹²⁵ [REDACTED – see Exh.P02418] SAVČIĆ, T.15239.

¹²⁶ *See generally*, KESEROVIĆ, T.13873-13874. Exh.P02876, p.29, Art.8; Exh.P01112, p.2.

¹²⁷ *See e.g.*, Exh.P02430.

¹²⁸ Exh.D00203; SALAPURA, T.13626, T.13845.

¹²⁹ Exh.D00203, ERN:0092-0104, Ch.II, para.1. *See also* Ch.I, para.4.

international standards, ensuring [...] national equality [and] protection of rights of ethnic groups and other minorities”).¹³⁰

Counter-Intelligence and related activities

45. The Security Administration’s counter-intelligence work included, among other things, discovering, documenting and preventing enemy intelligence activity and providing counter-intelligence measures or protection for the army based on intelligence gathered.¹³¹ Security organs were responsible for carrying out tasks concerning any individual or group *within* the army.¹³²

Security organs have the right *and duty* to take prescribed measures and operations against individuals, groups and organisations whose activities are aimed at subverting or disrupting the social order established by the Constitution¹³³

46. They were therefore responsible for “uncovering and preventing hostile activities [...] *among* the members of the corps aimed at undermining or destroying the social structure determined by the SFRY Constitution.”¹³⁴

Criminal legal tasks

47. The Security Administration carried out criminal-legal tasks,¹³⁵ which involved arresting suspects; collecting evidence of crimes; and submitting such evidence to investigative bodies for further proceedings.¹³⁶ When crimes fell within the competence of military courts, security organs could arrest and deliver individual(s) to an investigating judge of a military court or the nearest military unit or institution.¹³⁷ All security organs and the MP were obliged to assist the Military Prosecutor and courts in discovering crimes and finding their perpetrators.¹³⁸

48. VRS security organs and MP units were therefore responsible for discovering, preventing, reporting, arresting and investigating the perpetrators and accomplices of the commission of crimes against humanity and international law¹³⁹—the very crimes charged in the Indictment.

¹³⁰ Exh.P02215, Art.5, 10 *et seq.*; SALAPURA, T.13723, T.13477, T.13847-13850.

¹³¹ [REDACTED – See Exh.P02418], SAVČIĆ, T.15270-15271; Exh.D00202, ERN:0091-0023, Art.29, items 1-3.

¹³² Exh.P02876 p.28; Exh.D00203, ERN:0092-0105, Ch.I, item 6(b).

¹³³ Exh.D00203, ERN:0092-0116, Ch.IV, item 40.

¹³⁴ Exh.D00202, ERN:0091-0023, Art.29, item 2 (emphasis added).

¹³⁵ Exh.P01112, p.1, item 1; SALAPURA, T.13477.

¹³⁶ OBRADOVIĆ, T.12193-12194.

¹³⁷ Exh.D00203, Ch.IV, item 43; Exh.P01683, Art.7; *see e.g.*, Exh.P02492.

¹³⁸ Exh.P02603; Exh.P01760, ERN:0084-6879-0084-6880, item 2.

¹³⁹ Exh.P02478, ERN:0081-4379, Item 3.

Operational Secrecy

49. The Security Administration was also responsible for operational secrecy of operations together with the Intelligence Administration.¹⁴⁰

Intelligence Administration

50. **TOLIMIR**'s assistant and immediate subordinate SALAPURA led the Main Staff's Intelligence Administration.¹⁴¹ The Intelligence Administration controlled and directed the work of subordinate intelligence organs and reconnaissance units.¹⁴² Additionally, the 410thObC (principally responsible for operative intelligence work)¹⁴³ and 10th Sabotage Detachment fell under its aegis.¹⁴⁴

51. The Intelligence Administration was responsible for, among other things, developing and equipping intelligence organs, organising activities, preparing plans of engagement, analysing military intelligence and aggressors with a view to preparing reports for the superior command.¹⁴⁵

Competence

52. The Intelligence Administration focused on the monitoring and collection of information on the enemy and on the international community; intelligence organs dealt with "the lay of the land, on the enemy's side, and enemy facilities."¹⁴⁶

53. The information gathered by subordinate intelligence organs was relayed to the Intelligence Administration, where it was analysed.¹⁴⁷ Intelligence organs were "bound by the rules to orally state information that was important in decision-making or could affect or bring about a change in decision-making."¹⁴⁸ The Intelligence Administration was responsible for submitting important operational and strategic data to the superior command.¹⁴⁹

Significant tasks

54. VRS intelligence organs' tasks involved, among other things, directing and co-ordinating overall intelligence and reconnaissance activities, proposing the organisation and

¹⁴⁰ See paras.72-73.

¹⁴¹ SALAPURA, T.13473.

¹⁴² Exh.P02876, p.30, Art.32; Exh.D00248, p.19, Ch.III, item.17.

¹⁴³ SALAPURA, T.13499.

¹⁴⁴ M.MITROVIĆ, T.14989-14991; SALAPURA, T.13806; Exh.P02475, ERN:0600-6270-0600-6271, para.2.14; Exh.P02221, pp.7-8; Exh.P00215, ERDEMOVIĆ, T.10934.

¹⁴⁵ Exh.P02876, p.30, Art.32.

¹⁴⁶ SALAPURA, T.13477, T.13482. See also Exh.P02876, p.30, Art.32.

¹⁴⁷ Exh.D00248, p.19, Ch.III, item.16; SALAPURA, T.13477.

¹⁴⁸ SALAPURA, T.13564-13565.

¹⁴⁹ Exh.D00248, p.19, Ch.III, item.16.

implementation of intelligence support, organising and questioning PoWs and refugees as valuable sources of information¹⁵⁰ and questioning and evacuating refugees.¹⁵¹

(viii) TOLIMIR professionally supervised, controlled and directed security and intelligence officers and MPs in subordinate units

55. **TOLIMIR** was responsible for and controlled, through BEARA and SALAPURA, the professional activities of security and intelligence organs and MPs¹⁵² in subordinate VRS formations.¹⁵³ These organs engaged in intelligence and counter-intelligence tasks (80% of the time) and criminal-legal tasks and MP duties (20% of the time).¹⁵⁴

56. At the Corps level, **TOLIMIR**'s responsibility and control encompassed the work of DK Chief of Security Lt. Col. Vujadin POPOVIĆ, DK Chief of Intelligence Lt. Col. Svetozar KOSORIĆ and IBK Chief of Security Lt. Col. Milenko TODORVIĆ.¹⁵⁵

57. In turn, POPOVIĆ professionally controlled security organs in subordinate DK formations,¹⁵⁶ including Drago NIKOLIĆ and TRBIĆ (Zvornik Brigade), ČARKIĆ (Rogatica Brigade) and Momir NIKOLIĆ (Bratunac Brigade). ČARKIĆ and Momir NIKOLIĆ, as Assistant Commanders for Intelligence and Security, were also subordinated to KOSORIĆ.¹⁵⁷ These subordinates, among others, implemented the forcible removal and murder plans using intelligence and security assets and the MP.

Specialist control

58. Through the Security Administration, **TOLIMIR** exercised control over subordinate security organs and MP units.¹⁵⁸ As KESEROVIĆ explained, "[t]he security administration directs all the organs down the chain, and on lower levels it goes through the commander of the security organ. In the corps it goes through the chief of the security section of the

¹⁵⁰ Exh.D00248, pp.19-20, Ch.III, item.17; SALAPURA, T.13482; *see also* Exh.P01760; Exh.D00248, p.62, Ch.III, item 212 (for a more general exposition of intelligence sources, *see* pp.62-64, items 210-218).

¹⁵¹ Exh.P01760, p.1, item 1.

¹⁵² Exh.D00202, p.31, Art. 29, item 9; *see e.g.* Exh.P02272, p.3.

¹⁵³ OBRADOVIĆ, T.12164. M.MITROVIĆ, T.14960; Exh.P02876, pp.28-31, Arts.30-32.

¹⁵⁴ Exh.P01112, p.1, item 1; KESEROVIĆ, T.13870 (Keserović's recollection was that the division was 66% to 33%); Exh.P02475, ERN: 0600-6271, para.2.15.

¹⁵⁵ M.TODORVIĆ, T.12924.

¹⁵⁶ M.MITROVIĆ, T.14988.

¹⁵⁷ M.NIKOLIĆ, T.12243-12244.

¹⁵⁸ Exh.P02876, p.28; M.TODORVIĆ, T.13080; OBRADOVIĆ, T.12164 ("the security organ of the Main Staff controls the security organs in the corps and other units which are tied to the commander of the Main Staff and also in the institutions, within the purview of their own tasks and duties, meaning within the purview of security tasks").

corps.”¹⁵⁹ **TOLIMIR** could issue direct orders when directing, co-ordinating and supervising the work of subordinate security organs.¹⁶⁰

59. Security organs exercised similar control over MP units:

With respect to speciality, the officer in charge of the security body of the unit or institution within whose establishment the military police unit is placed or to which it is attached *controls the military police*. He makes suggestions to the officer in charge of the military unit or institution on the use of the military police units and is responsible for the combat readiness of the military police unit and the performance of their tasks.

When controlling a military police unit, the officer in charge of the security body [from the paragraph above] has the same rights and duties which the officers of arms and services of military units and institutions have in controlling the units of arms and services.¹⁶¹

The security organ “directly control[ed] the military police”.¹⁶²

60. **TOLIMIR** could also issue direct orders to the military police where their tasks comprised part of the work of the Security Administration,¹⁶³ and could issue orders regarding their use in combat, upon the approval of the Main Staff Commander.¹⁶⁴

61. **TOLIMIR** was responsible for professionally guiding subordinate intelligence and security organs and MP units. For example, **TOLIMIR** issued detailed instructions on the detention and transport of PoWs by subordinate security organs and MP units, which fell within security and escort services.¹⁶⁵ The subordinate intelligence and security organs were obliged to inform the MP units.

62. Instructions issued by security organs to MP units were given on the understanding that they would be followed; upon receiving such instructions from the security organs, MP units understood that they were duty-bound to follow them.¹⁶⁶

63. Through the Intelligence Administration, **TOLIMIR** similarly exercised professional control over subordinate intelligence organs.¹⁶⁷

¹⁵⁹ KESEROVIĆ, T.14063.

¹⁶⁰ Exh.D00203, Ch.II, p.10, para.18; Exh.D00202, p.31, Art. 29, item 9; M.TODOROVIĆ, T.13062-13063. *See e.g.* Exh.P02600.

¹⁶¹ Exh.P01297, p.10, Ch.II, para.13 (emphasis added). *See also* para.14.

¹⁶² KESEROVIĆ, T.13873-13874; [REDACTED]; OBRADOVIĆ, T.12156-12157.

¹⁶³ M.MITROVIĆ, T.14977; *e.g.* Exh.P02430, p.2, items 1, 3; Exh.P02426, p.1, para.1; Exh.P02600; Exh.P02221, pp.14-15.

¹⁶⁴ M.MITROVIĆ, T.14977.

¹⁶⁵ *See e.g.* Exh.P01970, *see Appendix B* for details; Exh.P02181; M.TODOROVIĆ, T.12973-12974; KESEROVIĆ, T.13877.

¹⁶⁶ M.TODOROVIĆ, T.12974-12975; KESEROVIĆ, T.14047.

¹⁶⁷ Exh.D00248, ERN:0304-8004, Ch.III, item.14.

(ix) TOLIMIR was responsible for, supervised and oversaw the Military Police Battalion of the 65th Motorised Protection Regiment, the 10th Sabotage Detachment and other VRS units

64. **TOLIMIR** maintained professional control over certain Main Staff units. He controlled the MP Battalion of the 65thZMTP (headed by Cpt. Zoran Malinić) and the Counter Intelligence Group (headed by Pero Jakovljević) through the Main Staff's Security Administration.¹⁶⁸ Through the Main Staff's Intelligence Administration, **TOLIMIR** controlled the 410thObC (headed by Čedo Knezević)¹⁶⁹ and the 10th Sabotage Detachment (headed by Cpt. Milorad Pelemiš).¹⁷⁰

65th Motorised Protection Regiment MP Battalion

65. The 65thZMTP was an independent unit of the VRS Main Staff¹⁷¹ designed to provide security for its command posts and officers,¹⁷² though it also carried out combat activities.¹⁷³ In 1995, the 65thZMTP's command was based at the VRS Main Staff Command in Crna Rijeka.¹⁷⁴ Milomir Savčić commanded the 65thZMTP¹⁷⁵ and Jovo Jazić was Deputy Commander and Chief of Staff.¹⁷⁶ The Regiment notably included a MP Battalion.¹⁷⁷

66. Maj. Zoran Malinić commanded the MP Battalion,¹⁷⁸ which was headquartered in Nova Kasaba on the Milici-Konjevic Polje-Zvornik road.¹⁷⁹ Malinić received orders from Savčić,¹⁸⁰ who in turn reported to Mladić.¹⁸¹ The Chief of the Security Administration, BEARA, proposed the use of the 65thZMTP MP assets¹⁸² and oversaw the 65th ZMTP's MP Battalion together with his subordinate KESEROVIĆ, the Chief of the Administration's MP

¹⁶⁸ [REDACTED – see Exh.P02418], SAVČIĆ, T.15239-15240.

¹⁶⁹ SALAPURA, T.13499, T.13805; P.ŠKRBIĆ, T.18559-18560; Exh.P02475, ERN:0600-6270-0600-6271, para.2.14.

¹⁷⁰ SALAPURA, T.13499, T.13486, T.13524; MILOVANOVIĆ, T.14252; Exh.P02265; M.MITROVIĆ, T.14946; ERDEMOVIĆ, T.1927; OBRADOVIĆ, T.11960, T.11962.

¹⁷¹ SALAPURA, T.13580, [REDACTED]

¹⁷² MALINIĆ, T.15302; [REDACTED – see Exh.P02418], SAVČIĆ, T.15229; SAVČIĆ, T.15780, Exh.P02430 (order signed by **TOLIMIR**); *See e.g.* Exh.P02427.

¹⁷³ SAVČIĆ, T.15763. *Also see* Exh.P02431; SAVČIĆ, T.15783-15785; Exh.P00125; Exh.P02432; Exh.D00293.

¹⁷⁴ MALINIĆ, T.15300; OBRADOVIĆ, T.11962-11963; [REDACTED – see Exh.P02418] SAVČIĆ, T.15227.

¹⁷⁵ MALINIĆ, T.15305, OBRADOVIĆ, T.11963, Exh.P02154; [REDACTED – see Exh.P02418], SAVČIĆ, T.15227.

¹⁷⁶ MALINIĆ, T.15305, [REDACTED – see Exh.P02418], SAVČIĆ, T.15233. [REDACTED]

¹⁷⁷ MALINIĆ, T.15303-15304; [REDACTED – see Exh.P02418], SAVČIĆ, T.15234-15235.

¹⁷⁸ MALINIĆ, T.15300; [REDACTED – see Exh.P02418], SAVČIĆ, T.15236-15237.

¹⁷⁹ [REDACTED – see Exh.P02418], SAVČIĆ, T.15236.

¹⁸⁰ [REDACTED – see Exh.P02418], SAVČIĆ, T.15239-15240.

¹⁸¹ MALINIĆ, T.15301-15302, T.15304-15305, T.15308-15309; [REDACTED – see Exh.P02418] SAVČIĆ, T.15239-15240.

¹⁸² [REDACTED – see Exh.P02418], SAVČIĆ, T.15240. *See e.g.*, Exh.P02154; Exhs.P02426-P02427; Exh.P02221, p.62 (the Security Administration could activate the MP Battalion).

Department.¹⁸³ The 65thZMTP was involved in securing and detaining the Srebrenica men and boys who were then summarily executed.

410th Intelligence Centre

67. The 410thObC was comprised of a body of analysts charged with gathering, analysing, prioritising and communicating information.¹⁸⁴ The Centre was an independent Main Staff institute,¹⁸⁵ directly subordinate to the VRS Main Staff Commander.¹⁸⁶ Lt. Col. Čedo Knežević was in command of the 410thObC;¹⁸⁷ he reported to SALAPURA, who in turn reported to **TOLIMIR**.¹⁸⁸

68. The 410thObC was located within the Banja Luka garrison,¹⁸⁹ though it operated out of various locations throughout the territory of the RS.¹⁹⁰ Intelligence reports were sent to the HQ in Banja Luka and then transmitted to the VRS Main Staff.¹⁹¹ The 410thObC did not participate in the work of either the Corps command or in their staff duties.¹⁹² PEĆANAC was serving with the 410thObC in summer 1995;¹⁹³ he participated in procuring executioners on 15 July and was also involved in the Žepa forcible transfer operation as well as directly implicated in Avdo Palić's disappearance.

10th Sabotage Detachment

69. The 10th Sabotage Detachment was specially trained for operations behind enemy lines and other special combat assignments.¹⁹⁴ In 1995 it comprised 50-60 men in two platoons located in Vlasenica¹⁹⁵ and Bijeljina.¹⁹⁶ The Detachment, although subordinated to Mladić, engaged in operational intelligence gathering¹⁹⁷ falling within the professional control of the Intelligence Administration.¹⁹⁸ **TOLIMIR** was the first superior responsible for the professional control of the 10th Sabotage Detachment, and SALAPURA, as the Chief

¹⁸³ OBRADOVIĆ, T.11962; MALINIĆ, T.15305-15306, P.ŠKRBIĆ, T.18746; [REDACTED – see Exh.P02418], SAVČIĆ, T.15241; Exh.P02221, p.81.

¹⁸⁴ MILOVANOVIĆ, T.14252. *See e.g.*, Exh.P02211.

¹⁸⁵ P.ŠKRBIĆ, T.18566.

¹⁸⁶ P.ŠKRBIĆ, T.18560.

¹⁸⁷ SALAPURA, T.13499, M.MITROVIĆ, T.14946.

¹⁸⁸ M.MITROVIĆ, T.14989-14991; SALAPURA, T.13806.

¹⁸⁹ MILOVANOVIĆ, T.14252.

¹⁹⁰ SALAPURA, T.13803.

¹⁹¹ SALAPURA, T.13815-13816; [REDACTED]. *See also*, P.ŠKRBIĆ, T.18561.

¹⁹² SALAPURA, T.13806.

¹⁹³ Exh.P02211; Exh.P02212.

¹⁹⁴ SALAPURA, T.13529; Exh.P02141; ERDEMOVIĆ, T.1879; Exh.P00215, ERDEMOVIĆ, T.10935; Exh.P02200; Exhs.P00226, P00228-P00232.

¹⁹⁵ [REDACTED – see Exh.P02588], D.TODORVIĆ T.13992.

¹⁹⁶ [REDACTED – see Exh.P00215], ERDEMOVIĆ, T.10931-10932.

¹⁹⁷ SALAPURA, T.13483.

¹⁹⁸ SALAPURA, T.13805-13806; PEĆANAC, T.18133; ERDEMOVIĆ, T.1877-1879; [REDACTED – see Exh.P00215], ERDEMOVIĆ, T.10931; Exh.P02200.

of the Intelligence Administration, had professional control of the Detachment under **TOLIMIR**.¹⁹⁹

70. SALAPURA testified that **TOLIMIR** was directly involved in decisions about the deployment of the 10th Sabotage Detachment and that **TOLIMIR** reviewed SALAPURA's proposals for the Detachment's use.²⁰⁰ If **TOLIMIR** approved these proposals, he forwarded them to Mladić for decision. **TOLIMIR** then passed Mladić's decision and corresponding orders to SALAPURA to instruct the unit on its engagement accordingly. Furthermore, SALAPURA testified:²⁰¹

Q. And you would be reporting to General **TOLIMIR** about what you were monitoring and your use of the 10th Sabotage; is that right?

A. I was reporting, yes, about all the operations where I, first of all, proposed and then monitored.

71. **TOLIMIR** issued "tasks or proposals about the tasks for [the 10th Sabotage Detachment]" through SALAPURA.²⁰² Obradović explained that because the Detachment is linked to the command of the Main Staff, "[n]o one corps can say, I'll take the sabotage detachment and use it here or there; they can only request the assistance of a unit that belongs to another formation or the Main Staff. And then that request can either be approved or not approved."²⁰³ Though 2nd Lt. Milorad Pelemiš was the commander of the 10th Sabotage Detachment, SALAPURA was recognised by Detachment members as "the main man for our unit, [he] was in charge of our unit."²⁰⁴ Other members of the Intelligence Administration, such as PEĆANAC, were also directly involved in the operational affairs of the 10th Sabotage Detachment.²⁰⁵ Its members included Dražen Erdemović²⁰⁶ and other soldiers who participated in a terror attack that contributed to the forcible transfer and executions of captured Muslim men from Srebrenica.

(x) TOLIMIR was responsible for VRS operational security and secrecy

72. **TOLIMIR** had to ensure that military information at the disposal of the RS and about the VRS was not leaked.²⁰⁷ Milovanović testified that **TOLIMIR** was duty-bound to

¹⁹⁹ OBRADOVIĆ, T.11962; Exh.P02221, p.62.

²⁰⁰ SALAPURA, T.13487-13488, T.13526.

²⁰¹ SALAPURA, T.13528.

²⁰² See SALAPURA, T.13486; Exh.P02870; Exh.P02141. See also Exh.P02200. Also SALAPURA, T.13648, T.13649; Exh.P02214.

²⁰³ OBRADOVIĆ, T.11972-11973.

²⁰⁴ Exh.P00215, ERDEMOVIĆ, T.10934.

²⁰⁵ [REDACTED – see Exh.P02588], D.TODOROVIĆ, T.14028-14029, T.14041, T.14063-14064; Exh.P00215, ERDEMOVIĆ, T.10935, T.10941.

²⁰⁶ ERDEMOVIĆ, T.1877-1879; Exh.P00215, ERDEMOVIĆ, T.10931, T.10934-10935.

²⁰⁷ MILOVANOVIĆ, T.14244.

“[prevent] leaks of information from the VRS”.²⁰⁸ Naturally, maintaining operational secrecy involved hiding all matters which related to the functioning and intentions of the VRS.²⁰⁹ **TOLIMIR**’s task was “to make sure that the enemy would not find out about the operation before we start with the operation itself. In other words, to cover up the intentions of the VRS, to make the enemy believe or to make the enemy reach wrong conclusions.”²¹⁰

73. The work of **TOLIMIR**’s Security Administration encompassed the assessment and regulation of systems “relating to the organisation and implementation of security measures [...] and protection of confidential data relating to the defence of the country.”²¹¹ In other words, “their task was to make sure that military information at the disposal of Republika Srpska and about Republika Srpska Army would not leak to the enemy.”²¹² Parallel to the Security Administration’s responsibility to protect operational secrecy, the Intelligence Administration undertook misinformation campaigns.²¹³

(xi) The principles of command and control and subordination applied within the Intelligence and Security Sector

74. The principles of command and control and the principle of subordination governed the Intelligence and Security Sector. Milovanović described the application of the principle of command and control:

command and control excludes the possibility of a general or an officer having direct contact or cooperation with his subordinates two levels down. [For Mladić or Milovanović this would be SALAPURA or BEARA with regard to the Intelligence and Security Sector]. The only need I had was to contact with the Intelligence and Security Service which were in **TOLIMIR**’s sector. In doing so, I didn’t go through his chiefs of administration [SALAPURA and BEARA]; I went straight through **TOLIMIR**, who was the chief of sector. And then it was up to him whether he would assign a particular task to the chief of his Security or Intelligence Administration.²¹⁴

75. Accordingly, the normal functioning of command and control of the Sector excluded the possibility of Mladić or Milovanović going directly to BEARA or SALAPURA—Mladić or Milovanović had to go directly to **TOLIMIR** to give orders, issue assignments or gain information from his Sector.²¹⁵

²⁰⁸ MILOVANOVIĆ, T.14248.

²⁰⁹ MILOVANOVIĆ, T.14246; OBRADOVIĆ, T.12052.

²¹⁰ MILOVANOVIĆ, T.14246. *See also* Exh.D00203, pp.8-9, Ch.I, item 10.

²¹¹ Exh.P02876, p.28, Art.30; OBRADOVIĆ, T.12052.

²¹² MILOVANOVIĆ, T.14244.

²¹³ Exh.D00248, pp.19-20, Ch.III, item.17; *see also* Exh.P01760.

²¹⁴ MILOVANOVIĆ, T.14191.

²¹⁵ *See also* OBRADOVIĆ, T.12150.

76. Where, however, one of **TOLIMIR**'s subordinates received a task from a second superior, the principle of subordination, obliged the subordinate to inform **TOLIMIR** about the assigned task.²¹⁶

77. Moreover, even in circumstances where one of **TOLIMIR**'s subordinates sought to communicate with a second superior, they were obliged to advise **TOLIMIR** that they had done so.²¹⁷ Any direct contact by second superiors with BEARA or SALAPURA "always had to be with the approval or knowledge of General **TOLIMIR**".²¹⁸

(xii) TOLIMIR fostered a culture of ethnic hatred and disregard for human life

78. The evidence in this case has shown that many officers and soldiers had become hardened and hateful toward their enemy and engaged in conduct exhibiting ethnic or national bias tending to dehumanize the enemy, creating an atmosphere that fostered ethnic bias and hatred. There is clearly a connection between this attitude towards the enemy, and the will and intent to commit crimes against the enemy.

79. During the war, **TOLIMIR** used and encouraged the use of dehumanising racial slurs against the Muslims, which by July 1995 had caused the security branch of the Main Staff and Drina Corps to be enveloped in an atmosphere of ethnic hatred, contributing to the zeal and force behind the oversight and implementation of the Srebrenica Genocide. **TOLIMIR** also exposed his complete lack of humanity and utter contempt for human life when he proposed the destruction of fleeing refugees and the endangering of UN peacekeepers.

Use of derogatory and de-humanising language

80. Derogatory and de-humanising language was used during the war by individuals on all sides of the conflict: Bosnian Serbs were referred to as '*Chetniks*', Bosnian Croats as '*Ustashas*',²¹⁹ and Bosnian Muslims as '*Turks*' or '*Balijas*'.²²⁰ Security and intelligence officers frequently used these terms when speaking²²¹ and in official communications,²²² including with **TOLIMIR**.²²³ **TOLIMIR** not only permitted the pervasive use of such language within his Sector,²²⁴ but was not above personally using these derogatory terms, to

²¹⁶ OBRADOVIĆ, T.11945-11946.

²¹⁷ MILOVANOVIĆ, T.14191.

²¹⁸ MILOVANOVIĆ, T.14192.

²¹⁹ TORLAK, T.4586, 4820; [REDACTED].

²²⁰ SALKIĆ, T.7875; ČULIĆ, T.19316-19317; [PW-063], T.6580.

²²¹ See e.g. M.NIKOLIĆ, T.12377-12378; Exhs.P00663a-[REDACTED].

²²² Exh. Exh.D00279; Exh.P02427, pp. 4, 5, 7; Exh.P02257, p.1; Exh.P02211, p.1; Exh.P02606, p.2.

²²³ Exh.P02069; Exh.P02256, p.1.

²²⁴ BUTLER, T.16343-16344 ("It generally is not a military acceptable practice to kind of use colourful or derogatory language. You know, military documents by nature tend to be very terse. It's a reflection of just

refer to Bosnian Muslims and Croats,²²⁵ even in communications with the President and Prime Minister of the RS.²²⁶

Proposed destruction of refugees

81. One example of **TOLIMIR**'s inhumanity is exhibited in his 21 July 1995 document on the "Situation in Žepa", addressed personally to Miletić.²²⁷ After briefly describing the activity of the Muslim army in Žepa and the "evacuation" of Muslim civilians in the area, **TOLIMIR** concluded his report with the following proposal:

We believe that we could force Muslims to surrender sooner if we destroyed groups of Muslim refugees fleeing from the direction of Stublić, Radava and Brloška Planina.²²⁸

He suggested that the "best way to destroy them would be by using chemical weapons or aerosol grenades and bombs."²²⁹

82. Obradović, Chief of Operations for the Main Staff and a direct subordinate of Miletić, recalled receiving and reading this document at the Main Staff.²³⁰ In his testimony, Obradović read the above passage in the original Serbian and explained:

Well, this is mentioning—this mentions groups, fleeing groups, and that means civilian population and that is illogical in this document because our target has always been BH army troops rather than civilians.²³¹

83. Obradović described the proposal as "un-soldier-like"²³² and "preposterous".²³³ Obradović made a vain attempt to rescue **TOLIMIR** from the reference to destroying refugees by suggesting that the statement was misinformation or "delusion" deliberately put out by **TOLIMIR** to scare the Muslim army.²³⁴ However, Obradović conceded that he had

how culturally accepted the use of these pejorative terms were, again, by the rank and file chain of command... One of the more universal tenets of leadership is that subordinates take their cue from the actions and the conduct of their superiors. When the superior commands or organs use that type of language or express those types of views, subordinates understand that that type of behaviour and conduct will, in fact, be tolerated or condoned and that they are free to engage in it themselves.").

²²⁵ Exh.P02485 ("63 captured Serbian soldiers will be exchanged for 54 Turks"); Exh.D00510, p.4 (refers to Ustasha); Exh.P02512, p.3 (refers to *Ustashas*); Exhs.P00371a[REDACTED] (Tošo, i.e., **TOLIMIR**, refers to Bosnian Muslims as Turks); Exh.P02105, p.38 (**TOLIMIR** refers to Ustashas during a session of the RS Assembly); Exh.P01407, pp.276, 304 (recording **TOLIMIR**'s comments about the Ustasha army and Ustashas at a meeting of VRS Main Staff and 2nd Krajina Corps officers on 11 August 1995 and at a VRS Main Staff meeting on 16 August 1995).

²²⁶ Exh.P02274. While **TOLIMIR** sought to distance himself from this document (ČULIĆ, T.19323-19325), he clearly approved and authorized its transmission with knowledge of its contents. See BUTLER, T.16343 (noting that it is highly unlikely a communication sent in **TOLIMIR**'s name would be done without his knowledge – referencing Exh.P02485, in which **TOLIMIR** referred to Bosnian Muslims as *Turks*).

²²⁷ Exh.P00488.

²²⁸ Exh.P00488.

²²⁹ Exh.P00488.

²³⁰ OBRADOVIĆ, T.12056.

²³¹ OBRADOVIĆ, T.12060-12061. See also [REDACTED – see Exh.P02418].

²³² OBRADOVIĆ, T.12059.

²³³ OBRADOVIĆ, T.12060.

²³⁴ OBRADOVIĆ, T.12057-12058, T.12058-12059, T.12102-12103.

only recently thought up his theory²³⁵ and admitted that he would have been informed that the document was misinformation at the time he received the document or shortly thereafter. Obradović further acknowledged that the 21 July communication could not have been misinformation if it came to him in the form of a “document”²³⁶ and admitted he had no knowledge of such misinformation being used against the enemy.²³⁷

84. Finally, the Defence, in their cross-examination of Obradović made no attempt to adopt or argue the case that the document was designed as “misinformation” and only pointed out that the chemical means mentioned in the document was tear gas. The document clearly is an accurate and truthful proposal by **TOLIMIR** to destroy fleeing groups of civilians to force the Muslim army to surrender.

85. Moreover, there is evidence in this case from the Main Staff Logistics Sector that concrete steps were taken toward implementing **TOLIMIR**’s proposal. Specifically, tear gas or chemical weapons were in fact shipped to Krstić at the Žepa forward command post.²³⁸

Proposed endangering of UN hostages

86. On 27 May 1995, **TOLIMIR**’s Sector sent a report advising subordinate security and intelligence organs to recommend to their commanders that the UN hostages captured by the VRS be placed in an area of possible NATO air strikes.²³⁹ The document was signed by Lt. Col. KARANOVIC, on the “authorization of the Chief”.²⁴⁰

87. The “Chief” referred to in the 27 May 1995 report was **TOLIMIR**.²⁴¹ Referring to a document from the Sector for Intelligence and Security Affairs similarly signed “Chief”,²⁴² Lt. Col. KESEROVIC stated that in this context, “Chief” would refer to **TOLIMIR**.²⁴³ Additionally, while questioning KESEROVIC, **TOLIMIR** referred to himself as the

²³⁵ OBRADOVIC, T.12057-12058.

²³⁶ OBRADOVIC, T.12081, T.12078 (describing the plan to create a decoy radio network at the VRS Main Staff). **TOLIMIR**’s 21 July 1995 document forms part of the Drina Corps collection. BLASZCZYK, T.1410-1412, T.1416-1417, T.1421-1422, T.1429-1436, T.1449-1451 (discussing the ERN range for Drina Corps collection documents), T.1453, T.1457, T.1462-1463 (discussing document initiated by the Rogatica Brigade comms officer, Žiža), T.1467 (regarding the “Atlantida” binder); Exh.P00132; Exh.P00139; Exh.P00120. *See also* GOJKOVIC, T.2805-2806 (confirming the role of Desimir Žižović (“Žiža”)), T.2811, T.2815, T.2820, T.2886, T.2895-2896.

²³⁷ OBRADOVIC, T.12059.

²³⁸ Exh.P02155; OBRADOVIC, T.12073-12074.

²³⁹ Exh.P02140.

²⁴⁰ Exh.P02140.

²⁴¹ *See* BUTLER, T.16530-16532, referring to Exh.D00064.

²⁴² Exh.D00064, *see* p. 2 for reference to “Chief”.

²⁴³ KESEROVIC, T.14090.

“Chief”.²⁴⁴ Proposing UN soldiers to be used as human shields clearly shows the depths to which **TOLIMIR** had already descended by May 1995.

88. If **TOLIMIR** was able to propose the destruction of the women and children fleeing their homes in Žepa, this Trial Chamber can reasonably infer that **TOLIMIR** had no qualms about assisting Mladić in monitoring, organising and implementing the summary execution of potential Muslim soldiers.

(B) SUMMARY

89. **TOLIMIR’S** keen intelligence, outstanding military ability and his deeply flawed moral character led him to become one of Mladić’s most trusted and powerful generals. With his command and control of the Main Staff Intelligence and Security Sector, his professional control of all VRS security organs and unwavering loyalty to Mladić and the VRS, **TOLIMIR** was the only man in the VRS Main Staff who had the authority and ability to command and supervise the Security organs’ implementation of the orders to expel the populations and murder the able-bodied men.

90. From March through 11 July 1995, Bosnian Serb Forces led by President Karadžić and Mladić, together with **TOLIMIR**, Krstić and others, made life unbearable for the inhabitants of Srebrenica through deprivation, fear and force, all for the purpose of removing the Muslims from the Srebrenica and Žepa enclaves. By 20:00 hours on 13 July these men and the forces they commanded and/or controlled successfully expelled the entire population of women and children from Srebrenica, with the identical result for the entire population of Žepa by 29 July.

91. From 12 and 13 July through at least 25 July Mladić, Krstić, **TOLIMIR**, BEARA, SALAPURA, JANKOVIĆ, and others noted herein, acting as a team, ordered and/or implemented the systematic murder of over 7,000 able bodied men of Srebrenica. By 1 November 1995 these men and the forces under their command or professional control had removed, run off or murdered the entire Muslim populations of Srebrenica and Žepa and hidden the remains of their murder victims in over 35 mass graves.

92. During the commission of the crimes **TOLIMIR** actively participated in directing and implementing the expulsion of the Srebrenica and Žepa Muslim populations and the murder of the men and boys of Srebrenica and at the same time disregarded his legal and moral duty to refuse to follow the illegal orders and withdraw himself and his subordinate security officers from involvement in these terrible crimes. Finally, throughout the

²⁴⁴ KESEROVIĆ, T.14000:15-18.

commission of the crimes **TOLIMIR** worked tirelessly to conceal the truth behind the movement of the Muslim population and the murder of over 7,000 Muslim men and boys, all to protect himself, Mladić, the VRS and others from international condemnation, disgrace and prosecution. **TOLIMIR** continues to this day to attempt to re-write history with his continued denial of responsibility and cover up of this enormous crime.

OVERVIEW OF THE CONFLICT, CREATION OF THE SREBRENICA AND ŽEPA ENCLAVES AND STRUCTURE OF THE RS ARMED FORCES

(A) OVERVIEW OF THE CONFLICT AND CREATION OF THE SREBRENICA AND ŽEPA ENCLAVES

(i) 1991 – April 1992: the descent into war

93. At all times relevant to the Indictment, a state of armed conflict existed in the Republic of BiH and the laws of war applied to that conflict.²⁴⁵ The parties to the conflict included Republika Srpska and the Republic of BiH.²⁴⁶

(ii) 12 May 1992: Strategic Objectives of the Serbian people in BiH

94. On 12 May 1992²⁴⁷ at its 16th Session, the Bosnian Serb Assembly elaborated six Strategic Objectives proposed by President Karadžić.²⁴⁸ These constituted the core political and military goals of the RS leadership throughout the war, providing:

The strategic objectives or priorities of the Serbian people in Bosnia and Herzegovina are to:

1. *Establish State borders separating the Serbian people from the other two ethnic communities.*
2. *Set up a corridor between Semberija and Krajina.*
3. *Establish a corridor in the Drina river valley, that is, eliminate the Drina as a border separating Serbian States.*
4. *Establish a border on the Una and Neretva rivers.*
5. *Divide the city of Sarajevo into Serbian and Bosnian Muslim parts and establish effective State authorities in both parts.*
6. *Ensure access to the sea for Republika Srpska.*²⁴⁹

Strategic Objectives 1 and 3, in particular, reflected the political and military policy to remove the Bosnian Muslim population from the Drina Valley region (which included Srebrenica and Žepa).

The Strategic Objectives were military objectives

95. The 16th Assembly Session was attended by **TOLIMIR**, Mladić, and other members of the newly-formed VRS Main Staff.²⁵⁰ Mladić confirmed that work on both the military and political levels was required in order to achieve the Strategic Objectives.²⁵¹ This joint mission was confirmed on 2 September 1992 in Bijeljina at a meeting attended by, among other people, Karadžić, Momčilo Krajišnik, the Minister of Defence, the Minister of the

²⁴⁵ Exh.P00628; Exh.P02481, Item 198; BUTLER, T.16318-16319; BRUNBORG, T.9628; [REDACTED – see Exh.P02086], SMITH, T.17605; Exh.P00215, ERDEMOVIĆ, T.10931; [REDACTED – see Exh.P02071], TABEAU, T.21032. For the lead-up to the descent into war see AF1-8 and Exh.P02473, ERN:0113-4300-0113-4306.

²⁴⁶ AF8.

²⁴⁷ Exh.P00022.

²⁴⁸ Exh.P02477, pp.13-15; AF16.

²⁴⁹ Exh.P00022 (emphasis added).

²⁵⁰ MILOVANOVIĆ, T.14184-14186.

²⁵¹ Exh.P02477, pp.35-38.

Interior, the Prime Minister, Mladić, Gvero and IBK Commander Novica Simić.²⁵² The “strategic objectives *of the war* were put forth” by Krajišnik²⁵³ who described them as the same Strategic Objectives outlined by President Karadžić at the 16th Assembly Session.²⁵⁴ Like Milovanović, Simić, a VRS Corps Commander, considered the Strategic Objectives as the “strategic objectives *of the war*.”²⁵⁵ He also confirmed that:

Strategic goals are put before the military, and the military has to implement short-term and long-term tasks...as a rule it's the politicians, or rather, the Supreme Commander, the Supreme Defence Council [sic] that sets the strategic goals and – and imposes a time-frame on what has to be done.²⁵⁶

96. This is supported by the *Analysis of the Combat Readiness and Activities of the Army of Republika Srpska in 1992*, which identified the VRS as the “highest strategic organisational formation of the Serbian people in former BiH, capable of realising the strategic and other tasks assigned to it by the Supreme Command.”²⁵⁷ The VRS Main Staff translated the set objectives and tasks into general and individual missions of the Army. It also described specific military operations carried out in the Kamenica, Cerska, Glogova, Osmače and Jadar areas (all in the Drina Valley) in furtherance of Strategic Objective 3, as discussed below.²⁵⁸

97. **TOLIMIR**'s presence at the 16th Assembly Session and his key position as a close advisor and Assistant Commander to Mladić meant that he worked to implement the Six Strategic Objectives, fully aware of their import and meaning.

Strategic Objective 1: the separation of the Bosnian Serb people from the Muslim and Croat peoples

98. Karadžić explained Strategic Objective 1 as: “Separation from those who are our enemies and who have used every opportunity, especially in this century, to attack us, and who would continue with such practices if we were to stay together in the same state.”²⁵⁹ The 1993 Official Gazette recording the Strategic Objectives provides that this objective was to: “Establish State Borders *separating the Serbian people from the other two ethnic communities.*”²⁶⁰

²⁵² Exh.P02756, N.SIMIĆ, T.28649-28654; Exh.P02752, ERN:0354-9447.

²⁵³ Exh.P02756, N.SIMIĆ, T.28651 (emphasis added), T.28652, T.28654.

²⁵⁴ Exh.P02477, pp.9, 13-14.

²⁵⁵ MILOVANOVIĆ, T.14276.

²⁵⁶ Exh.P02756, N.SIMIĆ, T.28658.

²⁵⁷ Exh.P02880, p.7.

²⁵⁸ See paras.100-102.

²⁵⁹ Exh.P02477, p.13.

²⁶⁰ Exh.P00022 (emphasis added).

99. The Session attendees understood that this meant separation of Serbs from non-Serbs.²⁶¹ Milenko Lazić testified that VRS members knew ultimately that they had to separate the peoples in Bosnia based on ethnicity.²⁶² During Krajišnik's 2 September 1992 speech, Simić recorded in his diary that Strategic Objective 1 was "separation from the Muslims".²⁶³ **TOLIMIR**, due to his key VRS position and his relationship with Mladić, similarly would have been fully apprised of the criminal goal of the RS and VRS leadership.

Strategic Objective 3: the removal of the Bosnian Muslim population from the Drina River Valley

100. At the 16th Assembly Session, Karadžić described Strategic Objective 3 as the "elimination of the Drina as a border between two worlds."²⁶⁴ Karadžić noted that operations "[a]long the Drina" had gone well in Foča, Zvornik and Višegrad, but that Goražde (being only 27% Serb), was still posing difficulties.²⁶⁵ Karadžić conceded that *some* Muslim enclaves might remain along the Drina,²⁶⁶ implying the expulsion of the Muslim population from all other areas along the river. In their effort to control both banks of the Drina River,²⁶⁷ The Bosnian Serbs took control of municipalities along it, including Zvornik, Višegrad, Bratunac, Rogatica, Vlasenica and finally, Srebrenica²⁶⁸ and Žepa.

101. On 19 November 1992, the VRS Main Staff issued Directive for Further Operations No. 4,²⁶⁹ drafted by Milovanović.²⁷⁰ In it, Mladić expressly ordered the expulsion of the Bosnian Muslim population from the Birač, Žepa and Goražde areas in Eastern Bosnia.²⁷¹ Undoubtedly, **TOLIMIR**'s Sector would have supplied the intelligence necessary to frame the directive and played a significant role in organising, planning and drafting the relevant sections for intelligence and security support.²⁷² As such, **TOLIMIR** had to know the details and especially the objective to remove the Muslim population from the Drina Valley.

102. In spring 1993, in the pursuit of the objectives of Directive 4, the VRS caused tens of thousands of Eastern Bosnian Muslims to flee to areas around Srebrenica, Žepa and

²⁶¹ Exh.P02477, pp.19, 25.

²⁶² Exh.P02733, LAZIĆ, T.21835:13-17.

²⁶³ Exh.P02756, N.SIMIĆ, T.28654; Exh.P02752, ERN:0354-9447.

²⁶⁴ Exh.P02477, p.13.

²⁶⁵ Exh.P02477, p.12.

²⁶⁶ Exh.P02477, p.13.

²⁶⁷ AF13.

²⁶⁸ AF9.

²⁶⁹ Exh.P02495.

²⁷⁰ Exh.P02495, ERN:0190-0430.

²⁷¹ See paras.106-108.

²⁷² See paras.19-22, 25-31, 38, 72-73, 166-168.

Goražde²⁷³ through a series of military operations carried out in furtherance of Strategic Objective 3.²⁷⁴

103. At the 53rd Assembly Session (August 1995), in **TOLIMIR**'s presence,²⁷⁵ Karadžić confirmed that the municipalities in Eastern Bosnia were taken over due to their "strategic importance."²⁷⁶

(iii) November 1992: formation of the VRS Drina Corps

104. Pre-war, Srebrenica was predominantly Muslim.²⁷⁷ In April 1992, Serb forces assumed control of the town of Srebrenica, which was soon retaken by Bosnian Muslim forces.²⁷⁸ In the following months, this area of Eastern Bosnia fell under the jurisdiction of various Bosnian Serb TO, municipal and VRS units and commands, all of which attempted to stabilise and expand the area under Bosnian Serb control.²⁷⁹ Despite these efforts, the security threat posed by Bosnian Muslim forces in Srebrenica, Žepa, Goražde, Cerska and the outlying areas of Višegrad grew.²⁸⁰ By September 1992, Bosnian Muslim forces from Srebrenica had linked up with Bosnian Muslim forces from Žepa.²⁸¹

105. In response, the VRS DK was formed on 1 November 1992²⁸² and headquartered in the town of Vlasenica, with Col. Milenko Živanović as commander.²⁸³

(iv) Operational Directive 4: Mladić ordered that the Muslim population be forced to leave the Birač, Žepa and Goražde areas

106. From its inception, the DK was faced with the campaign of the Bosnian Muslim forces from Srebrenica to link up with Muslim forces in Cerska, thus isolating the Bosnian Serb-held towns of Bratunac and Skelani, with a view to capturing Bratunac.²⁸⁴

107. Mladić and the VRS Main Staff thus devised a plan to secure this area and implement Strategic Objectives 1 and 3 to remove the Bosnian Muslim population from the Drina Valley region. This plan formed part of Directive 4, which ordered the DK to:

²⁷³ See paras.112-115.

²⁷⁴ Exh.P02880, p.160, para.1 and p.162, 7th bullet.

²⁷⁵ Exh.P02435, p.1.

²⁷⁶ Exh.P02435, pp.2-3.

²⁷⁷ See AF12, AF14. Exh.D00122, p.13. By July 1995, 80-85% of the Srebrenica Muslim population was estimated to be refugees from other areas, Exh.P00966, ERN:0052-7520; Exh.P00589, p.2.

²⁷⁸ AF14-15; Exh.P01258, ERN:0084-0176; Exh.P02473, ERN:0113-4305.

²⁷⁹ Exh.P02473, ERN:0113-4300.

²⁸⁰ Exh.P02473, ERN:0113-4300.

²⁸¹ AF17.

²⁸² Exh.P02473, ERN:0113-4300. See also paras.171-172.

²⁸³ Exh.P02473, ERN:0113-4300.

²⁸⁴ Exh.P02473, ERN:0113-4306.

persistently defend Višegrad (the dam), Zvornik and the corridor, while the rest of its forces in the wider Podrinje region shall exhaust the enemy, inflict the heaviest possible losses on him and force him to leave the Birač, Žepa and Goražde areas *together with the Bosnian Muslim population*. First, offer the able-bodied and armed men to surrender, and if they refuse, destroy them. After that, unblock and repair the Konjević Polje – Zvornik road, make it fit for traffic, and stand by for intensive combat against infiltrated sabotage, terrorist, surprise and ambush attacks and paramilitary groups.²⁸⁵

108. As such, the DK was given the unlawful task of forcing the “Muslim population” to leave the Birač (Cerska and Srebrenica inclusive),²⁸⁶ Žepa and Goražde areas.

DK order 2-126

109. On 24 November 1992, Živanović issued Order 2-126 (“Order 2-126”)²⁸⁷ pursuant to Directive 4, which stated:

Pursuant to Directive of the Main Staff of the Army of Republika Srpska strictly confidential number 02/5 of 19 November 1992 and an assessment of the situation, I have decided:

1. Launch an attack using the main body of troops and major equipment to inflict on the enemy the highest possible losses, exhaust them, break them up or force them to surrender, *and force the Muslim local population to abandon the area of Cerska, Žepa, Srebrenica and Goražde*.²⁸⁸

The language comes from Directive 4.²⁸⁹

110. Defence expert Ratko Škrbić posited an implausible interpretation of Directive 4 and Order 2-126 to claim that the Muslim civilian population voluntarily abandoned the area.²⁹⁰ However, the language of Directive 4 and Order 2-126 is clear and unequivocal. Škrbić’s interpretation is belied not only by events on the ground, where thousands of Muslims were forcibly removed from their Eastern Bosnia homes,²⁹¹ but vitiated by Order 2-126, the plain language of which intended “the creation and establishment of a Serbian state in these areas.”²⁹²

111. This interpretation of ethnic separation is confirmed by Milenko Lazić.²⁹³ Lazić was a subordinate of Miletić, who in turn, as Chief of Operations and Training was a close colleague of **TOLIMIR**. Lazić’s view confirms that the separation of peoples along ethnic lines, as first outlined in the Strategic Objectives, was understood by “every individual member of the VRS,”²⁹⁴ which of course would include **TOLIMIR**.

²⁸⁵ Exh.P02495, ERN:0190-0428 (emphasis added).

²⁸⁶ BUTLER, T.16457-16460; [REDACTED].

²⁸⁷ Exh.P02434.

²⁸⁸ Exh.P02434, p.1 (emphasis added).

²⁸⁹ Exh.P02733, LAZIĆ, T.21831; BUTLER, T.16459. DK Order 2-126 explicitly refers to Directive 4’s strictly Confidential number, 02/5, and the date of its publication, 19 November 1992.

²⁹⁰ R.ŠKRBIĆ, T.19153-19166.

²⁹¹ See paras.112-123.

²⁹² Exh.P02434, p.3.

²⁹³ Exh.P02733, LAZIĆ, T.21833:12-21834:1.

²⁹⁴ Exh.P02733, LAZIĆ, T.21835.

(v) **March - April 1993: creation of the Srebrenica, Žepa and Goražde safe areas**

112. The VRS offensive through Kamenica, Cerska and Konjević Polje in February-March 1993 resulted in thousands of Bosnian Muslims fleeing towards Srebrenica,²⁹⁵ which had been reduced to an area of 150km².²⁹⁶ Converging Bosnian Muslims from the outlying areas swelled Srebrenica's population to 50,000-60,000 people,²⁹⁷ creating a humanitarian disaster.

113. Advancing Bosnian Serb forces destroyed Srebrenica's water supply, leaving almost no running water.²⁹⁸ The Muslim population relied on makeshift generators for electricity, and food, medicine and other essentials were extremely scarce.²⁹⁹ By 12 March 1993, when UNPROFOR Commander Morillon arrived in Srebrenica, the town was overcrowded and "siege conditions" prevailed.³⁰⁰ On 19 March 1993, a UN aid convoy reached Srebrenica for the first time since December 1992.³⁰¹

114. In March-April 1993, 8,000-9,000 Muslims were evacuated from Srebrenica under the auspices of the UN High Commissioner for Refugees,³⁰² despite opposition from the Bosnian Muslim government in Sarajevo on the basis that this would contribute to the "ethnic cleansing" of the territory.³⁰³

115. On 12 April 1993, Bosnian Serb shelling of Srebrenica killed 60 people and wounded 60.³⁰⁴ Four days later, the UN Security Council passed Resolution 819 designating Srebrenica as a safe area, and condemning "the deliberate actions of the Bosnian Serb party to force the evacuation of the civilian population from Srebrenica".³⁰⁵ The UN Security Council then passed Resolution 824 which created the protected enclaves of Žepa and Goražde.³⁰⁶

(vi) **April 1993: deployment of UNPROFOR in the Srebrenica and Žepa enclaves**

116. Upon establishing the Srebrenica "safe area", the Security Council called on the Secretary-General to "take immediate steps to increase the presence of the UN Protection

²⁹⁵ [REDACTED]; Exh.D00122, p.13; BUTLER, T.17230.

²⁹⁶ AF19-20.

²⁹⁷ AF21; Exh.D00122, p.13.

²⁹⁸ AF22; Exh.D00122, p.13.

²⁹⁹ AF22; Exh.P00620, ERN:0676-7134, para.6; [REDACTED – see Exh.P00097], T.3930-3931; TORLAK, T.4253.

³⁰⁰ AF23; [PW-022], T.1099-1100; [REDACTED – see Exh.P00097], [PW-022], T.3930-3933; Exh.D00122, p.13.

³⁰¹ Exh.D00122, p.14.

³⁰² AF24; Exh.D00122, p.14.

³⁰³ AF24; [REDACTED – see Exh.P02086], SMITH, T.17638.

³⁰⁴ [REDACTED – see Exh.P00097], [PW-022], T.3934-3936; [PW-022], T.1118. *See also* Exh.P01814, p.2.

³⁰⁵ AF26-27, AF29; Exh.P02134.

³⁰⁶ AF26; Exh.P02135.

Forces in Srebrenica and its surroundings.”³⁰⁷ UNPROFOR commanders negotiated a cease-fire agreement signed by Mladić and ABiH Sefer Halilović, which called for the enclave to be disarmed under UNPROFOR supervision.³⁰⁸ However, there was discord about the precise boundaries of the territory subject to the agreement, specifically, whether the agreement covered only the urban area of Srebrenica.³⁰⁹

117. The first UNPROFOR peacekeepers entered Srebrenica on 18 April 1993.³¹⁰ The peacekeepers were lightly armed numbering no more than 600 men.³¹¹ Fresh troops were rotated approximately every six months after that.³¹²

118. In Žepa, Ukrainian peacekeepers, based in the elementary school in the town, were deployed with APCs at checkpoints set up at access routes around the enclave. They controlled all entry and exit points in Žepa.³¹³ In July 1995, there were 79 Ukrainian peacekeepers in Žepa.³¹⁴

(vii) May 1993: Main Staff operation to liberate Žepa and Goražde

119. Despite UN peacekeepers entering the Srebrenica enclave, the VRS Main Staff kept its attention focused on the Podrinje,³¹⁵ and co-ordinated combat operations against Žepa and Goražde in Operation *Spring-93*.³¹⁶ Operation *Spring-93*'s objective was “to crush and destroy Muslim armed formations in the broader area of Žepa and Goražde and to enable the Muslim civilian population to move out (transfer) to other territories (central part of the former BiH) or to recognize the rule of Republika Srpska and in that manner create conditions for the return of the Serbian population to the left and right bank of the Drina river.”³¹⁷ Operation *Spring-93* halted only when Žepa too was proclaimed a “safe area.”³¹⁸

³⁰⁷ AF30.

³⁰⁸ AF31.

³⁰⁹ AF32.

³¹⁰ AF33.

³¹¹ AF35. UNPROFOR established the “Bravo Company” compound in Srebrenica town, the “Charlie Company” compound 5km north of Srebrenica town in Potočari and 13 Observation Posts marking the perimeter of the enclave, *see* AF36, AF38-39.

³¹² AF34.

³¹³ TORLAK, T.4273; Exh.P00107.

³¹⁴ Exh.P00580, ERN:R002-4201.

³¹⁵ The Drina Valley area is referred to also as Podrinje; the Birač area forms part of the Drina Valley/Podrinje: BUTLER, T.16457, T.16915.

³¹⁶ Exh.P02497, pp.6-15.

³¹⁷ Exh.P02497, p.6, para.2.

³¹⁸ TORLAK, T.4254.

(viii) June 1993-January 1995: Srebrenica and Žepa remain a focus of the VRS

120. With UNPROFOR in Srebrenica and Žepa, a period of relative stability followed, although the VRS shelled and sniped at civilians inside the enclaves.³¹⁹

121. On 1 July 1994 at the DK Command in Vlasenica, Mladić was briefed regarding combat readiness in the Corps' units and commands.³²⁰ **TOLIMIR**, in view of his position and his relationship with Mladić, would have been informed of the relevant points of this briefing, either by Mladić, by the DK Command, or by his security and intelligence subordinates. The Bratunac Brigade's then-Commander, Slavko Ognjenović, issued a report on 4 July 1994 to be disseminated among all Brigade members³²¹, noting Mladić's Vlasenica briefing, he stated:

We must attain our final goal – an entirely Serbian Podrinje. The enclaves of Srebrenica, Žepa and Goražde must be defeated militarily. We must continue to arm, train, discipline and prepare the RS Army for the execution of this crucial task – the expulsion of Muslims from the Srebrenica enclave. There will be no retreat when it comes to the Srebrenica enclave. We must advance. The enemy's life has to be made unbearable and their temporary stay in the enclave impossible so that they leave the enclave *en masse* as soon as possible, realising that they cannot survive there.³²²

122. After the Vlasenica briefing, Mladić issued an order regarding the Srebrenica, Žepa and Goražde enclaves.³²³ Further to this, DK Commander Živanović ordered subordinate units to “prevent at any cost the communication and departure of Muslims from the enclaves (Srebrenica, Žepa and Goražde).” Živanović noted that Main Staff authorisation was required for: equipment and cargo entering the enclaves; contacts with UNPROFOR and humanitarian organisations; and movements of UNPROFOR personnel.³²⁴ Živanović further ordered the DK to reduce the geographic size of the Srebrenica enclave to its urban area³²⁵ and Žepa and Goražde to their urban areas plus three kilometres.³²⁶ In the case of Srebrenica, this would predictably create a fresh humanitarian disaster.³²⁷

(ix) Violations of the “safe area” agreement

123. Despite Halilović's and Mladić's agreement, and the efforts of UNPROFOR, the enclaves were never fully demilitarised. Repeated violations of the “safe area” agreement by

³¹⁹ AF48; Exh.P01533, ERN:0100-3573; Exh.P01525, ERN:0100-3611; TORLAK, T.4285-4286.

³²⁰ Exh.P02159.

³²¹ BUTLER, T.16470-16471; M.NIKOLIĆ, T.12280-12281.

³²² Exh.P02158, ERN:L004-6313.

³²³ VRS Main Staff order No. 03/4-1325, 22 July 1994, as referenced in Exh.P02159, p.1.

³²⁴ Exh.P02159, items 3, 6 and 7.

³²⁵ AF10.

³²⁶ Exh.P02159, item 13.

³²⁷ BUTLER, T.16555-16556. *See also* M.NIKOLIĆ, T.12305-12306 (“[T]he goal was for the enclave to disappear.”).

both sides to the conflict occurred.³²⁸ Nonetheless the situation developed into a two-year stalemate following the establishment of the Srebrenica enclave. However, the prevailing conditions for the inhabitants of Srebrenica forced them to make their way to Žepa in search of food.³²⁹

(B) OVERVIEW & STRUCTURE OF THE VRS MAIN STAFF

124. On 11 May 1992, Mladić announced to 12 JNA officers that the following day the Assembly would establish the VRS and that the 12 officers had been appointed to its Main Staff.³³⁰ Mladić would be the Main Staff's Commander; Milovanović, Chief of Staff; Gvero, Assistant Commander for Moral Guidance; Đukić, Assistant Commander for Logistics; **TOLIMIR**, Assistant Commander for Intelligence and Security and Petar SALAPURA, Chief of the Intelligence Administration in **TOLIMIR**'s Sector for Intelligence and Security Affairs.³³¹

125. Karadžić was Supreme Commander of the armed forces, which comprised the VRS, the police and civilian defence.³³² The Supreme Command included Karadžić and various civilian political authorities, but no members of the VRS.³³³ As Commander of the VRS Main Staff, Mladić was directly subordinated to Karadžić.³³⁴

126. In practice, however, the Main Staff "evolved into the supreme command of the Army of Republika Srpska at the strategic level and made itself capable of controlling and commanding the armed struggle and the war as a whole."³³⁵ Specifically, the Main Staff, among other things, "developed into an institution discharging the tasks of the Supreme Command Staff, while at the same time controlling and commanding the Army and units of Republika Srpska" and co-operated "with governmental bodies, the Serbian Orthodox Church and the SDS."³³⁶

³²⁸ AF31, AF40-41, AF43-44, AF46, AF47; [REDACTED – see Exh.P01461], BOERING, T.1910; BUTLER, T.16473, T.16926-16927; TORLAK, T.4276-4279; DŽEBO, T.14793; TORLAK, T.4285-4286, T.4833-4839 (regarding Žepa).

³²⁹ AF48; TORLAK, T.4264, T.4578, T.4583.

³³⁰ MILOVANOVIĆ, T.14183-14184; Exh.P02476; BUTLER, T.16300.

³³¹ MILOVANOVIĆ, T.14183-14185. For the other appointments *see also* MILOVANOVIĆ, T.14184-14185, 14195-14196.

³³² MILOVANOVIĆ, T.14192-14193, T.14196; OBRADOVIĆ, T.11970.

³³³ MILOVANOVIĆ, T.14206-14207.

³³⁴ MILOVANOVIĆ, T.14195, T.14197, T.14199.

³³⁵ Exh.P02880, p.12.

³³⁶ Exh.P02880, p.158.

127. The Main Staff was where the military activities of the army were to be harmonised with the political and diplomatic efforts undertaken by the other branches of the RS government and with the war aims of the RS political authorities.³³⁷

128. Each Main Staff Sector Chief was also an Assistant Commander of that Sector's particular professional speciality;³³⁸ e.g., Intelligence and Security. While the Main Staff Assistant Commanders did not have executive command authority to issue combat orders without such authority being specifically delegated to them, they could and did issue orders down their professional lines,³³⁹ and were considered "experts for the implementation of the commander's order and decision in the best possible way."³⁴⁰

(x) **Applicable rules and discipline within the VRS**

129. The VRS inherited and adapted the rules regulating the former JNA to the needs of the VRS.³⁴¹ This included training in the Geneva Conventions and laws of war for all VRS officers and soldiers.³⁴² In 1995 the VRS was a professional³⁴³ and disciplined army, governed by general and specialist rules of service, where decisions taken by superior commands were transmitted down the chain of command and faithfully executed with proper reporting back.³⁴⁴

130. The obligation to follow orders was a foundational element in the VRS, as it is in all professional armies of the world.³⁴⁵ As proved in this case, this duty was strictly adhered to in the VRS and in the MUP, whose officers dutifully followed even the clearly illegal orders that generated the Srebrenica and Žepa forcible transfers and summary executions.³⁴⁶ Indeed, the very fact that VRS and MUP forces were able to transport the entire Muslim populations of Srebrenica and Žepa in four days and to capture, detain, transport and execute over 7,000 Muslim men and boys from Srebrenica in the period from 13 through 16 July, is clear proof that orders were given and followed in a timely, disciplined and effective manner.

³³⁷ Exh.P02475, ERN:0600-6267, para.2.3; [REDACTED – see Exh.P02086], SMITH, T.17572.

³³⁸ MILOVANOVIĆ, T.14203.

³³⁹ MILOVANOVIĆ, T.14218-14219, T.14244; OBRADOVIĆ, T.12020-12021; P.ŠKRBIĆ, T.18795-18799.

³⁴⁰ P.ŠKRBIĆ, T.18555-18556.

³⁴¹ OBRADOVIĆ, T.12183-12184, T.12188-12190; BUTLER, T.16287-16288; M.NIKOLIĆ, T.12481-12482; KESEROVIĆ, T.13871; M.MITROVIĆ, T.15054; SALAPURA, T.13626, T.13845.

³⁴² Exh.P02756, N.SIMIĆ, T.28551, T.28680-28681; BUTLER, T.16307-16308; M.MITROVIĆ, T.14924-14925.

³⁴³ DIBB, T.4868; SMITH, T.11579-11560; [REDACTED – see Exh.P02086], SMITH, T.17808; M.MITROVIĆ, T.14986-14987.

³⁴⁴ KESEROVIĆ, T.13894-13897; T.13903-13904; BUTLER, T.16552-16554, T.16561-16562; TRIVIĆ, T.8643-8644; MILOVANOVIĆ, T.14217-14218; M. NIKOLIĆ, T.12293; SIMANIĆ, T.9448-9449.

³⁴⁵ See e.g. FRANKEN, T.3484.

³⁴⁶ See e.g. OBRADOVIĆ, T.12037; M.MITROVIĆ, T.14973; [PW-054], T.11259.

The VRS chain of command was respected

131. The principle of subordination was respected.³⁴⁷ For example, brigades could not send reports directly to the Main Staff.³⁴⁸ Conversely, superior commands could not bypass intermediate command levels to issue orders directly to subordinate units, without the intermediate command being informed.³⁴⁹

Orders in the VRS were followed and reported back on

132. The execution of an order and reporting back on it were to be performed without question and without delay.³⁵⁰ Specifically concerning the VRS, Smith observed: “if an order was given from the top, you saw it happening at the bottom. If an event had happened at the bottom, you could be confident that it was being reported up to the top”.³⁵¹ UNPROFOR officers who had regular contacts with the VRS at various levels also observed this discipline within the VRS.³⁵² Reporting from subordinate commands enabled the superior commands to verify that its orders were being carried out, in accordance with the superior command’s responsibility under JNA and VRS doctrine.³⁵³

133. This is particularly important in understanding that information on the implementation and execution of the murder operation was communicated from Momir NIKOLIĆ and Drago NIKOLIĆ at Brigade level, through KOSORIĆ and POPOVIĆ, to SALAPURA and BEARA, to **TOLIMIR**, to Mladić, and *vice versa*.³⁵⁴

VRS officers assumed responsibility for documents and reports

134. Discipline in the VRS was also achieved by requiring officers to take responsibility for documents and reports going out in their name. Before signature, an officer was expected

³⁴⁷ Exh.P02756, N.SIMIĆ, T.28491, T.28496; MILOVANOVIĆ, T.14191-14192.

³⁴⁸ Exh.P02756, N.SIMIĆ, T.28496.

³⁴⁹ MILOVANOVIĆ, T.14191-14192.

³⁵⁰ TRIVIĆ, T.8643-8644; OBRADOVIĆ, T.11945-11946; KESEROVIĆ, T.13894-13897, T.13903-13904; BUTLER, T.16561-16562; MILOVANOVIĆ, T.14217-14218; M.NIKOLIĆ, T.12293; SIMANIĆ, T.9448-9449.

³⁵¹ [REDACTED – see Exh.P02086], SMITH, T.17578.

³⁵² [REDACTED – see Exh.P00598], FRANKEN, T.2439; Exh.P00741, DIBB, T.16293; Exh.P01949, JOSEPH, T.14274; Exh.P02638, RUTTEN, T.2190. *See also* DIBB, T.4868.

³⁵³ TRIVIĆ, T.8643-8644.

³⁵⁴ *See also* MILOVANOVIĆ, T.14191-14192 (“Command and control excludes the possibility of a general or an officer having direct contact or co-operation with his subordinate two levels down [...] I went straight through **TOLIMIR**, who was chief of sector. And then it was up to him whether he would assign a particular task to the chief of his Intelligence and Security Administration [...] As opposed to that, I was supposed to meet Karadžić orders, who was two steps up. This is another principle. But upon receipt of such an order, I had to report it to General Mladić. By the same token the chief of the Security Administration, if he had an urgent matter to communicate to me, he could, but he also had to acquaint Colonel **TOLIMIR** with having done so, with getting in touch with me. So this is a principle of subordination [...] it always had to be with the approval or knowledge of General **TOLIMIR**.”).

to read, familiarise himself with the contents and validate the report. The signature confirmed the officer's approval and thereby he assumed responsibility for it.³⁵⁵

135. As the document was passed from subordinate to superior up the chain of command, responsibility for its contents lay both with the subordinate signatory and with the superior signing it upon review.³⁵⁶

(xi) Main Staff control over subordinate units

136. The Main Staff was responsible for the implementation of the war's strategic goals throughout BiH.³⁵⁷ The VRS Main Staff had in place several means of ensuring that it received timely and accurate information from all units upon which it could base its decision-making, and ensure that its goals and intentions were being implemented by its subordinate commands. These included written and oral reporting, the deployment of Main Staff officers to forward positions and IKMs, regular meetings with Main Staff officers, and the use of efficient communications methods.

Written Reporting

137. Timely and accurate regular and interim combat reports by subordinate commands informed superior commands about the situation on the ground and enabled the commander to make responsive decisions to those developments.³⁵⁸ These reports enabled superior commands to verify that their orders were executed.³⁵⁹

138. Combat reporting occurred at all levels up to the Supreme Commander, Karadžić.³⁶⁰ Interim reports were sent as needed.³⁶¹ There was also daily reporting along professional lines, including the intelligence and security organs.³⁶²

139. Battalion commanders sent in their regular combat reports to the brigades around 15:00 hours; brigade commanders studied those reports and, with input from the various organs including the security organ,³⁶³ sent their reports to the corps commander after 16:00 or 17:00 hours.³⁶⁴ The corps commanders and their staff organs then studied the brigade

³⁵⁵ Exh.P02756, N.SIMIĆ, T.28492, T.28516; BUTLER, T.16343.

³⁵⁶ OBRADOVIĆ, T.11944-11945.

³⁵⁷ See, in particular, Exh.P02756, N.SIMIĆ, T.28561.

³⁵⁸ Exh.P02733, LAZIĆ, T.21788; OBRADOVIĆ, T.11944-11945, T.11969-11970, T.11972; Exh.P02756, N.SIMIĆ, T.28493; M.NIKOLIĆ, T.12246-12247; NICOLAI, T.3977-3982; BUTLER, T.16561.

³⁵⁹ [REDACTED – see Exh.P01197], TRIVIĆ, T.12043-12044.

³⁶⁰ OBRADOVIĆ, T.11973; SIMANIĆ, T.9449.

³⁶¹ BUTLER, T.16561-16562.

³⁶² M.MITROVIĆ, T.14949-14650, T.14952; M.NIKOLIĆ, T.12245-12246.

³⁶³ GALIĆ, T.16074-16075; M.NIKOLIĆ, T.12242-12243.

³⁶⁴ OBRADOVIĆ, T.11973.

reports and drafted and submitted their corps reports to the Main Staff by approximately 20:00 hours.³⁶⁵

140. Miletić compiled and analysed all of the reports from subordinate commands and reported at the Main Staff's evening meeting at 20:00 hours.³⁶⁶ From the meeting room,³⁶⁷ Mladić telephoned the Corps commanders daily for an update on the situation from 15:00 hours.³⁶⁸ The Main Staff then reported to the Supreme Commander.³⁶⁹

Oral Reporting

141. Written reports were highly secure and secret and VRS documents rarely reported crimes. Reports relating the operation to forcibly remove the civilian populations of Srebrenica and Žepa and to murder thousands of Muslims after the fall of Srebrenica were oral.³⁷⁰ For example, in a 15 July 1995 intercepted communication between BEARA, Živanović³⁷¹ and Krstić,³⁷² BEARA informed both Generals about problems with the murder operation, specifically, his need for more troops; in a different intercepted communication between TRBIĆ and Krstić on 17 July 1995,³⁷³ [REDACTED].³⁷⁴

142. The 65th ZMTP was also ordered on a daily basis to orally report to the Main Staff, instead of submitting written reports.³⁷⁵

Inspections

143. The Main Staff sent *ad hoc* teams to subordinate units to determine their level of combat readiness and the situation on the front lines in general.³⁷⁶ These teams could issue orders, which would be passed on through the lower unit commander.³⁷⁷

144. If necessary during the course of an operation, the Main Staff also deployed its senior officers to the field to assess and address a particular situation or difficulty.³⁷⁸ This

³⁶⁵ MILOVANOVIĆ, T.14198-14199, T.14202-14203; Exh.P02756, N.SIMIĆ, T.28491-28492; OBRADOVIĆ, T.11973.

³⁶⁶ MILOVANOVIĆ, T.14202, T.14204, T.14220, T.14224; Exh.P02756, N.SIMIĆ, T.28493-28495.

³⁶⁷ If Mladić was absent from the meeting, he would contact the Corps commanders from wherever he was: Exh.P02756, N.SIMIĆ, T.28494.

³⁶⁸ Exh.P02756, N.SIMIĆ, T.28493-28495.

³⁶⁹ OBRADOVIĆ, T.11973-11974; MILOVANOVIĆ, T.14220.

³⁷⁰ See e.g. [REDACTED] M.NIKOLIĆ, T.12246 (NIKOLIĆ would usually report intelligence he obtains verbally to his commander). See also e.g. Exh.P00848 (POPOVIĆ reports that "boss...everything's alright that job is done and dusted...everything's alright...everything's finished up there are no problems"); Exh.P02553; Exh.P01573a, [REDACTED]; Exh.P00663a[REDACTED].

³⁷¹ [REDACTED] Exh.P02813 and Exh.P02542.

³⁷² Exh.P00506[REDACTED]d; [REDACTED] and Exh.P00506e[REDACTED].

³⁷³ Exh.P02309; Exh.P00552a-[REDACTED].

³⁷⁴ [REDACTED].

³⁷⁵ OBRADOVIĆ, T.11966-11967; Exh.P02154.

³⁷⁶ BUTLER, T.16438-16440, T.16782, T.17368, T.17375-17376; MALINIĆ, T.15379; Exh.P02543.

³⁷⁷ Exh.P02880, p.9; BUTLER, T.16439, T.16674-16675, T.16982.

³⁷⁸ Exh.P02732; MILOVANOVIĆ, T.14230-14231.

happened where **TOLIMIR** was sent to specifically oversee the operation against the Žepa enclave.³⁷⁹

Deployment of Main Staff officers to forward positions and IKMs

145. There was close co-operation among Mladić's Assistant Commanders, Chief of Staff and core staff.³⁸⁰ When UNPROFOR Command contacted the Main Staff, any one of Mladić's Assistant Commanders including **TOLIMIR** might take the call.³⁸¹ When Mladić and Milovanović were absent from the Main Staff, the Assistant Commanders reported to the most senior general present in the Main Staff.³⁸² When Mladić left the Main Staff command post he usually put one of his Assistant Commanders in charge.³⁸³

146. Mladić's Assistant Commanders were frequently absent from the Main Staff command post to represent the Main Staff in important operations on the ground, and to make appropriate decisions on behalf of the Main Staff, ensuring the successful implementation of operations. This was a common practice at the Main Staff, inherited from the JNA and attributable to the Main Staff's small size.³⁸⁴

147. **TOLIMIR** explained how this preference for sending Assistant Commanders forward worked in practice:

[W]e are the smallest GŠ [Main Staff] in the world among all GŠ either in peace or war and all the officers of the GŠ are at the front. [...] We make expert analyses, we prepare directives and based on those directives we all go in the field and work in accordance with the assignments that we receive.³⁸⁵

148. This is exemplified by **TOLIMIR**'s significant role during the operation to attack Žepa and remove its population. On 24 July regarding the Žepa operation, Mladić told **TOLIMIR**: "You are completely taking over from me in the command there."³⁸⁶

149. **TOLIMIR** and other senior officers were trusted and experienced. By virtue of their rank of general, they were expected to perform command functions regardless of their area of professional expertise. Milovanović said:

By virtue of becoming general, irrespective of one's speciality, the person is capable of exercising general military command.³⁸⁷

³⁷⁹ Exh.P02878, p.4, see paras.402-403, 432.

³⁸⁰ OBRADOVIĆ, T.12019.

³⁸¹ NICOLAI, T.3942; Exh.P00674, NICOLAI, T.18448-18449; Exh.P00741, DIBB, T.16278.

³⁸² OBRADOVIĆ, T.12020-12021.

³⁸³ OBRADOVIĆ, T.11936-11937, T.12019-12020; SMITH, T.11588-11589.

³⁸⁴ OBRADOVIĆ, T.11949-11951, T.11941; MILOVANOVIĆ, T.14225-14226; BUTLER, T.16401; Exh.P02880, p.160; [REDACTED – see Exh.P02086]., SMITH, T.17577-17580. See e.g. Exh.P02497; Exh.P02756, N.SIMIĆ, T.28523, T.28527-28530; [REDACTED – see Exh.P02086]., SMITH, T.17807-17812.

³⁸⁵ Exh.P02105, p.44; [REDACTED – see Exh.P02086]., SMITH, T.17807-17812.

³⁸⁶ Exh.P00359a.

³⁸⁷ MILOVANOVIĆ, T.14231.

150. Not uncommonly, these officers were deployed to the field to command parts of Corps and support units, such as the 65th ZMTP, as well as temporary formations or tactical groups in operations. They also served to monitor and control VRS operational engagements.³⁸⁸

151. Smith observed that he could deal with each Main Staff Assistant Commander as “a commander, albeit an assistant one”, who was “dealing with the matter in hand in the round.” Smith could “deal with the whole subject matter” with each Assistant Commander and “could address those issues to him whatever they were”; and that when they were put forward, they covered “the full range of responsibilities for the matter for which he was put forward to handle.”³⁸⁹

152. The particular authorities and competencies reserved to Main Staff generals were also understood by other officers. [REDACTED].³⁹⁰

153. During the *Krivaja-95* operation Nicolai (and other UNPROFOR officers) dealt with **TOLIMIR** and Gvero interchangeably, as it was important to him simply to be dealing with a general “with whom I could do business”; in his experience this was how the Main Staff operated.³⁹¹

Communications

154. Secure, coded or encrypted communications channels were available to VRS Main Staff officers both at the Main Staff headquarters and throughout RS territory.³⁹² The Main Staff maintained constant communications with subordinate units *via* forward command posts (IKM), *e.g.*, utilising subordinate command resources,³⁹³ through mobile communications units, or by courier, and all of the VRS’s range of communications were available when Mladić or other Main Staff generals were in the field or at forward positions.³⁹⁴ In addition to the communications systems used throughout the VRS, security and intelligence officers had

³⁸⁸ MILOVANOVIĆ, T.14230.

³⁸⁹ [REDACTED – see Exh.P02086], SMITH, T.17583-17584.

³⁹⁰ [REDACTED].

³⁹¹ Exh.P00674, NICOLAI, T.18550-18551.

³⁹² See paras.403, 710-711; OBRADOVIĆ, T.11934, T.11987-11990 ; Exh.P00554a [REDACTED] (a caller on 17 July is advised: “send it urgently by code up to **TOLIMIR**”).

³⁹³ Exh.P00037, DERONJIĆ, T.115 (using telephone communications from brigade headquarters for sensitive communications).

³⁹⁴ See para.403; OBRADOVIĆ, T.11987-11990; Exh.P02756, N.SIMIĆ, T.28532; [REDACTED – see Exh.P02086], SMITH, T.17579; Exh.P02880, p.8 ; ŠAVČIĆ, T.15825; KRALJ, T.18407 ; KESEROVIĆ, T.13897.

their own secure communications network³⁹⁵ and could access the latest updated intelligence information by computer.³⁹⁶

155. Nicolai's assessment, based on his experience dealing with **TOLIMIR** and the VRS Main Staff generally, was that the VRS had "all conceivably necessary communication channels that are necessary for proper command, especially since they were carrying out their operations on their own territories."³⁹⁷

(xii) Daily operation of the Main Staff's inner Command Staff

156. Twice daily, at 07:00hrs and 20:00hrs Mladić, Milovanović and the Assistant Commanders met in the Operations Centre of the Main Staff to brief each other on developments within the sectors and zones of the various Corps.³⁹⁸

157. The morning meetings were attended by Mladić, all his Assistant Commanders and the chiefs of administrations.³⁹⁹ The evening meetings were attended by Mladić, or, if absent, Milovanović,⁴⁰⁰ and the Assistant Commanders.⁴⁰¹ In **TOLIMIR**'s absence he was represented by one of his subordinate chiefs of administration (BEARA or SALAPURA).⁴⁰²

158. During the 20:00 hours evening meetings,⁴⁰³ the group went through subordinate units' daily combat reports and identified problems,⁴⁰⁴ and each Assistant Commander made proposals to Mladić to solve them. After discussion, Mladić met with the relevant assistants in reaching his decision⁴⁰⁵ and then informed the wider group. Orders were accordingly communicated to the staff for execution.⁴⁰⁶ Once the orders were issued "all seven of us [Milovanović and the Assistant Commanders] would then fervently go about executing that decision [...] This was in the spirit of subordination".⁴⁰⁷ Milovanović said "If **TOLIMIR**'s proposal was not in line with Mladić's decision, **TOLIMIR** would carry out Mladić's decision no matter what it was".⁴⁰⁸

³⁹⁵ See para.28; KESEROVIĆ, T.13898-13904.

³⁹⁶ SALAPURA, T.13497.

³⁹⁷ NICOLAI, T.3934.

³⁹⁸ MILOVANOVIĆ, T.14199-14200, T.14204, T.14223.

³⁹⁹ MILOVANOVIĆ, T.14202.

⁴⁰⁰ In Milovanović's absence, an assistant commander would chair the meeting: MILOVANOVIĆ, T.14205.

⁴⁰¹ MILOVANOVIĆ, T.14202, T.14205.

⁴⁰² MILOVANOVIĆ, T.14202.

⁴⁰³ MILOVANOVIĆ, T.14203-14204.

⁴⁰⁴ MILOVANOVIĆ, T.14203, T.14220.

⁴⁰⁵ MILOVANOVIĆ, T.14200-14201.

⁴⁰⁶ MILOVANOVIĆ, T.14200.

⁴⁰⁷ MILOVANOVIĆ, T.14217.

⁴⁰⁸ MILOVANOVIĆ, T.14218-14219.

159. During urgent situations, the Main Staff held extraordinary meetings, in some cases at 04:00 hours.⁴⁰⁹

(xiii) The role of the Main Staff in implementing the Strategic War Goals

160. The Main Staff translated the RS Government's political strategic goals into military tasks including through combat readiness analyses and directives.

Annual Combat Readiness Analyses

161. Brigades conducted annual combat readiness analyses, which were forwarded to their corps. Likewise, corps conducted their own analyses which were sent to the Main Staff, which then held a larger conference to present and discuss elements of these analyses.⁴¹⁰ Members of the Supreme Command and political organs also took part in these analyses.⁴¹¹ In addition to these annual reviews, six-month analyses were also conducted.⁴¹²

162. The annual combat readiness analysis for 1994 was conducted on 28-29 January 1995.⁴¹³ Miletić's Operations Administration created the agenda, which included addresses by Main Staff sector chiefs, including **TOLIMIR** and Gvero.⁴¹⁴

Directives

163. The Main Staff mainly used directives to assign VRS forces to long-term missions, typically divided into discrete phases and objectives.⁴¹⁵ Regarding Directive 7, Obradović explained:

they proceed to define the tasks for the following year. And it is on the basis of this that the commander formulates the basic principle, or the idea, after which all command organs perform their assessments, put forward their proposals, [...] those adopted proposals are then unified into a single body by the operative organ. So, the part that pertains to the enemy is the part that is processed and then proposed as the finalized product by the intelligence organ. From the basic idea to the defining of the combat task and all in between is defined by the staff.⁴¹⁶

164. Most directives were drafted using the "full" or "complete" method, wherein the various command organs – obviously, including **TOLIMIR**'s Sector for Intelligence and

⁴⁰⁹ MILOVANOVIĆ, T.14202-14203.

⁴¹⁰ Exh.P02756, N.SIMIĆ, T.28491, T.28497-28502; M.MITROVIĆ, T.14981-14983; Exh.P02428; Exh.P02429, pp.1-2; Exh.P02494; Exh.P02880; BUTLER, T.16438; M.NIKOLIĆ, T.12300-12301, T.12361-12362.

⁴¹¹ Exh.P02428, p.3.

⁴¹² Exh.P02494, pp.22-23 ("The Corps Command is to find a way to completely close off the Srebrenica and Žepa enclaves, while brigade commands are to plan to improve their tactical positions and activate them if the ceasefire is violated." At the level of the Main Staff and the Supreme Command "1. Find a way to eliminate the enclaves. We see two ways to resolve this matter: either by a military defeat of the enemy forces in the enclaves or by political and diplomatic means."); M.NIKOLIĆ, T.12300; Exh.P02167.

⁴¹³ Exh.P02429.

⁴¹⁴ Exh.P02428, p.3; Exh.P02429, pp.1-2.

⁴¹⁵ Exh.P02880, p.8; BUTLER, T.16455; OBRADOVIĆ, T.11992; M. MITROVIĆ, T.15010.

⁴¹⁶ OBRADOVIĆ, T.11993-11994.

Security Affairs⁴¹⁷ – proposed to Mladić elements of the directive pertaining to their scope of work or Sector, which if approved were consolidated into the final draft of the directive.⁴¹⁸ According to procedure, Mladić would see the directive before it was sent to Karadžić; if Karadžić made changes, it would go back to the Main Staff for final typing.⁴¹⁹

165. The finalised directives were sent by the Main Staff to the Corps,⁴²⁰ whose commands would issue their own orders based on the Directives to their brigades, which in turn issued orders to their battalions. In this way the Main Staff implemented the strategic political war goals into military action on the ground.⁴²¹

(xiv) The Administration for Operations and Training

166. In July 1995, the Administration for Operation and Training, which was within the Staff Sector of the Main Staff, was headed by Radivoje Miletić.⁴²² The Staff Sector was headed by Chief of Staff, Milovanović, and was responsible, among other things, for preparing proposals for Mladić on how to use the VRS and its units in various locations and at various times.⁴²³ Milenko Lazić described the Administration's functions:

Operational monitoring of the situation on the front line, collecting reports from the subordinate units and the analysis of these reports, as well as drafting proposals for measures to be taken in order to improve the situation on the front line. In other words, the use of armed forces in order to carry out the tasks that were assigned to the subordinate units.⁴²⁴

167. The Operations Centre fell within the purview of the Administration for Operations and Training.⁴²⁵ The Operations Centre was used for staff meetings.⁴²⁶ Milovanović's extension at the Main Staff, "155", also was connected to the Operations Centre; and operated as a public phone in the Main Staff.⁴²⁷ As seen throughout this Brief, officers in the field were often directed to "call 155" in order to connect to the Main Staff, pass on information and receive instructions.

⁴¹⁷ SALAPURA, T.13497.

⁴¹⁸ Exh.P02756, N.SIMIĆ, T.28511-28512; Exh.P02733, LAZIĆ, T.21758-21763; BUTLER, T.16892, T.17273, T.17278-17279; SAVČIĆ, T.15936-15937 (role of the intelligence and security organ to draft item 1 in Directive 7); SALAPURA, T.13496-13497 ("[Mladić] said that all the operations that had been planned at that level were secret and that all the plans were made by the inner circle of commanders"). **TOLIMIR** was a member of Mladić's inner circle of commanders – see para.30.

⁴¹⁹ OBRADOVIĆ, T.11992, T.12009, T.12040; BUTLER T.16478-16479, T.17277.

⁴²⁰ OBRADOVIĆ, T. 12047-12048.

⁴²¹ Exh.P02756, N.SIMIĆ, T.28498-28500, T.28657-28658 ("It's politics that sets the goals and the military that implements them"); [REDACTED – see Exh.P02259]., M.MITROVIĆ, T.25133-25140; OBRADOVIĆ, T.12047; BUTLER, T.16456, T.17282; TRIVIĆ, T.8607-8608; [REDACTED – see Exh.P02086]., SMITH, T.17591-17594.

⁴²² For details regarding the organisation of the Administration for Operations and Training see OBRADOVIĆ, T.11941-11942, T.11951-11952.

⁴²³ OBRADOVIĆ, T.12008.

⁴²⁴ Exh.P02733, LAZIĆ, T.21752. See also MILOVANOVIĆ, T.14220-14221.

⁴²⁵ MILOVANOVIĆ, T.14266-14267.

⁴²⁶ MILOVANOVIĆ, T.14223; Exh.P02229.

⁴²⁷ MILOVANOVIĆ, T.14268-14269; BUTLER, T.16750; OBRADOVIĆ, T.11991.

(xv) **Sector for Moral Guidance, Religious and Legal Affairs**

168. Gvero was Chief of the Main Staff Sector for Moral Guidance, Religious and Legal Affairs and Assistant Commander for the Administration for Moral Guidance, Religious and Legal Affairs.⁴²⁸ Gvero was responsible to the commander for monitoring, analysing, planning and organising morale, political work, psychological and propaganda-related activities, legal affairs, self-protection, and co-operation with socio-political communities and organisations.⁴²⁹

169. Gvero would contact Corps Commanders directly about morale issues.⁴³⁰ Additionally, because of its remit of developing psychological and propaganda activities and thwarting those of the other side, Gvero's Sector had to work closely with the intelligence and security organs.⁴³¹ An example of this co-ordination between Gvero's and **TOLIMIR**'s sectors was the use of loudspeakers in Žepa to broadcast messages from Mladić calling on the Žepa population to leave the enclave. This activity was ordered by **TOLIMIR**, with practical arrangements made by Gvero's subordinate, Milutinović.⁴³²

170. Gvero's Sector also included Legal Affairs and was responsible for establishing the military courts and promulgating the Guidelines for Determining Criteria for Criminal Prosecutions.⁴³³ Even after 1994, Gvero still monitored and controlled the work of the military courts, as the number and nature of discipline violations and criminal complaints are indicative of a unit's combat morale.⁴³⁴ Violations of discipline were security threats which also impacted the status of combat morale; thus, the security situation affected the morale situation and vice versa.⁴³⁵ Gvero and **TOLIMIR** co-operated very closely.⁴³⁶

(xvi) **Overview & structure of the Drina Corps**

171. The DK was formed on 1 November 1992 and was headquartered in Vlasenica.⁴³⁷ The Corps Command and its subordinate brigades adopted structures and procedures directly from the former JNA.⁴³⁸ In July 1995, the DK and its component units⁴³⁹ were an efficient

⁴²⁸ MILOVANOVIĆ, T.14184; OBRADOVIĆ, T.11937.

⁴²⁹ MILOVANOVIĆ, T.14237. Gvero was also responsible for developing and maintaining co-operation with the Serbian Orthodox Church: Exh.P02756, N.SIMIĆ, T.28697; MILOVANOVIĆ, T.14237; P.ŠKRBIĆ, T.18521.

⁴³⁰ Exh.P02756, N.SIMIĆ, T.28691.

⁴³¹ Exh.P02880, p.91, para.11.

⁴³² Exh.P00479; Exh.P01949, JOSEPH, T.14162; PALIĆ, T.13291-13292.

⁴³³ Exh.P02478; MILOVANOVIĆ, T.14237.

⁴³⁴ MILOVANOVIĆ, T.14237.

⁴³⁵ [REDACTED – see Exh.P02259], M.MITROVIĆ, T.25144-25146.

⁴³⁶ [REDACTED – see Exh.P02259], M.MITROVIĆ, T.25147.

⁴³⁷ AF131, AF133; Exh.P02473, ERN:0113-4300, para.1.0.

⁴³⁸ AF132; Exh.P02470, ERN:0094-6755-0094-6757, para.1.0-1.7; *see also* Exh.P02472, ERN:0113-4253-0113-4261, secs.1-2, ERN:0113-4253-0113-4261; Exh.P02288; [REDACTED]; M.GALIĆ, T.16031.

and experienced military organisation, responsible for all combat operations within their area of responsibility.⁴⁴⁰ The 5th MP Battalion was directly subordinate to the DK Commander.⁴⁴¹

172. On 13 July 1995, Krstić assumed command of the VRS DK from Živanović.⁴⁴² Prior to this appointment, Krstić was the Corps Chief of Staff. Svetozar Andrić was appointed to replace Krstić as Chief of Staff.⁴⁴³ The DK had three Assistant Commanders who were responsible for managing the activities of the specialised branches of the DK: Vujadin POPOVIĆ, Assistant Commander for Security;⁴⁴⁴ Slobodan Cerović, Assistant Commander for Moral, Legal and Religious Affairs⁴⁴⁵ and Lazar Ačamović, Assistant Commander for Rear Services (Logistics).⁴⁴⁶

(xvii) Overview & structure of the Bratunac Brigade

173. The Bratunac Brigade was a subordinate unit of the DK.⁴⁴⁷ Headquartered in Bratunac,⁴⁴⁸ its area of responsibility stretched from Nova Kasaba in the northwest, to Zeleni Jadar in the south and was bordered on the east by the Drina.⁴⁴⁹

174. In July 1995, Vidoje Blagojević was the commander of the Bratunac Brigade⁴⁵⁰ with authority over all Bratunac Brigade units, including four infantry battalions, the Reserve Battalion, a Mixed Artillery Battery, the Engineer Platoon, the MP Platoon and an intervention platoon (the “Red Berets”).⁴⁵¹

175. Key members of the Bratunac Brigade who knew of and contributed to the murder operation in July 1995 included: Blagojević; Momir NIKOLIĆ; Dragoslav Trišić (Assistant Commander for Rear Services); Lazar Ostojić (1st Battalion Commander); Radika Petrović (4th Battalion Commander); Mirko Janković (MP Platoon Commander); MP Mile Janjić; and Mićo Gavrić (Artillery Chief).⁴⁵²

(xviii) Overview & structure of the Bratunac Brigade MP Company

⁴³⁹ AF138.

⁴⁴⁰ For the subordinate brigades of the DK *see* AF138 and Exh.P02473, ERN:0113-4312-0113-1316, para.2.6.

⁴⁴¹ Exh.P02473, ERN:0113-4313, paras.2.6-2.7; M.TODOROVIĆ, T.13202.

⁴⁴² AF134, AF136; Exh.P02540; Exh.P02473, ERN:0113-4311, para.2.1; BUTLER, T.16753-16754.

⁴⁴³ Exh.P02868, RS Presidential Decree 01-1369/95, 14 July 1995; Exh.P02473, ERN:0013-4311, para.2.3.; [REDACTED]; P.ŠKRBIĆ, T.18772; BUTLER, T.16753-16754.

⁴⁴⁴ Exh.P02473, ERN:0113-4312, para.2.4.

⁴⁴⁵ AF136; Exh.P02473, ERN:0113-4312, para.2.4; BUTLER, T.16805.

⁴⁴⁶ AF135-136; Exh.P02473, ERN:0113-4312, para.2.4; M.NIKOLIĆ, T.12389.

⁴⁴⁷ AF138; M.NIKOLIĆ, T.12231.

⁴⁴⁸ M.NIKOLIĆ, T.12230.

⁴⁴⁹ Exh.P01212.

⁴⁵⁰ M.NIKOLIĆ, T.12228; [REDACTED].

⁴⁵¹ [PW-075], T.11282; Exh.P02473, ERN:0113-4315-0113-4317; M.NIKOLIĆ, T.12228-12229, T.12355; BUTLER, T.16770-16771; Exh.P01219; Exh.P02722; Exh.P02167.

⁴⁵² *See* Exh.P02473; Exh.P01096, JANJIĆ, T.9756. *See also* Exh.P02722.

176. In July 1995, the Bratunac Brigade MP Platoon, housed opposite the Bratunac Brigade HQ, was commanded by Mirko Janković. [REDACTED].⁴⁵³ Janković's immediate professional superior was Momir NIKOLIĆ, and both Momir NIKOLIĆ and Blagojević issued orders to the MPs.⁴⁵⁴

177. The MP Platoon comprised approximately 30 men and was involved in securing bridges and facilities, inspecting convoys, and most notably, was responsible for and the escort, care and physical security of, all PoWs captured by the brigade and held in its zone of responsibility.⁴⁵⁵

(xix) Overview & structure of the Zvornik Brigade

178. The Zvornik Brigade, commanded in July 1995 by Lt. Col. Vinko Pandurević,⁴⁵⁶ was a subordinate unit of the DK⁴⁵⁷ and operated within its zone of responsibility as the principal unit for pursuing organised and integrated offensive and combat operations.⁴⁵⁸ Its area of responsibility stretched from the Drina River, west to the VRS/ABiH confrontation line, and from the Drinjača River in the south to Pilica in the north, including the area outside Zvornik where the Bosnian Muslim column engaged VRS forces after the fall of Srebrenica.⁴⁵⁹

179. Key Zvornik Brigade members who knew of and contributed to the murder operation included: Pandurević; Maj. Dragan Obrenović (Chief of Staff); Drago NIKOLIĆ; TRBIĆ; Sreten Milošević (Assistant Commander for Logistics); Dragan Jokić (Chief of Engineering); Miomir Jasikovac (MP Company Commander); Srećko Aćimović (2nd Battalion Commander); Lazar Ristić (4th Battalion Deputy Commander); Ostoja Stanišić (6th Battalion Commander);⁴⁶⁰ and Slavko PERIĆ (1st Battalion Chief of Security).⁴⁶¹

(xx) Overview & structure of the Zvornik Brigade MP Company

⁴⁵³ [REDACTED]; M.NIKOLIĆ, T.12248.

⁴⁵⁴ [REDACTED]; [REDACTED]; M.NIKOLIĆ, T.12248.

⁴⁵⁵ M.NIKOLIĆ, T.12254-12255, T.12261-12263; [REDACTED], [PW-075], T.11276; [REDACTED].

⁴⁵⁶ Exh.P02473, ERN:0113-4313, para.2.8.

⁴⁵⁷ AF138.

⁴⁵⁸ See generally, Exh.P02288.

⁴⁵⁹ Exh.P02287; Exh.P02400.

⁴⁶⁰ See Exh.P02473, ERN:0113-4313-0113-4315. See also [REDACTED – see Exh.P01178], TANIĆ, T.10338.

⁴⁶¹ Exh.P01635, BABIĆ, T.10218-10219.

180. In July 1995, the Standard barracks in Karakaj housed the 89 rostered members of the Zvornik Brigade MP Company.⁴⁶² Its members wore white belts and bore insignia indicating “military police.”⁴⁶³

181. Although Lt. Miomir Jasikovac commanded the MP Company,⁴⁶⁴ it was Drago NIKOLIĆ’s role to make proposals to Pandurević on their most effective use and to recommend appropriate tasks.⁴⁶⁵ [REDACTED]⁴⁶⁶ Drago NIKOLIĆ directed and instructed Jasikovac on the implementation of Pandurević’s order.⁴⁶⁷

182. Regular MP Company duties included securing bridges and facilities, manning checkpoints and securing and escorting PoWs.⁴⁶⁸

(xxi) Overview & structure of the RS Police in the Drina Corps Zone

The RS MUP Special Police Brigade

183. MUP forces involved in the July 1995 Srebrenica operation were resubordinated to the VRS under Krstić’s and Mladić’s direct command.⁴⁶⁹ The resubordinated MUP units comprised elements of the RS Special Police Brigade including the Second Šekovići Detachment, two companies from the MUP’s Jahorina Training Centre and PJP units.

184. The RS Special Police Brigade was a MUP combat unit.⁴⁷⁰ In July 1995, Goran Sarić commanded the Brigade, reporting to the Interior Minister or Deputy Interior Minister

⁴⁶² [REDACTED – see Exh.P01657] , [PW-058]; [REDACTED]; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11011. The “Standard Barracks” at Karakaj housed the Zvornik Brigade Command: [REDACTED]; Exh.P01754.

⁴⁶³ [REDACTED – see Exh.P01657], [PW-058], [REDACTED]; JANJIĆ, T.8845; Exh.P01096, JANJIĆ, T.9759.

⁴⁶⁴ [REDACTED – see Exh.P01657], [PW-058], [REDACTED]; [REDACTED]; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11012; Exh.P01667, D.IVANOVIĆ, T.14538; [REDACTED].

⁴⁶⁵ Exh.P02288, para.122; Exh.P01297, ERN:0304-1636, para.12; BUTLER, T.16335-16336.

⁴⁶⁶ [REDACTED].

⁴⁶⁷ BUTLER, T.16336. *See also* [REDACTED – see Exh.P01944] , [PW-059], T.10012 (“The military police commander received orders from his security officer, the security officer received orders from the main commander, and that way up and down the chain”); M.BIRČAKOVIĆ, T.9208 (“What I do know is that he [Jasikovac] would receive orders both from Vinko Pandurević and Drago [NIKOLIĆ]”); M.GALIĆ, T.16027-16028 (“The commander, the chief of staff, or the security chief could have issued an order to the commander of the Military Police Company [...] All the units within the brigade are under the brigade commander. Nevertheless, the chief of security is the person or the officer who works closely with the military police, as far as I know, and he gets military policemen to perform all sorts of tasks; security, escort control, arresting people, securing a compound, military barracks, that sort of thing”), T.16029; [REDACTED]; [REDACTED]; [REDACTED – see Exh.P01657], [PW-058], [REDACTED].

⁴⁶⁸ [REDACTED – see Exh.P01657], [PW-058], [REDACTED]; [REDACTED]; Exh.P01297, Service Regulations of the SFRY Armed Forces Military Police, 1985, *see* ERN:0304-1641, paras.25(h) (“the military police...take part in providing security for prisoners of war in camps for prisoners of war”) and ERN:0304-1648, para.57 (“The military police may also, upon a special order, escort prisoners of war”). *See also* Exh.P02472, ERN:0113-4268, para.3.19.

⁴⁶⁹ Exh.P02516; Exh.P01615; Exh.P01335, pp.1-3; Exh.P02473, ERN:0113-4326-0113-4327.

⁴⁷⁰ [REDACTED – see Exh.P01598], [PW-052] T.8571; Exh.P01628, PEPIĆ, T.13543; Exh.P01633, ČELIĆ, T.13462.

Tomo Kovač.⁴⁷¹ The Brigade's Deputy Commander was Ljubomir Borovčanin,⁴⁷² who led the MUP units deployed for the Srebrenica operation.

185. The Brigade's members wore one-piece green camouflage overalls and were armed with automatic rifles, heavy machine guns, side arms, rocket launchers, grenades and bullet-proof vests.⁴⁷³ Their uniforms bore a patch on the sleeve, indicating "Special Brigade" and "Police," and a flag and coat of arms featuring a two headed eagle.⁴⁷⁴

The Second Šekovići Detachment of the Special Police Brigade

186. Miloš Štupar commanded the Second Šekovići Detachment. He was directly subordinate to Sarić and Borovčanin.⁴⁷⁵ The Second Detachment comprised three platoons of 20-40 men.⁴⁷⁶ It had two T-55 tanks, a Praga and a BOV at its disposal.⁴⁷⁷ Štupar's deputy, Rade Čturić (aka "Oficir") replaced him in June 1995.⁴⁷⁸

The Jahorina Training Centre

187. Duško Jević managed the Special Police Brigade's Training Centre at Jahorina,⁴⁷⁹ which trained policemen and conscripts in MUP units.⁴⁸⁰

188. In June 1995, the RS MUP arrested and forcibly repatriated several hundred Bosnian Serb men who were evading military service in Serbia. They were trained,⁴⁸¹ then formed into two companies of around 100 men.⁴⁸² Mendeljev Đurić (nicknamed "Mane") commanded the First Company,⁴⁸³ and Nedo Ikonić, the Second Company.⁴⁸⁴ Both were subordinated to Jević.⁴⁸⁵

⁴⁷¹ [REDACTED – see Exh.P01598], [PW-052], [REDACTED], T.8572; Exh.P01620, ĐURIĆ, T.10797.

⁴⁷² Exh.P01620, ĐURIĆ, T.10797; Exh.P01633, ČELIĆ, T.13459.

⁴⁷³ Exh.P01628, PEPIĆ, T.13541-13542; [REDACTED – see Exh.P01598], [PW-052], T.8577-8578; Exh.P01633, ČELIĆ, T.13461-13462.

⁴⁷⁴ Exh.P01633, ČELIĆ, T.13462; Exh.P01628, PEPIĆ, T.13541-13542; [REDACTED], [PW-052], T.8578-8579.

⁴⁷⁵ ČELIĆ, T.13459; Exh.P01628, PEPIĆ, T.13539-13540.

⁴⁷⁶ Exh.P01628, PEPIĆ, T.13540-13541; Exh.P01633, ČELIĆ, T.13459-13461, T.13482, T.13494. The leaders of the First and Third Platoons were Marko Alešić and Milenko "Čop" Trifunović, respectively. The Third ("Skelani") Platoon received its orders from Čturić as its leader was out of action.

⁴⁷⁷ Exh.P01628, PEPIĆ, T.13542; Exh.P01633, ČELIĆ, T.13461; [REDACTED – see Exh.P01598], [PW-052], T.8578.

⁴⁷⁸ Exh.P01628, PEPIĆ, T.13539; Exh.P01633, ČELIĆ, T.13458-13459.

⁴⁷⁹ [REDACTED – see Exh.P01598], [PW-052], T.8649; BUTLER, T.16667.

⁴⁸⁰ Exh.P01620, ĐURIĆ, T.10793; [REDACTED – see Exh.P01598], [PW-052], T.8649; Exh.P01610, p.2.

⁴⁸¹ [REDACTED – see Exh.P01598], [PW-052], T.8650-8651; Exh.P01620, ĐURIĆ, T.10795-10796, T.10842-10843; BUTLER, T.16589-16590.

⁴⁸² [REDACTED – see Exh.P01598], [PW-052], T.8572-8573.

⁴⁸³ [REDACTED – see Exh.P01598], [PW-052], [REDACTED]; Exh.P01620, ĐURIĆ, T.10796-10797. Mendeljev "Mane" Đurić should not be confused with Mane Đurić, Deputy Chief of the Zvornik Public Security Centre ("CJB"); BUTLER, T.16667.

⁴⁸⁴ [REDACTED – see Exh.P01598], [PW-052], T.8573; Exh.P01620, ĐURIĆ, T.10796; BUTLER, T.16667.

⁴⁸⁵ [REDACTED – see Exh.P01598], [PW-052], T.8568-8569.

189. Jahorina Training Centre soldiers wore two-piece green camouflage uniforms without insignia, light brown belts, blue bullet proof vests, and were issued automatic rifles, but not side arms.⁴⁸⁶ Unlike the regular Brigade soldiers, they did not have tanks or armoured vehicles.⁴⁸⁷

PJP Units

190. The RS MUP also utilised regular police officers to perform military duties. Within each of the MUP CJBs, ordinary policemen from the SJBs were organized into companies.⁴⁸⁸ For example, the Zvornik CJB had six PJP companies.⁴⁸⁹ Danilo Zoljić was in overall command and Radomir Pantić commanded the First Zvornik PJP Company.⁴⁹⁰ PJP members were sent on combat assignments in co-operation with the VRS.⁴⁹¹

191. PJP members wore green camouflage uniforms with patches indicating their unit.⁴⁹² They were issued weapons, bullet-proof vests, and hand-grenades.⁴⁹³

(xxii) Overview & structure of UNPROFOR in BiH

192. Lt. Gen. Rupert Smith, based at the Residency in Sarajevo, commanded UNPROFOR forces in BiH; his command was referred to as “UNPROFOR-Bosnia-Herzegovina,” or UNPROFOR-BiH.⁴⁹⁴ Smith’s Chief of Staff was Brig. Nicolai, and Smith’s Military Assistant was Lt. Col. Baxter.⁴⁹⁵ Also based in the Residency was a unit of JCO’s, who served across Bosnia as observers in connection with the implementation of the 1994 Cessation of Hostilities Agreement.⁴⁹⁶

193. UNPROFOR also had a local subordinate sector command (Sector Sarajevo), based in the PTT building in Sarajevo, commanded by Gobillard. Gobillard’s Military Assistant was Maj. Fortin.⁴⁹⁷ Sector Sarajevo was responsible for, among other things, the city of

⁴⁸⁶ [REDACTED – see Exh.P01598], [PW-052], T.8576-8578, T.8654; Exh.P01620, ĐURIĆ, T.10847-10848, T.10882-10883.

⁴⁸⁷ [REDACTED – see Exh.P01598], [PW-052], T.8578.

⁴⁸⁸ [REDACTED – see Exh.P01264], STANOJEVIĆ, T.12866-12867; [REDACTED – see Exh.P02054], [PW-054], T.4080-4084; BUTLER, T.16587-16588.

⁴⁸⁹ [REDACTED – see Exh.P01264], STANOJEVIĆ, T.12867, T.12903-12904; STANOJEVIĆ, T.7962.

⁴⁹⁰ [REDACTED – see Exh.P01264], STANOJEVIĆ, T.12867; [REDACTED].

⁴⁹¹ [REDACTED – see Exh.P01264], STANOJEVIĆ, T.12867-12868; [REDACTED – see Exh.P02054], [PW-054], [REDACTED]; BUTLER, T.16475.

⁴⁹² STANOJEVIĆ, T.7962; [REDACTED – see Exh.P01264], STANOJEVIĆ, T.12869.

⁴⁹³ [REDACTED – see Exh.P01264], STANOJEVIĆ, T.12869.

⁴⁹⁴ [REDACTED – see Exh.P02086], SMITH, T.17462, T.17464-17465; Exh.P00674, NICOLAI, T.18447; FORTIN, T.3067.

⁴⁹⁵ Exh.P00674, NICOLAI, T.18447; [REDACTED – see Exh.P02086], SMITH, T.17467; Exh.P00741, DIBB, T.16267.

⁴⁹⁶ [REDACTED – see Exh.P02086], SMITH, T.17468, T.17511-17513; SMITH, T.11820; WOOD, T.11087-11088, T.11157; Exh.P00741, DIBB, T.16273; Exh.P01011.

⁴⁹⁷ [REDACTED – see Exh.P02086], SMITH, T.17467-17468, T.17698-17699.

Sarajevo, the airport and oversaw a Ukrainian battalion, including the Ukrainian company in Žepa.⁴⁹⁸

194. Smith's direct superior, Janvier (overall commander of UNPROFOR), was based in Zagreb.⁴⁹⁹ On the civilian side was Yashushi Akashi (SRSG), also in Zagreb.⁵⁰⁰

195. Also subordinate to UNPROFOR-BiH Command was Tuzla-based Sector Northeast, responsible for overseeing Srebrenica.⁵⁰¹ The Command of the Dutch Battalion, which directly supervised DutchBat in Srebrenica, was based in Sector Northeast.⁵⁰² In Srebrenica, Lt. Col. Karremans commanded DutchBat III and Maj. Franken was its Deputy Commander.⁵⁰³ The peacekeepers set up OPs on elevations around the enclave, protected by defence walls of containers filled with rocks and sand, painted white and lit up at night to "deter by presence". In Franken's words, they were, militarily "a complete joke" and made DutchBat "absolute sitting ducks."⁵⁰⁴

196. DutchBat III arrived in January 1995.⁵⁰⁵ DutchBat understood its mission to include facilitating the delivery of humanitarian assistance to the local population; "deter[ing] any hostile action by being present"; and disarming people within the enclave.⁵⁰⁶ Owing to the low number and light arms of DutchBat, in order to do its job defending the local population in the event of an attack, DutchBat depended on NATO air support to provide the fire-power it sorely lacked compared to the VRS forces around the enclave.⁵⁰⁷

⁴⁹⁸ FORTIN, T.3067-3070.

⁴⁹⁹ [REDACTED – see Exh.P02086], SMITH, T.17465; FORTIN, T.3067-3068.

⁵⁰⁰ [REDACTED – see Exh.P02086], SMITH, T.17465.

⁵⁰¹ [REDACTED – see Exh.P02086], SMITH, T.17637; [REDACTED – see Exh.P00598], FRANKEN, T.2633.

⁵⁰² [REDACTED – see Exh. P00598], FRANKEN, T.2633-2634.

⁵⁰³ [REDACTED – see Exh. P00598], FRANKEN, T.2435.

⁵⁰⁴ [REDACTED – see Exh. P00598], FRANKEN, T.2451-2452; FRANKEN, T.3332-3333.

⁵⁰⁵ AF37; FRANKEN, T.3389.

⁵⁰⁶ [REDACTED – see Exh. P00598], FRANKEN, T.2435; FRANKEN T.3334.

⁵⁰⁷ FRANKEN, T.3334.

THE JOINT CRIMINAL ENTERPRISES TO FORCIBLY TRANSFER OR DEPORT THE BOSNIAN MUSLIM POPULATIONS FROM SREBRENICA AND ŽEPA AND MURDER THE ABLE-BODIED MUSLIM MEN FROM SREBRENICA

(A) THE JOINT CRIMINAL ENTERPRISE TO FORCIBLY TRANSFER OR DEPORT THE BOSNIAN MUSLIM POPULATIONS FROM SREBRENICA AND ŽEPA

(i) Goals of the RS and the VRS regarding the Srebrenica and Žepa enclaves

197. From at least May 1992, one of the strategic goals of the RS and VRS leadership was to remove the Muslim population of Eastern Bosnia.⁵⁰⁸ In November 1992, this goal was explicitly restated in Directive 4 and DK Order 2-126. But for the UN's timely intervention in 1993, elements of the VRS in Operation *Spring-93* nearly succeeded in removing the Muslim population from the Drina Valley.

198. On 8 March 1995, Karadžić issued Directive for Further Operations No. 7,⁵⁰⁹ directing the VRS (specifically the DK) that:

[C]omplete physical separation of Srebrenica and Žepa should be carried out as soon as possible, preventing even communication between individuals in the two enclaves. By planned and well-thought-out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa.⁵¹⁰

199. To achieve the goal behind this Directive—to deprive the Muslim population of Srebrenica and Žepa of the necessities for survival and to create a humanitarian disaster that would force the Bosnian Muslim population to leave Srebrenica and Žepa in order to survive—the JCE members including **TOLIMIR** used VRS and MUP soldiers and assets to implement the necessary measures. Together they transferred/removed the Muslim populations of Srebrenica and Žepa in the following manner between March and July 1995:

- a) Restricting UNPROFOR and humanitarian aid convoys;
- b) Shelling and sniping the Muslim civilian population and DutchBat and other military activities leading up to the attack on the Srebrenica enclave;
- c) Targeting Dutch OPs and Muslim civilians during the 6-11 July attack on the Srebrenica enclave;
- d) Taking DutchBat OP soldiers hostage and disarming of DutchBat soldiers in and around Potočari;
- e) Terrorizing, abusing and killing Muslims in and around Potočari on 12-13 July;
- f) Transporting the women, children and some elderly men from Potočari on 12-13 July;
- g) Attacking the civilian population of Žepa; and
- h) Transporting the women, children and some elderly men from Žepa on 25-28 July.

⁵⁰⁸ See paras.94-122.

⁵⁰⁹ AF60; Exh.P01214.

⁵¹⁰ AF61, AF62; Exh.P01214, ERN:0081-7130.

200. According to the “full method” by which Directives were drafted,⁵¹¹ **TOLIMIR** must have contributed to Directive 7’s drafting.⁵¹² Furthermore, as SALAPURA and OBRADOVIĆ noted, a lot of intelligence information went into the Directive,⁵¹³ which again indicates **TOLIMIR** and his Sector’s contribution. Thereafter, **TOLIMIR**, his security organs and MP at all levels of the VRS Security branch implemented these actions, with other VRS units and commands to remove of the Muslims from Srebrenica and Žepa.

(ii) **Restricting UNPROFOR and humanitarian aid convoys**

201. Directive 7 included specific instructions to the VRS and other state organs for creating an “unbearable situation of total insecurity” to force the Bosnian Muslim population from the enclaves:

The relevant State and military organs responsible for work with UNPROFOR and humanitarian organisations shall, through the planned and unobtrusively restrictive issuing of permits, reduce and limit the logistics support of UNPROFOR to the enclaves and the supply of material resources to the Muslim population, making them dependent on our good will while at the same time avoiding condemnation by the international community and international public opinion.⁵¹⁴

202. From March-July 1995, the VRS Main Staff, with the direct involvement of **TOLIMIR** and his subordinate intelligence and security organs,⁵¹⁵ deliberately restricted the delivery of supplies, materials and men to the UNPROFOR units in the Srebrenica and Žepa enclaves, severely eroding UNPROFOR’s ability to function effectively.⁵¹⁶ The VRS Main Staff and other state organs also deliberately restricted humanitarian aid and relief supplies to the Bosnian Muslim inhabitants of Srebrenica and Žepa as part of the organised effort to make life unbearable for them. Under the strict control of Mladić, **TOLIMIR**, Gvero, Milovanović and Miletić, VRS Main Staff officers worked together to restrict convoys.

203. In line with Directive 7’s direction to “unobtrusively” implement the convoy restrictions, the VRS permitted passage of just enough convoys to permit survival and to avoid attracting international condemnation, but not enough to reduce the intentionally brutal suffering of the population and for the peacekeeping units to perform their duties properly.⁵¹⁷

⁵¹¹ See paras.163-165.

⁵¹² OBRADOVIĆ, T.11993-11994.

⁵¹³ SALAPURA, T.13496-13497; OBRADOVIĆ, T.11993-11994, T.12000; see also para.11.

⁵¹⁴ Exh.P01214, ERN:0081-7134. OBRADOVIĆ, T.12014-12015 (who described the direction as not “proper” from a humanitarian point of view).

⁵¹⁵ BUTLER, T.16486-16487.

⁵¹⁶ [REDACTED – see P01461], BOERING, T.1891-1906; [REDACTED – see Exh.P00598], FRANKEN, T.2445-2450; [REDACTED – see Exh.P01483], KOSTER, T.3033-3035; Exh.P02629, RUTTEN, T.4807-4808; Exh.P00674, NICOLAI, T.18452-18459. See also Exh.P00713.

⁵¹⁷ NICOLAI, T.3861-3862.

The convoy approval process

204. The VRS Main Staff was the sole authority with the final decision-making power in relation to all aspects of each UNPROFOR convoy request,⁵¹⁸ including: when it could pass; what was permitted to be transported; how many vehicles the convoy could include and which route it could take.

205. To schedule a resupply convoy, UNPROFOR would send a request from the UNMO office in Pale to the VRS Main Staff.⁵¹⁹ Upon receipt, a Main Staff officer, typically Miloš Đurđić,⁵²⁰ would review UNPROFOR's request and submit it with a proposed response to Mladić or Milovanović.⁵²¹ Mladić or Milovanović would review the request and note their approval or denial, or forward it to one of the Main Staff Assistant Commanders such as **TOLIMIR** or Gvero for further action.⁵²² In Mladić's and Milovanović's absence, **TOLIMIR**, who was best-versed in convoy matters, dealt with convoy requests.⁵²³ Once the final decision was made, the Main Staff sent a response, drafted by Đurđić, to UNPROFOR, granting or denying the request.⁵²⁴

206. The Main Staff sent a corresponding notification and directions to its subordinate units through whose zones the convoys would pass, detailing which convoys could pass; which were to be blocked; the quantities of goods approved; the personnel permitted to travel; how long the convoy could remain at its destination; and whether any peacekeeping personnel could return with the convoy.⁵²⁵ In addition to written permissions typically signed by Milovanović or Miletić,⁵²⁶ VRS soldiers manning checkpoints along a convoy's path also received verbal instructions "to hinder or prevent entry".⁵²⁷

⁵¹⁸ KRALJ, T.18435, T.18450-18451; NICOLAI, T.4017-4018; BUTLER, T.16488-16489, T.16501, T.17160-17161, T.17242-17245; Exh.P02159.

⁵¹⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2442-2444; [REDACTED – see Exh.P01483], KOSTER, T.3033-3034; Exh.P00674, NICOLAI, T.18451-18453, T.18456; KRALJ, T.18379; BUTLER, T.16488-16489. Some UNPROFOR officers were under the impression that the VRS was in fact headquartered in Pale: Exh.P00674, NICOLAI, T.18450-18451; [REDACTED – see Exh.P01483], KOSTER, T.3034, 3100; [REDACTED – see P01461], BOERING, T.2031.

⁵²⁰ OBRADOVIĆ, T.12022-12023.

⁵²¹ OBRADOVIĆ, T.12021-12022.

⁵²² See e.g. Exhs.P02148, P02149 (a request from UNPROFOR regarding a medical evacuation by the Nordic Medical Company and UNHCR, bearing Mladić's initials and a note from him to **TOLIMIR** stating "Tošo, what do you think about this request? Could you/?we/ condition something if we perhaps decide! Give your proposal"); OBRADOVIĆ, T.12035-12037; KRALJ, T.18421, T.18422 (**TOLIMIR** dealt with convoys as part of his duty), T.18424 (regarding **TOLIMIR**'s ability to exert influence on Mladić in the convoy decision-making process); MILOVANOVIĆ, T.14212-14213; BUTLER, T.16516-16517.

⁵²³ Exh.P02859; KRALJ, T.18425, T.18446-T.18449. See e.g. Exhs.P02507, P02506, P02505, P02504, BUTLER, T.16515-16520; Exh.P02233, pp.3-26 (for **TOLIMIR**'s initials on Exh.P02507 and other convoy requests).

⁵²⁴ OBRADOVIĆ, T.12029; BUTLER, T.16489.

⁵²⁵ See e.g., Exh.P02150; KRALJ, T.18453-18454; [REDACTED]; BUTLER, T.16489.

⁵²⁶ OBRADOVIĆ, T.12022.

⁵²⁷ M.NIKOLIĆ, T.12324, T.12322, T.12334.

207. Mladić, **TOLIMIR** and Gvero actively participated in the convoy-approval process, both before and after Directive 7 was issued. For example, on a 5 January 1995 UNPROFOR request we see Mladić's request to Gvero and **TOLIMIR** for their views on the helicopter mission ("Gvero and Tošo!").⁵²⁸ We see **TOLIMIR**'s initials and notation "Yes", approving the flight⁵²⁹ and above Mladić's notation ("Gvero and Tošo!") Gvero's response: "No – They should go to Kiseljak, and from there by car".⁵³⁰

208. A 20 June 1995 UNPROFOR convoy is also illustrative. Nicolai faxed the request to the Main Staff.⁵³¹ Mladić initialled and noted "Yes" on the request. **TOLIMIR** also initialled the request. The request also bears a notation from Đurđić instructing Capt. Novaković to urgently notify the checkpoints about the convoy.⁵³²

209. Miletić adapted the orders he received from Mladić and **TOLIMIR** into very specific and detailed orders from the Main Staff to the subordinate units that would come into actual contact with the convoys at the checkpoints.⁵³³

210. Before Directive 7 was issued, the VRS Main Staff took decisions on the movement of humanitarian convoys into the enclaves.⁵³⁴ **TOLIMIR** received the requests and forwarded them with his proposed decision to Mladić or Milovanović for approval.⁵³⁵ Shortly after Directive 7 was issued, the Co-ordinating Body for Humanitarian Aid headed by Dragan Kekić, a working body of the State Committee, became involved in the humanitarian aid convoy-approval process together with the VRS.⁵³⁶ The State Committee was composed of civilian and military authorities.⁵³⁷ The order establishing the State Committee provided that permits for the movement of convoys and employees of the UN and humanitarian organisations on the territory were to be issued by the Co-ordinating Body pursuant to the

⁵²⁸ Exh.P02233, p.80 and p.44 (BCS).

⁵²⁹ Exh.P02233, p.80 and p.44 (BCS).

⁵³⁰ Exh.P02233, p.80 and p.44 (BCS).

⁵³¹ Exh.P02145.

⁵³² Exhs.P02146, P02144 (marked version of Exh.P02145 by Obradović, circling initials and notation); OBRADOVIĆ, T.12023-12027.

⁵³³ OBRADOVIĆ, T.12029. *E.g. see* Exh.P02150, p.3.

⁵³⁴ MILOVANOVIĆ, T.14210-14211; KRALJ, T.18391; Exh.P02159.

⁵³⁵ MILOVANOVIĆ, T.14210-14211 (although Milovanović refers to UNPROFOR requests, it is clear that prior to Directive 7, the same procedure applied to both UNPROFOR requests and those from other humanitarian organizations).

⁵³⁶ KRALJ, T.18398-18399 (while Kralj acknowledged that the the Main Staff took part in the decision-making process, he tried to limit the VRS's involvement); BUTLER, T.16492, T.17460-17461; Exh.P02575, p.4 ("we have not approved the transport of a satellite telex with accompanying equipment to Srebrenica on 24 May").

⁵³⁷ Exh.P00689; BUTLER, T.17455.

decisions of the State Committee.⁵³⁸ Đurđić represented the interests of the Main Staff on the State Committee.⁵³⁹

211. The VRS provided information from **TOLIMIR**'s intelligence and security organs⁵⁴⁰ to the State Committee, together with guidance regarding the supplies that should be denied or reduced and whether the convoys could travel the requested routes to their destinations.⁵⁴¹ In addition, as was the case with UNPROFOR convoys, subordinate units of the VRS were not allowed to let convoys pass checkpoints without permission from the Main Staff.⁵⁴² Despite the formation of the State Committee, the VRS Main Staff held the ultimate power to restrict humanitarian aid convoys as it saw fit.⁵⁴³ See *Appendix C* for illustrative examples of how the Main Staff notification of convoy approvals/denials worked in practice.

212. A June 1995 UN code cable captures the essence of the Main Staff's control over humanitarian and UNPROFOR convoy movements:

Problems with convoys, both logistics re-supply and UNHCR, continue in many part of the UNPROFOR AOR. The 56 truck convoy bound for the eastern enclaves arrived in Belgrade yesterday. However, the BSA has cut the number of trucks from 56 to 23, has cut the amount of food by 50% and the amount of fuel by 70%, has rejected the passage of two ambulances needed for UN troops, and has insisted that those personnel travelling with the convoy to the enclaves must also depart with it, though no one else may, in other words preventing any troop rotation or reinforcement.⁵⁴⁴

These restrictions caused the already poor living conditions inside the enclaves to deteriorate significantly, causing a lack of basic amenities, food and medicine for the Bosnian Muslim populations, as well as a severe shortage of essential logistical support for DutchBat and UKRCOY exactly as intended by Directive 7.

Implementation by the Brigades

213. The Zvornik, Bratunac and Rogatica Brigades, their security organs and MPs, controlled the movement of UNPROFOR and humanitarian aid convoys on the ground and their access to the enclaves pursuant to Main Staff orders.⁵⁴⁵

214. The process remained restrictive even for those convoys approved by the Main Staff, as they had to pass through VRS checkpoints along the route and were regularly blocked and

⁵³⁸ Exh.P00689, p.2, Art.6; KRALJ, T.18456 (the role of the Co-ordinating Body was to approve the proposed cargo).

⁵³⁹ Exh.P00689, p.3, Art.2; KRALJ, T.18451-18452; BUTLER, T.17454-17455.

⁵⁴⁰ KRALJ, T.18399; M.NIKOLIĆ, T.12324-12325. See also KRALJ, T.18286-18287, T.18329, T.18384-18385, T.18393-18394; Exh.D00339.

⁵⁴¹ KRALJ, T.18293, T.18399, T.18429-18431, T.18452, T.18457; ČARKIĆ, T.12859-12860, T.12862.

⁵⁴² Exh.D00303, p.2, items 4, 7; MILOVANOVIĆ, T.14213; M.NIKOLIĆ, T.12318-12320, T.12339; KRALJ, T.18389, T.18427, T.18454-18455; BUTLER, T.16492, T.16500-16501, T.16505, T.16507, T.17154, T.17242-17245.

⁵⁴³ BUTLER, T.16500-16501; KRALJ, T.18398-18399, T.18436-18437, T.18451-18454. See e.g. Exh.P02860, p.1.

⁵⁴⁴ Exh.P00715; NICOLAI, T.3871-3872.

⁵⁴⁵ [REDACTED]; ČARKIĆ, T.12811; BUTLER, T.16500. See e.g. Exh.P02571.

sent back or stripped of their cargo.⁵⁴⁶ The convoys were checked by the VRS at Karakaj and in Zvornik,⁵⁴⁷ with information about convoys and seized items reported back to the Corps Command and the Main Staff through daily combat reports.⁵⁴⁸

215. **TOLIMIR**'s security organ, including Momir NIKOLIĆ and MPs who manned the checkpoints, rigorously enforced the Main Staff convoy policy on the ground.⁵⁴⁹

VRS restrictions on UNPROFOR resupply convoys

216. The VRS restrictions on DutchBat resupply convoys ranged from categorical denial of certain items, such as weapons, ammunition and spare parts; limiting the number of vehicles in a convoy; denying certain items in a convoy; to blocking convoys at checkpoints; to preventing the rotation of personnel.⁵⁵⁰ Although VRS restrictions applied when DutchBat III first arrived in the enclave in January 1995,⁵⁵¹ the VRS approved fewer and fewer convoys from March-April 1995 onwards.⁵⁵² For example, fresh food and rations were restricted from the start of March.⁵⁵³

217. In Žepa, VRS convoy restrictions meant the Ukrainian peacekeepers there did not have enough fuel to run their generators. They ran out of all food except for reduced dry

⁵⁴⁶ Exh.P00674, NICOLAI, T.18457; KINGORI, T.5473, T.5480-5481; Exh.P02089, p.6; [REDACTED – see Exh.P00598], FRANKEN, T.2446; Exh.P02501; Exh.P02502.

⁵⁴⁷ TRBIĆ inspected convoys at the entry point in Zvornik: M.NIKOLIĆ, T.12347.

⁵⁴⁸ M.NIKOLIĆ, T.12338. Items that had no military utility were seized, see Exh.P02501; Exh.P02502; BUTLER, T.16495-16497; [REDACTED]; Exh.P02570; KRALJ, T.18419.

⁵⁴⁹ M.NIKOLIĆ, T.12343-12344, specifically T.12343, ll:18-23; Exh.P02162 (bearing handwritten instruction from Momir NIKOLIĆ: “Not a single convoy or ICRC/International Committee of the Red Cross/ team or MSF/Doctors without Borders/ may enter Srebrenica without my permission and presence. M.NIKOLIĆ”); M.NIKOLIĆ, T.12332-12333; BUTLER, T.16493; Exh.P02164 (bearing handwritten instruction from Momir NIKOLIĆ: “Security officers shall witness detailed control. M.NIKOLIĆ”); M.NIKOLIĆ, T.12336-12337; Exh.P02165 (bearing handwritten instruction from Momir NIKOLIĆ: “Conduct examination of convoy in the presence of the chief of security of the 1st Brlpbr/Bratunac Light Infantry Brigade/”); M.NIKOLIĆ, T.12336-12337, T.12340. See also Exh.P01497, [PW-002], T.1525; M.NIKOLIĆ, T.12320, T.12329-12328; [REDACTED]; [PW-075], T.11276; M.NIKOLIĆ, T.12319; BUTLER, T.16526; Exh.P02167, p.17 (“In the brigade’s area of responsibility a checkpoint was established for the control of all international organisations entering and leaving the enclave of Srebrenica. This checkpoint functions in accordance with the orders of the GŠ VRS...”).

⁵⁵⁰ NICOLAI, T.3872, T.4012; Exh.P00674, NICOLAI, T.18452-18453, T.18457; [REDACTED – see Exh.P00598], FRANKEN, T.2443-2444, [REDACTED – see Exh.P01483], KOSTER, T.3034-3035. Smith and Nicolai were unhappy with an agreement (Exh.D00077) negotiated between Nicolai’s predecessor and **TOLIMIR**, which imposed many one-sided restrictions on UNPROFOR’s freedom of movement, thus undermining its ability to supervise compliance with the various agreements in place. NICOLAI, T.4011-4015, T.4099; Exh.D00077. No such agreement was in place with the ABiH, thus UNPROFOR required no such permission when moving on ABiH territory. NICOLAI, T.4095-4096.

⁵⁵¹ [REDACTED – see Exh. P02086], SMITH, T.17480-17481; [REDACTED – see Exh.P00598], FRANKEN, T.2449; FRANKEN, T.3525.

⁵⁵² AF49; [REDACTED – see Exh.P01483], KOSTER, T.3034-3035; Exh.P02629, RUTTEN, T.4807-4808; [REDACTED – see Exh.P01461], BOERING, T.1893-1894; M.NIKOLIĆ, T.12324, T.12346; Exh.P02577; [REDACTED – see Exh.P00598], FRANKEN, T.2658.

⁵⁵³ [REDACTED – see Exh.P01483], KOSTER, T.3035; NICOLAI, T.3856-3857.

rations.⁵⁵⁴ In Goražde, the third “eastern enclave”, the VRS applied the same punishing restrictions to the British peacekeepers stationed there.⁵⁵⁵

218. Through **TOLIMIR**’s intelligence and security apparatus, including the 410thObC, the VRS Main Staff gathered detailed intelligence on the numbers of UN and humanitarian personnel and the quantities of fuel, equipment and other supplies.⁵⁵⁶ With this information, the Main Staff was fully aware of DutchBat’s combat readiness in Srebrenica and of the impact of the convoy restrictions on DutchBat’s ability to fulfil its mandate.

Fuel Restrictions

219. The VRS permitted only one fuel convoy into the enclaves between February-June 1995.⁵⁵⁷ According to a DutchBat Logistics Officer: “[on] every logistics convoy that was requested, the quantity of fuel that we desired to receive was always indicated, and it was also always refused.”⁵⁵⁸ DutchBat’s daily fuel requirement was 8,000-9,000 litres; by July, because of the VRS restrictions, they were forced to ration usage to 250 litres/day.⁵⁵⁹

220. Lack of fuel prevented DutchBat from carrying out motorized patrols, decreasing DutchBat’s presence and ability to gather information.⁵⁶⁰ Resupply of the OPs was hindered. Lack of fuel also prevented DutchBat from providing medical care to the civilian population.⁵⁶¹ Water purification was limited as the system required diesel fuel.⁵⁶² Because there was no electricity in the enclave, DutchBat relied on diesel-powered generators, which provided only limited electricity, and candlelight.⁵⁶³

Supply Restrictions

221. The VRS categorically excluded from any convoy ammunition and anything pertaining to weapons and weapons systems, spare parts, testing devices and communications

⁵⁵⁴ Exh.P00713, ERN:0327-9230; Exh.P00716, ERN:R002-4224; NICOLAI, T.3862-3863, T.3873-3874. *See also* TORLAK, T.4494; Exh.P0710, ERN:0173-4823, para.4(c).

⁵⁵⁵ Exh.P00711, ERN:R013-9316; Exh.P00712, ERN:R010-8915; NICOLAI, T.3858-3861.

⁵⁵⁶ *See* Exh.P02212, pp.3-4, 13-15, 21-23; M.NIKOLIĆ, T.12323-12326; SALAPURA, T.13802-13806, T.13815-13816; M.MITROVIĆ, T.14989; [REDACTED]; P.ŠKRBIĆ, T.18788-18789.

⁵⁵⁷ Exh.P00674, NICOLAI, T.18456; [REDACTED – see Exh.P00598], FRANKEN, T.2445; [REDACTED – see Exh.P01483], KOSTER, T.3034-3035; M.NIKOLIĆ, T.12324-12325.

⁵⁵⁸ [REDACTED – see Exh.P01483], KOSTER, T.3133, T.3034-3035.

⁵⁵⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2447, T.2656-2657; FRANKEN, T.3542-3543. DutchBat was forced to use wood and use UNHCR’s fuel, [REDACTED – see Exh.P00598], FRANKEN, T.2447, T.2638-2639, T.2658; [REDACTED – see Exh.P01483], KOSTER, T.3097; NICOLAI, T.4021-4022.

⁵⁶⁰ AF54; Exh.P00674, NICOLAI, T.18459; [REDACTED – see Exh.P01461], BOERING, T.1888-1889; Exh.P01142, EGBERS, T.2860; M.NIKOLIĆ, T.12325.

⁵⁶¹ [REDACTED – see Exh.P00598], FRANKEN, T.2643.

⁵⁶² Exh.P01142, EGBERS, T.2919; FRANKEN, T.3543; [REDACTED – see Exh.P01461], BOERING, T.1893.

⁵⁶³ Exh.P00674, NICOLAI, T.18459; Exh.P00710; FRANKEN, T.3543; [REDACTED – see Exh.P01461], BOERING, T.1893. The absence of electricity was known to the VRS Main Staff, *see* Exh.P02212, p.29; M.NIKOLIĆ, T.12324-12325; SALAPURA, T.13802-13806, T.13815-13816; M.MITROVIĆ, T.14989; [REDACTED].

equipment.⁵⁶⁴ As a result, DutchBat had to rely on some weapons in poor condition that had been in use in the enclave since 1993.⁵⁶⁵ Without spare parts, they could not repair weapons.⁵⁶⁶ Moreover, since small arms and mortar ammunition quickly degrades in field conditions, DutchBat had little usable ammunition by July 1995.⁵⁶⁷

222. The restrictions on ammunition, testing systems and spare parts rendered unusable the larger weapons DutchBat had available, such as anti-tank systems and mortars.⁵⁶⁸ By July 1995 when the VRS launched its attack on the enclave, DutchBat's arms and ammunition were either inoperable or inferior to those of the VRS.⁵⁶⁹

223. DutchBat's medical supplies were at the lowest level acceptable.⁵⁷⁰ In addition to non-military items like food, the VRS refused entry of blood for DutchBat's hospital.⁵⁷¹

224. UKRCOY in Žepa faced similar problems.⁵⁷²

Leave Restrictions

225. Beginning in the end of March or April 1995, the VRS refused to permit DutchBat soldiers and UN Military Observers to return to the enclaves following their leave. This reduced the number of the peacekeepers in the Srebrenica enclave from approximately 600 to 350⁵⁷³ and the number UNMOs in the Srebrenica enclave from six to three.⁵⁷⁴

VRS restrictions on humanitarian aid convoys

226. Organizations such as UNHCR and MSF were subject to the VRS convoy-approval process and experienced tightening restrictions in the first quarter of 1995.⁵⁷⁵ UNHCR planned three convoys a week to supply the Srebrenica enclave; however, "due to the

⁵⁶⁴ [REDACTED – see Exh.P00598], FRANKEN, T.2443-2444; T.2447-2448; M.NIKOLIĆ, T.12324.

⁵⁶⁵ FRANKEN, T.3524.

⁵⁶⁶ FRANKEN, T.3525.

⁵⁶⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2447-2449, T.2666; FRANKEN, T.3524; Exh P02629, RUTTEN, T.5237-5238.

⁵⁶⁸ [REDACTED – see Exh.P00598], FRANKEN, T.2447-2448, T.2667; FRANKEN, T.3524.

⁵⁶⁹ Exh.P00674, NICOLAI, T.18542; FRANKEN, T.3524.

⁵⁷⁰ [REDACTED – see Exh.P00598], FRANKEN, T.2643-2644.

⁵⁷¹ FRANKEN, T.3526; Exh.P02503, p.3.

⁵⁷² Exh.P00712, ERN:R010-8915; TORLAK, T.4494; Exh.P00710, ERN:0173-4823, para 4(c); Exh.P00713, ERN:0327-9230.

⁵⁷³ AF56; [REDACTED – see Exh.P00598], FRANKEN, T.2449-2450; [REDACTED – see Exh.P01461], BOERING, T.1872-1873, T.2157, T.2167; NICOLAI, T.3859-3860; Exh.P00707; Exh.P00674, NICOLAI, T.18457-18458; Exh.P02629, RUTTEN, T.4960; [REDACTED – see Exh.P01483], KOSTER, T.3134; Exh.P01142, EGBERS, T.2708, T.2904; Exh.P00107; M.NIKOLIĆ, T.12324.

⁵⁷⁴ Exh.P00950, KINGORI, T.19172; NICOLAI, T.3873; Exh.P00715, ERN:R008-2229; Exh.P02507, pp.19-22 and ERN:0627-8560-0627-8561 (BCS) (convoy denials initialled by **TOLIMIR** regarding request for rotation of Žepa UNMOs) and Exh.P02505 (identification of **TOLIMIR**'s initials by BUTLER); Exh.P02233, ERN:R067-7177-R067-7178 (BCS); Exh.P02163, p.2.

⁵⁷⁵ [REDACTED – see Exh.P01461], BOERING, T.1894; [REDACTED – see Exh.P00598], FRANKEN, T.2445-2446; Exh.P02629, RUTTEN, T.5230-5232, T.4807-4808; [REDACTED – see Exh.P00097], [PW-022], T.3938; [REDACTED – see Exh.P02086], SMITH, T.17481.

persistence [*sic*] refusal by the BSA to allow into the enclave these convoys an average of one arrives per week.”⁵⁷⁶ The planned three convoys per week would have served barely 65% of the needs of the entire population. One per week met less than 25% of the needs.⁵⁷⁷ The restrictions on humanitarian aid convoys had an acute and immediate effect on the civilian population.⁵⁷⁸

227. When convoys did reach Žepa, the VRS took goods from them.⁵⁷⁹

The effect of the convoy restrictions on DutchBat and the civilian population

228. As the VRS refused more DutchBat and humanitarian aid convoys, supplies were dwindling and the situation became critical.⁵⁸⁰ UNPROFOR was forced to develop a plan to air-lift the supplies, though it was never realised.⁵⁸¹

Effect on DutchBat’s operational capability

229. By June 1995, DutchBat’s operational usefulness was seriously compromised,⁵⁸² hindering DutchBat’s ability to deal with violations of the cease fire agreement and perform its humanitarian aid mission.⁵⁸³ Ironically, the effect of the convoy restrictions on DutchBat hindered its ability to prevent ABiH attacks from inside the enclave against Serb targets, and to investigate Serb reports of such attacks, to disarm the ABiH in the enclave, or to act on other VRS complaints about Muslim activity.⁵⁸⁴ Naturally, DutchBat’s morale declined.⁵⁸⁵

Effect on the civilian populations

230. The VRS “convoy terror”⁵⁸⁶ also had the intended effect on the civilian populations, creating a desperate humanitarian situation in the Srebrenica and Žepa enclaves.⁵⁸⁷

⁵⁷⁶ Exh.P00966; Exh.P00714, ERN:0052-7521; *see e.g.* NICOLAI, T.3870-3871. It is noteworthy that there were no actual incidents of weapons or ammunition smuggling *via* UNHCR convoys into the Srebrenica enclave, nor were there any complaints from the VRS about it to DutchBat. FRANKEN, T.3465-3466, T.3537, T.3549-3551, T.3569.

⁵⁷⁷ Exh.P00966. In June, UNHCR was only meeting about 30% of its aid target for Srebrenica, Exh.P02111.

⁵⁷⁸ NICOLAI, T.3857; FRANKEN, T.3568-3569; Exh.P00710.

⁵⁷⁹ [REDACTED – *see* Exh.P02086], SMITH, T.17818-17819; Exh.P02570.

⁵⁸⁰ AF52-53, AF64; *See, e.g.*, NICOLAI, T.3855-3856, T.3858; Exh.P00711, ERN:R013-9315, para.10; Exh.D00323, ERN:0044-3344.

⁵⁸¹ Exh.P00710; Exh.P00674, NICOLAI, T.18454-18456; NICOLAI, T.3854-3855.

⁵⁸² AF56; Exh.P00674, NICOLAI, T.18459; Exh.P00620, ERN:0676-7133, para.1; Exh.P01142, EGBERS, T.2904; [REDACTED – *see* Exh.P00598], FRANKEN, T.2447; M.NIKOLIĆ, T.12323-12324.

⁵⁸³ NICOLAI, T.3864-3870; Exh.P00620; Exh.P00674, NICOLAI, T.18459; [REDACTED – *see* Exh.P00598], FRANKEN, T.2455, T.3527; [REDACTED – *see* Exh.P02086], SMITH, T.17661; M.NIKOLIĆ, T.12305, T.12323-12325.

⁵⁸⁴ NICOLAI, T.3860, T.3865, T.3991, T.4082-4084; Exh.P00674, NICOLAI, T.18531, T.18560-18561; Exh.P00709; [REDACTED – *see* Exh.P00598], FRANKEN, T.2646; FRANKEN, T.3529.

⁵⁸⁵ [REDACTED – *see* Exh.P01483], KOSTER, T.3125-3126; M.NIKOLIĆ, T.12326.

⁵⁸⁶ [REDACTED – *see* Exh.P00598], FRANKEN, T.2450.

⁵⁸⁷ AF64.

231. First, food supplies were depleted.⁵⁸⁸ In Srebrenica, the UNHCR food convoys were “the main lifeline for the whole enclave.”⁵⁸⁹ As foodstocks were running out,⁵⁹⁰ the civilian population became so desperate that they regularly went through DutchBat’s dumped garbage to scavenge for anything edible.⁵⁹¹ People had already died of starvation in Srebrenica by the time the *Krivaja-95* attack began.⁵⁹²

232. Humanitarian aid to Žepa dwindled prior to the attack on that enclave,⁵⁹³ even as people from Srebrenica began arriving in Žepa begging for food.⁵⁹⁴ The women in the enclave became thin and gaunt.⁵⁹⁵

233. Second, medical care and supplies were insufficient. [REDACTED].⁵⁹⁶ DutchBat was thus increasingly unable to assist the local population with medical aid or support.⁵⁹⁷ These shortages would have tragic consequences during the *Krivaja-95* attack.⁵⁹⁸

The Bosnian Serb military and political leadership were unified on convoy restrictions

234. In response to frequent UN complaints about the increased “squeezing”⁵⁹⁹ of the enclaves through the spring of 1995, the Bosnian Serb military and political leadership—including Mladić,⁶⁰⁰ Karadžić, Gvero⁶⁰¹ and **TOLIMIR**⁶⁰²—sought to justify the convoy restrictions on the grounds that the supplies on the convoys were assisting ABiH activities in the enclaves and that the UN had ample supplies already.⁶⁰³ In a 5 April 1995 meeting with Smith, Karadžić stated that he would not facilitate the movement of humanitarian aid while the Bosnian Serbs were under international blockade. In another meeting with Smith,

⁵⁸⁸ AF64; Exh.P02638, RUTTEN, T.2106; Exh.P02629, RUTTEN, T.4807-4808, T.5230-5232; [REDACTED – see Exh.P01483], KOSTER, T.3034-3035; [REDACTED – see Exh.P01461], BOERING, T.1893-1894, T.1898-1899; [REDACTED – see Exh.P00598], FRANKEN, T.2446; Exh.P00966, ERN:0052-7520, paras.2(a), 3; Exh.P02111, ERN:R008-8231, para.4.

⁵⁸⁹ Exh.P00950, KINGORI, T.19195, T.19198; [REDACTED – see Exh.P00097], [PW-022], T.3938.

⁵⁹⁰ Exh.P02629, RUTTEN, T.4807, T.5234; Exh.P00620, ERN:0676-7134, para.6; [REDACTED – see Exh.P00598], FRANKEN, T.2446; FRANKEN, T.3536-3537; Exh.P02629, RUTTEN, T.5228-5229; NICOLAI, T.4024-4025.

⁵⁹¹ Exh.P02638, RUTTEN, T.2105-2107; Exh.P02643.

⁵⁹² Exh.P02579, ERN:0087-7961. The final attack on Žepa was code-named *Stupčanica-95*: Exh.P01225; BUTLER, T.16708.

⁵⁹³ [PW-013], T.9866-9867; DŽEBO, T.14794; Exh.P02111, ERN:R008-2031, para.4; KRALJ, T.18481-18483; Exh.D00209; Exh.P00710.

⁵⁹⁴ TORLAK, T.4602-4603, T.4607; Exh.D00099; [PW-013] T.9866-9867.

⁵⁹⁵ Exh.P01949, JOSEPH, T.14152, T.14183.

⁵⁹⁶ [REDACTED – see Exh.P01461], BOERING, T.1892, [REDACTED]; [REDACTED – see Exh.P00097], [PW-022], T.3941-3942, [REDACTED].

⁵⁹⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2643; NICOLAI, T.3866; Exh.P00620, ERN: 0676-7134.

⁵⁹⁸ Exh.P00974, ERN:0052-7572.

⁵⁹⁹ [REDACTED – see Exh.P02086], SMITH, T.17472, T.17484, T.17486.

⁶⁰⁰ [REDACTED – see Exh.P02086], SMITH, T.17488-17490; Exh.P02092. *See also* KRALJ, T.18322; [REDACTED – see Exh.P02086], SMITH, T.17483-17485; Exh.P02091.

⁶⁰¹ [REDACTED – see Exh.P02086], SMITH, T.17492-17493, Exh.P02093.

⁶⁰² [REDACTED – see Exh.P02086], SMITH, T.17495-17496; Exh.P02094, ERN:R001-1395.

⁶⁰³ *See e.g.* [REDACTED – see Exh.P02086], SMITH, T.17501; Exh.P02110.

Karadžić called the enclaves “a time bomb about to explode.”⁶⁰⁴ None of these excuses justified the restrictions, the intent of which was to “neutralize” UNPROFOR and “squeeze” the enclaves.⁶⁰⁵

(iii) Shelling and sniping of the Muslim civilian population and DutchBat and other military activities leading up to the attack on the Srebrenica enclave

Shelling and Sniping

235. Following Directive 7, until the fall of the enclaves in July 1995, the VRS shelled and sniped civilian targets in Srebrenica and Žepa,⁶⁰⁶ as part of the effort to make life for the Bosnian Muslims in the enclaves unbearable and thereby remove them.⁶⁰⁷

236. One such terror attack took place on 23 June 1995, when a team from the VRS Main Staff’s 10th Sabotage Detachment together with Bratunac Brigade Red Berets entered Srebrenica through a mining tunnel and attacked civilians inside.⁶⁰⁸ The operation was conducted by SALAPURA,⁶⁰⁹ who advised Mladić that the mission was low-risk and feasible.⁶¹⁰ The mission was planned by SALAPURA, Pelemiš, POPOVIĆ and GOLIĆ at the DK Command.⁶¹¹

237. SALAPURA’s suggestion that **TOLIMIR** was not present around the time of the attack⁶¹² reflects either his failure to remember whether **TOLIMIR** was involved or he deliberately sought to conceal **TOLIMIR**’s role. On 23 June, **TOLIMIR** travelled to Pale from Crna Rijeka, where he was fully engaged with his VRS Main Staff duties. Karadžić’s appointment diary notes that between 13:45-15:00 hours **TOLIMIR** was at a meeting with Mladić, Petar Škrbić and Karadžić regarding the promotion of officers.⁶¹³ Given that **TOLIMIR** was on duty and in communication on and around the date of the attack,

⁶⁰⁴ [REDACTED – see Exh.P02086], SMITH, T.17505-17506; Exh.P00742, ERN:R001-1407.

⁶⁰⁵ [REDACTED – see Exh.P02086], SMITH, T.17472, T.17484, T.17490, T.17667.

⁶⁰⁶ Exh.P00950, KINGORI, T.19366-19369; M.NIKOLIĆ, T.12311, T.12269-12270. See paras.401, 471 regarding Žepa; see also DŽEBO, T.14794-14795; PALIĆ, T.13288-13290; SALIĆ, T.13236-13237.

⁶⁰⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2440-2441; Exh.P00674, NICOLAI, T.18461; KINGORI, T.5641-5642; Exh.P02096; [REDACTED – see Exh.P00097], [PW-022], T.3939-3940; PALIĆ, T.13287-13289; SALIĆ, T.13236-13237; DŽEBO, T.14794-14795. See Exh.P02160; Exh.P02167 (same as Exh. 4D00316), ERN:0071-6541-0071-6542; Exh.P02159, p.4, para.10; M.NIKOLIĆ, T.12313.

⁶⁰⁸ Exh.P00950, KINGORI, T.19476; Exh.P00961; Exh.P00215, ERDEMOVIĆ, T.10936-10937; Exh.P00986, p.2; M.NIKOLIĆ, T.12354-12357.

⁶⁰⁹ M.NIKOLIĆ, T.12354-12356. SALAPURA testified that the attack was requested by Krstić: SALAPURA, T.13526; Exh.P02200.

⁶¹⁰ SALAPURA, T.13524-13525.

⁶¹¹ SALAPURA, T.13524-13525.

⁶¹² SALAPURA, T.13526.

⁶¹³ Exh.P01407, ERN:0649-0519, Exh.P02198, ERN:0638-5399. SALAPURA claimed during his testimony that **TOLIMIR** was not present around the time of the attack, otherwise such an order would have been passed from Mladić, *via* **TOLIMIR**, to SALAPURA. SALAPURA, T.13527.

SALAPURA would have informed him about the use of the 10th Sabotage Detachment,⁶¹⁴ in accordance with his normal practice to report to **TOLIMIR** regarding all operations employing that unit and received **TOLIMIR**'s approval for the use of the unit.⁶¹⁵ Furthermore, two days later, **TOLIMIR** made reference to the attack in an intelligence report, stating:

The 28th Division Command is circulating disinformation that the VRS carried out a sabotage attack on civilian features, wanting to cause condemnation by the international community. According to unverified information, they have blocked UNPROFOR units, accusing them that they are not protecting the so-called demilitarised zone.⁶¹⁶

From this report, it is clear not only that **TOLIMIR** knew about the attack but that he was seeking to maximize the VRS's advantage by characterising the ABiH's truthful description as 'disinformation.'

238. SALAPURA himself was in Bratunac at that time and personally conducted the operation.⁶¹⁷ SALAPURA characterized the attack as "a display of force with no consequences. It was a warning to the forces in the Srebrenica enclave that they should not mount any sabotage or other actions against Serbs, because there had been such operations against the Main Staff and our forces."⁶¹⁸ However, he admitted during his testimony that the attack did not engage any military targets:

The target was the police station where the command of the brigade was. However, we didn't carry out that completely because of poor visibility. It was foggy. It was 4.00 in the morning, I think.⁶¹⁹

Contrary to SALAPURA's claim that the attack was "with no consequences," some 19 grenades were fired – in the fog – by the saboteurs.⁶²⁰ Two civilians were wounded, including a child, and one woman was killed.⁶²¹ Based on the evidence that the attackers, even when they were purportedly unable to identify a military target, nevertheless fired into Srebrenica, it is clear that this episode was part of the VRS's efforts to spread fear among the Srebrenica population.

239. The VRS fired into the enclave between May and July 1995, wounded civilians and caused panic.⁶²² Swedish Shelter Project refugees withdrew to Srebrenica from outlying

⁶¹⁴ SALAPURA, T.13526-13527.

⁶¹⁵ SALAPURA, T.13528. However, SALAPURA was equivocal as to whether or not he informed **TOLIMIR** of this proposal.

⁶¹⁶ Exh.P02512, p.4.

⁶¹⁷ M.NIKOLIĆ, T.12354-12355.

⁶¹⁸ SALAPURA, T.13518.

⁶¹⁹ SALAPURA, T.13532.

⁶²⁰ Exh.P000961.

⁶²¹ M.NIKOLIĆ, T.12356; Exh. P00961.

⁶²² [REDACTED – see Exh.P01461], BOERING, T.1895; NICOLAI, T.3869-3870, 4072; [REDACTED – see Exh.P00598], FRANKEN, T.2441.

areas.⁶²³ From Potočari, DutchBat saw occupied Muslim houses being shelled from VRS positions in Bratunac, causing inhabitants to leave for Srebrenica.⁶²⁴ This also occurred farther south in the enclave.⁶²⁵ As tension mounted in early to mid-June, VRS shelling of the Srebrenica enclave caused schools to close and people to move closer to the town.⁶²⁶

240. The VRS also fired at DutchBat more frequently in the months prior to the *Krivaja-95* operation.⁶²⁷ DutchBat vehicles were targeted as they left the compound.⁶²⁸

241. ABiH reports confirm Muslim civilians being targeted by Serb snipers. For example, an ABiH 28th Division monthly report, noted that on 10 June “the enemy *wounded a civilian from a sniper rifle* in D. Polje, the area of responsibility of the 280th Brigade.”⁶²⁹ Similarly, an ABiH 28th Division intelligence report recorded that heavy fire was being directed at civilian targets, and that one woman was killed by sniper fire.⁶³⁰ Corroborating these reports, Momir Nikolić testified about the Bratunac Brigade’s sniper capabilities, as also shown in VRS documents.⁶³¹

Other military activity in the enclaves

242. Beginning in the spring of 1995, Muslim forces launched offensives out of Tuzla (targeting transmitter sites on Mount Majeveca) and out of Sarajevo (aimed at breaking the VRS siege).⁶³² The ABiH’s 28th Division was ordered to conduct military operations from the Srebrenica and Žepa enclaves⁶³³ to tie down the VRS and prevent the DK from pulling forces away from the enclaves to support more important front line areas near Sarajevo.⁶³⁴ The 28th Division launched small-scale raids against Serb military and civilian positions.⁶³⁵

⁶²³ [REDACTED – see Exh.P01461], BOERING, T.1895, T.1898; [REDACTED – see Exh.P00097], [PW-022], T.3940-3941; NICOLAI, T.3867-3868; [PW-071], T.6043; Exh.P00620, p.2, para.5.

⁶²⁴ [REDACTED – see Exh.P01461], BOERING, T.1895-1897.

⁶²⁵ [REDACTED – see Exh.P01461], BOERING, T.1895-1896.

⁶²⁶ [REDACTED – see Exh.P01461], BOERING, T.2170; Exh.P00620; PW-071], T.6042.

⁶²⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2440-2441; FRANKEN, T.3336, T.3573.

⁶²⁸ [REDACTED – see Exh.P01461], BOERING, T.1897-1898, T.2235-2236.

⁶²⁹ Exh.P00956, p.1 (emphasis added).

⁶³⁰ Exh.P02161. *See also* [PW-022], T.1127; [REDACTED – see Exh.P00097], [PW-022], T.3939-3940.

⁶³¹ M.NIKOLIĆ, T.12269-12270, T.12309-12311; Exh.P02167, p.7; Exh.P02159, p.4; Exh.P02160.

⁶³² [REDACTED – see Exh.P00587], FORTIN, T.18302-18303, T.18355; FORTIN, T.3106-3107, T.3111, T.3119, T.3165.

⁶³³ Military supplies for the Muslim forces in Srebrenica and Žepa came from a land route commonly known as the “smuggling trail” as well as up from the Žepa area *via* horseback, with the bribed co-operation of Serb forces. *See, e.g.*, FRANKEN, T.3540-3541. The ABiH also conducted clandestine helicopter flights from Tuzla into the enclaves to drop off light weapons and ammunition, transport military and medical personnel and to evacuate the wounded. TORLAK, T.4276-4279, T.4572-4573; AF47. Two documents pertaining to the helicopter deliveries shown to numerous witnesses by the Defence, Exhs.D00063 and D00067, show just how under-equipped the ABiH forces in the Srebrenica and Žepa enclaves were. *See also* Exh.P00674, NICOLAI, T.18464; NICOLAI, T.3882-3883, T.4063-4065, T.4065, T.4072-4076, T.4170; FORTIN, T.3110; [REDACTED – see Exh.P00598], FRANKEN, T.2440.

⁶³⁴ *See, e.g.*, Exh.D00052; Exh.D00053; Exh.D00062; TORLAK, T.4279-4280, T.4593-4599.

⁶³⁵ AF71; SMITH, T.11581-11582.

The VRS responded to these ABiH attacks with retaliatory shelling of the civilian population.⁶³⁶

243. The VRS complained to DutchBat about these incidents;⁶³⁷ however, DutchBat was unable to investigate because of VRS restrictions on movement and fuel.⁶³⁸ UNPROFOR filed formal complaints with both the VRS and ABiH.⁶³⁹

244. The VRS remained committed to pursuing the goal of Directive 7 throughout the spring and summer of 1995.⁶⁴⁰ Krstić issued an order dated 15 May 1995 to begin preparations for an offensive to “establish conditions for the liberation of the enclaves”.⁶⁴¹ He reported to the Main Staff that they were “continuing to take specific measures to uncover enemy groups in the gap, detect their combat support”.⁶⁴²

245. In retaliation for UNPROFOR-initiated NATO air-strikes against an ammunition depot near Pale on 25 May 1995,⁶⁴³ the VRS simultaneously shelled the population centres of all UN safe areas, killing over 70 in Tuzla, mostly young civilians, and a 9 year-old girl in Srebrenica.⁶⁴⁴ This shelling was directed by the VRS Main Staff.⁶⁴⁵

246. In response to a second round of NATO air strikes, the VRS took almost 400 UN peacekeepers hostage, threatened them at gunpoint and chained them to potential NATO targets.⁶⁴⁶ Mladić told Smith that the hostages would be murdered if the airstrikes did not stop.⁶⁴⁷ The capture of the UN hostages was centrally-controlled. **TOLIMIR** and his Sector played a central role in the operation and proposed these illegal measures.⁶⁴⁸

⁶³⁶ AF69; NICOLAI, T.3876; Exh.P00674, NICOLAI, T.18461; TORLAK, T.4285-4286, T.4833-4839.

⁶³⁷ Exh.P00709; [REDACTED – see Exh.P01461], BOERING, T.2112; Exh.P00674, NICOLAI, T.18461.

⁶³⁸ [REDACTED – see Exh.P01461], BOERING, T.2112-2113; NICOLAI, T.3877, T.3991; Exh.P00674, NICOLAI, T.18531, T.18559, T.18561; Exh.P00709.

⁶³⁹ Exh.P00708; Exh.P00709; Exh.P02096; NICOLAI, T.3875-3877; Exh.P00674, NICOLAI, T.18462.

⁶⁴⁰ See, e.g., Exh.P00107.

⁶⁴¹ Exh.P01217.

⁶⁴² Exh.P02509, pp.1, 4. BUTLER, T.16527-16528 (meaning, once they had identified the groups infiltrating between Srebrenica and Žepa and have the ability, they would attack them. The task to “fully close off the enclaves” is one that was articulated in Directive 7).

⁶⁴³ SMITH, T.11547-11548, T.11788, T.11809; [REDACTED – see Exh.P02086], SMITH, T.17508-17509; NICOLAI, T.3914-3915, T.4064.

⁶⁴⁴ AF69; TORLAK, T.4286, T.4833-4839; JOSEPH, T.10710, T.10766-10767; Exh.P00756; Indictment, Count 7, para.38; Exh.P01520, ERN:0356-9555; Exh.P00956, p.2; NICOLAI, T.3915; Exh.P00674, NICOLAI, T.18479, T.18492; SMITH, T.11548; [REDACTED – see Exh.P02086], SMITH, T.17508-17509.

⁶⁴⁵ SMITH, T.11785, T.11918-11920.

⁶⁴⁶ AF68; FORTIN, T.3120, 3122, [REDACTED]; SMITH, T.11548-11549, 11787-11788, T.11804-11805, T.11810-11811; [REDACTED – see Exh.P02086], SMITH, T.17508; NICOLAI, T.3915. This was not the only time prior to July 1995 that the VRS targeted UNPROFOR peacekeepers. See FORTIN, T.3157-3159, T.3194; SMITH, T.11618; Exh.P02093, p.3; see also [REDACTED – see Exh.P02086], SMITH, T.17493, T.17507-17508; Exh.P02096.

⁶⁴⁷ SMITH, T.11915.

⁶⁴⁸ SMITH, T.11915-11917; Exh.P02140; BUTLER, T.16529-16534. See also Exh.P02783 (with request that the order be delivered personally to **TOLIMIR**).

247. In early June, VRS forces around the Srebrenica enclave increased.⁶⁴⁹ So, too, did the number of armed ABiH soldiers.⁶⁵⁰

On 3 June, the VRS attacked OP Echo and forced DutchBat to withdraw from Zeleni Jadar

248. Any successful attack on the Srebrenica enclave required access through Zeleni Jadar in order to control road communications.⁶⁵¹ This was necessary for the VRS to have a proper staging area for the future military operation against Srebrenica.⁶⁵² It was also a significant move forward in creating conditions for the removal of the Muslims from Srebrenica. On 3 June, VRS forces directly attacked the UN observation post at Zeleni Jadar, known to the UN forces as “OP Echo,”⁶⁵³ as a prelude to the major attack on the Srebrenica enclave⁶⁵⁴ and to gain access to the significant east-west road at Zeleni Jadar.⁶⁵⁵

249. On 2 June, Živanović issued an order for the removal of the UN checkpoint at Zeleni Jadar and outlined the steps of how to do so.⁶⁵⁶ On 3 June, the VRS attacked OP Echo⁶⁵⁷ with 40 Serb infantry soldiers supported by a tank and an anti-aircraft gun on the ridge at Zeleni Jadar.⁶⁵⁸ The DutchBat soldiers withdrew under orders from Franken.⁶⁵⁹

250. On 3 June the DK reported to the Main Staff, including **TOLIMIR**, about “the forceful expulsion of UNPROFOR from the Zeleni Jadar post”:

In a very precise and professional operation, /?our firm and daring approach/ forced the UNPROFOR checkpoint in Zeleni Jadar to withdraw in panic to Srebrenica [...]

Force was used but there were no injuries to the UN personnel [...]

We have expended small amounts of ammunition and three zolja /hand-held rocket launchers/.⁶⁶⁰

251. When confronted, the VRS denied the OP Echo attack, claiming that it did not use any weapons, an unvarying tactic that continued throughout **TOLIMIR**’s contacts with the UN in July.⁶⁶¹

⁶⁴⁹ Exh.P02638, RUTTEN, T.2169-2171; Exh.P00674, NICOLAI, T.18460.

⁶⁵⁰ AF58-59; KOSTER, T.3058-3059; [REDACTED – see Exh.P00598], FRANKEN, T.2438, T.2537; Exh.P02638, RUTTEN, T.2174; Exh.P01497, [PW-002], T.1491; Exh.P01142, EGBERS, T.2862-2863; [REDACTED – see Exh.P01461], BOERING, T.2038, T.2170; Exh.P00950, KINGORI, T.19374.

⁶⁵¹ BUTLER, T.16536-16537.

⁶⁵² NIKOLIĆ, T.12353, T.12669; BUTLER, T.16536-16537; Exh.P02473, ERN:0013-4310, para.1.36.

⁶⁵³ [REDACTED – see Exh.P00598], FRANKEN, T.2454.

⁶⁵⁴ Exh.P02798, V000-9035, 00:35’40-00:37’29, transcript pp.58-59.

⁶⁵⁵ BUTLER, T.16536-16537; [REDACTED – see Exh.P00598], FRANKEN, T.2454-2456; Exh.P00950, KINGORI, T.19372-19373.

⁶⁵⁶ [REDACTED]; BUTLER, T.16539-16540.

⁶⁵⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2452-2454; Exh.P02199. *See also* Exh.P02167.

⁶⁵⁸ [REDACTED – see Exh.P00598], FRANKEN, T.2452-2453; FRANKEN, T.3331-3333, T.3337.

⁶⁵⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2452; FRANKEN, T.3334, 3471.

⁶⁶⁰ Exh.P02199.

⁶⁶¹ NICOLAI, T.3867; Exh.P00620.

252. On 4 June, DutchBat soldiers described the plight of the civilian population as “prospectless;” “tension has grown to a maximum” and “civil and military authorities are desperate and do not foresee any suitable solution. They literally gave their lot in the hands of the battalion” and appealed to the world community.⁶⁶²

253. Unsure whether the VRS ultimately intended to seize only part or all of the enclave, DutchBat erected two new OPs, Sierra and Uniform, to protect the southern approach to Srebrenica town, and particularly the Swedish Shelter Project, where approximately 3,000 refugees were at risk because of their proximity to the Serbs’ new position at OP Echo.⁶⁶³

254. Živanović subsequently confirmed that the attack on OP Echo had been the first step of the VRS’s ultimate takeover of the Srebrenica enclave, declaring in a victory speech on 12 July that:

At the beginning of June, more precisely at the end of May, we started to carry out preparations and then took Zeleni Jadar and tested what the expulsion of UNPROFOR with weapons looked like. We did it the army and as it turned out that we had no casualties and no wounded, and then slowly conditions ripened for what we did now.⁶⁶⁴

255. In late June 1995, President Karadžić and Momčilo Krajišnik arrived at the DK Command in Vlasenica, and met Krstić, then-DK Chief of Staff/Deputy Commander, after which preparations were made for the attack on Srebrenica.⁶⁶⁵

(iv) Targeting of DutchBat OPs and Muslim civilians during the attack on the Srebrenica enclave

256. On 2 July, Živanović issued a warning order to the brigades regarding the imminent attack on Srebrenica; in the order, Živanović explicitly stated that he was issuing the order pursuant to Directives 7 and 7/1 of the VRS Main Staff.⁶⁶⁶ Later that day, Živanović issued the *Krivaja-95* Attack Order⁶⁶⁷ outlining the objective of the operation:

The Command of the Drina Corps, pursuant to Operations Directive no. 7 and 7/1 of the Main Staff of the VRS, and on the basis of the situation in the Corps area of responsibility, has the task of carrying out offensive activities with free forces deep in the Drina Corps zone, as soon as possible, in order to split apart the enclaves of Žepa and Srebrenica, and to *reduce them to their urban areas*.⁶⁶⁸

⁶⁶² [REDACTED – see Exh.P00598], FRANKEN, T.2455; FRANKEN, T.3337-3338; Exh.P00620.

⁶⁶³ [REDACTED – see Exh.P00598], FRANKEN, T.2453-2455, T.2605-2606; FRANKEN, T.3338; Exh.P00674, NICOLAI, T.18460, T.18480-18481; Exh.P00620, p.2, paras.4-5.

⁶⁶⁴ Exh.P02798, V000-9035, 00:35’40-00:37’29, transcript p.58.

⁶⁶⁵ Živanović was away from the Command at the time. Exh.P02733, LAZIĆ, T.21727-21728, T.21747-21748.

⁶⁶⁶ AF72; Exh.P01200, p.2, para.2.

⁶⁶⁷ AF73.

⁶⁶⁸ Exh.P01202, ERN:0088-3595, para.2 (emphasis added); AF72, AF77; Exh.P02733, LAZIĆ, T.21864 (Krstić obviously relied upon Directives 7 and 7/1 as the basis for Živanović’s *Krivaja-95* combat orders, Exhs.P01200, P01202).

257. A copy of the *Krivaja-95* Attack Order was sent to Main Staff.⁶⁶⁹ With a copy in hand, the Main Staff continued to follow the operational preparations and informed the Supreme Command and other corps of the progress of the operation.⁶⁷⁰

258. The *Krivaja-95* Attack Order repeated the goal of the VRS since 1993.⁶⁷¹ Its unlawful objective of reducing the enclaves to their urban areas was to force the Bosnian Muslim population into the small towns of Srebrenica and Žepa and thereby create impossible conditions for the Muslim population to sustain itself, replicating the humanitarian disaster of 1993,⁶⁷² and ultimately forcing the population out of the area. The *Krivaja-95* Attack Order also included the task “to create conditions for the elimination of the enclaves” with readiness at 04:00 hours on 6 July 1995.⁶⁷³

259. The *Krivaja-95* Attack Order also provided for measures to gather and secure PoWs, and to regulate the security system in the area of combat activities. These tasks were naturally assigned to the security organs, under the command and direction of **TOLIMIR**⁶⁷⁴

260. The attack on the Srebrenica enclave had two legitimate military objectives: to ensure demilitarisation of the enclave, thereby preventing the 28th Division from attacking outside the enclave; and to completely sever all contact between the Srebrenica and Žepa enclaves. However, the larger objective to create conditions making life impossible for the civilian population of Srebrenica and Žepa, with the intention of completely eliminating the enclaves, amounted to a serious violation of international criminal law. Any legitimate military objective did not negate the illegal and criminal objective to forcibly drive out the civilian population⁶⁷⁵ nor did ABiH breaches of the cease fire agreement deprive the enclaves of their protected status. Moreover, attacking the enclave was not the only option available to the VRS.⁶⁷⁶ **TOLIMIR** and the other JCE members played their parts in the *Krivaja-95* (and *Stupčanica-95*) attacks, intending to achieve the crime of removing the Muslim populations of Srebrenica and Žepa.

⁶⁶⁹ Exh.P01202, ERN:0088-3602.

⁶⁷⁰ Exh.P02513.

⁶⁷¹ BUTLER, T.16554-16555.

⁶⁷² See paras.112-123.

⁶⁷³ AF78, AF84; Exh.P01202, ERN:0088-3595, para.4; BUTLER, T.16556-16557.

⁶⁷⁴ Exh.P01202, ERN:0088-3598-0088-3599, para.10; see para.32-36, 54, 61.

⁶⁷⁵ An accused's legitimate military objective demonstrates his motive, not his intent. As the Tribunal has repeatedly held, motive is irrelevant for establishing criminal intent. See e.g., *Jelisić* AJ, para.49; *Tadić* AJ, paras.268-269.

⁶⁷⁶ [REDACTED – see Exh.P02086], SMITH, T.17647; T.17773-17775.

6 July: the attack begins

261. On 6 July, units of the VRS DK attacked the Srebrenica safe area.⁶⁷⁷ The VRS used tanks, artillery, aerial bombs, mortars, rockets and heavy machine guns to pound the entire enclave.⁶⁷⁸ Much of the shelling of Srebrenica was random and civilians were wounded and hospitalised.⁶⁷⁹ In the southeast of the enclave (due north of OP Echo), OP Foxtrot suffered direct VRS tank, mortar and small arms fire.⁶⁸⁰

262. When the attack began, shells would fall over 50 at a time, stop for a while, and then continue from one side of Srebrenica to the other.⁶⁸¹ The VRS targeted the market area, the hospital and the PTT building.⁶⁸² Despite the heavy shelling, the number of casualties was surprisingly low.⁶⁸³

263. Over the next few days, the VRS continued to shell civilians and civilian targets in the enclave,⁶⁸⁴ resulting in numerous civilian deaths and injuries.⁶⁸⁵ The VRS also fired on DutchBat OPs, positions and vehicles with tanks, artillery, rockets, heavy machine guns and small arms.⁶⁸⁶ DutchBat's Potočari compound and the area around it were targeted.⁶⁸⁷ When DutchBat set up blocking positions with their APCs to stop the Serb advance, they too were shelled.⁶⁸⁸ DutchBat soldiers suffered injuries as a result of the VRS attack.⁶⁸⁹

⁶⁷⁷ AF74-76, AF85; Exh.P02473, ERN:0113-4324.

⁶⁷⁸ Exh.P00675; [REDACTED – see Exh.P00598], FRANKEN, T.2474; [REDACTED – see Exh.P01461], BOERING, T.1920-1922; Exh.P00674, NICOLAI, T.18578-18579.

⁶⁷⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2457-2458, T.2613-2614; Exh.P00674, NICOLAI, T.18534.

⁶⁸⁰ [REDACTED – see Exh.P00598], FRANKEN, T.2456-2458.

⁶⁸¹ Exh.P00950, KINGORI, T.19173, T.19175-19176, 19194.

⁶⁸² Exh.P00950, KINGORI, T.19181-19182, T.19354-19356. Exh.P00676; Exh.P00674, NICOLAI, T.18580-18582.

⁶⁸³ UNMOs brought a few injured people to the hospital on the first day of the attack. Exh.P00950, KINGORI, T.19176.

⁶⁸⁴ Exh.P0647, NICOLAI, T.18479; Exh.P00621; [REDACTED – see Exh.P01461], BOERING, T.1931-1932; [REDACTED – see Exh.P00598], FRANKEN, T.2644-2647; FRANKEN, T.3571; Exh.P02629, RUTTEN, T.4830-4831; Exh.P00950, KINGORI, T.19475; [REDACTED – see Exh.P01483], KOSTER, T.3037, T.3044-3045, 3057.

⁶⁸⁵ Exh.P00647, NICOLAI, T.18477, 18534; Exh.P00684; Exh.P00675; Exh.P00676; Exh.P00677; Exh.P02638, RUTTEN, T.2111; [REDACTED – see Exh.P01483], KOSTER, T.3035-3036; Exh.P02638, RUTTEN, T.2160-2161; Exh.P01346, 00:38'11-00:38'47.

⁶⁸⁶ Exh.P00676 and Annex B, ERN:0052-7531; [REDACTED – see Exh.P00598], FRANKEN, T.2456, T.2458, T.2460, T.2461-2462, T.2669; Exh.P00098, GROENEWEGEN, T.1017; Exh.P00741, DIBB, T.16325; Exh.P00647, NICOLAI, T.18466, T.18474, T.18482, T.18564, T.18568, T.18565-18566, T.18565, T.18567, T.18569; [REDACTED – see Exh.P00587], FORTIN, T.18250; FORTIN, T.3313-3314.

⁶⁸⁷ Exh.P02629, RUTTEN, T.4808, T.4836, T.4848; [REDACTED – see Exh.P01483], KOSTER, T.3035-3036; [REDACTED – see Exh.P00598], FRANKEN, T.2457; Exh.P00676; Exh.P00677.

⁶⁸⁸ Exh.P01142, EGBERS, T.2715; [REDACTED – see Exh.P00598], FRANKEN, T.2472.

⁶⁸⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2472-2473, T.2670-2671; Exh.P01142, EGBERS, T.2715-2716, T.2790, T.2871, T.2930.

7 July

264. In the early morning of 7 July, the VRS concentrated heavy weapons shelling on civilian targets in Srebrenica and Potočari, resulting in more deaths and injuries.⁶⁹⁰ More than 200 shells hit Srebrenica on 7 July.⁶⁹¹ Despite the heavy shelling, casualties were low because of the difficulty of shelling a town in Srebrenica's geographically-protected location. Also, civilians in Srebrenica had places to hide which they knew were safe based on previous shelling incidents.⁶⁹² By the second day of shelling, approximately four civilians had been killed.⁶⁹³

8 July

265. 8 July was the heaviest day of shelling and was concentrated from the early morning on the densely populated areas of Srebrenica and Potočari.⁶⁹⁴ Shrapnel began penetrating the wooden window replacements at the PTT building, heightening the anxiety of the civilians there.⁶⁹⁵ Evidence of the fresh VRS shelling was visible in Srebrenica town.⁶⁹⁶

266. Shots originating from the VRS Bratunac Brigade positions hit the Swedish Shelter Project – a housing project providing homes for several thousand people,⁶⁹⁷ causing the refugees housed there to flee towards Srebrenica in mounting panic.⁶⁹⁸ The streets became choked with people. There was not enough food or drink. The VRS fired mortars into the crowds.⁶⁹⁹

267. A VRS tank repeatedly fired at DutchBat OP Foxtrot, blowing away the OP's defence wall and forcing the peacekeepers to abandon their position. As the peacekeepers passed through an ABiH position, the ABiH fired on the Dutch peacekeepers to prevent them from withdrawing. One Dutch peacekeeper, van Renssen, was killed.⁷⁰⁰ That afternoon, Nicolai protested directly to **TOLIMIR** by telephone about the VRS attack on the Dutch

⁶⁹⁰ Exh.P00950, KINGORI, T.19187-19188; Exh. P00677; Exh.P00674, NICOLAI, T.18582-18586.

⁶⁹¹ Exh.P00950, KINGORI, T.19188. Exh.P00677, ERN:0052-7533, ERN:0052-7534; Exh.P00967, ERN:0052-7537.

⁶⁹² Exh.P00950, KINGORI, T.19186.

⁶⁹³ Exh.P00950, KINGORI, T.19190; [REDACTED].

⁶⁹⁴ AF93-94; Exh.P00950, KINGORI, T.19191. Exh.P00968, ERN:0052-7539.

⁶⁹⁵ Exh.P00950, KINGORI, T.19192.

⁶⁹⁶ Exh.P00674, NICOLAI, T.18503-18504; Exh.P00950, KINGORI, T.19187, T.19516, T.19519; Exh.P02629, RUTTEN, T.4830-4831.

⁶⁹⁷ Exh.P02212, pp.21-22.

⁶⁹⁸ AF95; FRANKEN, T.3338, T.3342; Exh.P00969, ERN:0052-7554; Exh.P00621, ERN:0044-1559, para.6; [REDACTED – see Exh.P00598], FRANKEN, T.2453-2455, T.2461-2462.

⁶⁹⁹ [REDACTED – see Exh.P01461], BOERING, T.1931-1932.

⁷⁰⁰ [REDACTED – see Exh.P00598], FRANKEN, T.2459-2460; FRANKEN, T.3349-3350; Exh.P00674, NICOLAI, T.18463-18464; FORTIN, T.3313. The Muslim army in Srebrenica was not a bigger threat to UNPROFOR than the VRS; [REDACTED – see Exh.P00598], FRANKEN, T.2540-2541; FRANKEN, T.3350; Exh.P00674, NICOLAI, T.18567; Exh.P00706; NICOLAI, T.3878-3879.

peacekeepers at OP Foxtrot, providing the co-ordinates of the OP to **TOLIMIR**⁷⁰¹ and demanding that the VRS stop its attack and withdraw its troops behind the cease-fire lines. In response, **TOLIMIR** denied that the VRS targeted OP Foxtrot. **TOLIMIR** claimed that the UN had ceded armoured vehicles to the Muslim forces, the UN had failed to take all heavy artillery away from the Muslim forces and the UN carried out attacks in the south of the enclave against the VRS during the course of the day. These claims were untrue. **TOLIMIR** said he would check Nicolai's information with his subordinate commanders.⁷⁰² **TOLIMIR**'s deny-and-delay tactic allowed the VRS attack to continue virtually unimpeded.

268. When the VRS attack did not stop, Nicolai contacted the Main Staff again that evening. No VRS generals were available. Nicolai passed a strong protest message to the Main Staff duty officer, saying that he had spoken to **TOLIMIR** that afternoon about the VRS attack on OP Foxtrot, and that despite **TOLIMIR**'s promise not to attack UNPROFOR, two UN positions 500 metres to the west of OP Foxtrot had been surrounded and attacked by the VRS.⁷⁰³ Nicolai requested that the VRS withdraw its troops from those positions immediately.⁷⁰⁴

269. By 8 July, **TOLIMIR** was receiving regular reports from VRS Main Staff intelligence officer Radoslav JANKOVIĆ.⁷⁰⁵ JANKOVIĆ arrived in the Bratunac area around 8 July.⁷⁰⁶ Upon his arrival, JANKOVIĆ told Momir NIKOLIĆ that he had orders from the Main Staff to take over NIKOLIĆ's tasks, including serving as a liaison with DutchBat and international organisations in the area and managing intelligence and security operations.⁷⁰⁷ **TOLIMIR** must have ordered and/or approved JANKOVIĆ to operate out of Bratunac⁷⁰⁸ and he managed JANKOVIĆ's activities in the Bratunac area.⁷⁰⁹

⁷⁰¹ NICOLAI, T.3881-3883; Exh.P00674, NICOLAI, T.18466; [REDACTED].

⁷⁰² NICOLAI, T.3881-3883; Exh.P00674, NICOLAI, T.18466. *See also* Exh.D00069.

⁷⁰³ NICOLAI, T.3880-3881, T.3887-3894, T.3897-3899; Exh.P00674, NICOLAI, T.18465-18467; Exh.P00679; [REDACTED]; Exh.P00697 [REDACTED]; Exh.P00696 (same conversation as intercepted in [REDACTED] Exh.P00697).

⁷⁰⁴ Exh.P00697, pp.3-4 [REDACTED]; Exh.P00696, (same conversation as intercepted in [REDACTED] Exh.P00697).

⁷⁰⁵ SALAPURA, T.13577. JANKOVIĆ sent intelligence to the Drina Corps Command and the Main Staff during this period. *See also* Exh.P02612; Exh.D00204, Exh.D00184, Exh.D00183, Exh.P02515, all examples of intelligence reports being sent up to **TOLIMIR** and the Main Staff concerning the situation in the Srebrenica area on 8 and 9 July.

⁷⁰⁶ M.NIKOLIĆ, T.12365.

⁷⁰⁷ M.NIKOLIĆ, T.12365-12366; SALAPURA, T.13577.

⁷⁰⁸ SALAPURA denied having directed JANKOVIĆ to operate out of Bratunac. SALAPURA, T.13584-13585. **TOLIMIR** was not averse to bypassing his immediate subordinate officers (SALAPURA or BEARA) in order to issue tasks to officers at lower levels; he did so with KESEROVIĆ, a subordinate of BEARA, on 16 July. KESEROVIĆ, T.13956-13957.

⁷⁰⁹ *E.g.* **TOLIMIR** gave KESEROVIĆ orders to relay to JANKOVIĆ on 16 July. For further details *see* para.742. Before JANKOVIĆ left to Bratunac on 8 July, he lived and worked at Crna Rijeka, where **TOLIMIR**

9 July

270. On 9 July, **TOLIMIR**'s involvement in the events occurring in Srebrenica continued. This is demonstrated by four conversations involving **TOLIMIR** and two documents authored by **TOLIMIR**. **TOLIMIR** spoke to Nicolai on three occasions on 9 July: at 12:30 hours,⁷¹⁰ 17:50 hours⁷¹¹ and 19:30 hours.⁷¹² [REDACTED].⁷¹³ The two documents **TOLIMIR** sent relating to Srebrenica events confirm that **TOLIMIR** was at the VRS Main Staff and the DK Command in Vlasenica.⁷¹⁴ Taken together and in their context, these communications demonstrate **TOLIMIR**'s involvement at the highest levels in the political and military direction and oversight of the attack on the Srebrenica enclave, which paved the way for and were instrumental in, the removal of the population on 12-13 July.

271. The intense shelling of Srebrenica resumed at 08:00 hours on 9 July, again concentrating on the centre of Srebrenica town.⁷¹⁵ With a VRS tank visible from the PTT building and small arms fire nearby, UNMOs Kingori and Tetteh left Srebrenica for Potočari. Kingori convinced a tearful deputy mayor of Srebrenica that he and Tetteh would continue to report from Potočari.⁷¹⁶ When Kingori, Tetteh and interpreter Emir Suljagić left towards the end of the day, shells were falling all around them on the road to Potočari.⁷¹⁷

272. Meanwhile, in the north of the enclave, OP Mike came under direct VRS tank and mortar fire, and the DutchBat peacekeepers were forced to withdraw to the area of Jagličići.⁷¹⁸ To the south, OPs Uniform and Sierra were overrun by the more heavily-armed VRS forces.⁷¹⁹ Over the next two days, additional DutchBat OPs also fell to the VRS.⁷²⁰ In some cases, DutchBat soldiers had no choice but to surrender to VRS forces.⁷²¹ The peacekeepers were taken to the Hotel Fontana in Bratunac, where they were detained.⁷²²

also had an office and sleeping quarters. Accordingly **TOLIMIR** and JANKOVIĆ were likely both at Crna Rijeka during the days leading up to 8 July. Exh.P02201, p.2.

⁷¹⁰ Exh.P00682.

⁷¹¹ Exh.P00680.

⁷¹² Exh.P00683.

⁷¹³ [REDACTED].

⁷¹⁴ Exh.D00085 (bearing a handwritten confirmation of receipt at 20:25 hours); Exh.D00041, (bearing a processing stamp indicating the document was sent at 23:50 hours).

⁷¹⁵ AF87, AF99; Exh.P00969; Exh.P00970.

⁷¹⁶ Exh.P00950, KINGORI, T.19215-19216.

⁷¹⁷ AF87; Exh.P00950, KINGORI, T.19217, T.19220.

⁷¹⁸ [REDACTED – see Exh.P00598], FRANKEN, T.2461; FRANKEN, T.3450; Exh.P00098, GROENEWEGEN, T.1017.

⁷¹⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2461; NICOLAI, T.4170; FRANKEN, T.3344, T.3345-3347; [REDACTED – see Exh.P00598], FRANKEN, T.2440.

⁷²⁰ AF87, AF89.

⁷²¹ AF90-91; FRANKEN, T.3477-3478; Exh.P00674, NICOLAI, T.18478, T.18542; NICOLAI, T.3931-3933.

⁷²² AF92; [REDACTED – see Exh.P00598], FRANKEN, T.2479; FRANKEN, T.3478-3479.

273. The VRS intentionally attacked the UN positions. The VRS could differentiate between the ABiH fighters and the UN peacekeepers in their white OPs, because it was obvious what was an OP and what was not.⁷²³ Moreover, the ABiH trenches were some distance from the OPs and in some cases positioned behind the OPs.⁷²⁴

274. A 9 July DutchBat report summarised the severely deteriorating situation in Srebrenica, describing the civilian catastrophe caused by the VRS shelling using artillery, mortars and multiple rocket launcher systems; the direct targeting of OP Foxtrot by a VRS tank and the forcible surrender of OPs Uniform and Sierra.⁷²⁵ The VRS attack was premeditated and well-organised and placed the VRS in position to conquer the entire enclave. Close air support for DutchBat was not deemed feasible at that time because of the risk that the VRS would retaliate against both DutchBat and Srebrenica itself.⁷²⁶

275. Around mid-day on 9 July, Nicolai spoke with **TOLIMIR**, requesting that **TOLIMIR** allow all the DutchBat soldiers on VRS territory to return to the DutchBat base in Potočari and for permission to transport the body of van Renssen through VRS territory for repatriation. **TOLIMIR** told Nicolai that he was not aware that his subordinate commanders were obstructing the movement of van Renssen's body and that he would order his troops to enable the body to proceed to Zvornik; the issue was resolved later that day, showing **TOLIMIR**'s involvement in the attack and his control over VRS soldiers.⁷²⁷

276. By late afternoon, the VRS had penetrated more than 4km into the enclave, and were positioned only 1km from the centre of Srebrenica.⁷²⁸ Nicolai again contacted the Main Staff and spoke with **TOLIMIR**, told him that UNPROFOR would defend the safe area against the VRS attack with all the means it had and requested an explanation for the VRS's actions. Nicolai also repeatedly requested that the VRS withdraw south to the agreed confrontation line. **TOLIMIR** once again obstructed Nicolai's attempt to stop the assault by promising that he would check Nicolai's information directly on the ground and asking Nicolai to call him back.⁷²⁹ Nicolai did not believe that **TOLIMIR** was uninformed; it was

⁷²³ FRANKEN, T.3442-3443.

⁷²⁴ FRANKEN, T.3443.

⁷²⁵ Exh.P00621; FRANKEN, T.3338-3340.

⁷²⁶ Exh.P00621, FRANKEN, T.3341; Exh.P00674, NICOLAI, T.18478-18481, T.18535; FRANKEN T.3343-3344.

⁷²⁷ NICOLAI, T.3902-3904; Exh.P00674, NICOLAI, T.18467-18469; NICOLAI, T.3903; Exh.P00682; [REDACTED]; Exh.P00698, [REDACTED]. DutchBat soldiers who left their posts under fire from the VRS, however, were not permitted to return despite **TOLIMIR**'s assurances (Exh.P00674, NICOLAI, T.18469-18470; *see also* [REDACTED – see Exh.P01461], BOERING, T.1923-1926, T.1929).

⁷²⁸ AF96.

⁷²⁹ NICOLAI, T.3904-3913, T.3936-3939; Exh.P00674, NICOLAI, T.18469-18470, T.18472; Exh.P00680; [REDACTED] (intercepting same conversation as Exh.P00699 and P00700); Exh.P00699 (intercepting same

particularly unlikely that **TOLIMIR** would have been unaware of the location of VRS frontline troops four days into combat operations and a day after explicit UN complaints about the attack.

277. Nicolai's repeated attempts to reach **TOLIMIR** only succeeded in the early evening.⁷³⁰ By then it was "crystal clear that the VRS was attacking the enclave," and the situation had deteriorated such that NATO air power and not protest letters alone would be required to stop the VRS attack.⁷³¹ Although the preconditions for deployment of air power were met, Janvier wanted to take every step possible before resorting to such measures, especially as DutchBat had not fired back at the VRS when attacked. DutchBat was ordered to take up blocking positions and to fire back at the VRS if attacked again, to make clear to the international community (since it was already "crystal clear" to UNPROFOR), that if the VRS attacked the clearly-marked white UN APCs, that air support was justified.⁷³²

278. When Nicolai finally reached **TOLIMIR**, he again confronted him about the continued VRS attack on the enclave and UN peacekeepers. **TOLIMIR** said he had made enquiries of his subordinate commanders and had been informed that the VRS had no particular problems with UNPROFOR or the civilian population in Srebrenica and that the UNPROFOR soldiers were treated correctly.⁷³³ **TOLIMIR**'s comment ignored that many DutchBat soldiers were still being held hostage at the Hotel Fontana. Nicolai reiterated that the VRS was posing an immediate threat to the enclave, and insisted again that the VRS cease its offensive and withdraw to the 1993 confrontation lines, also known as the "Morillon Line."⁷³⁴ Nicolai warned **TOLIMIR** that continuing the attack would cause a very serious counter-reaction from UNPROFOR, and that this strong warning would be confirmed in writing.⁷³⁵ Nicolai again requested the immediate release of DutchBat peacekeepers in the custody of the VRS.⁷³⁶

279. **TOLIMIR** again responded with untruths and evasion. **TOLIMIR** repeated that there was no conflict between the VRS and UNPROFOR or the Srebrenica civilian

conversation as [REDACTED], P00700); Exh.P00700 (same conversation as intercepted in [REDACTED], P00699).

⁷³⁰ Exh.P00674, NICOLAI, T.18470. In the meantime, Janvier also left a message at the Main Staff for Mladić to withdraw his soldiers attacking Srebrenica by 08:00 hours the following morning. Exh.P00701; [REDACTED] (intercepting same conversation as Exh.P00701); [REDACTED]; NICOLAI, T.3917-3918.

⁷³¹ Exh.P00674, NICOLAI, T.18469, T.18474.

⁷³² NICOLAI, T.3913-3914, T.3935-3938, T.3986, T.4161, T.4164-4166.

⁷³³ NICOLAI, T.3918-3924; Exh.P00674, NICOLAI, T.18472-18473; Exh.P00683; [REDACTED]; Exh.P00702 [REDACTED].

⁷³⁴ Exh.P00683.

⁷³⁵ NICOLAI, T.3920-3921; Exh.P00683; Exh.P00674, NICOLAI, T.18471.

⁷³⁶ Exh.P00683.

population, claiming that the only conflict was with ABiH forces in the south of the enclave trying to link up with Žepa.⁷³⁷ Nicolai replied that the VRS troops approaching the town of Srebrenica bore no relation to the ABiH attempt to link the enclaves and that the VRS attack was threatening the civilian population in Srebrenica, a safe area, which UNPROFOR would have to defend using all available means.⁷³⁸ **TOLIMIR** defended the VRS attack by pointing to the ABiH attacks from the enclaves which had burned Serb villages. Nicolai stressed that UNPROFOR had warned the ABiH not to attack from the enclave and that the VRS direct attack on the safe area went far beyond self-defence.⁷³⁹ **TOLIMIR** ended the conversation by saying that he would consult his lower-ranking commanders to verify what Nicolai stated.⁷⁴⁰

280. **TOLIMIR**'s repeated denials that the VRS was attacking the UN and the civilian population were contradicted by the reports from the DutchBat commander, DutchBat interim reports and reports from JCO officers in the enclave to UNPROFOR BH Command.⁷⁴¹ Nicolai summarised **TOLIMIR**'s *modus operandi* of admit-nothing-deny-everything-make-counter-allegations as follows:

Each time we confronted him with a certain situation or protested about something, his first response was to deny that situation or to indicate that he was not aware of the situation, that he had to verify it, and in some cases he went still further by levying all kind of absurd, untrue accusations in response. That was consistently the pattern, either saying I'm not aware of this or it's not true at all, and we are not doing anything against UNPROFOR or that we are not doing anything against the civilian population. And if that was not enough, then accusations would be forthcoming that the BiH was doing all kinds of things and was, moreover, being assisted by UNPROFOR in the process. That was the consistently recurring pattern, and if I say that this caused increasing irritation, then I'm putting it very mildly.⁷⁴²

281. Nicolai characterised **TOLIMIR**'s statement that "there was no conflict between the VRS and UNPROFOR and the Srebrenica civilian population" as "an outright lie."⁷⁴³ Despite **TOLIMIR**'s promises, the VRS offensive did not cease. Rather than the troops withdrawing, they continued their attack.⁷⁴⁴

282. Soon after this conversation with Nicolai, **TOLIMIR** sent a telegram to Krstić stating, among other things:

⁷³⁷ Exh.P00683; [REDACTED]; Exh.P00674, NICOLAI, T.18475.

⁷³⁸ Exh.P00683.

⁷³⁹ NICOLAI, T.3921-3922.

⁷⁴⁰ [REDACTED]; Exh.P00674, NICOLAI, T.18472, 18475-18476.

⁷⁴¹ NICOLAI, T.3920-3921; Exh.P00674, NICOLAI, T.18466-18467, T.18472-18473; WOOD, T.11160; Exh.P00741, DIBB, T.16325-16326; [REDACTED – see Exh.P00587], FORTIN, T.18250; [REDACTED – see Exh.P02086], SMITH, T.17740-17742.

⁷⁴² NICOLAI, T.3933.

⁷⁴³ NICOLAI, T.3923-3924; Exh.P00674, NICOLAI, T.18473, T.18475, T.18516.

⁷⁴⁴ Exh.P00674, NICOLAI, T.18476; NICOLAI, T.3936.

General Janvier has left the following message for General **TOLIMIR**: “Please withdraw your forces from Srebrenica tomorrow by 0800 hours.” I replied to the UNPROFOR Commander that I was checking the information about the situation in Srebrenica, and that their forces were safe. I anticipate talking to them in 40 minutes. Send a battlefield situation report every hour so that I can communicate with UNPROFOR which will enable you to continue to work according to plan. Pay particular attention to protecting members of UNPROFOR and the civilian population. I congratulate you on your results and I wish you good fortunes of war.⁷⁴⁵

In this telegram **TOLIMIR** outlines to Krstić how **TOLIMIR** has told UNPROFOR they are safe (despite the fact that the VRS firing at UNPROFOR as close as possible without inflicting grave casualties on them,⁷⁴⁶ and that he is checking on their complaints and expects to gain 40 minutes before UNPROFOR calls him again—**TOLIMIR** states to Krstić that his (**TOLIMIR**’s) communication with UNPROFOR “will enable you [Krstić] to continue working according to plan”. The plan was to continue the attack on the enclave and intimidate and neutralise UNPROFOR without causing significant UNPROFOR casualties. As with his previous communications to UNPROFOR, **TOLIMIR** is again using the stalling technique to keep UNPROFOR guessing as to the true intentions of the VRS and therefore prevent UNPROFOR from taking significant military action. **TOLIMIR**’s comments about protecting UNPROFOR and the civilian population are disingenuous given that it was impossible to conduct the plan of intimidating and terrorising UNPROFOR and the Muslim population and at the same time protect them. **TOLIMIR**’s only concern was to not inflict casualties and damage to UNPROFOR and the Muslims to the extent that such action would spark or cause a significant military reaction from UNPROFOR.

283. Following Janvier’s unsuccessful attempts to reach Mladić,⁷⁴⁷ the UNPROFOR warning mentioned to **TOLIMIR** was sent to the Main Staff and was released as a press statement to inform the international community of the gravity of the situation.⁷⁴⁸ The warning notified the Bosnian Serbs that DutchBat had been ordered to take up a blocking position to the south of Srebrenica town, and that if the VRS attacked the blocking position, NATO close air support would be employed.⁷⁴⁹

284. Later that night, Janvier contacted the Main Staff and spoke with **TOLIMIR**, who confirmed that he had received the UNPROFOR warning and assured Janvier that he would pass on everything to Mladić, who was not present, but who he said might be able to speak with Janvier the next morning.⁷⁵⁰ **TOLIMIR** again falsely claimed that “our army has very

⁷⁴⁵ Exh.D00085.

⁷⁴⁶ Exh.P00625; BUTLER, T.16539-16540; M.NIKOLIĆ, T.12353-12352.

⁷⁴⁷ NICOLAI, T.3913-3914, T.3916-3917; Exh.P00704.

⁷⁴⁸ NICOLAI, T.3921-3924; Exh.P00674, NICOLAI, T.18475-18477, T.18533-18434; Exh.P00684.

⁷⁴⁹ NICOLAI, T.3926-3928; Exh.P00684; Exh.P00674, NICOLAI, T.18471-18472, T.18478.

⁷⁵⁰ NICOLAI, T.3928; [REDACTED].

proper relations with all the members of UNPROFOR as well as with the Muslim civilian population,” and that VRS’s actions were justified given the ABiH’s recent attacks from the enclave and the burning of Serb villages.⁷⁵¹ Having less than an hour before congratulated Krstić on his results and urged Krstić to “continue to work according to plan,” **TOLIMIR** nevertheless told Janvier:

I understand the general and I thank him, but it is difficult to talk about withdrawal before completing combat activities. I will inform General Mladić and I thank General Janvier. We are doing our best to stabilise the situation, as soon as possible and as much as it’s possible but you have to bear in mind how complicated the situation is, very complicated. I thank the general and also wish to give him a personal message that we will do everything we can to calm down the situation and to find a reasonable solution.⁷⁵²

Yet again, **TOLIMIR** responded with evasion.

285. In an interim combat report sent by Krstić to the Main Staff on the night of 9 July, Krstić reports on the stunning progress of the VRS attack that earlier that day: “our units carried out a fierce attack” from the south, “thus separating the enclaves of Žepa and Srebrenica, carried out the immediate task and created conditions for extending the attack towards Srebrenica.”⁷⁵³ Krstić proposed, “taking advantage of the success achieved, regroup the forces and carry out a vigorous and decisive attack towards Srebrenica.”⁷⁵⁴

286. Approximately 30 minutes later, **TOLIMIR** replied in a telegram to Gvero and Krstić:

The President of Republika Srpska has been informed of successful combat operations around Srebrenica by units of the Drina Corps and that they have achieved results which enable them to occupy the very town of Srebrenica. The President of the Republic is satisfied with the results of combat operations around Srebrenica and he has agreed with the continuation of operations for the takeover of Srebrenica, disarming of Muslim terrorist gangs and complete demilitarisation of the Srebrenica enclave. The President of Republika Srpska ordered that in the follow-up combat operations full protection be ensured to UNPROFOR members and the Muslim civilian population and that they be guaranteed safety in the event of their cross-over to the territory of Republika Srpska. In accordance with the order of the President of Republika Srpska, you must issue an order to all combat units participating in combat operations around Srebrenica to offer maximum protection and safety to all UNPROFOR members and the civilian Muslim population. You must order subordinate units to refrain from destroying civilian targets unless forced to do so because of strong enemy resistance. Ban the torching of residential buildings and treat the civilian population and war prisoners in accordance with the Geneva Conventions of 12 August 1949.⁷⁵⁵

287. The “actions of the VRS at that point definitely did not correspond with what is being propagated” in **TOLIMIR**’s telegram; to achieve the VRS objectives, “the observation posts had to be attacked so any way you look at it, the fact remains that the UN military was

⁷⁵¹ NICOLAI, T.3928-3934.

⁷⁵² NICOLAI, T.3938-3939.

⁷⁵³ Exh.P00590.

⁷⁵⁴ Exh.P00590.

⁷⁵⁵ Exh.D00041. *See also* AF97-98.

attacked by the VRS, whatever the reason may have been.”⁷⁵⁶ **TOLIMIR** and Gvero’s statements that the VRS was not attacking UNPROFOR positions were lies.⁷⁵⁷

288. **TOLIMIR** and Gvero’s “delaying tactics” of lies and deception between 8 July-11 July retarded the decision-making process regarding the employment of NATO close air support, which—as all the parties in the conflict understood—was UNPROFOR’s only means of repelling a VRS attack on the safe area. In the absence of UNPROFOR action, the VRS “kept advancing and attacking and getting closer, making the use of close air support even more difficult.”⁷⁵⁸ **TOLIMIR**’s actions during these days provided a significant contribution to the JCE to transfer the Muslims from Srebrenica. His lies and deception were instrumental to the success of the VRS action to take-over the enclave and remove the civilian population.

289. In the evening on 9 July, UNPROFOR Command in Sarajevo ordered DutchBat to defend the enclave with all means.⁷⁵⁹ Franken issued a “green order” to Bravo Company Commander Groen⁷⁶⁰ to set up blocking positions to prevent the VRS from entering Srebrenica town.⁷⁶¹ This “seriously meant green order,” authorised DutchBat peacekeepers to use all means as a normal army, thus implementing Janvier’s order to fire back at the VRS if attacked again.⁷⁶²

290. The green order required DutchBat peacekeepers to engage the VRS forces both in defence of the civilian population and in self-defence.⁷⁶³ With the order to defend Srebrenica and its civilian population, Franken explained: “all restrictions on the use of weapons, were gone because that goes with the order to defend something. I can’t defend something by sweetly talking with everybody and standing - just standing there. I had to use and was authorised to use my weapons.”⁷⁶⁴

291. DutchBat took up blocking positions between the VRS and Srebrenica town as a proverbial “line in the sand”, past which the VRS would demonstrate to the international

⁷⁵⁶ Exh.P00674, NICOLAI, T.18568.

⁷⁵⁷ Exh.P00674, NICOLAI, T.18568-18569. *See also* [REDACTED – see Exh.P00587], FORTIN, T.18251.

⁷⁵⁸ [REDACTED – see Exh.P00587], FORTIN, T.18252.

⁷⁵⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2462; FRANKEN, T.3452, T.3494, T.3511.

⁷⁶⁰ [REDACTED – see Exh.P00598], FRANKEN, T.2544.

⁷⁶¹ [REDACTED – see Exh.P00598], FRANKEN, T.2462.

⁷⁶² [REDACTED – see Exh.P00598], FRANKEN, T.2462-2466; Exh.P00601. The “green order” meant an order to act as an army (as opposed to conducting peacekeeping activities in UN blue).

⁷⁶³ SMITH, T.11864-11865.

⁷⁶⁴ FRANKEN, T.3453, T.3484; SMITH T.11864-11865.

community its willingness to attack the UN even as the UN defended Srebrenica's civilian population.⁷⁶⁵

292. The Defence notion that the blocking positions were designed to "provoke"⁷⁶⁶ the VRS into firing at the peacekeepers is absurd given that the peacekeepers and the civilian population had been targeted for days and did not need to do anything further to provoke fire from the VRS.⁷⁶⁷

10 July

293. **TOLIMIR's** involvement in the attack on Srebrenica continued into 10 July. **TOLIMIR** communicated with Janvier on three occasions in the evening: at 20:10 hours,⁷⁶⁸ 21:05 hours,⁷⁶⁹ and 22:30 hours,⁷⁷⁰ most likely from the VRS Main Staff.

294. In the morning, Janvier contacted the Main Staff and spoke with Mladić, who repeated **TOLIMIR's** justification for the VRS attack, namely that the ABiH had recently launched attacks from the enclave and burned Serb villages in an effort to link Srebrenica and Žepa.⁷⁷¹ [REDACTED].⁷⁷² UNPROFOR's blocking positions and APCs came under direct VRS machine gun, tank and artillery fire beginning in the morning of 10 July.⁷⁷³

295. During 9-10 July, civilians poured into Srebrenica town, including into the DutchBat Bravo Company compound in Srebrenica.⁷⁷⁴ On 10 July there was "massive" shelling of Srebrenica, including the DutchBat compound there.⁷⁷⁵ Two heavy artillery shells hit the area immediately surrounding the hospital, shattering windows and showering the rooms of the hospital with shrapnel.⁷⁷⁶ The hospital was not being used for military purposes.⁷⁷⁷ The heavy shelling continued throughout the day on 10 July.⁷⁷⁸

⁷⁶⁵ Exh.P00674, NICOLAI, T.18563; SMITH, T.11899-101; [REDACTED – see Exh.P00598], FRANKEN, T.2471-2472, T.2473; Exh.P00989; Exh.P01142, EGBERS, T.2714-2716; Exh.P00674, NICOLAI, T.18471.

⁷⁶⁶ FRANKEN, T.3514-3515, T.3519-3520, T.3571.

⁷⁶⁷ FRANKEN, T.3572-3573.

⁷⁶⁸ Exh.P00775; [REDACTED].

⁷⁶⁹ [REDACTED]; Exh.P00776 [REDACTED].

⁷⁷⁰ [REDACTED]; Exh.P00777.

⁷⁷¹ [REDACTED]; Exh.P00759 [REDACTED].

⁷⁷² [REDACTED].

⁷⁷³ [REDACTED – see Exh.P00598], FRANKEN, T.2471-2472; Exh.P01142, EGBERS, T.2869, T.2878-2879, T.2909-2910, T.2934-2940; Exh.P00674, NICOLAI, T.18482; Exh.P00989.

⁷⁷⁴ AF101; [REDACTED – see Exh.P01461], BOERING, T.2074; [REDACTED – see Exh.P00598], FRANKEN, T.2479-2480.

⁷⁷⁵ AF99; [REDACTED – see Exh.P00598], FRANKEN, T.2473.

⁷⁷⁶ AF102; Exh.P00950, KINGORI, T.19229-19230; Exh.P00989. [REDACTED].

⁷⁷⁷ Exh.P00950, KINGORI, T.19222-19223; Exh.P00989.

⁷⁷⁸ Exh.P00972; Exh.P00950, KINGORI, T.19231-19232; Exh.P00973; Exh.P00950, KINGORI, T.19232. Exh.P01142, EGBERS, T.2713-2714, T.2911, T.2943-2944.

296. Later that day, the VRS delivered an ultimatum to DutchBat *via* one of the captured DutchBat soldiers: civilians have 48 hours from 06:00 hours on 11 July to leave through Yellow Bridge, and DutchBat and international organisation staff should leave the enclave and hand over their weapons.⁷⁷⁹

297. VRS forces took over the OPs, taking the outnumbered DutchBat soldiers prisoner and confiscating the APCs and equipment.⁷⁸⁰

298. With the blocking positions under direct VRS fire, Nicolai in the afternoon of 10 July quickly approved Karremans' request for close air support.⁷⁸¹ However, as it became dark and difficult to distinguish between the UN and VRS forces who had come so close,⁷⁸² close air support was not deployed that night. Janvier promised the airplanes would be available the next morning if necessary.⁷⁸³

299. Nicolai again contacted the Main Staff, but since Mladić was not available until possibly 21:00 hours and no other senior officers were available, Nicolai left a message that he had requested close air support owing to the Serb attack on Srebrenica town.⁷⁸⁴ Later in the evening, Janvier again contacted the Main Staff to speak to Mladić, who was not back, so Janvier reached **TOLIMIR** at the Main Staff and repeatedly demanded that the VRS stop attacking UN peacekeepers south of Srebrenica with tanks and that the VRS withdraw.⁷⁸⁵ **TOLIMIR** again denied that the VRS was attacking DutchBat peacekeepers, claiming that "I don't have such information, I'll try to reach them by phone to check. I don't believe our soldiers are attacking your soldiers, since they have been avoiding it up to now," and promising that "I will order my commander to establish through UNPROFOR soldiers on our side radio contact with your check-point, the one you said was attacked."⁷⁸⁶ When **TOLIMIR** told Janvier to call him back in 20 to 30 minutes, "the time needed to establish contact and give the required orders," Janvier replied, "[a]s far as I understand you are very talkative and you are not capable of doing anything else."⁷⁸⁷

⁷⁷⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2474-2478, T.2548; Exh.P00602; Exh.P00974, ERN:0052-7570-0052-7571; Exh.P00776 [REDACTED].

⁷⁸⁰ [REDACTED – see Exh.P00598], FRANKEN, T.2461, T.2478-2479; Exh.P00674, NICOLAI, T.18480; Exh.P01977, ERN:R043-4868, para.3(b); [REDACTED – see Exh.P00598], FRANKEN, T.2496, T.2669; FRANKEN, T.3350.

⁷⁸¹ Exh.P00674, NICOLAI, T.18482, T.18540; FRANKEN, T.3516; Exh.P00674, NICOLAI, T.18536-18539; Exh.P00674, NICOLAI, T.18482-18483.

⁷⁸² NICOLAI, T.3936, T.4163.

⁷⁸³ NICOLAI, T.3936, T.4163; Exh.P00674, NICOLAI, T.18483-18484, T.18539.

⁷⁸⁴ Exh.P00685; Exh.P00705; Exh.P00674, NICOLAI, T.18484.

⁷⁸⁵ [REDACTED]; Exh. P00775 [REDACTED].

⁷⁸⁶ [REDACTED]; Exh.P00775.

⁷⁸⁷ [REDACTED]; Exh.P00775 [REDACTED].

300. When Janvier contacted **TOLIMIR** an hour later and told him that the VRS was advancing towards Srebrenica town instead of ceasing fire and withdrawing, **TOLIMIR** claimed to have issued an order to VRS forces to cease fire, and further alleged that fire was being opened on VRS forces by DutchBat peacekeepers under pressure from the ABiH.⁷⁸⁸ **TOLIMIR** once again said he needed more time to issue new orders and receive information from VRS soldiers in the trenches, again promising that “I’ll order my soldiers not to target UNPROFOR”, and claiming that he was doing everything to avoid conflicts and casualties between the VRS and UNPROFOR.⁷⁸⁹ Janvier also told **TOLIMIR** that a VRS commander had contacted DutchBat and demanded that DutchBat leave their positions and weapons and pull back towards town, and the all members of international organisations should leave the enclave and group at Yellow Bridge, to which UN forces responded with their own ultimatum that the VRS withdraw to the enclave’s boundaries or face massive air strikes the next morning.⁷⁹⁰ Janvier demanded that the VRS cease fire and pull back, in order to avoid employment of NATO air power, and that **TOLIMIR** meet Gobillard the next day.⁷⁹¹

301. [REDACTED].⁷⁹² **TOLIMIR** told Janvier that he had checked Janvier’s information and that his commanders reported “no conflicts or problems between UNPROFOR and the VRS.”⁷⁹³ **TOLIMIR** also said “I gave all his messages to General Mladić who exerted his influence to calm down the situation,” and told Janvier that he would meet Gobillard in Sarajevo the next day in connection with humanitarian convoys bound for Serb Sarajevo.⁷⁹⁴

302. Early on 11 July, Karremans met ABiH and civilian leaders to discuss the VRS ultimatums. DutchBat then issued its own ultimatum to the VRS: by 06:00 hours on 11 July, stop the attack, withdraw to the 1993 confrontation line or there will be a massive air strike.⁷⁹⁵

303. Meanwhile, the VRS propagandists were hard at work, repeating in a press release headed “Srebrenica – The Muslim War Trump Card” the mantras used by **TOLIMIR** and

⁷⁸⁸ [REDACTED]; Exh.P00776, [REDACTED].

⁷⁸⁹ [REDACTED]; Exh.P00776.

⁷⁹⁰ Exh.P00776; Exh. P00974, ERN:0052-7571; [REDACTED – see Exh.P00598], FRANKEN, T.2474-2478; FRANKEN, T.3351-3354; Exh.P00602.

⁷⁹¹ Exh.P00776.

⁷⁹² [REDACTED].

⁷⁹³ [REDACTED]; Exh.P00777.

⁷⁹⁴ [REDACTED]; Exh.P00777.

⁷⁹⁵ Exh.P00950, KINGORI, T.19233-19234; Exh.P00974, pp.2-3 (02:00 hours meeting on 11 July between DutchBat team and Ramiz Bećirović, Opština President Osman, mayor Fahrudin and deputy mayor Hamdia, regarding ultimatums from VRS, which were turned down: 1) no refugees on Potočari compound, only international organisations; VRS to demilitarize enclave; 2) DutchBat and international organisations to leave and turn over weapons; population had 48 hours to leave enclave. DutchBat issued its own ultimatum.).

Mladić in conversations to Nicolai and Janvier over the previous two days. Gvero issued a similar false statement through the Main Staff Information Services:

Our combat activities at the moment are directed towards simply neutralising the Muslim terrorists, and are in no way directed against civilians or members of UNPROFOR. Some UNPROFOR members, for their own safety, have crossed into our territory and are our guests now, well sheltered and safe. The civilians from Srebrenica who wish to do so can in an organised and safe manner leave the settlement. All in all, there is no reason for the media and foreigners to get involved in the Muslim war propaganda, be their trump card and justify their terrorist actions.⁷⁹⁶

304. Gvero's statements that neither UN positions nor civilians were fired upon by the VRS were false, and the contrary evidence so overwhelming that Gvero must have known they were lies when he issued the statement.⁷⁹⁷ Gvero's statement to the Muslims suggesting they had a choice to leave or stay is also false, as the evidence has shown. The VRS removed almost every Muslim from the Srebrenica enclave by the evening of 13 July. Gvero's lies were designed to vilify the Muslims in the media and portray the Serbs as humanitarian - and take the spotlight off the JCE members' true intention to disable UNPROFOR and forcibly remove the Muslim population.

11 July

305. On the morning of 11 July, **TOLIMIR** was in Sarajevo to meet Gobilliard.⁷⁹⁸ Later that day, **TOLIMIR** returned to the VRS Main Staff, where he received reports updating him on the attack on the Srebrenica enclave and the resultant displacement of the Muslim population.⁷⁹⁹

306. As everyone awaited NATO air support, the early morning of 11 July was unusually calm.⁸⁰⁰ However, by late morning VRS shelling resumed. Thousands of civilians gathered near and inside the Bravo Company compound,⁸⁰¹ which the VRS also shelled.⁸⁰²

307. With Serb forces occupying the high ground around Srebrenica town, Franken ordered his Bravo Company soldiers to follow the refugees who had already started to flee towards Potočari. He ordered them to stay between the advancing Serb forces and the fleeing

⁷⁹⁶ Exh.P00691, p.2.

⁷⁹⁷ Exh.P00674, NICOLAI, T.18484-18485; Exh.P00691. The VRS also issued a similar statement through the Serb news agency SRNA in the form of a letter from Mladić to Smith dated 10 July, repeating the same false statements. Exh.D00185.

⁷⁹⁸ Exh.P00777 ("General Gobilliard and General **TOLIMIR** are going to meet at 1100 hours today, on 11 July 1995, in Sarajevo. General **TOLIMIR** will also be present during the realization of a humanitarian project very important for the Serbs. This involves the passage of three humanitarian convoys which will reach the Serbian part of Sarajevo from the direction of Metković and Kiseljak."); [REDACTED].

⁷⁹⁹ Exh.P02518.

⁸⁰⁰ Exh.P00974, ERN:0052-7571.

⁸⁰¹ AF103; Exh.P00974, ERN:0052-7572; [REDACTED – see Exh.P01461], BOERING, T. 1931-1932; [PW-071], T.6057-6058.

⁸⁰² AF104; Exh.P00950, KINGORI, T.19268, T.19538-19539; [PW-071], T.6058-6059; RAVE, T.6743-6744; M.MALAGIĆ, T.10019-10020.

civilians.⁸⁰³ DutchBat trucks and APCs sent from the Potočari compound⁸⁰⁴ were used to transport the refugees, including the sick and wounded.⁸⁰⁵ The column of refugees and peacekeepers was shelled on either side by VRS mortars and artillery, forcing them to the main UN base at Potočari.⁸⁰⁶

308. Believing that the VRS would fire on the column of refugees approaching Potočari, Franken ordered his DutchBat soldiers to create a safe route for the column.⁸⁰⁷ On arrival in Potočari, the refugees were kept outside the DutchBat compound because the VRS had threatened to shell the compound.⁸⁰⁸ Once refugees were allowed into the compound, they filled all available space and overflowed into the adjacent industrial area.⁸⁰⁹ The civilians who arrived in Potočari were terrified.⁸¹⁰ Only elderly men, young boys and males otherwise unable to be classified as combatants were allowed onto the Potočari base.⁸¹¹ The humanitarian situation was desperate.⁸¹²

309. NATO close air support was finally delivered in the early afternoon of 11 July,⁸¹³ but was followed by a VRS threat: stop further air support or the VRS would shell the base, including the areas where the civilians were gathered, and kill the DutchBat soldiers being held in Bratunac.⁸¹⁴ Though Franken testified that he did not take the threat to execute his soldiers seriously,⁸¹⁵ he considered the VRS threat to shell the Potočari compound as serious and realistic given the VRS's previous targeting of civilians.⁸¹⁶ Shortly after the threat was issued, the VRS shelled a bus station outside the compound and fired a full round from the multiple rocket launcher in the area of Potočari,⁸¹⁷ causing casualties and tremendous panic

⁸⁰³ [REDACTED – see Exh.P00598], FRANKEN, T.2480; [REDACTED – see Exh.P01461], BOERING, T.1931-1932, T.1937-1938.

⁸⁰⁴ AF105; Exh.P02638, RUTTEN, T.2181; [REDACTED – see Exh.P00060], [PW-023], T.17304-17306.

⁸⁰⁵ [REDACTED – see Exh.P00598], FRANKEN, T.2551, T.2610, T.2629; RAVE, T.6745, T.6859; Exh.P01142, EGBERS, T.2717.

⁸⁰⁶ AF434; [REDACTED – see Exh.P00598], FRANKEN, T.2479-2481, T.2610; Exh.P01142, EGBERS, T.2717-2718, T.2882; Exh.P00950, KINGORI, T.19434, T.19441-19442; [REDACTED – see Exh.P01461], BOERING, T.1938; [PW-071], T.6061, T.6063; RAVE, T.6745; M.MALAGIĆ, T.10021-10022; Exh.P01485, KOSTER, p.3

⁸⁰⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2481-2482; Exh.P01485, KOSTER, p.3.

⁸⁰⁸ [REDACTED – see Exh.P01483], KOSTER, T.3134-3135; Exh.P00974, ERN:0052-7572; Exh.P00950, KINGORI, T.19240, T.19244.

⁸⁰⁹ AF435; [REDACTED – see Exh.P00598], FRANKEN, T.2484-2485; M.MALAGIĆ, 10023.

⁸¹⁰ Exh.P01485, KOSTER, p.4; Exh.P00098, GROENEWEGEN, T.1019; T.1041.

⁸¹¹ Exh.P02629, RUTTEN, T.4885-4887.

⁸¹² AF436-438; Exh.P00974, ERN:0052-7572.

⁸¹³ AF109-110; [REDACTED – see Exh.P00598], FRANKEN, T.2485; Exh.P00674, NICOLAI, T.18486; DIBB, T.4869-4870; [REDACTED]; WOOD, T.11158, T.11160-11161, T.11166-11167.

⁸¹⁴ AF111; [REDACTED – see Exh.P00598], FRANKEN, T.2485; Exh.P01509, [PW-003], T.6081-6082; [REDACTED – see Exh.P01461], BOERING, T.1928-1929; [REDACTED – see Exh.P00587], FORTIN, T.18261-18262.

⁸¹⁵ [REDACTED – see Exh.P00598], FRANKEN, T.2485-2486, T.2612.

⁸¹⁶ [REDACTED – see Exh.P00598], FRANKEN, T.2486, T.2612-2614.

⁸¹⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2486.

among the civilians there.⁸¹⁸ UNPROFOR halted further air support because of the threats, and the VRS continued its advance.

310. Following the NATO air support, Nicolai spoke with Gvero and told him that despite the NATO air support against VRS elements attacking UNPROFOR, the VRS was still attacking UNPROFOR peacekeepers in Srebrenica with tank and artillery fire.⁸¹⁹ Gvero told Nicolai that Gvero “would have the compound at Potočari and surrounding areas shelled” if there was further use of NATO air support.⁸²⁰ Indeed, in language that chillingly mirrored Mladić’s threat to Nesib Mandžić at the Hotel Fontana,⁸²¹ Gvero threatened that if Nicolai did not halt NATO air support, Nicolai “would be held responsible for all further developments and the destiny of his men and the civil population in Srebrenica.”⁸²² Nicolai understood this statement to mean that Gvero “wanted to make me responsible, blame me for anything that happened to the civilian population and UNPROFOR, because he said, ‘You asked for air support, and so you are also responsible for any reactions on our part to that.’”⁸²³ Nicolai took Gvero’s threat seriously, given the demonstrated willingness of the VRS to fire on civilian targets, as it had in May when scores of civilians were killed in Tuzla by VRS retaliatory shelling immediately following NATO air strikes.⁸²⁴

311. To avert a blood-bath, UNPROFOR called off further air support.⁸²⁵ Gvero’s and **TOLIMIR**’s threats and other tactics proved effective in crippling UNPROFOR and NATO and preventing them from providing any significant protection to the Muslim population.

312. In the same conversation Gvero lied to Nicolai by continuing to assert, as **TOLIMIR** had in his previous conversations with Nicolai and Janvier, that it was not the VRS that was attacking UNPROFOR; that neither UNPROFOR nor the civilian population in Srebrenica were attacked and that the UNPROFOR troops were forced by the Muslim army to send such reports.⁸²⁶

313. [REDACTED].⁸²⁷ [REDACTED].⁸²⁸ Gvero, like **TOLIMIR** on 9 July, was a crucial communication link to Karadžić which allowed Karadžić to make appropriate and

⁸¹⁸ [REDACTED – see Exh.P00598], FRANKEN, T.2486; Exh.P00950, KINGORI, T.19237.

⁸¹⁹ Exh.P00692.

⁸²⁰ Exh.P00674, NICOLAI, T.18486-18487, T.18489, T.18514-18517, T.18543-18544.

⁸²¹ Exh.P02798, transcript, p.43.

⁸²² Exh.P00692; [REDACTED]; Exh.P00674, NICOLAI, T.18588-18589.

⁸²³ Exh.P00674, NICOLAI, T.18489, T.18573. *See also* Exh.P00674, NICOLAI, T.18509-18511, T.18516-18517, T.18587-18588; Exh.P00678.

⁸²⁴ Exh.P00674, NICOLAI, T.18479, T.18487, T.18492; [REDACTED – see Exh.P02086], SMITH, T.17509.

⁸²⁵ AF111; Exh.P00694; Exh.P00674, NICOLAI, T.18589-18591.

⁸²⁶ Exh.P00674, NICOLAI, T.18488, T.18516-18517, T.18519, T.18568; *See also* Exh.P00692; [REDACTED].

⁸²⁷ [REDACTED].

⁸²⁸ [REDACTED].

timely decisions in furtherance of the plan to forcibly remove the Muslims from Srebrenica and Žepa.

314. Following his conversation with Nicolai, Gvero issued a “Warning on treatment of UNPROFOR personnel in the enclave of Srebrenica,” in which he stated:

Regarding the overall situation in the Srebrenica enclave and observing the reaction of responsible UNPROFOR representatives and the international public, the focus of interest is directed towards the treatment of UNPROFOR individuals and forces in the Srebrenica enclave by VRS members.

In this respect, through subordinate commands, the DK Command shall ensure the utmost correct treatment of UNPROFOR members, our guests, and prevent any operations and provocation against UNPROFOR forces regardless of their behaviour. In performance of the assigned task and the declared objective, at this moment such treatment of UNPROFOR forces has multiple significance.⁸²⁹

315. Nicolai’s reaction to this document was similar to his reaction to **TOLIMIR**’s 9 July 1995 telegram purporting to urge “full protection” for UNPROFOR: “there was shooting at UNPROFOR positions for four consecutive days in a row, so whatever is stated on paper, the facts were clearly different.”⁸³⁰

316. Gvero later lied to Gobilliard, claiming, as **TOLIMIR** had done so many times, that the VRS had never attacked UNPROFOR; the VRS were not attacking civilians; neither the UN nor the Muslim civilians were the VRS’ enemy; and that if anyone targeted UNPROFOR, it was the ABiH.⁸³¹ Gvero stated that “if UN soldiers do not take any actions today, they will be safe,” emphasising ominously that calling in air support “was a fatal mistake, which will influence the situation in the Srebrenica region over the next few days.”⁸³² Gvero added that the Muslim civilians “would be totally safe and were welcome to leave the enclave” and that “we’ll do everything in our power to protect them.”⁸³³ Just as **TOLIMIR** had done, “Gvero promised he would do his utmost to keep the situation in the region of Srebrenica under control,” and suggested that they speak again the next morning.⁸³⁴

317. Gvero, like **TOLIMIR**, was receiving timely and accurate reporting of the events in Potočari.⁸³⁵ Gvero insisted that the wounded could be treated at Serb hospitals and evacuations would take place by land only. Gvero rejected Nicolai’s involvement, insisting

⁸²⁹ Exh.P00688.

⁸³⁰ Exh.P00674, NICOLAI, T.18570.

⁸³¹ [REDACTED – see Exh.P00587], FORTIN, T.18254-18260; Exh. P00581, p.2; Exh.P00674, NICOLAI, T.18492-18493.

⁸³² Exh.P00243.

⁸³³ Exh.P00581, ERN:0044-1569; Exh.P00243.

⁸³⁴ Exh.P00581, ERN:0044-1569; Exh.P00243. Fortin, who was present during the conversation and took detailed notes of it, testified that Gvero lied repeatedly, making the same false statements **TOLIMIR** had made to Nicolai. It was clear to Fortin that **TOLIMIR** and Gvero were lying to delay “so they could complete the plan”. See [REDACTED – see Exh.P00587], FORTIN, T.18425-18426, T.18255-18256, T.18260; FORTIN, T.3158.

⁸³⁵ Exh.P00674, NICOLAI, T.18494-18496; Exh.P00693; [REDACTED].

that all contact be between Mladić and Karremans only.⁸³⁶ Gvero understood that VRS had the upper hand by dealing not with a general, but with Karremans, who was boxed-in and “talking from the jail.”⁸³⁷ Like **TOLIMIR**, Gvero also remembered Morillon’s 1993 intervention which denied the VRS control over Srebrenica and the subsequent creation of the “Safe Areas.”⁸³⁸

318. At this point, Nicolai said, Gvero “was the general who was entrusted with maintaining contact with the UN as long as General Mladić was absent, because he was present in the enclave. And presumably General Gvero was in charge of the headquarters at that time.”⁸³⁹ However to Nicolai:⁸⁴⁰

it was immaterial who was my contact point, as long as it was somebody with whom I could do business, and on the 8th, that was General **TOLIMIR**, and I believe also on the 9th, and the subsequent days, all of a sudden it was General Gvero but I do not know for what reason. And actually, to me, it didn’t make any difference.⁸⁴¹

319. Contrary to what they claimed in their prior conversations on 8-9 July, **TOLIMIR** and Gvero knew what was happening on the ground. Throughout the attack, members of the Main Staff’s inner circle – with Miletić at the Operations Centre – were receiving timely and accurate reports and had up-to-the-minute knowledge that they were able to pass on to their superiors.⁸⁴²

320. **TOLIMIR** and Gvero deliberately lied to UNPROFOR.⁸⁴³ During the VRS attack on the enclave and immediately after its fall, **TOLIMIR**’s false statements and denials, taken together with similar false statements by Gvero, constituted “delaying tactics” that impeded the UN’s ability to react to the situation on the ground (for example, by retarding decision-making regarding the use of air power) and in the meantime permitted the VRS to press forward its attack on the enclave.⁸⁴⁴ Both **TOLIMIR**’s and Gvero’s systematic lies and evasions delayed, obstructed and successfully interfered with UNPROFOR’s ability to defend the enclave and protect the Muslim population. This, in turn, led to the takeover of the

⁸³⁶ Exh.P00693; [REDACTED]; NICOLAI, T.4119.

⁸³⁷ [REDACTED – see Exh.P02086], SMITH, T.17524-17525; Exh.P00747.

⁸³⁸ Exh.P00494.

⁸³⁹ Exh.P00674, NICOLAI, T.18495-18496.

⁸⁴⁰ Exh.P00674, NICOLAI, T.18550-18552.

⁸⁴¹ Exh.P00674, NICOLAI, T.18550; NICOLAI, T.3941.

⁸⁴² Exh.P00674, NICOLAI, T.18496-18497; NICOLAI, T.3906 (“With the information means available to that army and routines they have for submitting reports, it sounded most improbable to me that General **TOLIMIR** was unaware of the situation”). NICOLAI, T.3934.

⁸⁴³ NICOLAI, T.3934 (“Based on that assumption [that the VRS operated professionally with all necessary means of communications], I’m saying it’s impossible that General **TOLIMIR** was not deliberately providing me with misleading answers”); Exh.P00674, NICOLAI, T.18466-18467, T.18475-18476, T.18515-18516.

⁸⁴⁴ [REDACTED – see Exh.P00587], FORTIN, T.18252; Exh.P00674, NICOLAI, T.18466-67, T.18470, T.18472-18473, T.18488, T.18475-18476; [REDACTED – see Exh.P02086], SMITH, T.17599, T.17602-17603.

enclave by Bosnian Serb forces and the removal of the Muslim population. **TOLIMIR**'s and Gvero's actions from 8-11 July significantly contributed to the JCE to forcibly remove the Muslim population from Srebrenica.

(v) **The fall of the Srebrenica enclave**

321. Srebrenica fell to the Bosnian Serb forces on the afternoon of 11 July.⁸⁴⁵ That afternoon, Mladić, accompanied by Živanović, Krstić, POPOVIĆ and other VRS officers, took a triumphant walk through the empty streets of Srebrenica town.⁸⁴⁶ At one point, Mladić stated into a TV camera:

Here we are, on 11 July 1995, in Serb Srebrenica. On the eve of yet [another] great Serb holiday, we give this town to the Serb people as a gift. Finally, after the Rebellion against the Dahis, the time has come to take revenge on the Turks in this region.⁸⁴⁷

322. The Muslims in Srebrenica took two courses of action when the VRS attack had succeeded. Thousands of women, children and men fled to the UNPROFOR compound in Potočari and sought protection there.⁸⁴⁸ These refugees remained in and around Potočari from 11-13 July.

323. Meanwhile, approximately 15,000 Muslim men and boys, with some women and children, gathered during the evening of 11 July at Šušnjari and fled in a column through the woods toward Tuzla.⁸⁴⁹ About a third of this group consisted of armed men, most of whom were positioned toward the front of the column.⁸⁵⁰ The rest were unarmed soldiers and civilians.⁸⁵¹

324. As Srebrenica fell, more of **TOLIMIR**'s intelligence and security officers arrived in the area to assess the situation, gather and report intelligence to **TOLIMIR**, and undertake the kinds of specialist tasks for which they were trained, including supervising MPs to control the mass of civilians in Potočari, preparing for their transportation and identifying and detaining military-aged men. Thus, BEARA and POPOVIĆ arrived with Miroslav Deronjić⁸⁵² at the Pribićevac IKM and met Krstić on 11 July.⁸⁵³

⁸⁴⁵ AF88.

⁸⁴⁶ AF113.

⁸⁴⁷ Exh.P02798, V000-9014, 00:30'07-00:31'07, transcript, p.11.

⁸⁴⁸ AF433; *See e.g.*, [REDACTED – see Exh.P00060], [PW-023], T.17304-17305; [REDACTED – see Exh.P00097], [PW-022], T.3945-3950.

⁸⁴⁹ AF108, AF124.

⁸⁵⁰ AF120.

⁸⁵¹ Exh.P02629, RUTTEN, T.4838-4839.

⁸⁵² AF115.

⁸⁵³ [REDACTED – see Exh.P01809], MOMČILOVIĆ, T.14085-14086, T.14088, T.14110, T.14114-14116, T.14122.

Violence and Terror in Potočari

325. By the evening of 11 July, 20,000-25,000 Muslim refugees from Srebrenica had gathered in and around the UN DutchBat HQ in Potočari.⁸⁵⁴ They appeared to be exhausted. Conditions at the compound were poor, with women giving birth and babies dying.⁸⁵⁵ Two people attempted suicide; one succeeded.⁸⁵⁶ Conditions deteriorated even further on 12-13 July. There was no meaningful access to food, water, basic medical treatment or toilet facilities.⁸⁵⁷

326. In addition to the refugees' dire living conditions, the VRS also singled out some refugees in Potočari for individual terrorisation and intimidation, including murder, beatings and other physical cruelty.⁸⁵⁸

First Hotel Fontana Meeting

327. On the evening of 11 July and morning of 12 July, three meetings took place at Hotel Fontana between Mladić and senior officers of the VRS, DutchBat officers and Muslim representatives from the crowd of people in Potočari.⁸⁵⁹ The first meeting ("First Hotel Fontana Meeting") took place at around 20:00 hours on 11 July⁸⁶⁰ and was attended by Karremans, other members of DutchBat's Command Staff,⁸⁶¹ Mladić, Krstić, JANKOVIĆ and KOSORIĆ.⁸⁶² Momir NIKOLIĆ was assigned the task of securing the hotel and overheard what was being discussed at the meeting.⁸⁶³

328. Mladić was in complete control of the situation. He forced Karremans into a corner and threatened the DutchBat officers, inquired menacingly about who had ordered NATO air strikes and threatened to harm DutchBat soldiers.⁸⁶⁴ Boering and Rave felt threatened.⁸⁶⁵ Karremans realised that the enclave had been lost.⁸⁶⁶ The refugees required humanitarian

⁸⁵⁴ AF433, AF435, AF437, AF442; Exh.D00323, ERN:0044-3346.

⁸⁵⁵ [REDACTED – see Exh.P00598], FRANKEN, T.2489; Exh.P01485, KOSTER, p.5; Exh.P01497, [PW-002], T.1509, T.1526; [REDACTED – see Exh.P01461], BOERING, T.1931.

⁸⁵⁶ [REDACTED – see Exh.P00598], FRANKEN, T.2511-2512; [REDACTED – see Exh.P01483], KOSTER, T.3069, T.3095-3096.

⁸⁵⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2511.

⁸⁵⁸ See paras.370-371, 373.

⁸⁵⁹ AF156, AF159-160, AF180.

⁸⁶⁰ AF156-157.

⁸⁶¹ Boering and Rave.

⁸⁶² AF161-162. See also Exh.P02799, pp.33-35; BOERING, T.8979. DK Commander Živanović was also in attendance.

⁸⁶³ M.NIKOLIĆ, T.12372-12373.

⁸⁶⁴ AF158; Exh.P02798, V000-9014, 00:33'22-01:12'42, transcript pp.13-33; [REDACTED – see Exh.P01461], BOERING, T.1945-1946; RAVE, T.6749-6750 (The video footage does not capture the threats Mladić made to shell the UN and refugees in Potočari as well as the UN soldiers held at the Hotel Fontana if the air strikes continued).

⁸⁶⁵ RAVE, T.6749.

⁸⁶⁶ Exh.P02798, V000-9014, 00:33'22-01:12'42, transcript pp.13-33.

support and wanted to leave the enclave,⁸⁶⁷ with most of them wishing to go to Tuzla.⁸⁶⁸ Mladić told Karremans that the VRS actions were not aimed at UNPROFOR or the Bosnian Muslim civilian population,⁸⁶⁹ reiterating lines used by **TOLIMIR** and Gvero to Nicloai and Janvier in the previous days. He told Karremans: “[y]ou can...all leave...all stay...or all die here”.⁸⁷⁰ The meeting concluded with Mladić instructing Karremans to bring Muslim civilian representatives and an ABiH representative to a second meeting later that evening.⁸⁷¹

Second Hotel Fontana Meeting

329. Karremans returned to Hotel Fontana later that night for a second meeting with Mladić, Krstić, JANKOVIĆ, KOSORIĆ, Rave and a Muslim civilian representative, Nesib Mandžić (“Second Hotel Fontana Meeting”),⁸⁷² even though Mandžić was just a schoolteacher.⁸⁷³ Again, Momir NIKOLIĆ overheard the meeting.⁸⁷⁴

330. Again, Mladić created an atmosphere of intimidation and control. At the beginning of the meeting, the Serbs opened a window so that Mandžić and the Dutch soldiers could hear the screams of a pig being slaughtered.⁸⁷⁵ After this, Karremans and Mandžić explained the humanitarian needs of the population.⁸⁷⁶ Mladić claimed that all of the Muslim soldiers who laid down their arms would be treated in accordance with international conventions. Mladić added that “the future of your people is in your hands” and gave Mandžić an ultimatum: the Bosnian Muslims could either survive, stay or disappear.⁸⁷⁷ Mladić also laid the broken sign from the Srebrenica town hall before Mandžić.⁸⁷⁸ Mladić’s threat clearly reflected his intent and foreshadowed future events.

331. Mladić ended the meeting and insisted on having another meeting the next day.⁸⁷⁹ He ordered Mandžić to “bring the people who can secure the surrender of weapons and save your people from destruction.”⁸⁸⁰ Mladić again demanded the surrender of the Muslim

⁸⁶⁷ Exh.P02798, V000-9014, 00:33’22-01:12’42, transcript pp.13-33.

⁸⁶⁸ AF159; Exh.P02798, V000-9014, 00:33’22-01:12’42, transcript pp.13-33.

⁸⁶⁹ AF163; Exh.P02798, V000-9014, 00:33’22-01:12’42, transcript pp.13-33. These claims were purely propaganda. After the first NATO air strikes on 11 July, the VRS had threatened to kill the captured DutchBat soldiers and shell the civilian population at Potočari unless the air strikes ceased. [REDACTED – see Exh.P00598], FRANKEN, T.2485; Exh.P00674, NICOLAI, T.18481-18487, T.18563-18564; KINGORI, T.5639-5641.

⁸⁷⁰ AF164; Exh.P02798, transcript p.27.

⁸⁷¹ AF165-167; Exh.P02798, V000-9014, 00:33’22-01:12’42, transcript pp.13-33.

⁸⁷² AF168-171; *See also* Exh.P02799, pp.36-41; Exh.P01007.

⁸⁷³ AF172; [REDACTED – see Exh.P01461], BOERING, T.2135-2140.

⁸⁷⁴ M.NIKOLIĆ, T.12375, T.12657-12658.

⁸⁷⁵ AF173; [REDACTED – see Exh.P01461], BOERING, T.1953, T.1959; RAVE, T.6752-6754, T.6757.

⁸⁷⁶ Exh.P02798, V000-9014, 01:12’44-01:38’07, transcript pp.34-43.

⁸⁷⁷ AF176-177; Exh.P02798, V000-9014, 01:12’44-01:38’07, transcript p.43.

⁸⁷⁸ AF174; [REDACTED – see Exh.P01461], BOERING, T.1960.

⁸⁷⁹ AF179.

⁸⁸⁰ Exh.P02798, V000-9014, 01:12’44, transcript pp.34-43. *See also* AF175, AF178.

troops, apparently believing they were still in the area. Mandžić was frightened and insecure after the meeting.⁸⁸¹ That evening and the next morning it became clear that the Muslim army would not be surrendering *en masse*.

332. In a memo faxed to Nicolai,⁸⁸² Karremans reported that during the First Hotel Fontana Meeting, Mladić demanded an end to air strikes or air support; “emphasized in the most threatening way that he will use all his assets to outgun the compound” and warned that if there were further air strikes or air support, the UN Potočari compound along with the 2,500 refugees in it, the 15,000 refugees in the compound’s vicinity and its DutchBat personnel, would be shelled.⁸⁸³ Karremans made clear that he was unable to defend these refugees or his own peacekeepers, who were “sitting ducks” in the direct line of fire of two guns, two tanks, three multiple rocket launchers and one anti-aircraft gun deployed by the VRS.⁸⁸⁴

333. Mladić rejected efforts by the UNPROFOR Commands in Zagreb and Sarajevo to send a higher-ranking officer than Karremans to Potočari.⁸⁸⁵ By 12 July, approximately 30,000 refugees were gathered at various locations in and around the Potočari compound.⁸⁸⁶

Third Hotel Fontana Meeting

334. Representatives of the Bosnian Serbs, DutchBat and the Muslim refugees reconvened at the Hotel Fontana for a third time at 10:00 hours on 12 July (“Third Hotel Fontana Meeting”).⁸⁸⁷ In attendance were Mladić, Krstić, JANKOVIĆ, KOSORIĆ, POPOVIĆ, Karremans and Boering, along with Mandžić and two additional Muslim representatives, Ibro Nuhanović and Čamila Omanović.⁸⁸⁸ During the meeting, Krstić and others were called out to attend to urgent matters. Tracked vehicles and firing could be heard outside.⁸⁸⁹

⁸⁸¹ After the Second Hotel Fontana Meeting, Mandžić was extremely nervous and almost panicking: [REDACTED – see Exh.P00598], FRANKEN, T.2487; [REDACTED – see Exh.P01461], BOERING, T.1961; BOERING, T.8993.

⁸⁸² Exh.P00622; [REDACTED – see Exh.P01461], BOERING, T.1965-1967.

⁸⁸³ Exh.P00622.

⁸⁸⁴ Exh.P00622.

⁸⁸⁵ NICOLAI, T.4008-4009; Exh.P00674, NICOLAI, T.18494-18495; Exh.P00693.

⁸⁸⁶ AF479; Exh.P00609, ERN:0052-7581; Exh.P00950, KINGORI, T.19264; Exh.P02798, V000-9035, 00:18’11-00:19’53; Exh.P01335, p.2; Exh.P02238, p.1.

⁸⁸⁷ AF180. *See also* AF184.

⁸⁸⁸ AF182, AF185; Exh.P02798, V000-9035, 00:05’30-00:15’06, transcript pp.48-52; [REDACTED – see Exh.P01461], BOERING, T.1968-1969; *See also* Exh.P02799, pp.48-54; M.NIKOLIĆ, T.12376-12377. Also present were Dragomir Vasić, Chief of the Zvornik Public Security Service, Miroslav Deronjić, President of the Bratunac Municipality Executive Board and Ljubisav Simić, Bratunac Municipal Assembly President. AF183; Exh.P02799, pp.48-54.

⁸⁸⁹ [REDACTED – see Exh.P01461], BOERING, T.1975.

335. Mladić repeated his threat from the Second Hotel Fontana Meeting that the Muslims could either “survive or disappear.”⁸⁹⁰ He declared that all Muslims had to lay down their arms as a condition for survival.⁸⁹¹ He made several comments about the Muslims leaving the enclave, sometimes adding that they could choose to remain in Srebrenica,⁸⁹² though he clearly had no intention to allow any Muslims to stay.

336. Mladić announced that all the men between the ages of 16-60 would be separated for war-crimes screening.⁸⁹³ Though not on the video, Boering recalled the announcement and Franken learnt it from Karremans.⁸⁹⁴ All males between the ages of 16-60, and many who were 12-15 years old and even more above the age of 60-70, were later separated from the women in Potočari. These separations without screening⁸⁹⁵ provided a clear indication of the JCE members’ shared intent to kill the men and boys.

337. When Karremans and Boering returned to Potočari, they realized that several issues remained unclear from the meeting that morning at Hotel Fontana. When Boering and Rave returned to Hotel Fontana on Karremans’ orders to clarify the matters, Boering ran into Momir NIKOLIĆ, who told Boering to leave immediately and that the transportations of the refugees had already started or were about to start. NIKOLIĆ was with KOSORIĆ at the time. By the time Boering returned to Potočari, the buses had already begun to arrive.⁸⁹⁶

The Entry of Bosnian Serb Forces into Potočari, 12 July

338. Early on 12 July, VRS and MUP soldiers entered Potočari in an attack formation, supported by a tank.⁸⁹⁷ Mladić arrived in the early afternoon and Bosnian Serb soldiers, including Borovčanin, were filmed handing out sweets and bread to the refugees. While distributing the bread, the Bosnian Serbs shouted at the refugees, mocking, and called them names.⁸⁹⁸ When filming stopped, the Bosnian Serbs took back some of the items from the refugees.⁸⁹⁹ While being filmed addressing some civilians crowded in Potočari, Mladić told them that they were free to stay; however he was intercepted around the same time telling

⁸⁹⁰ Exh.P02798, V000-9035, 00:05’30-00:15’06, transcript p.50. *See also* AF187.

⁸⁹¹ AF186.

⁸⁹² Exh.P02798, V000-9035 at 00:05’30-00:15’06, transcript pp.48-52.

⁸⁹³ AF190; [REDACTED – see Exh.P01461], BOERING, T.1969, T.1974-1975; FRANKEN, T.3355.

⁸⁹⁴ [REDACTED – see Exh.P01461], BOERING, T.1969, T.1974-1975; FRANKEN, T.3355.

⁸⁹⁵ M.NIKOLIĆ, T.12378.

⁸⁹⁶ [REDACTED – see Exh.P01461], BOERING, T.1976, T.2077, T.2151.

⁸⁹⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2489-2490, T.2614. Forces were in uniform and advanced in a line; Exh.P01497, [PW-002], T.1498-1504, T.1544. Re: looting and setting houses on fire, *see* AF439, AF441; Exh.P02638, RUTTEN, T.2115-2116; Exh.P01497, [PW-002], T.1496-1498; Exh.P00098, GROENEWEGEN, T.1023; Exh.P01620, ĐURIĆ, T.10806, T.10833, T.10859, T.10897.

⁸⁹⁸ Exh.P01485, KOSTER, p.9.

⁸⁹⁹ Exh.P02638, RUTTEN, T.2125-2127; Exh.P00950, KINGORI, T.19247-19248; Exh.P01497, [PW-002], T.1521.

someone by radio: “[c]ontinue to monitor the situation. Don’t let small groups of them sneak in. They’ve all capitulated and surrendered and *we’ll evacuate them all – those who want to and those who don’t want to.*”⁹⁰⁰ Refugees in Potočari did not have a genuine choice of whether to remain in the Srebrenica enclave.⁹⁰¹

339. Near the crowd of civilians, Mladić told Koster, “I don’t care about your commander, I’m in charge here and you’d be best off co-operating.”⁹⁰² Mladić told Kingori:

point blank, he does not require the use or help from the UN. He himself, has organised his own transport, and he’s going to transport those people from there to Tuzla, where their Muslim brothers are located. Those were his words, “We will move the Muslims from here and take them to Tuzla to join their brothers there”.⁹⁰³

340. Shortly after Karremans returned from the Third Hotel Fontana Meeting, the buses began arriving from the north.⁹⁰⁴ On Karremans’ orders, Boering objected to Mladić that the infirm, elderly and women should be transported first. Despite this and other appeals to Mladić, the buses were loaded without any prioritisation of the injured or the elderly.⁹⁰⁵

341. Around 14:00-15:00 hours, Col. Lazar Ačamović (DK Assistant Commander for Rear Services/Logistics)⁹⁰⁶ told Franken that he was responsible for transporting the civilians out of Potočari. Ačamović asked for support, including transport and fuel.⁹⁰⁷ Franken refused to supply fuel because he did not have any.⁹⁰⁸

342. By the afternoon, VRS and MUP soldiers were stopping the DutchBat escorts of the convoys and stealing DutchBat vehicles, weapons and communications sets.⁹⁰⁹ This “massive harassment” was systematic, sanctioned by the VRS leadership and done in order to take away DutchBat Command’s “eyes and ears.”⁹¹⁰ Franken complained to JANKOVIĆ, without results.⁹¹¹

⁹⁰⁰ Exh.P00241.

⁹⁰¹ AF460.

⁹⁰² Exh.P01485, KOSTER, p.9; Exh.P02798, V000-9035, 00:16’46-00:30’54, transcript p.55.

⁹⁰³ Exh.P00950, KINGORI, T.19253, T.19444-19445.

⁹⁰⁴ AF461; [REDACTED – see Exh.P00598], FRANKEN, T.2492.

⁹⁰⁵ AF474; [REDACTED – see Exh.P01461], BOERING, T.2009-2014; Exh.P00950, KINGORI, T.19253, T.19444-19445. Exh.P00609, ERN:0052-7582.

⁹⁰⁶ [REDACTED – see Exh.P00598], FRANKEN, T.2492, T.2619-2620; Exh.P02473, ERN:0113-4312.

⁹⁰⁷ [REDACTED – see Exh.P00598], FRANKEN, T.2492-2493; Exh.P00978; Exh.P00950, KINGORI, T.19274-19276.

⁹⁰⁸ [REDACTED – see Exh.P00598], FRANKEN, T.2493.

⁹⁰⁹ [REDACTED – see Exh.P00598], FRANKEN, T.2494-2496.

⁹¹⁰ [REDACTED – see Exh.P00598], FRANKEN, T.2494-2496; Exh.P02629, RUTTEN, T.4806-4807.

⁹¹¹ [REDACTED – see Exh.P00598], FRANKEN, T.2496. JANKOVIĆ claimed he was responsible for preparing and co-ordinating DutchBat’s withdrawal: [REDACTED – see Exh.P00598], FRANKEN, T.2493. Franken identified a photograph of Radoslav JANKOVIĆ as the man he met in Potočari. FRANKEN, T.3355-3356; BUTLER, T16408-16409.

(vi) **The Forcible Removal of the Srebrenica Population**

12 July: The organised transportation of the women, children and elderly began

343. On the afternoon of 12 July,⁹¹² Muslim women, children and men started to board the buses and trucks⁹¹³ as MUP forces working with the VRS began to separate Bosnian Muslim men from the women and children in and around Potočari.⁹¹⁴ Force and violence were used to push the frightened Muslims onto the over-filled buses.⁹¹⁵

344. The first convoy to leave Potočari in the afternoon was well-organized and consisted of ten buses and six trucks.⁹¹⁶ Each bus carried 50-60 people, although more would be carried in subsequent convoys.⁹¹⁷ The first convoy had some men of military age on it,⁹¹⁸ but they were separated later beyond the perimeter secured by DutchBat.⁹¹⁹ Even with the first convoy, men were separated all along the column of waiting buses, including at the doors of the buses as they tried to board.⁹²⁰

345. When the first convoy began to move, Franken ordered Boering and Voerman to accompany it.⁹²¹ Boering and Voerman were in a Jeep towards the front of the convoy and Egbers was in a Jeep at the back.⁹²² A Bosnian Serb officer identified by Boering as “Kosović” or “KOSORIĆ” led the convoy in a civilian vehicle.⁹²³ This was Drina Corps Chief of Intelligence, Svetozar KOSORIĆ,⁹²⁴ who was present at all three Hotel Fontana meetings and in charge of organising the transportation of the refugees out of the enclave,

⁹¹² [REDACTED – see Exh.P00060], [PW-023], T.17307; M.NIKOLIĆ, T.12387.

⁹¹³ AF452-458.

⁹¹⁴ AF473; [REDACTED]; [REDACTED – see Exh.P01461], BOERING, T.2014-2016; [REDACTED – see Exh.P00598], FRANKEN, T.2496; Exh.P01335, pp.2-3.

⁹¹⁵ AF464; Exh.P00950, KINGORI, T. 19255-19256; AF463, 464; [REDACTED – see Exh.P00598], FRANKEN, T.2652; Exh.P02629, RUTTEN, T.4822; [REDACTED – see Exh.P01483], KOSTER, T.3089, T.3104; Exh.P00098, GROENEWEGEN, T.1025; Exh.P01497, [PW-002], T.1520; [REDACTED – see Exh.P00049], [PW-073], T.1217; [REDACTED]; Exh.D00322, ERN:R013-8857; Exh.D00324, ERN:0306-2341; Exh.P01620, ĐURIĆ, T.10807-10809; Exh.P00950, KINGORI, T.19255-19256.

⁹¹⁶ AF459, AF462; [REDACTED – see Exh.P01461], BOERING, T.2078, T.2082; EGBERS, T.7194.

⁹¹⁷ Exh.P01142, EGBERS, T.2747, T.2756.

⁹¹⁸ M.NIKOLIĆ, T.12387 (“those men were there for propaganda purposes. It wasn’t something done in good faith.”), T.12392-12393.

⁹¹⁹ [REDACTED – see Exh.P01461], BOERING, T.2010 (first convoy had some boys, elderly men and military-aged men, in addition to elderly women and children); M.NIKOLIĆ, T.12635-12636, T.12387, T.12392-12393; Exh.P00644, ERN:Y016-5885 (men allowed on first convoy as propaganda exercise).

⁹²⁰ AF487, AF490; [REDACTED – see Exh.P01461], BOERING, T.2015.

⁹²¹ AF466; [REDACTED – see Exh.P00598], FRANKEN, T.2494; Exh.P01142, EGBERS, T.2804; [REDACTED – see Exh.P01461], BOERING, T.2019-2020, 2158.

⁹²² AF468, 469; Exh.P01142, EGBERS, T.2804-2806; [REDACTED – see Exh.P01461], BOERING, T.2020.

⁹²³ [REDACTED – see Exh.P01461], BOERING, T.2020, T.2158; BOERING, T.8976-8977; EGBERS, T.7188-7189.

⁹²⁴ Exh.P02473, ERN:0113-4312.

including by enabling the buses to clear checkpoints.⁹²⁵ Franken then ordered DutchBat soldiers to accompany each subsequent convoy in the same manner.⁹²⁶

346. The first convoy stopped in the forest, where they passed by a body of a dead woman. This caused fear amongst the women on the bus who thought they were going to be killed.⁹²⁷ After disembarking in the Tišća area, the refugees were forced to continue on foot for several kilometres through “no-man’s land” to Kladanj in BiH territory.⁹²⁸

347. The women, children and elderly men who arrived in Tuzla were in a “pitiful condition, completely drained physically and emotionally,” traumatised and concerned about the male members of their families who were not with them.⁹²⁹

348. The forcible removal of the women, children and elderly continued into 13 July.⁹³⁰

Separation of the Men, 12 July

349. The separation of men from the beginning of the process⁹³¹ was well planned and ruthless,⁹³² marked by brutality, distress and heartbreak.⁹³³ During this process, VRS forces abused many of the Muslim men. Forces under the supervision of Momir NIKOLIĆ participated in these assaults.⁹³⁴

350. After the first convoy of vehicles arrived, [PW-023] went down to the road where he saw approximately ten Bosnian Serb soldiers in dark green camouflage uniforms.⁹³⁵ As [PW-023] walked toward the buses, a Bosnian Serb soldier took him by the shoulder and directed him to the left side of the road to stand with a group of elderly Muslim men who had already

⁹²⁵ BOERING, T.8976-8980. Exh.P00624, p.37 (Boering identifies KOSORIĆ), BOERING, T.8980.

⁹²⁶ AF467; [REDACTED – see Exh.P00598], FRANKEN, T.2494-2495; Exh.P01142, EGBERS, T.2720.

⁹²⁷ EGBERS, T.7100-7101; Exh.P00977, para.6 (DutchBat reported one woman and a baby died on one convoy); Exh.P00950, KINGORI, T.19274.

⁹²⁸ AF476-477; Exh.P01528, p.2; Exh.P01533, p.2; Exh.P02798, V000-9035, 00:54’00-00:58’13; Exh.P02799, p.78-83; M.MALAGIĆ, T.10038-10039; [REDACTED – see Exh.P01461], BOERING, T.2025.

⁹²⁹ DIBB, T.4895-4896; Exh.P00741, DIBB, T.16269-16270; Exh.P01949, JOSEPH, T.14151-14152, T.14329.

⁹³⁰ AF465; M.MALAGIĆ, T.10033.

⁹³¹ [REDACTED – see Exh.P00598], FRANKEN, T.2496. Mendelejev ĐURIĆ claimed incredibly that he did not see any separations: Exh.P01620, ĐURIĆ, T.10817; KINGORI, T.5504.

⁹³² AF487, AF490; Exh.P02638, RUTTEN, T.2194-2196; Exh.P01497, [PW-002], T.1514-1515; M.NIKOLIĆ, T.12386.

⁹³³ AF443, AF492; M.MALAGIĆ, T.10032, T.10037-10038; Exh.P00950, KINGORI, T.19251-19256; Exh.P00098, GROENEWEGEN, T.1026; [REDACTED]. As a consequence of the threatening atmosphere some refugees committed suicide: AF444; M.MALAGIĆ, T.10032; [REDACTED – see Exh.P01483], KOSTER, T.3069-3070; Exh.P01487, ERN:0044-3317.

⁹³⁴ Exh.P02157, ERN:0608-8427.

⁹³⁵ [REDACTED – see Exh.P00060], [PW-023], T.17306-17309.

been separated.⁹³⁶ [PW-023]’s family were allowed to approach the buses.⁹³⁷ The Bosnian Serb soldiers continued to separate the men.⁹³⁸

351. The men who were separated were mainly between 17 and 50 to 60 years of age,⁹³⁹ though even young boys and men who were elderly, including those who could barely walk or were disabled, were also singled out.⁹⁴⁰ When about 20 Muslim men were separated and standing by the road,⁹⁴¹ armed Bosnian Serb soldiers⁹⁴² directed them to a nearby unfinished house.⁹⁴³ The Bosnian Serb guards threatened the Muslim men and denied them food and water.⁹⁴⁴ Muslim men in groups of approximately 20 continued to arrive until the house was full. The next group was instructed to sit in front of the house.⁹⁴⁵

352. At one point the men and boys’ hands were checked, and IDs and weapons looked for. No selection process occurred before they were sent to the unfinished houses and to the White House.⁹⁴⁶ Very quickly, the “screening” process consisted of telling the Muslim men and boys to drop all their belongings and IDs in a huge pile in front of the White House.⁹⁴⁷

353. The Muslim men inquired, but initially were not told why they were being separated.⁹⁴⁸ Mladić arrived and told the men that he needed 180 men to exchange for 180 Bosnian Serb prisoners being held in Tuzla.⁹⁴⁹ After approximately four hours,⁹⁵⁰ the men

⁹³⁶ [REDACTED – see Exh.P00060], [PW-023], T.17309.

⁹³⁷ [REDACTED – see Exh.P00060], [PW-023], T.17310.

⁹³⁸ AF490, AF493; [REDACTED – see Exh.P00060], [PW-023], T.17309; M.MALAGIĆ, T.10026-10027, T.10029, T.10036-10037.

⁹³⁹ [REDACTED – see Exh.P01461], BOERING, T.2010, T.2012; Exh.P01662, S.BIRČAKOVIĆ, T.10746.

⁹⁴⁰ Exh.P00950, KINGORI, T.19254-19255. [REDACTED – see Exh.P00060], [PW-023], T.17313, T.17316. See also [PW-007], T.537-539; Exh.P01527, Š.HAFIZOVIĆ, ERN:0096-8618.

⁹⁴¹ [REDACTED – see Exh.P00060], [PW-023], T.17310.

⁹⁴² [REDACTED – see Exh.P00060], [PW-023], T.17311.

⁹⁴³ [REDACTED – see Exh.P00060], [PW-023], T.17309-17310; M.MALAGIĆ, T.10036; Exh.D00322, ERN:R013-8856; Exh.D00323, ERN:0044-3348.

⁹⁴⁴ [REDACTED – see Exh.P00060], [PW-023], T.17311.

⁹⁴⁵ AF495; [REDACTED – see Exh.P00060], [PW-023], T.17312.

⁹⁴⁶ AF491; Exh.P02638, RUTTEN, T.2194-2195; Exh.P02629, RUTTEN, T.5263-5264; Exh.P01485, KOSTER, p.11; Exh.P00098, GROENEWEGEN, T.1026; [REDACTED – see Exh.P00060], [PW-023], T.17378; Exh.P00950, KINGORI, T.19254-19255; [REDACTED – see Exh.P00598], FRANKEN, T.2497. Mane told Van Duijn that the men were to be interrogated regarding war crimes, which Van Duijn considered a reasonable explanation. Exh.D00323, ERN:0044-3348; Exh.D00324, ERN:0306-2336.

⁹⁴⁷ AF494, AF496-498, AF501; Exh.P02629, RUTTEN, T.4853-4857, T.4893; Exh.P02638, RUTTEN, T.2134, T.2195; Exh.P02798, V000-9016, 00:09’24-00:10’56; [REDACTED – see Exh.P01461], BOERING, T.2012-2013; [REDACTED – see Exh.P00598], FRANKEN, T.2497; [REDACTED – see Exh.P00049] [PW-073], T.1179.

⁹⁴⁸ [REDACTED – see Exh.P00060], [PW-023], T.17312.

⁹⁴⁹ [REDACTED – see Exh.P00060], [PW-023], T.17312-17313; Exh.D00322, ERN:R013-8856; Exh.P01620, ĐURIĆ, T.10809.

⁹⁵⁰ [REDACTED – see Exh.P00060], [PW-023], T.17314.

were crammed onto two buses,⁹⁵¹ accompanied by an armed Bosnian Serb soldier,⁹⁵² and driven to Bratunac.⁹⁵³

VRS forces take control of movement of refugees to buses and separated men, 12 July

354. Mladić along with other VRS Main Staff officers, including Col. JANKOVIĆ, were in Potočari around the UN compound participating in the operation to remove the women, children and elderly and to separate and detain the men.⁹⁵⁴ JANKOVIĆ, who had arrived in Bratunac around 8 July and there shared an office with Momir NIKOLIĆ, told NIKOLIĆ that he was there on orders from the Main Staff to help in this huge and complex operation.⁹⁵⁵ TOLIMIR's subordinate intelligence and security officers at all levels of the VRS from the Main Staff down were deployed to oversee, co-ordinate and implement the forcible transfer operation.

355. After the Third Hotel Fontana Meeting, Momir NIKOLIĆ was instructed by Col. JANKOVIĆ to "help carry out the operation"⁹⁵⁶ to co-ordinate the transportation of the women and children, to separate the able-bodied Muslim men and to see to it that the "operation [was] carried out as it should be".⁹⁵⁷ Indeed, the evidence demonstrates that JANKOVIĆ played a key role in organising and conducting the separation of men from their families. MP Mile Janjić⁹⁵⁸ was told by Momir NIKOLIĆ on 12 July that Janjić was to report to Col. JANKOVIĆ.⁹⁵⁹ JANKOVIĆ ordered Janjić to count the number of civilians that were being transported out of Potočari, which he did, initially with the assistance of other MPs.⁹⁶⁰ MP Milisav Ilić performed the same task and both Ilić and Janjić reported their figures to JANKOVIĆ at the end of the day.⁹⁶¹

356. NIKOLIĆ confirmed that he co-ordinated, supervised and worked with members of the 10th Sabotage Detachment, 65th ZMTP MPs, DK MPs, the Zvornik Brigade's Drina Wolves, Bratunac Brigade MPs, the Bratunac Brigade's 2nd and 3rd Infantry Battalions and

⁹⁵¹ [REDACTED – see Exh.P00060], [PW-023], T.17313.

⁹⁵² [REDACTED – see Exh.P00060], [PW-023], T.17314.

⁹⁵³ AF509; [REDACTED – see Exh.P00060], [PW-023], T.17315.

⁹⁵⁴ AF511, AF506; M.NIKOLIĆ, T.12386, T.12389.

⁹⁵⁵ M.NIKOLIĆ, T.12365-12366. JANKOVIĆ reported to the "higher levels".

⁹⁵⁶ M.NIKOLIĆ, T.12383, T.12385-12386.

⁹⁵⁷ M.NIKOLIĆ, T.12379-12380; Exh.P02157, ERN:0608-8426.

⁹⁵⁸ Exh.P01096, JANJIĆ, T.9756.

⁹⁵⁹ Exh.P01096, JANJIĆ, T.9766.

⁹⁶⁰ Exh.P01096, JANJIĆ, T.9767-9768; JANJIĆ, T.8844-8845.

⁹⁶¹ JANJIĆ, T.8843-8844.

MUP forces, all of whom participated in the implementation of the operation to separate the men and remove the remaining refugees.⁹⁶²

357. DK officers were also present during this operation,⁹⁶³ among them Živanović and notably, POPOVIĆ and KOSORIĆ.⁹⁶⁴

The VRS systematically blocked and stripped DutchBat escorts of their equipment, 12 July

358. Although the first convoy was permitted to pass with the DutchBat escort and some men on board, by late afternoon on 12 July, Bosnian Serb forces systematically stopped, disarmed and hijacked their jeeps and turned back the DutchBat escorts.⁹⁶⁵ This co-ordinated effort took away DutchBat's "eyes and ears" so it would be "out of the way" and not be a witness.⁹⁶⁶

DutchBat soldiers in Potočari detained and stripped of equipment, 12 July

359. In addition, Serb forces held DutchBat soldiers in Potočari captive at gunpoint and forcibly seized their radios, flak vests, weapons and other equipment.⁹⁶⁷ Rutten, 10 peacekeepers under his command and a DutchBat doctor were held captive for a few hours that afternoon.⁹⁶⁸ After repeated protests by Rutten to "Capt. Mane" (RS MUP Special Police Brigade Jahorina Training Centre Company Commander Mendeljev Đurić)⁹⁶⁹ Capt. Mane sent Rutten back to the DutchBat compound under escort.⁹⁷⁰

360. During the night of 12 July, Koster was held at gunpoint.⁹⁷¹ Koster and the majority of the 30 men under his command had their weapons, flak vests and helmets seized at gunpoint.⁹⁷²

⁹⁶² AF472-473; M.NIKOLIĆ, T.12384-12385, T.12387, T.12395; Exh.P02157, ERN:0608-8426. *See also* AF514, AF515, AF520; Exh.D00322, ERN:R013-3855. AF520; [REDACTED – see Exh.P01598], [PW-052], [REDACTED], T.8587. *See also* M.NIKOLIĆ, T.12384; Exh.P01620, ĐURIĆ, T.10892 (identified himself as this "Mane"); Exh.D00323, ERN:0044-3346-0044-3347; Exh.P02238; Exh.P01335, pp.2-3.

⁹⁶³ AF512.

⁹⁶⁴ AF513; M.NIKOLIĆ, T.12389; Exh.P02799, p.61; Exh.P02638, RUTTEN, T.2152-2153; Exh.P02629, RUTTEN, T.4827-4825, T.5216-5218, T.5220-5223.

⁹⁶⁵ AF467-471; FRANKEN, T.3366-3367; [REDACTED – see Exh.P00598], FRANKEN, T.2494-2496; RUTTEN, T.17830; Exh.P02638, RUTTEN, T.2156.

⁹⁶⁶ [REDACTED – see Exh.P00598], FRANKEN, T.2494-2496; Exh.P02638, RUTTEN, T.2155-2156; Exh.P02629, RUTTEN, T.4904; EGBERS, T.7082-7084; Exh.P01142, EGBERS, T.2752-2753, T.2889.

⁹⁶⁷ Exh.P02629, RUTTEN, T.4810-4811, T.4921; Exh.P02635, ERN:0056-5014; Exh.P02638, RUTTEN, T.2121-2122; [REDACTED – see Exh.P01483], KOSTER, T.3051-3052.

⁹⁶⁸ Exh.P02638, RUTTEN, T.2122-2123.

⁹⁶⁹ Exh.P02638, RUTTEN, T.2123-2124.

⁹⁷⁰ Exh.P02638, RUTTEN, T.2123-2124.

⁹⁷¹ [REDACTED – see Exh.P01483], KOSTER, T.3052-3053.

⁹⁷² [REDACTED – see Exh.P01483], KOSTER, T.3052-3053; Exh.P01485, KOSTER, p.12.

Transportations ended for the day, 12 July

361. At the end of the day on 12 July, DutchBat formed a V-shaped funnel with four APCs to assist the passage of the refugees to the buses.⁹⁷³ Koster was told by the Bosnian Serbs to clear the road for transport moving from Srebrenica to Potočari.⁹⁷⁴

362. During the evening of 12 July, Franken began to assemble a list of Muslim men inside the UN compound, in an attempt to protect them by making their identities public.⁹⁷⁵ The list only contained 251 names.⁹⁷⁶ Many men refused to have their names recorded as they feared that the VRS would find the list. Muslim representatives were too intimidated by the Serb forces to continue gathering names.⁹⁷⁷ Mirsada Malagić's son, Elvir Malagić, who was on Franken's list,⁹⁷⁸ was last seen heading towards Potočari the day Srebrenica fell.⁹⁷⁹ [REDACTED].⁹⁸⁰

363. The mood was fearful at the compound that night, as "the people who were still there at that time were mainly people who did not want to get on to the bus and wanted to stay."⁹⁸¹ Indeed, Ibro Nuhanović, who attended the Third Hotel Fontana Meeting told Franken that he wanted DutchBat to stop the transportations out of fear for the fate of the men.⁹⁸² Some Muslims tried to injure themselves during the evening and one man hanged himself.⁹⁸³

Transportations on 13 July

364. On 13 July, **TOLIMIR** moved to the Žepa/Rogatica area. While there, **TOLIMIR** had access to communication facilities and was informed about the developing situation in

⁹⁷³ Exh.P01485, KOSTER, pp.12-13, 42-43; Exh.P02798, V000-9016, 00:06'48-00:06'52.

⁹⁷⁴ Exh.P01485, KOSTER, p.12; Exh.P01484, KOSTER, T.9041.

⁹⁷⁵ AF448-449; [REDACTED – see Exh.P00598], FRANKEN, T.2500, T.2615, T.2684.

⁹⁷⁶ AF450; [REDACTED – see Exh.P00598], FRANKEN, T.2502-2503, T.2683; Exh.P00600. This despite DutchBat estimates that there were upwards of 300 men inside the compound and 600-800 outside. [REDACTED – see Exh.P00598], FRANKEN, T.2489.

⁹⁷⁷ AF451; [REDACTED – see Exh.P00598], FRANKEN, T.2501-2503. One representative, Čamila Omanović, was so mistreated by the VRS that she had a complete breakdown and was evacuated from Potočari. FRANKEN, T.3368.

⁹⁷⁸ Exh.P00600, ERN:R013-5809.

⁹⁷⁹ M.MALAGIĆ, T.10022, T.10041.

⁹⁸⁰ [REDACTED].

⁹⁸¹ Exh.P00098, GROENEWEGEN, T.1028.

⁹⁸² [REDACTED – see Exh.P00598], FRANKEN, T.2503-2505. *See also* [REDACTED – see Exh.P00598], FRANKEN, T.2652-2653, T.2695-2696 (on 13 July, Franken saw Nuhanović, his wife and one of his sons leave the compound and escorted them to the bus. Ibro Nuhanović kissed Franken good-bye and the only information he has is that they are still missing), T.2694 (on the evening of 12 July, UNMO interpreter Hasan Nuhanović asked Franken to put his younger brother, an ABiH soldier, on the list of UN staff; however, because the list of UN staff had already been given to the VRS, Franken did not want to jeopardise those people already on the list by altering it).

⁹⁸³ [REDACTED – see Exh.P01483], KOSTER, T.3069-3070; Exh.P01487, ERN:0044-3317; Exh.D00324, ERN:0306-2342.

the Srebrenica area as Muslim men were being captured, detained and executed by Serb forces.⁹⁸⁴

365. Around 07:00 hours on 13 July, the buses arrived.⁹⁸⁵ The conditions at the factories were deplorable, with refugees forced to sit in their own excrement. With no food or water and many injured among them, the refugees could not and did not want to stay there any longer.⁹⁸⁶ Around 08:30 hours, Đurić and 50-60 of his men returned to continue the process of separating the men from the women and children and putting the women and children onto the buses.⁹⁸⁷ Đurić confirmed that he and his men returned to Potočari to do the same job as the day before.⁹⁸⁸

366. Throughout the day, JANKOVIĆ—who was operating in Potočari under **TOLIMIR**'s supervision and control—continued to manage MP Janjić and other MPs who were engaged in counting the number of Muslim civilians being transported.⁹⁸⁹ At the end of the day, JANKOVIĆ reported to **TOLIMIR**'s Main Staff Intelligence and Security Sector on his activities.⁹⁹⁰ JANKOVIĆ reported on the number of wounded transferred to the hospital in Bratunac and the UNPROFOR base. He reported that an UNPROFOR doctor stayed in the hospital in Bratunac to make sure the patients were treated properly and set out his plan to send the doctor away “under the pretext that his help is not necessary”.⁹⁹¹ JANKOVIĆ also reported that he would organise the removal of 54 wounded from the UNPROFOR base in Potočari the next day and that he would propose that they be transferred to Zvornik for medical treatment.⁹⁹² At the end of his report, JANKOVIĆ proposed:

I think that if we want to take over the enclaves of Žepa and Goražde in the same way, it will be necessary to present the operation in Srebrenica in the media, so as to show that we had rendered adequate treatment to the civilians, and even to soldiers who surrendered their weapons.⁹⁹³

⁹⁸⁴ ČARKIĆ, T.12721-12722; RAZDOLJAC, T.8246-8247; [REDACTED]; Exh.D00296, pp.17-21; ČARKIĆ, T.12872; RAZDOLJAC, T.8248; SAVČIĆ, T.15824; Exh.P00496, GOJKOVIĆ, T.10728-10729; SALAPURA, T.13615; ČARKIĆ, T.12725, [REDACTED] See also paras.534-549 for further details.

⁹⁸⁵ Exh.P01485, KOSTER, T.43; Exh.P01487, ERN:0044-3317.

⁹⁸⁶ RUTTEN, T.17856; Exh.D00324, ERN:0306-2339, 0306-2344.

⁹⁸⁷ Exh.P01620, ĐURIĆ, T.10870-10871; Exh.P01485, KOSTER, T.43; Exh.D00324, ERN:0306-2344. The only distinction was that on this second day, the separations took place further north in the area of the White House, closer to the UN compound.

⁹⁸⁸ Exh.P01620, ĐURIĆ, T.10816-10817, T.10871.

⁹⁸⁹ Exh.P01096, JANJIĆ, T.9769; JANJIĆ, T. 8850. [REDACTED].

⁹⁹⁰ Exh.P00626.

⁹⁹¹ Franken confirmed that JANKOVIĆ was involved in the evacuation of wounded from the UNPROFOR base and the deception of the UNPROFOR doctor. After 13 July, the UNPROFOR doctor who was at the hospital in Bratunac watching over the patients, was called away for lunch with the hospital staff. When he returned, the wounded were gone. FRANKEN, T.3358-3360.

⁹⁹² Franken was afraid of what would happen to the wounded and did not want JANKOVIĆ to have them: FRANKEN, T.3358-3360.

⁹⁹³ Exh.P00626.

This final proposal demonstrates the Main Staff's sensitivities to the public's perception of events surrounding the fall of Srebrenica.

DutchBat escorts still blocked and stripped of equipment, 13 July

367. In the morning of 13 July, Bosnian Serb soldiers blocked [REDACTED] [PW-003] in Bratunac as he tried to escort two buses filled with men who were being taken from the White House. The Bosnian Serb soldiers captured and detained him and another soldier and seized his car and equipment.⁹⁹⁴ The men on the buses were very quiet and looked scared.⁹⁹⁵ The buses had driven into Bratunac and stopped in front of a school building.⁹⁹⁶ Returning from Kladanj to Potočari, Egbers was stopped and forced from his vehicle at gunpoint by Bosnian Serb soldiers at Nova Kasaba. He joined 10-12 DutchBat soldiers there, who also had been forced to give up their vehicles, weapons and equipment.⁹⁹⁷ Late in the day, when Rutten attempted to escort the final convoy of civilians, his car was blocked at gunpoint by Bosnian Serb soldiers.⁹⁹⁸

368. Preventing DutchBat escorts of the separated men on 13 of July supported the VRS plan to execute these men and boys. That same day, firing squads executed 15 men at Jadar River,⁹⁹⁹ 10 men in Potočari,¹⁰⁰⁰ and over 1,000 men and boys at Kravica Warehouse.¹⁰⁰¹ By 13 July, the murder operation was fully underway.

The White House

369. Beginning on 12 July, Muslim men were taken by the VRS to unfinished houses and to a building known as the "White House", near the UNPROFOR compound.¹⁰⁰² The conditions in the White House were deplorable.¹⁰⁰³ Bosnian Serb soldiers guarded the building and threatened DutchBat officers at gunpoint to prevent them from investigating.¹⁰⁰⁴ The Muslim men were forced to leave their belongings, including identity documents, on the ground outside of the White House.¹⁰⁰⁵ After the men were forcibly transferred out of

⁹⁹⁴ Exh.P02638, RUTTEN, T.2130-2131; Exh.P01509, [PW-003], T.6091, T.6094-6096.

⁹⁹⁵ Exh.P01509, [PW-003], T.6090-6091.

⁹⁹⁶ Exh.P01509, [PW-003], T.6092-6093.

⁹⁹⁷ Exh.P01142, EGBERS, T.2757.

⁹⁹⁸ Exh.P02638, RUTTEN, T.2154-2155.

⁹⁹⁹ See paras.561-563.

¹⁰⁰⁰ See paras.381-382.

¹⁰⁰¹ See paras.567-577.

¹⁰⁰² AF495; Exh.P01142, EGBERS, T.2749-2752; [REDACTED – see Exh.P00598], FRANKEN, T.2496-2497; KINGORI, T.5502-5504; JANJIĆ, T.8846-8847.

¹⁰⁰³ KINGORI, T.5353-5354, T.5358; Exh.P00950, KINGORI, T.19291; Exh.P02798, V000-9016, 00:08'37-00:08'53, transcript p.75, 00:10'44-00:10'50.

¹⁰⁰⁴ AF500, AF503-504.

¹⁰⁰⁵ AF496-498, AF501; [REDACTED – see Exh.P00598], FRANKEN, T.2497; RUTTEN, T.17864; Exh.P02629, RUTTEN, T.4893; Exh.P02638, RUTTEN, T.2132-2134; Exh.P01497, [PW-002], T.1512-1513; KINGORI, T.5355-5356.

Potočari, their belongings, which formed a big mound outside of the White House,¹⁰⁰⁶ were set on fire and burned for almost two days.¹⁰⁰⁷ The confiscation and destruction of the identification papers shows that the Bosnian Serb forces were aware that the men being separated would be killed rather than interrogated as PoWs.¹⁰⁰⁸

370. The plan to kill the Muslim men is also evidenced by the beatings and arbitrary executions that the Bosnian Serb forces inflicted on the prisoners in the White House.¹⁰⁰⁹ The Bosnian Serb soldiers' actions demonstrate that they believed they could act with impunity, without fear of disciplinary sanction.

371. When Franken received reports that the prisoners were being mistreated on 12 July,¹⁰¹⁰ he sent UNMOs to monitor the situation.¹⁰¹¹ Later that afternoon, Franken received reports that the treatment of the prisoners in the White House was deteriorating. Bosnian Serb soldiers eventually blocked his patrols from entering the White House.¹⁰¹² Janjić witnessed JANKOVIĆ falsely telling men detained at the White House that they would be reunited with the women and children.¹⁰¹³ Franken complained to JANKOVIĆ about, among other things, the treatment of the men at the White House and the robbing of his escort teams, but his complaints had no effect.¹⁰¹⁴

372. Some of the terrified prisoners from the White House,¹⁰¹⁵ forced to leave their belongings behind,¹⁰¹⁶ were driven off in buses in the direction of Bratunac.¹⁰¹⁷ The VRS prevented DutchBat escorts from following the buses.¹⁰¹⁸

¹⁰⁰⁶ [REDACTED – see Exh.P01461], BOERING, T.2012-2013; Exh.P02629, RUTTEN, T.4856-4857; P02638, RUTTEN, T.2132; Exh.P01497, [PW-002], T.1541-1542; Exh.P02798, V000-9016, 00:10'35-00:10'43.

¹⁰⁰⁷ AF499, AF510; RUTTEN, T.17814; Exh.P02629, RUTTEN, T.5263; Exh.P02638, RUTTEN, T.2136; [REDACTED – see Exh.P00598], FRANKEN, T.2512-2513; Exh.P01497, [PW-002], T.1542; Exh.P00599; Exh.P02642.

¹⁰⁰⁸ KINGORI, T.5355-5356; RUTTEN, T.17872-17873.

¹⁰⁰⁹ Exh.P01142, EGBERS, T.2749-2752; AF559-560; [REDACTED – see Exh. P01461], BOERING, T.2012-2016; FRANKEN, T.3359-3360; [REDACTED – see Exh.P00598], FRANKEN, T.2505-2506; Exh.P01509, [PW-003], T.6087; M.MALAGIĆ, T.10036-10037.

¹⁰¹⁰ [REDACTED – see Exh.P00598], FRANKEN, T.2499.

¹⁰¹¹ FRANKEN, T.3366; [REDACTED – see Exh.P00598], FRANKEN, T.2497-2498; [REDACTED – see Exh.P01461], BOERING, T.2019.

¹⁰¹² AF503; [REDACTED – see Exh.P00598], FRANKEN, T.2499-2500.

¹⁰¹³ JANJIĆ, T. 8847-8848.

¹⁰¹⁴ FRANKEN, T.3366-3367; [REDACTED – see Exh.P00598], FRANKEN, T.2499. At the time, JANKOVIĆ identified himself to Franken as an officer from Pale, which Franken understood to mean that he was an officer of the Main Staff. FRANKEN, T.3356. *See also* JANJIĆ, T.8847; AF505.

¹⁰¹⁵ AF502.

¹⁰¹⁶ Exh.P00950, KINGORI, T.19256-19257.

¹⁰¹⁷ AF508; M.NIKOLIĆ, T.12386.

¹⁰¹⁸ [REDACTED – see Exh.P00598], FRANKEN, T.2497-2498.

White House, the morning of 13 July

373. After several attempts to enter the White House, Rutten and another DutchBat soldier managed to enter the White House on the morning of 13 July by handing out some water to the Bosnian Serb soldiers.¹⁰¹⁹ Inside, Rutten saw a prisoner handcuffed to a staircase by one arm, hanging with his feet dangling off the floor.¹⁰²⁰ Upstairs, Rutten saw two rooms filled with men and boys, whom he photographed.¹⁰²¹ Egbers saw terrified men, signalling their fear that the Bosnian Serbs would kill them.¹⁰²² Rutten concluded this was “no normal interrogation” and that they would not need their IDs and belongings.¹⁰²³ Rutten had a gun shoved in his face and then in his mouth when he tried to enter what sounded like an interrogation room.¹⁰²⁴ Rutten described his experience in the White House thus:

As we were to the place that I told you before, near the staircase, you could see the total fear, and I never thought that it really existed, but you could even smell death there because it was total fear, when you saw on the faces of the men and the young boys.¹⁰²⁵

White House, the afternoon of 13 July

374. Kingori complained to van Duijn and Borovčanin about the conditions at the White House on the afternoon of 13 July.¹⁰²⁶ Van Duijn then went to the White House and saw passports and personal possessions piled outside.¹⁰²⁷ He asked “Mane” (Mendeljev Đurić) about Mane’s earlier explanation that the men were being separated to identify potential war criminals, pointing out that the men would need their passports to prove their identity.¹⁰²⁸ Mane told Van Duijn that they would not be needing them anymore, an indication that the plan was to kill rather than screen the men in the White House.¹⁰²⁹

375. Waiting to escort the last convoy of buses in the afternoon of 13 July, Rutten¹⁰³⁰ saw Bosnian Serb soldiers robbing the Muslim men at the White House, at gunpoint.¹⁰³¹ Rutten asked the UNMOs to try to contact the Bosnian Serbs to do something about the “almost

¹⁰¹⁹ Exh.P02638, RUTTEN, T.2132-2133.

¹⁰²⁰ Exh.P02629, RUTTEN, T.4859; Exh.P02638, RUTTEN, T.2133-2134.

¹⁰²¹ RUTTEN, T.17864, T.17874. *See also* KINGORI, T.5508; EGBERS, T.7083.

¹⁰²² EGBERS, T.7082-7083; Exh.P01142, EGBERS, T.2750-2752, T.2887.

¹⁰²³ RUTTEN, T.17864, T.17872-17873. Exh.P02638, RUTTEN, T.2135.

¹⁰²⁴ Exh.P02638, RUTTEN, T.2134, T.2192.

¹⁰²⁵ Exh.P02638, RUTTEN, T.2150.

¹⁰²⁶ KINGORI, T.5353-5354; Exh.P00950, KINGORI, T.19291; Exh.P02798, V000-9016, 00:08’37-00:08’53, transcript p.75.

¹⁰²⁷ Exh.D00324, ERN:0306-2347-0306-2349; Exh.D00323, ERN:0044-3349.

¹⁰²⁸ Exh.D00324, ERN:0306-2348-0306-2349.

¹⁰²⁹ Exh.D00324, ERN:0306-2348-0306-2349; Exh.D00323, ERN:0044-3349-0044-3350.

¹⁰³⁰ Exh.P02638, RUTTEN, T.2149.

¹⁰³¹ Exh.P02638, RUTTEN, T.2149.

inhumane situation” at the White House.¹⁰³² Bosnian Serb soldiers prevented DutchBat soldiers from entering the White House.¹⁰³³

Transportations end, 13 July

376. By about 18:00 hours on 13 July, the VRS had completed the transportation of Bosnian Muslims from Potočari.¹⁰³⁴ The men who had stayed alive in the compound were finally separated once they left it, and are either still missing, such as Mirsada Malagić’s son, Elvir Malagić,¹⁰³⁵ [REDACTED].¹⁰³⁶ Of the men on Franken’s list, [REDACTED].¹⁰³⁷ As the last refugees were transported out of the enclave, the VRS permitted a UNHCR convoy to enter Potočari.¹⁰³⁸

377. After taking over the enclave and removing its Muslim population,¹⁰³⁹ the VRS destroyed the mosques in Srebrenica.¹⁰⁴⁰ This cultural and religious destruction shows the intent to permanently remove the Muslim population. As Živanović said on 12 July:

On my way to Srebrenica I saw the most Turkish mosque you can imagine [...] I was asked this morning, “General, has this famous mosque been finished?” I told them “I think that they finished it this morning”. [...] Let me tell you with yesterday’s dusk any organized Muslim life to the left of Jadar ceased existing”.¹⁰⁴¹

(vii) “Opportunistic” killings in Potočari, Bratunac and Kravica

378. On 12-13 July, approximately 1,000 Muslim men were separated and detained in Potočari and thousands more were captured from the column of men fleeing from Srebrenica.¹⁰⁴² At least nine Muslim men were murdered in Potočari. Thousands of other men were transported to locations in and around Bratunac where, between 12 July and the morning of 14 July, they were held in appalling conditions in schools, buildings and vehicles.¹⁰⁴³ The buildings and vehicles were secured by VRS forces, including Bratunac Brigade MPs, who received their assignment from Momir NIKOLIĆ.¹⁰⁴⁴ More than 100

¹⁰³² Exh.P02629, RUTTEN, T.4863, T.4865, T.4974-4975; Exh.P02638, RUTTEN, T.2150.

¹⁰³³ Exh.P02629, RUTTEN, T.4863.

¹⁰³⁴ Exh.P01485, KOSTER, p.13; Exh.P01497, [PW-002], T.1541; Exh.P00978; Exh.P00950, KINGORI, T.19276-19277; [REDACTED – see Exh.P00598], FRANKEN, T.2504. *See also* AF478.

¹⁰³⁵ *See* para.362.

¹⁰³⁶ [REDACTED].

¹⁰³⁷ *See* para.362; [REDACTED].

¹⁰³⁸ Exh.P00950, KINGORI, T.19277; Exh.P01620, ĐURIC, T.10816, T.10871, T.10895, T.10902.

¹⁰³⁹ AF480-481.

¹⁰⁴⁰ Exh.P00094, pp.268-269; Exh.P01346, 00:37’30 and 00:41’16”-00:41’52” (video footage of Srebrenica mosque with date stamp of 14 July 1995); Exh.P00092; RUEZ, T.1055-1056; R.ŠKRBIĆ, T.19169-19170. *See also* [REDACTED – see Exh.P00598], FRANKEN, T.2665-2666; Exh.P00094, p.272 (intact Orthodox church); RUEZ, T.1057.

¹⁰⁴¹ Exh.P02798, transcript p.60, V000-9035, 00:39’57-00:41’47.

¹⁰⁴² AF564; JANJIĆ, T.8849; Exh.P01094, JANJIĆ, T.17944-17945; M.NIKOLIĆ, T.12397-12398.

¹⁰⁴³ AF545, AF565-568; Exh.P01044.

¹⁰⁴⁴ AF570; [REDACTED]; M.NIKOLIĆ, T.12637.

were killed in an opportunistic manner by the Bosnian Serb forces.¹⁰⁴⁵ These opportunistic killings were the natural and foreseeable consequence of the forcible removal JCE.

Potočari

379. There were reports of numerous opportunistic killings of Bosnian Muslims in Potočari on 12-13 July. Major Boering testified that on 12 July, one of Mladić's bodyguards led a group of Serb soldiers behind a house and said to Boering, "Look, Major, what I'm going to do."¹⁰⁴⁶ Boering then heard shooting behind the building and assumed that the Muslim men had been executed, though he could not determine the direction of fire.¹⁰⁴⁷

380. On 13 July, Kingori received a report from DutchBat soldiers that Muslim men were being taken behind a building and were never seen again after gunshots were heard. Bosnian Serb soldiers refused Kingori access to the building. Kingori later saw a Muslim man being taken behind the house and heard a shot, but was prevented at gunpoint from investigating further. The building was located somewhere between the UN compound and the factory where the refugees were gathered.¹⁰⁴⁸

Nine Executed Men near Budak

381. On 13 July, Rutten, Koster and van Schaik found the bodies of nine men¹⁰⁴⁹ near a small stream behind the White House.¹⁰⁵⁰ The bodies had small-calibre sized entry wounds; blood was still running and there were no flies,¹⁰⁵¹ indicating that the men had been killed very recently. All the bodies were dressed in civilian clothes.¹⁰⁵² It appeared that the men had been lined up and shot in the back at heart height, at that location, and had never been moved.¹⁰⁵³ Rutten told van Schaik to pick up the IDs and also took a photo of Koster in front of the bodies.¹⁰⁵⁴ Hearing gunfire nearby, they left the scene fearing for their own safety and van Schaik dropped the IDs.¹⁰⁵⁵ Rutten and Koster reported to Karremans and Franken

¹⁰⁴⁵ AF569; AF562.

¹⁰⁴⁶ [REDACTED – see Exh.P01461], BOERING, T.2015-2016.

¹⁰⁴⁷ [REDACTED – see Exh.P01461], BOERING, T.2012-2018, T.2208.

¹⁰⁴⁸ Exh.P00950, KINGORI, T.19267-19268.

¹⁰⁴⁹ AF561; [REDACTED – see Exh.P01483], KOSTER, T.3027-3029; [REDACTED – see Exh.P01493], [PW-002], T.3147, T.3158-3159; Exh.P02629, RUTTEN, T.4811, T.4907; Exh.P02638, RUTTEN, T.2140.

¹⁰⁵⁰ AF562; Exh.P02629, RUTTEN, T.4965; Exh.P02638, RUTTEN, T.2138-2140; Exh.P0263, RUTTEN, T.2140; Exh.P02649; Exh.P02629, RUTTEN, T.2815-2817. [REDACTED – see Exh.P01493], [PW-002], T.3147-3148, T.3157-3159, T.3164-3165, T.3169-3170; Exh.P01499; Exh.P01497, [PW-002], T.1531-1533.

¹⁰⁵¹ RUTTEN, T.17840; Exh.P02629, RUTTEN, T.4878, T.4907-4908, T.5257; Exh.P02638, RUTTEN, T.2140; [REDACTED – see Exh.P01483], KOSTER, T.3115.

¹⁰⁵² Exh.P02629, RUTTEN, T.5256, Exh.P02638, RUTTEN, T.2140.

¹⁰⁵³ AF561; [REDACTED – see Exh.P01483], KOSTER, T.3027-3028, Exh.P01486 and Exh.P01490; Exh.P02629, RUTTEN, T.4812. Exh.P02638, RUTTEN, T.2140, T.2143; [REDACTED – see Exh.P01493], [PW-002], T.3147.

¹⁰⁵⁴ Exh.P02638, RUTTEN, T.2140; [REDACTED – see Exh.P01483], KOSTER, T.3032-3033, T.3082.

¹⁰⁵⁵ Exh.P02629, RUTTEN, T.4878, T.4917; [REDACTED – see Exh.P01483], KOSTER, T.3032-3033.

respectively, and Rutten told Karramans he had taken photographs.¹⁰⁵⁶ In 2006-2007, 11 bodies were exhumed from this area.¹⁰⁵⁷

Summary Execution near Bus Compound

382. In the afternoon of 13 July, Groenewegen witnessed the execution of an unnamed Muslim man dressed in civilian clothes.¹⁰⁵⁸ The executioners wore camouflage uniforms.¹⁰⁵⁹ A group of four Bosnian Serb soldiers took this Muslim man from the crowd, walked him to a house, placed him with his face to the wall and shot him in the head.¹⁰⁶⁰ The man collapsed and the Bosnian Serb soldiers walked away.¹⁰⁶¹

12 - 13 July: the “Hangar” in Bratunac

383. [PW-023] was separated from his family in Potočari on 12 July and transported to Bratunac,¹⁰⁶² where he was held with other Muslim men in an abandoned warehouse behind Vuk Karadžić School¹⁰⁶³ (the “Hangar”).¹⁰⁶⁴ 10-15 Bosnian Serb soldiers guarded the Hangar as vehicles continued to bring Muslim men there until it was full.¹⁰⁶⁵ At least 400 Muslim men were detained in the Hangar,¹⁰⁶⁶ all of whom were elderly and/or infirm.¹⁰⁶⁷ The conditions were suffocating; the men were not given any food or water that night.¹⁰⁶⁸ At times, the Bosnian Serb soldiers fired shots over the heads of the men to keep them quiet.¹⁰⁶⁹

384. During the night, Bosnian Serb soldiers entered the Hangar and called out for men from Glogova and other villages around Bratunac.¹⁰⁷⁰ Those who responded were told to leave their things behind and were taken outside, beaten and killed. [REDACTED].¹⁰⁷¹

385. Other men were badly beaten and left inside the Hangar without medical attention. By the morning, at least five of those beaten men had died. Some Muslim men who were

¹⁰⁵⁶ Exh.P02638, RUTTEN, T.2141; [REDACTED – see Exh.P00598], FRANKEN, T.2505-2509; Exh.P00616; Exh.P02629, RUTTEN, T.4815; Exh.P02649; Exh.P02629, RUTTEN, T.4878-4879, T.4965-4966.

¹⁰⁵⁷ JANC, T.1816-1818; Exh.P00170, ERN:X019-5975, ERN:X019-6004; [REDACTED]; Exh.P00200, P00201, P00202; [REDACTED]. See in particular Exh.P00201, ERN:X018-9793 stating that the bodies were unearthed from a grave in a field in Potočari.

¹⁰⁵⁸ AF563; Exh.P00098, GROENEWEGEN, T.1033-1036; Exh.P00099; GROENEWEGEN, T.1174.

¹⁰⁵⁹ GROENEWEGEN, T.1173; Exh.P00098, GROENEWEGEN, T.1035.

¹⁰⁶⁰ Exh.P00098, GROENEWEGEN, T.1033-1035.

¹⁰⁶¹ Exh.P00098, GROENEWEGEN, T.1035.

¹⁰⁶² [REDACTED – see Exh.P00060], [PW-023], T.17312-17315.

¹⁰⁶³ [PW-023], T.751; [REDACTED – see Exh.P00060], [PW-023], T.17315-17318.

¹⁰⁶⁴ Exh.P01044.

¹⁰⁶⁵ [REDACTED – see Exh.P00060], [PW-023], T.17315-17316.

¹⁰⁶⁶ [REDACTED – see Exh.P00060], [PW-023], T.17316.

¹⁰⁶⁷ [REDACTED – see Exh.P00060], [PW-023], T.17316.

¹⁰⁶⁸ [REDACTED – see Exh.P00060], [PW-023] T.17319.

¹⁰⁶⁹ [REDACTED – see Exh.P00060], [PW-023], T.17319.

¹⁰⁷⁰ [REDACTED – see Exh.P00060], [PW-023], T.17319.

¹⁰⁷¹ [REDACTED – see Exh.P00060], [PW-023], T.17320-17321; [PW-023], T.748; [REDACTED].

permitted to take these five bodies outside reported seeing a “pile of dead” behind the Hangar.¹⁰⁷²

386. The next morning, a soldier in a camouflage uniform ordered the Muslim men to turn over their IDs, watches, wallets and money. Trucks arrived and ten Muslim men were selected to go outside and perform an unspecified task. They never returned.¹⁰⁷³

387. Later that afternoon, more trucks arrived, and another ten Muslim men were chosen to go outside and perform an unspecified task. They also did not return.¹⁰⁷⁴ Altogether, around 40 men were killed in and around the Hangar.¹⁰⁷⁵

388. Civilian authorities, including the Bratunac Municipality Executive Board President, were involved in the “asanacija” operation,¹⁰⁷⁶ *i.e.*, the burial of bodies.¹⁰⁷⁷ [PW-064] received orders from BEARA to carry out “asanacija” around the Hangar.¹⁰⁷⁸ [PW-064] saw five to six bodies around the main school¹⁰⁷⁹ on the morning of 14 July.¹⁰⁸⁰ A driver told [PW-064] that “far more” bodies had been disposed of.¹⁰⁸¹ [PW-064] recalled one or two truck loads, or 500-600 bodies were taken from there for burial at Glogova.¹⁰⁸²

13 July: the “Old School”

389. [PW-073] was detained at the “Old School” in Bratunac.¹⁰⁸³ He and the other Muslim prisoners with him were forced to leave their bags in front of the School,¹⁰⁸⁴ and then forced into a room containing 150-200 people.¹⁰⁸⁵ Many Bosnian Serb soldiers in camouflage uniforms surrounded the School.¹⁰⁸⁶ Bosnian Serb soldiers were seen hitting

¹⁰⁷² AF573; [REDACTED – see Exh.P00060], [PW-023], T.17321-17322.

¹⁰⁷³ [REDACTED – see Exh.P00060], [PW-023], T.17322, T.17326.

¹⁰⁷⁴ [REDACTED – see Exh.P00060], [PW-023], T.17322-17324.

¹⁰⁷⁵ [REDACTED – see Exh.P00060], [PW-023], T.17324.

¹⁰⁷⁶ [PW-064], T.13430-13435.

¹⁰⁷⁷ BUTLER, T.16800; LAWRENCE, T.7409 (meaning of “asanacija” explained by **TOLIMIR**).

¹⁰⁷⁸ M.NIKOLIĆ, T.12427-12432.

¹⁰⁷⁹ [PW-064], T.13435, T.13438; Exh.P01045; Exh.P01044; [REDACTED – see Exh.P01031], [PW-064], T.9390.

¹⁰⁸⁰ [REDACTED – see Exh.P01031], [PW-064], T.9544.

¹⁰⁸¹ [PW-064], T.13438; [REDACTED – see Exh.P01031], [PW-064], T.9389-9391.

¹⁰⁸² Exh.P00644, p.7; [PW-064], T.13438; [REDACTED – see Exh.P01031], [PW-064], T.9372.

¹⁰⁸³ [PW-073], T.622-624; Exh.P00050; [REDACTED – see Exh.P00049], [PW-073], T.1259-1260 [PW-073] indicated that he was later told that he had been detained in Vuk Karadžić School. However, [PW-073] identified the “Old School” on an aerial of Bratunac as the place he was detained). See [PW-073], T.621-622; Exh.P00050.

¹⁰⁸⁴ [PW-073], T.622; [REDACTED – see Exh.P00049], [PW-073], T.1179-1180, T.1259.

¹⁰⁸⁵ [REDACTED – see Exh.P00049], [PW-073], T.1222.

¹⁰⁸⁶ [REDACTED – see Exh.P00049], [PW-073], T.1181.

some of the men as they were escorted to the toilets,¹⁰⁸⁷ after which the prisoners urinated in the rooms in which they were held.¹⁰⁸⁸

390. [PW-073] heard screams and machine-gun fire outside after Bosnian Serb soldiers in camouflage uniforms took six or seven men from the room in which he was being held.¹⁰⁸⁹ [REDACTED].¹⁰⁹⁰ [PW-073] also saw a policeman in a blue uniform severely beat another detainee.¹⁰⁹¹ After an hour, that man was called outside and never returned.¹⁰⁹²

13 July: buses parked outside Vuk Karadžić School

391. Mevludin Orić was detained in a bus parked outside Vuk Karadžić School. When the bus arrived in Bratunac, the three MPs who had accompanied the bus told the Muslim prisoners that there was no room in the School and that they would spend the night on the bus.¹⁰⁹³

392. The prisoners were told by the Bosnian Serb soldiers that they could not go to sleep. One of the prisoners, who was mentally ill, fell asleep and was hit by an MP. The man hit the MP back. Two MPs then dragged this man off the bus in the direction of the School and then shots were heard.¹⁰⁹⁴

393. Another prisoner held on the bus was kicked and beaten with an automatic rifle.¹⁰⁹⁵ This prisoner was removed from the bus by one of the MPs.¹⁰⁹⁶ Also during the night, a Bosnian Serb named “Ilija from Spat,” entered Orić’s bus and asked if there was anyone on the bus with a particular surname.¹⁰⁹⁷ A man who got up and went with “Ilija” never returned.¹⁰⁹⁸ Orić also saw “Ilija” and two other men remove other people from the bus behind him, and from a nearby courtyard, and take them to Vuk Karadžić School.¹⁰⁹⁹ Once a prisoner was taken inside the School, screaming and bursts of fire could be heard.¹¹⁰⁰ These men never returned.¹¹⁰¹ [REDACTED].¹¹⁰²

¹⁰⁸⁷ [REDACTED – see Exh.P00049], [PW-073], T.1188-1189.

¹⁰⁸⁸ [REDACTED – see Exh.P00049], [PW-073], T.1188-1189.

¹⁰⁸⁹ [PW-073], T.624; [REDACTED – see Exh.P00049], [PW-073], [REDACTED], T.1223.

¹⁰⁹⁰ [REDACTED – see Exh.P00049], [PW-073], [REDACTED].

¹⁰⁹¹ [PW-073], T.624; [REDACTED – see Exh.P00049], [PW-073], T.1180-1181.

¹⁰⁹² [PW-073], T.624; [REDACTED – see Exh.P00049], [PW-073], T.1180-1181.

¹⁰⁹³ [REDACTED – see Exh.P00069], ORIĆ, T.908.

¹⁰⁹⁴ ORIĆ, T.789; [REDACTED – see Exh.P00069], ORIĆ, T.911-914, T.1071-1073. *See also* Exh.P00071.

¹⁰⁹⁵ [REDACTED – see Exh.P00069], ORIĆ, T.914.

¹⁰⁹⁶ [REDACTED – see Exh.P00069], ORIĆ, T.914.

¹⁰⁹⁷ [REDACTED – see Exh.P00069], ORIĆ, T.915.

¹⁰⁹⁸ [REDACTED – see Exh.P00069], ORIĆ, T.915.

¹⁰⁹⁹ [REDACTED – see Exh.P00069], ORIĆ, T.916.

¹¹⁰⁰ [REDACTED – see Exh.P00069], ORIĆ, T.919.

¹¹⁰¹ AF571; [REDACTED – see Exh.P00069], ORIĆ, T.916-917.

¹¹⁰² AF575; [REDACTED]; Exh.P01740.

13 July: trucks parked outside Vihor's garages

394. [PW-007] was detained on a truck parked near "Vihor's garages."¹¹⁰³ Bosnian Serb soldiers came and asked whether there were any Muslims from particular villages.¹¹⁰⁴ Those who responded were taken out of the truck to Vihor's garages, some 50m away. [PW-007] could hear thuds, screaming and bursts of rifle fire.¹¹⁰⁵ This lasted all night.¹¹⁰⁶

13 July: trucks parked near the Kravica Supermarket

395. [PW-015], was detained on a truck parked outside the Kravica Supermarket.¹¹⁰⁷ There were 119 people on this truck; seated on each others laps and on the floor.¹¹⁰⁸ The conditions on the truck were inhumane.¹¹⁰⁹

396. During the night, the Bosnian Serb soldiers who were guarding the trucks hit the prisoners with rifle butts.¹¹¹⁰ The Bosnian Serb soldiers then asked if any of them were from Srebrenica, Glogova and other villages.¹¹¹¹ Any prisoner who responded affirmatively was taken outside.¹¹¹² Five prisoners were taken off [PW-015] truck and did not return.¹¹¹³ Throughout the night, the prisoners heard bursts of gunfire from around the trucks as well as screams, moans and cries for help.¹¹¹⁴

(viii) The forcible removal of the Žepa population

Summary of TOLIMIR's involvement in the VRS's operation to remove the Muslim population from the Žepa enclave

397. Following the success of the ethnic cleansing of the Muslim civilian population of Srebrenica, **TOLIMIR** was deployed to the Rogatica/Žepa area from 13-29 July to provide VRS Main Staff direction and advice to the VRS operation to take over the Žepa enclave and remove its Muslim population. During this period, **TOLIMIR** worked actively to achieve this goal. He and others pressured and coerced the Muslims directly during a series of meetings with the Žepa leadership. At the same time, the VRS attacked the civilian population and the UNPROFOR troops in Žepa, leaving the Muslims with the false options

¹¹⁰³ [PW-007], T.528

¹¹⁰⁴ [PW-007], T.528-529.

¹¹⁰⁵ [PW-007], T.530.

¹¹⁰⁶ [PW-007], T.530.

¹¹⁰⁷ [REDACTED – see Exh.P00110], [PW-015], T.2956.

¹¹⁰⁸ AF545; [REDACTED – see Exh.P00110], [PW-015], T.2956.

¹¹⁰⁹ [REDACTED – see Exh.P00110], [PW-015], T.2959, T.2961. *See also* [PW-008] similar evidence - he was detained on a truck in an unspecified part of Bratunac with 100-200 others: Exh.P01450, [PW-008], T.1398-1399.

¹¹¹⁰ [REDACTED – see Exh.P00110], [PW-015], T.2957.

¹¹¹¹ [REDACTED – see Exh.P00110], [PW-015], T.2957.

¹¹¹² [REDACTED – see Exh.P00110], [PW-015], T.2957.

¹¹¹³ [REDACTED – see Exh.P00110], [PW-015], T.2957.

¹¹¹⁴ [REDACTED – see Exh.P00110], [PW-015], T.2957.

of continued military attack or forced evacuation. Despite the VRS's shelling of the civilian population, the Muslims in Žepa held out longer than expected. In response, **TOLIMIR** on 21 July proposed to the VRS leadership to deploy even more extreme means to force the Žepa leaders to capitulate, including tear gas, aerosol bombs and the shelling of fleeing groups of refugees.¹¹¹⁵ By 24 July, the Muslim civilians and their representative were left with no choice but to leave Žepa. During the following days, **TOLIMIR** personally directed and oversaw the forcible removal of the population and the capture of key members of the Žepa leadership, who would later be executed.

Reliability of written reports concerning the events in Žepa

398. The Trial Chamber has heard the evidence of numerous witnesses concerning the Žepa events and has also admitted a large number of reports on those events including, among other things, VRS, ABiH and UNPROFOR reports. Viewed together, this evidence provides a detailed account of the conditions in Žepa, the VRS's intentions during the attack and the consequences for the population of Žepa. As regards the UNPROFOR reports in particular, while some of these documents were written by individuals who testified before the Trial Chamber,¹¹¹⁶ others are reports from UNPROFOR HQ in Sarajevo, including from David Harland. Edward Joseph and Louis Fortin both testified that Harland's reports were accurate contemporaneous recollections of communications received from UNPROFOR civil affairs officers deployed on the ground.¹¹¹⁷ As such, these reports provide solid evidence of events taking place in Žepa, as well as relevant events taking place elsewhere in BiH (such as the negotiations at Sarajevo airport concerning prisoner exchange issues).

Background

399. Throughout the war, the Žepa enclave was entirely populated by Muslims.¹¹¹⁸ Muslim refugees arrived from nearby areas that had been ethnically cleansed.¹¹¹⁹ The population of the enclave stood at approximately 6,500-10,000 in 1995, though numbers

¹¹¹⁵ Chemical rifle grenades were sent to the 65th ZMTP's IKM shortly after **TOLIMIR**'s proposal: Exh.P02155. However, there is no evidence of their actual use. While it is clear civilians were targeted by the VRS during the time frame of the Žepa attack, it is not clear whether any of those attacks were prompted by **TOLIMIR**'s proposal to destroy fleeing groups of refugees.

¹¹¹⁶ E.g. Exh.P00581 (Fortin); Exh.P01961 (Joseph); Exh.P01979 (Sayer); SAYER, T.10972-10974.

¹¹¹⁷ JOSEPH, T.10532-10536; Exh.P01949, JOSEPH, T.14164-14165, T.14217; FORTIN, T.3294; [REDACTED – see Exh.P00587], FORTIN, T.18271.

¹¹¹⁸ TORLAK, T.4307 (except for one woman), T.4461; Exh.D00162, p.1.

¹¹¹⁹ DZEBO, T.14790; DUMANJIĆ, T.17927-17929; Exh.D00162, p.1.

fluctuated as people from Srebrenica made their way to Žepa in search of food.¹¹²⁰ Žepa was declared a Safe Area by Security Council Resolution 824 on 6 May 1993.¹¹²¹

The plan to eliminate the Žepa “safe area” and the start of the attack

400. The objectives of the *Krivaja-95* plan¹¹²² to “split apart the enclaves of Žepa and Srebrenica, and to reduce them to their urban areas”, and “to create conditions for the elimination of the enclaves”¹¹²³ reflected the longstanding VRS view that the fates of Srebrenica and Žepa were linked. The use of military force by the VRS against Srebrenica and Žepa had the desired affect, causing Muslims to flee into the urban areas and creating a humanitarian disaster of such proportions that the Muslims were left with no choice but to seek the protection of the UN forces. When the UN was unable to provide such protection or shelter, the Muslims were removed *en masse* by the VRS as anticipated by Directive 7 and *Krivaja-95*.

401. The VRS began firing on Žepa at around the same time it began its attack on Srebrenica, aiming artillery, mortar and heavy machine gun fire on the enclave’s population centres throughout the week of 9 July. In particular, VRS targets included the town of Žepa, the villages of Ribici and Pripecki and Ukrainian peacekeeper positions around the enclave.¹¹²⁴ On 9 July, Col. Avdo Palić, Žepa’s military commander, reported that civilians had been wounded by VRS mortar fire, two of whom were children, and that “over 30 houses have been destroyed” in the surrounding villages.¹¹²⁵

The deployment of troops towards Žepa and TOLIMIR’s deployment

402. On 10 July, following the success of the VRS’s attack on Srebrenica, Mladić gave an order to the DK Command to “plan and launch an offensive in the 1st Plpbr area of responsibility, around the Žepa enclave”.¹¹²⁶ On 13 July, Krstić drafted the Žepa attack plan and VRS units who had been engaged in the Srebrenica operation were re-deployed towards Žepa.¹¹²⁷ In accordance with VRS practice,¹¹²⁸ Mladić sent **TOLIMIR** to the Žepa combat

¹¹²⁰ TORLAK, T.4254, T.4260, T.4263-4265, T.4271; Exh.P00580, pp.2-3; Exh.P00582, p.3; Exh.D00534, p.4; Exh.P02212, p.13.

¹¹²¹ Exh.P02135.

¹¹²² See paras.256-260.

¹¹²³ Exh.P01202, ERNs:0088-3595, ERN:0084-7290 (BCS).

¹¹²⁴ Exh.P00580, p.2. The VRS had already directly targeted most of the Žepa UN OPs with mortar fire on 27 and 30 June. The local VRS commander told the Ukrainian commander that “the attacks would continue until UNPROFOR agreed to leave the pocket altogether”: Exh.P00583, pp.1, 4; JOSEPH, T.10771-10776. See also Exh.P00580, p.3; [REDACTED – see Exh.P00587], FORTIN, [REDACTED], T.18271-18274; [REDACTED]; TORLAK, T.4286, T.4666-4669; DZEBO, T.14794.

¹¹²⁵ Exh.P02103.

¹¹²⁶ Exh.P02517, p.5.

¹¹²⁷ Exh.P01197, TRIVIĆ, T.11841-11842, T.11862; Exh.D00055, p.14; Exh.P00145, p.2.

¹¹²⁸ See paras.145-153.

area, who would be “giving weight to and steering” the operation.¹¹²⁹ **TOLIMIR** arrived in the Rogatica/Žepa area in the early morning of 13 July.¹¹³⁰ Meanwhile, **TOLIMIR**’s key subordinates, **BEARA**, **SALAPURA** and **JANKOVIĆ**, remained in and around Bratunac implementing Mladić’s order to murder the able-bodied men of Srebrenica.

403. **TOLIMIR** spent most of the next two weeks in the Rogatica/Žepa area. In order to perform his tasks he had access to multiple communications channels that not only allowed him to report back to and receive instructions from the VRS Main Staff, but also to maintain contact with, oversee and direct his subordinates who were overseeing the Srebrenica forcible-transfer and murder operations.¹¹³¹ In particular, **TOLIMIR** had access to communications facilities in Borike and Sjeversko¹¹³² and telephone communications were available at the brigade’s front line units.¹¹³³ He was able to use the communications facilities at the Rogatica Brigade HQ, from where it was possible to send and receive telegrams securely.¹¹³⁴ Furthermore, couriers were able to carry messages for VRS officers in the area.¹¹³⁵ Indeed, **TOLIMIR** has not challenged that he was able to communicate while in this area and he established through witness Col. Milomir Savčić that communications were available in the Borike area.¹¹³⁶

Meeting between the VRS and Muslim representatives at Bokšanica, 13 July

404. On 12 July Žepa had entered a state of panic following the news of Srebrenica’s fall.¹¹³⁷ That day, the VRS used Col. Sejmon Dudnjik, commander of the Ukrainian peacekeepers in Žepa, to contact the Žepa War Presidency to pass on a message from them that Palić or another representative had to meet VRS representatives.¹¹³⁸ The War Presidency decided that Executive Board president Hamdija Torlak and Mujo Omanović, another War Presidency member, would attend a meeting the next day.¹¹³⁹

¹¹²⁹ Exh.P02880, p.160; Exh.P02878, p.4; Exh.D00264, p.2; ČULIĆ, T.19289-19295.

¹¹³⁰ [REDACTED – see Exh.P02418], SAVČIĆ, T.15249, T.15256.

¹¹³¹ Generally, see TRIVIĆ, T.8591-8592.

¹¹³² ČARKIĆ, T.12721-12722; RAZDOLJAC, T.8246-8247; [REDACTED – see Exh.P02418], SAVČIĆ, T.15248-15249; Exh.D00296, pp.17-21.

¹¹³³ [REDACTED]; RAZDOLJAC, T.8248; SAVČIĆ, T.15824.

¹¹³⁴ Exh.P00496, GOJKOVIĆ, T.10729; SALAPURA, T.13615; ČARKIĆ, T.12725, [REDACTED]; Exh.P00484; Exh.D00521, p.5; Exhs. P00569a-[REDACTED].

¹¹³⁵ RAZDOLJAC, T.8239; [REDACTED].

¹¹³⁶ SAVČIĆ, T.15824-15825.

¹¹³⁷ Exh.P00580, at p.2.

¹¹³⁸ TORLAK, T.4290.

¹¹³⁹ TORLAK, T.4290. Torlak was president of the Žepa Executive Board and a member of the War Presidency, as were Amir Imamović (head of civil protection), Hurem Sahić (civilian police chief), and Avdo Palić (local ABiH commander); the President of the War Presidency was a local hoda/imam, Mehmed Hajrić. TORLAK, T.4256-4258, T.4260-4261. The ABiH retained its own lines of command and did not inform the War Presidency of its day-to-day activities, and the War Presidency had little influence over the ABiH. TORLAK, T.4262, T.4267, T.4551-4556, T.4592. The ABiH also maintained its independence since its only

405. Around 11:00-12:00 hours on 13 July, **TOLIMIR** and Rajko Kušić, Commander of the VRS Rogatica Brigade, met Torlak and Omanović at UN Checkpoint 2 at Bokšanića.¹¹⁴⁰ At the outset, **TOLIMIR** declared, “Srebrenica has fallen and now it’s Žepa’s turn. We can go about it in two ways. What I’m offering you is for all of you to leave Žepa, to be evacuated, get on the buses and leave”, with the alternative being a “military solution.”¹¹⁴¹ **TOLIMIR** did all the talking. He suggested that the “evacuation” start immediately and take place the same way as in Srebrenica.¹¹⁴² **TOLIMIR** said there was nothing else to talk about.¹¹⁴³ Torlak and Omanović returned to Žepa and briefed the War Presidency. They decided not to agree to **TOLIMIR**’s proposal based on their fear for the lives of the military-aged men.¹¹⁴⁴ **TOLIMIR** reported on the meeting to the Main Staff, the DK and to Krstić personally. While **TOLIMIR** began his report with false and self-serving conclusions that the meeting related to the “free movement for the civilians in accordance with the Geneva Conventions from 12 August 1949” he soon got to the point, reporting that “we made a condition that all necessary consultations [with Žepa population and Sarajevo leadership] had to be completed by 1500 hours and that the evacuation had to start at that time. We have conditioned this with alternative solution (*sic*)—military force.” **TOLIMIR** reported that he guaranteed the “evacuation” of all the “civilian population” and the able-bodied men who lay down their arms. He further reported that he guaranteed the safety of civilians who wished to stay and accept RS authority.¹¹⁴⁵ Even in the impossible event that **TOLIMIR** actually intended to allow some Muslims to stay in the enclave, the ultimatum that the removal of the population had to start that day or be faced with military force confirms the illegality of the VRS plan. At the end of his report, **TOLIMIR** stated that “[a]ll the refugees in Žepa, as well as some of the local residents chose the evacuation”.¹¹⁴⁶ Not surprisingly, under severe pressure of prior shelling and the threat of all out attack, the majority of the Muslims took the only option for survival and during 25-28 July, left the enclave. **TOLIMIR** acknowledged that only “some” of the local Muslims were still unwilling to leave their homes. Nevertheless, **TOLIMIR** would not achieve the goal to cleanse Žepa of its Muslim population until 12 days later after attack, bombardment and coercion.

communications link with Sarajevo was through its communications centre on Žepa Mountain. TORLAK, T.4371, T.4590-4591, T.4605-4606.

¹¹⁴⁰ TORLAK, T.4293, T.4296-4297, T.4304-4305; FORTIN, T.3077-3078; Exh.P00596, ERN:R001-5519, para.8; TORLAK, T.4254-4255, T.4368, T.4511; Exh.P00741, DIBB, T.16277; Exh.P01949, JOSEPH, T.14155; WOOD, T.11100; FORTIN, T.3074; Exh.P00107.

¹¹⁴¹ TORLAK, T.4294, T.4305-4306, T.4842-4844; Exh.P00491.

¹¹⁴² TORLAK, T.4843-4844; Exh.D00109, ERN:0058-4970-0058-4971.

¹¹⁴³ TORLAK, T.4295; Exh.D00109, ERN:0058-4971.

¹¹⁴⁴ TORLAK, T.4340-4341.

¹¹⁴⁵ Exh.P00491, pp.1-2.

¹¹⁴⁶ Exh.P00491, p.3.

406. When **TOLIMIR** did not hear back from the Žepa representatives, he proposed to Mladić to attack “for the purpose to take over Žepa within 21 hours in order to avoid denouncement and reactions of the international community.”¹¹⁴⁷ At the time, **TOLIMIR** was well aware of the developments in Srebrenica as he identified “the free forces from the Srebrenica front”¹¹⁴⁸ – meaning the VRS brigades which had been involved in the 6-10 July attack on Srebrenica – as the units which could be engaged in the Žepa operation. Subsequently, Krstić issued the order for units to be ready to attack Žepa starting at 08:00 hours on 14 July, in operation *Stupčanica-95*.¹¹⁴⁹

The attack on the Žepa enclave and the Muslim civilian population, 14 July

407. By 08:00 hours on 14 July, Dudnjik had passed on the Muslims’ decision to **TOLIMIR**,¹¹⁵⁰ who then proposed that Dudnjik consolidate his UN personnel in two locations under VRS control (one of which was Checkpoint 2 in Bokšanica). By this means, **TOLIMIR** wrote, “we plan to control the work and the reports that UNPROFOR is making to their superior command.”¹¹⁵¹ In a report sent personally to Krstić between 10:00-11:00 hours, **TOLIMIR** proposed “to commence with combat operations as per plan of the Superior Command.”¹¹⁵² That same day UNPROFOR reported that “the local VRS commander” demanded that UNPROFOR evacuate its OPs and said that an assault would begin at 14:00.¹¹⁵³ The VRS shelled the enclave, targeting the centre of Žepa and surrounding villages and civilian homes as well as UNPROFOR positions.¹¹⁵⁴ This approach by **TOLIMIR** and the VRS of alternating dialogue with the Žepa leadership on the one hand and artillery bombardment on the other was a means to limit the potential loss of VRS soldiers’ lives, which would be expected if a full infantry assault had to be mounted. This alternating tactic, pursued during the following two weeks, was characterised in a UN report as “bombard-and-negotiate.”¹¹⁵⁵

408. Also on 14 July, **TOLIMIR** received information that since 05:00 hours that morning, an unmanned aerial vehicle had been flying “above the Muslim enclaves of Žepa,

¹¹⁴⁷ Exh.P00123, p.2.

¹¹⁴⁸ Exh.P00123, p.2.

¹¹⁴⁹ Exh.P01225.

¹¹⁵⁰ Dudnjik was quite apprehensive about the Muslims’ decision not to evacuate the entire population, as he believed that Žepa did not stand a chance and could not defend itself. TORLAK, T.4340-4342. This was a commonly-held view that proved tragically accurate. TORLAK, T.4686, T.4688, T.4753; Exh.P00580, ERN:R002-4199-R002-4200.

¹¹⁵¹ Exh.P00124, p.2.

¹¹⁵² Exh.P00124, p.2.

¹¹⁵³ Exh.P01962, p.2; Exh.P02087; SMITH, T.11576-11577.

¹¹⁵⁴ TORLAK, T.4341-4342; Exh.P00580, p.2; [REDACTED]; Exh.P02108, p.13; Exh.P01949, JOSEPH, T.14337; PALIĆ, T.13288; Exh.P01225.

¹¹⁵⁵ Exh.P02108, p.8 (same as Exh.P00757, ERN:R012-3422); TORLAK, T.4747-4749, T.4845-4847; JOSEPH, T.10546-10547.

Srebrenica and Goražde,” and was “probably recording the positions and the movements of units.”¹¹⁵⁶ **TOLIMIR**’s concerns about aerial surveillance over the eastern enclaves at this time reflected his involvement in concealing the ongoing Srebrenica murder operation.¹¹⁵⁷

409. To remain informed about the developing military situation and provide advice and leadership as the only VRS Main Staff general on the ground during this phase of the Žepa operation, **TOLIMIR** sent a telegram to the Main Staff later in the afternoon, stating that “[i]n order to monitor combat activities around Žepa and have complete review of the DK Command radio network with brigade commands,” it would be necessary to incorporate the Main Staff into the DK Command’s communication system with appropriate equipment for crypto-protection.¹¹⁵⁸

410. Between 14-19 July the fierce VRS shelling of Žepa targeted the civilian population.¹¹⁵⁹ Nevertheless, the Muslims refused to surrender because they feared for their lives if they fell into Bosnian Serb hands.¹¹⁶⁰ They used the rugged terrain to resist the much better-armed VRS.¹¹⁶¹ The Muslim forces seized weapons from the UN checkpoints and death threats were made by both the Muslim and Bosnian Serb forces against the Ukrainians.¹¹⁶² A scared Dudnjik confirmed that the Bosnian Serbs had threatened to kill him and his soldiers if NATO attacked.¹¹⁶³

411. On 15 July, the VRS took control of the UN checkpoints in Žepa.¹¹⁶⁴

412. Meanwhile, **TOLIMIR** made arrangements for the delivery of powerful loudspeakers that would be used to exert psychological pressure on the Žepa inhabitants to leave the enclave by broadcasting messages from Mladić.¹¹⁶⁵

¹¹⁵⁶ Exh.P00124, p.2.

¹¹⁵⁷ See paras.596-602.

¹¹⁵⁸ Exh.P00480.

¹¹⁵⁹ TORLAK, T.4661, T.4671; [REDACTED]; JOSEPH, T.10770-10771; Exh.P02108, p.13.

¹¹⁶⁰ TORLAK, T.4692.

¹¹⁶¹ Žepa had around 1,200 able-bodied men; however, only 600 could be considered combatants. They had light weapons such as AK-47s (with limited quantities of ammunition), a few rocket launchers and mortars. TORLAK, T.4280-4281, T.4308-4309, T.4342-4343, T.4516; Exh.D00095; Exh.D00534, p.3; Exh.P02212, p.14; JOSEPH, T.10699, T.10749, T.10753; DIBB, T.4868; Exh.P00741, DIBB, T.16279-16280; FORTIN, T.3110-3111, T.3118, T.3215; SMITH, T.11579-11580.

¹¹⁶² Exh.P01950; Exh.P02107; Exhs.P00731a-[REDACTED];, [REDACTED];, P02684, [REDACTED];, [REDACTED – see Exh.P00587]; FORTIN, T.18272-18273, [REDACTED]; Exh.P01951; TORLAK, T.4745; JOSEPH, T.10527-10530; Exh.P01949, JOSEPH, T.14170; [REDACTED – see Exh.P02418];, SAVČIĆ, T.15328.

¹¹⁶³ TORLAK, T.4425, T.4493; SMITH, T.11557.

¹¹⁶⁴ Exh.P00492. See also Exh.P01949, JOSEPH, T.14155, T.14196, T.14222, T.14273-14274; [REDACTED]; P00836, P00836a.

¹¹⁶⁵ Exh.P00479.

Meeting at Jela Restaurant, 19 July

413. On 19 July, the VRS ceased shelling and firing on Žepa temporarily,¹¹⁶⁶ to permit Mladić, **TOLIMIR**¹¹⁶⁷ and VRS liaison officer Col. Milenko Indić¹¹⁶⁸ to meet Smith at the Jela Restaurant.¹¹⁶⁹ The meeting took place at 12:00 hours.¹¹⁷⁰ They discussed a number of topics relating to the aftermath of the fall of Srebrenica—including ICRC access to Srebrenica PoWs, the evacuation of local UNPROFOR staff and the withdrawal of DutchBat—then signed an agreement covering the topics discussed at Smith’s and Mladić’s 15 July Belgrade meeting.¹¹⁷¹ Smith asked Mladić for access to an estimated 2,000 Srebrenica men whom he understood had been separated from the women and children and taken to Bratunac and who were still unaccounted for.¹¹⁷² Mladić said Srebrenica was “finished in a correct way”, but he accepted that some skirmishes had taken place with casualties on both sides and that some “unfortunate small incidents” had occurred.¹¹⁷³

414. Finally, Mladić told Smith that Žepa had effectively fallen to the VRS at about 13:30 hours that day and that he had set up a meeting between Dudnjik and Muslim representatives at Checkpoint 2 at 16:00 hours in order to arrange the evacuation of refugees from Žepa.¹¹⁷⁴ Mladić flew to Žepa by helicopter following his meeting for this second meeting with Muslim representatives from Žepa.¹¹⁷⁵

Meeting at Bokšanica, 19 July

415. From Checkpoint 2, Mladić radioed Avdo Palić: “I call the shots” and “this is your last chance. We will not talk again. In that case, you have signed a death sentence for everyone in the territory controlled by you”.¹¹⁷⁶ Fearing for his safety, Palić decided not to attend the meeting at Bokšanica.¹¹⁷⁷ Before the meeting, Mladić was filmed consulting maps with input from, among others, **TOLIMIR** and **KOSORIĆ**.¹¹⁷⁸ Torlak and Dr. Benjamin

¹¹⁶⁶ TORLAK, T.4352, T.4684-4685, T.4845-4846.

¹¹⁶⁷ WOOD, T.11091-11092; T.11096; Exh.P00740, V000-8864, from beginning to 00:00’45 and 00:01’40-00:02’07, transcript p.1 (Mladić states, “I’ll go, but General **TOLIMIR** will stay here,” gesturing off-camera).

¹¹⁶⁸ Indić, a Sarajevo-Romanija Corps officer, was based at Lukavica barracks; if UNPROFOR could not reach Mladić or **TOLIMIR**, they would likely go through Indić. DIBB, T.4876-4877; Exh.P00741, DIBB, T.16267; [REDACTED – see Exh.P00587], FORTIN, [REDACTED], T.18284; WOOD, T.11088, T.11094; Exh.P00740, V000-8864, from beginning to 00:00’37.

¹¹⁶⁹ [REDACTED – see Exh.P02086], SMITH, T.17531-17532; Exh.P02097.

¹¹⁷⁰ Exh.P01977, ERN:R043-4868.

¹¹⁷¹ SAYER, T.10966-10968; [REDACTED – see Exh.P02086], SMITH, T.17533-17536; Exh.P01977; Exh.P00603; Exh.P00740, V000-8864, 00:00’00–00:02’45, transcript p.1; WOOD, T.11094-11095, T.11097.

¹¹⁷² SMITH, T.11557; [REDACTED – see Exh.P02086], SMITH, T.17535-17536, T.17528.

¹¹⁷³ Exh.P01977, ERN:R043-4869-R043-4870, paras.4-5; [REDACTED – see Exh.P02086], SMITH, T.17534-17536.

¹¹⁷⁴ [REDACTED – see Exh.P02086], SMITH, T.17536; Exh.P01977, ERN:R043-4870, para.6.

¹¹⁷⁵ Exh.P01977, ERN:R043-4870, para.7.

¹¹⁷⁶ Exh.P00740, V000-8119, 00:03’45-00:18’15, transcript pp.3-8; TORLAK, T.4357.

¹¹⁷⁷ TORLAK, T.4462.

¹¹⁷⁸ Exh.P00740, V000-8119, 00:18’15-00:23’21, transcript pp.8-11; TORLAK, T.4362.

Kulovac arrived at Bokšanica and were received by Mladić, **TOLIMIR**, Indić and Milutinović (Chief of the VRS Main Staff Press Centre), KOSORIĆ and Dudnjik.¹¹⁷⁹ Mladić insisted that the transportation of the population out of Žepa should start the next day and that the able-bodied men surrender and be exchanged on the “all-for-all” principle, meaning that all prisoners held by one side would be exchanged for all prisoners held by the other.¹¹⁸⁰ Mladić also secured the return of a captured VRS soldier held in Žepa.¹¹⁸¹ When **TOLIMIR** repeatedly suggested to Torlak during cross-examination that Mladić did not put any pressure on anyone during the meeting, Torlak replied that the whole situation amounted to pressure.¹¹⁸²

416. Mladić sent a letter to Smith informing him that the Muslim representatives had accepted his surrender conditions; that the population would be moved out starting on 20 July at 14:00 hours; and asking Smith to send 50 trucks to transport the population and five fuel trucks with D-2 fuel and petrol “for the needs of the UNPROFOR UKRBAT unit.”¹¹⁸³ UNPROFOR treated this claim that the Muslims had surrendered with suspicion, since the ABiH was not represented at the 19 July Bokšanica meeting with Mladić.¹¹⁸⁴

417. The Main Staff began preparing to secure transportation¹¹⁸⁵ and took measures to organise the expected looting and seizure of war booty from the fallen enclave.¹¹⁸⁶

418. By the time the VRS suspended its shelling on 19 July, the Muslim leadership in Žepa had concluded that the only option for the civilian population was to abandon the enclave.¹¹⁸⁷ Over the following weeks the central problem would remain the fate of the military-aged men. The Muslims wanted them to be taken out of the enclave by helicopter to be exchanged “all-for-all” rather than surrender in Žepa to the VRS as they feared the VRS would kill them, a fear intensified by reports from Srebrenica.¹¹⁸⁸

¹¹⁷⁹ Exh.P02098, p.1; TORLAK, T.4345-4347; Exh.D00058. **TOLIMIR** appears on a video of this meeting. See Exh.P00740; Exh.P02799, pp.153-156; Exh.P01407, p.228.

¹¹⁸⁰ TORLAK, T.4347, 4370; JOSEPH, T.10537.

¹¹⁸¹ TORLAK, T.4367-4368, T.4372, T.4597-4599; Exh.P00740, V000-8119, 01:52’24-01:59’19, transcript p.16.

¹¹⁸² TORLAK, T.4697, T.4700-4701.

¹¹⁸³ Exh.P02098, ERN:R001-5529; [REDACTED – see Exh.P02086], SMITH, T.17537-17538.

¹¹⁸⁴ [REDACTED – see Exh.P02086], SMITH, T.17538.

¹¹⁸⁵ [REDACTED].

¹¹⁸⁶ Exh.P01435.

¹¹⁸⁷ TORLAK, T.4692-4693.

¹¹⁸⁸ TORLAK, T.4347-4350, [REDACTED], T.4732-4733, T.4750-4751; JOSEPH, T.10553-10555; Exh.P02099, ERN:R001-1432, para.6; Exh.P02108, p.38; [REDACTED – see Exh.P02086], SMITH, T.17551; SMITH, T.11688; SAYER, T.11015-11017, T.11036, T.11060, T.11073; Exh.P01979, ERN:R001-1437, para.14; Exh.P02099, ERN:R001-1432, para.6; Exh.P02108, p.56; Exh.P01980, ERN:R008-1308, para.2; Exh.P00741, DIBB, T.16286, T.16310, T.16385-16387; FORTIN, T.3083, T.3145; [REDACTED – see Exh.P02797], [PW-006], T.7012, T.7020.

On 20 July, the attack on the enclave and the Muslim civilian population continued

419. On 20 July, the loudspeakers **TOLIMIR** arranged for were used to broadcast the message to Žepa town that “there was no chance for the population.”¹¹⁸⁹ At a lunch meeting, attended by Joseph and NGO representatives, Mladić ordered Joseph to leave the enclave as VRS heavy weapons began sustained fire into the village, continuing its “heavy bombardment” of the enclave.¹¹⁹⁰ Bosnian Serb forces were not receiving incoming fire.¹¹⁹¹

420. With the fate of their able-bodied men still unresolved, the Žepa population did not gather to be transported as Mladić and **TOLIMIR** had expected.¹¹⁹² The VRS assault resumed that evening and was even fiercer than before, lasting another 3-4 days.¹¹⁹³ The VRS shelled defence lines, homes and the UNPROFOR HQ at the school in Žepa.¹¹⁹⁴ No military targets were located in the villages comprising the Žepa settlement. The VRS shelling resulted in civilian casualties.¹¹⁹⁵

TOLIMIR’s proposal to destroy the Muslim refugees, 21 July

421. Seeking a solution to the Žepa crisis, Edward Joseph told **TOLIMIR** about a “radical” demilitarisation plan Joseph and Harland had drafted; **TOLIMIR** seemed interested, but Harland doubted “how sincere the Serbs might be about this.”¹¹⁹⁶ When asked why senior UNPROFOR officials doubted **TOLIMIR**’s sincerity about the demilitarisation plan, Louis Fortin stated:

we had been through the events in Srebrenica, and one thing came out clearly then and again later on, that every time we talked to a Serb senior officer, someone from the Main Staff, they were stalling, stalling for time, so they had a plan to reduce the pocket - - the enclave of Srebrenica, they had a plan to take over Žepa. So we now knew that in Srebrenica, every time we talked to a senior Serb officer, he was buying time. In the meantime, they were pursuing their plan, and this created confusion at our level. We did not act as swiftly as we may have, and so they were able to execute their plan. By that time, a few days later, we were doubtful of anything constructive that came from these people, Serb senior officers.¹¹⁹⁷

422. Their doubts were well-founded. With no surrender by the Muslims in sight, **TOLIMIR** found his own radical solution, proposing to Miletić that the “best way to destroy

¹¹⁸⁹ Exh.P01949, JOSEPH, T.14162; PALIĆ, T.13291-13292. *See also* Exh.P00479; Exh.P02807, V000-9071, 00:25’40-00:26’05, transcript p.3.

¹¹⁹⁰ JOSEPH, T.10776-10781; Exh.P01949, JOSEPH, T.14164, T.14274; Exh.P02108, p.8.

¹¹⁹¹ Exh.P01949, JOSEPH, T.14274.

¹¹⁹² Exh.P00401a [REDACTED]; Exhs.P02815, P00371a [REDACTED]; Exhs.P02657, [REDACTED].

¹¹⁹³ TORLAK, T.4371-4372, T.4846; JOSEPH, T.10721-107022, T.10776-10781.

¹¹⁹⁴ TORLAK, T. 4376-4378, T.4745; Exh.P02108, p.13.

¹¹⁹⁵ TORLAK, T.4367; PALIĆ, T.13310; JOSEPH, T.10546-10557.

¹¹⁹⁶ Exh.P02108, p.12; FORTIN, T.3295-3296. Exhs.P00384a[REDACTED] (confirms that **TOLIMIR** was out in the field on the morning of 21 July).

¹¹⁹⁷ FORTIN, T.3295-3296.

them would be by using chemical or aerosol grenades and bombs.”¹¹⁹⁸ He added that “we could force Muslims to surrender sooner if we destroyed groups of Muslim refugees fleeing from the direction of Stublić, Radava and Brloška Planina.”¹¹⁹⁹ These locations were important defensive features or positions in the northern part of the Žepa enclave;¹²⁰⁰ for some days already, the civilian population had been moving northwards towards these hills to escape the heavy VRS shelling from the south.¹²⁰¹

423. **TOLIMIR**’s focus on the civilian population reflects the aim of the JCE members to make life so unbearable for the Bosnian Muslim civilians that they would have no choice but to leave the enclave.¹²⁰² The civilian population was subjected to “isolation, deprivation, and then artillery bombardment” by the VRS, and the population’s movement from the enclave was a forced expulsion and not a humanitarian evacuation to remove civilians from harm’s way.¹²⁰³ **TOLIMIR**’s proposal to use chemical weapons and aerosol bombs and “to destroy groups of Muslim refugees” were precisely the type of inhumane VRS conduct feared by the Žepa Muslim population and provides further evidence of his intent to forcibly remove the civilian population.¹²⁰⁴

22 to 24 July

424. Beginning on 20 July and continuing over the next few days, meetings were held at the Sarajevo airport concerning the fate of Žepa. A central issue during the meetings was accounting for the whereabouts of the men from Srebrenica, since they would naturally be included in any “all-for-all” exchange.¹²⁰⁵ To no avail, the Muslims repeatedly sought a list from the Bosnian Serbs of the Srebrenica men.¹²⁰⁶ The other key issue was the fate of the military-aged men of Žepa. The Muslims insisted that they be exchanged “all for all,” and not fall into the hands of the VRS in the process.¹²⁰⁷ **TOLIMIR** was aware of the airport negotiations and the general positions of the sides;¹²⁰⁸ his position in the VRS hierarchy

¹¹⁹⁸ Exh.P00488. See also [REDACTED – see Exh.P02418], SAVČIĆ, T.15373 (commenting on the portion of the document concerning destroying groups of Muslim refugees, Savčić testified: “physically, we were unable to reach the civilians,” *i.e.*, demonstrating that **TOLIMIR**’s “refugees” were civilians). See also paras.81-85.

¹¹⁹⁹ Exh.P00488. See also OBRADOVIĆ, T.11931-11932, T.11941, T.12055-12057.

¹²⁰⁰ TORLAK, T.4502-4505.

¹²⁰¹ TORLAK, T.4350, T.4372, T.4375.

¹²⁰² Exh.P02108, p.28; TORLAK, T.4849-4850.

¹²⁰³ JOSEPH, T.10550-10551, T.10556-10557, T.10623, T.10634-10635; Exh.P01949, JOSEPH, T.14183-14185, T.14298.

¹²⁰⁴ Exh.P00488; TORLAK, T.4850-4853.

¹²⁰⁵ Exh.P01949, JOSEPH, T.14167-14170; SMITH, T.11558-11559.

¹²⁰⁶ JOSEPH, T.10538-10539; FORTIN, T.3300-3302, T.3304; Exh.P02108, pp.5, 7, 23, 41, 56.

¹²⁰⁷ Exh.P01949, JOSEPH, T.14169-14170, T.14214-14215; [REDACTED – see Exh.P02086], SMITH, T.17540-17541, T.17554-17555; Exh.P02099, ERN:R001-1432, para.6; Exh.P01980, p.1, para.2.

¹²⁰⁸ JOSEPH, T.10559-10560.

required him to know and required his involvement and input about the other parties' ability to stay abreast of the negotiations.¹²⁰⁹

425. Against the hopes of the Žepa negotiators, an exchange did not take place quickly, because the VRS PoWs were not held locally in Žepa. This kind of exchange required negotiations at the level of the ABiH General Staff, the Federation Presidency and the political authorities.¹²¹⁰ The talks collapsed when the Bosnian Serb side refused to account for the missing Srebrenica men, while the Muslims insisted on including those men in any all-for-all exchange.¹²¹¹

Meeting at Bokšanica, 24 July

426. By 24 July, the VRS captured the key summit of Brezova Ravan, which made the defence of Žepa town impossible. Fearful amid reports of the terrible events in Srebrenica,¹²¹² the civilian population of Žepa retreated north to Žepa Mountain. With no medical assistance and limited food, the population could only survive for a few days.¹²¹³ The Muslim population was on the brink of panic. Mladić contacted the War Presidency through Dudnjik for a third meeting at Bokšanica.¹²¹⁴ Torlak alone met Mladić, **TOLIMIR**, Kušić and Dudnjik in Bokšanica.¹²¹⁵ An angry Mladić handed Torlak a document and demanded he sign the “agreement”.¹²¹⁶

427. Torlak signed the “agreement”, which provided for an immediate cease-fire, demilitarisation, registration of the male population for a prisoner exchange and transportation for the civilian population.¹²¹⁷ The “agreement” was in fact a capitulation, setting out the victorious VRS's conditions,¹²¹⁸ notwithstanding the *pro forma* references to the Geneva Conventions or ICRC throughout the VRS-drafted “agreement.”¹²¹⁹ Given that Žepa was defenceless, Torlak had no choice but to sign whatever text the Bosnian Serbs

¹²⁰⁹ Exh.P01949, JOSEPH, T.14189-14192. *See also* para.403, setting out **TOLIMIR**'s access to communications facilities while in the Žepa/Rogatica area and Exh.P00723c[REDACTED], indicating that **TOLIMIR** met with “Mićo” on 23 July—“Mićo” being Miletić, SALAPURA, T.13610; OBRADOVIĆ, T.11991.

¹²¹⁰ TORLAK, T.4735, T.4737-4739; [REDACTED – see Exh.P00587], FORTIN, T.18285.

¹²¹¹ AF578, AF581-583; TORLAK, T.4736, JOSEPH, T.10538-10539; FORTIN, T.3300-3302, T.3304; Exh.P02108, pp.5, 7, 23, 41, 56.

¹²¹² TORLAK, T.4348-4349, T.4400; PALIĆ, T.13300-13301; SALIĆ, T.13233, T.13236; [REDACTED – see Exh.P02797], [PW-006], T.7012; [PW-013], T.9868.

¹²¹³ PALIĆ, T.13302-13303; T.13310-13312; TORLAK, T.4372, T.4375, T.4379.

¹²¹⁴ TORLAK, T.4373.

¹²¹⁵ TORLAK, T.4373-4374, T.4378; Exh.P00740, V000-8864, 00:35'32-00:36'15; TORLAK, T.4417. *See also* Exh.P00567a-[REDACTED].

¹²¹⁶ TORLAK, T.4374.

¹²¹⁷ Exh.D00051; *see also* Exh.P00495, unsigned version of Exh.D00051; TORLAK, T.4375; PALIĆ, T.13308.

¹²¹⁸ TORLAK, T.4396-4397, T.4763.

¹²¹⁹ SMITH, T.11719.

served.¹²²⁰ Although Torlak signed, he told Mladić that he had no competence, effective control or influence over the ABiH and that he could not effectuate the surrender of Žepa's able-bodied men.¹²²¹ When later presented with the 24 July "agreement," BiH Minister Muratović denied that Torlak had authority to negotiate on behalf of the government.¹²²² The predominant issue remained what would become of the men from Žepa and how would their security be assured.¹²²³

428. The 24 July "agreement" had no validity as far as the UN was concerned, because it had been signed under great duress by civilian leaders trying to avert the continued bombardment of Žepa town.¹²²⁴ Similarly, while the 24 July "agreement" may have referred to demilitarisation and surrender of weapons by the ABiH in Žepa, the UN was not there to implement or monitor this activity.¹²²⁵

429. Paragraph 7 of the "agreement" referred to compliance with the Geneva Conventions and freedom for the Žepa civilians to choose where to live. These references—Smith described both parties as "sprinkling" their argumentation and documents with such phrases¹²²⁶—were a cover for the VRS operations which violated the Geneva Conventions.¹²²⁷ Torlak testified that the people of Žepa felt that they had no option but to leave.¹²²⁸ The declaration that the civilian population had the choice of residence was as Torlak put it, by 25 July "not a realistic option, to put it diplomatically," because "[n]o one dared stay. They were afraid. This is what I'm trying to stress. It's all fine to include this in the agreement. There's nothing in dispute there. And as I've said already, but one must view it from the point of those who are supposed to stay."¹²²⁹

430. The return of the Muslim population to Žepa after it had been removed was never discussed at the Bokšanica meeting.¹²³⁰ The VRS's systematic looting, burning and bombing of the houses and mosques in Žepa after the Muslim population had been removed¹²³¹ shows the intent of the JCE members was to permanently expel the Bosnians Muslims from Žepa.

¹²²⁰ TORLAK, T.4378, T.4382; PALIĆ, T.13308; DIBB, T.4926.

¹²²¹ TORLAK, T.4375, T.4396, T.4477, T.4756, T.4758; DIBB, T.4926-4927; SAYER, T.11000.

¹²²² [REDACTED]; Exh.P01979, ERN:R001-1437, para.15; DIBB, T.4926; SMITH, T.11680, T.11686, T.11690-11693.

¹²²³ TORLAK, T.4763; FORTIN, T.3145; SMITH, T.11692-11693.

¹²²⁴ JOSEPH, T.10573-10579.

¹²²⁵ JOSEPH, T.10576-10582, T.10604, T.10607; Exh.P01949, JOSEPH, T.14254-14255.

¹²²⁶ SMITH, T.11719.

¹²²⁷ TORLAK, T.4385-4386; SMITH, T.11717-11719; Exh.D00051.

¹²²⁸ TORLAK, T.4385, T.4398-4399.

¹²²⁹ TORLAK, T.4761-4762. *See also* DIBB, T.4936; SAYER, T.10988-10989.

¹²³⁰ TORLAK, T.4389-4390.

¹²³¹ *See* paras.462, 470-473.

431. The VRS was thus poised to achieve the crucial strategic objective for the Bosnian Serbs: taking the territory of Žepa and emptying it of its Muslim population.¹²³² The expulsion of the civilian population was not a by-product of VRS military action, but its objective.¹²³³

432. Mladić told Torlak that **TOLIMIR** would be in charge of the evacuation and that **TOLIMIR** and Avdo Palić would organise the transportations in the town centre. Mladić further told Torlak that Torlak would stay at the Bokšanica checkpoint as a guarantee for **TOLIMIR**'s safety while **TOLIMIR** was in town.¹²³⁴ Torlak then conferred with the War Presidency.¹²³⁵ **TOLIMIR**'s command of the Žepa operation from when Mladić departed is confirmed by an intercept between participant X (who must be Mladić) and **TOLIMIR**, when X says “[y]ou are replacing me completely there in the command.”¹²³⁶

Organised transportations of the wounded, women, children and some elderly men began, 25 July-26 July

433. By early morning on 25 July, **TOLIMIR** had sent another proposal personally to Gvero and Miletić, noting that if UNPROFOR sent a general rather than a colonel to Žepa, there might be a repeat of Morillon's stand in 1993 whereby his presence halted the ethnic cleansing of Srebrenica.¹²³⁷ In his proposal, **TOLIMIR** also noted that the Muslims could take advantage of the signed agreement, “which they have already tried to do by bringing up the issue of prisoners from Srebrenica”,¹²³⁸ a reference to the Muslim insistence on and all-for-all exchange to include the Srebrenica men.

434. Having received reports of a massacre in Srebrenica, UNPROFOR Liaison Officer Tom Dibb and two JCO officers travelled to Žepa early that morning, to assess the situation in Žepa and report back to UNPROFOR Command.¹²³⁹ Dibb saw that the VRS was in control of Žepa and saw Mladić and **TOLIMIR** at Bokšanica, as well as an ICRC representative who was seeking permission to go down to the village.¹²⁴⁰

¹²³² JOSEPH, T.10746.

¹²³³ JOSEPH, T.10788, in particular II:1-5.

¹²³⁴ TORLAK, T.4386-4388.

¹²³⁵ TORLAK, T.4375.

¹²³⁶ [REDACTED]; *see also* Exh.P00359a; Exh.P02807, V000-9071, 00:25'20-00:25'50, transcript p.3 (“After that I told General **TOLIMIR**: ‘Tošo, get ready, you are going to Žepa to organize transport. The buses are coming.’ I ordered buses to come. General **TOLIMIR** left and organized the Turks”).

¹²³⁷ Exh.P00494. *See also* Exhs.P00368a[REDACTED].

¹²³⁸ Exh.P00494.

¹²³⁹ AF584; DIBB, T.4889, T.4907-4908; Exh.P00741, DIBB, T.16272-16273, T.16275-16276, T.16302, T.16340-16341, T.16362, T.16376.

¹²⁴⁰ DIBB, T.4906; Exh.P00741, DIBB, T.16278.

435. Around noon, Smith, Baxter, Wood and Sayer met Mladić and Gvero near Han Pijesak at the Jela Restaurant to again discuss ICRC access to the Srebrenica prisoners, the London Conference and the situation in Žepa.¹²⁴¹ Mladić brought the 24 July “agreement” to the meeting. Smith immediately questioned its legitimacy since it was:

...dependent on three things that those who signed cannot deliver. Firstly, that the cease fire will hold. Secondly, that the Bosnian fighters will lay down their weapons and accept POW status on the basis of a putative POW exchange. Thirdly, that the Bosnian Government will accept the conditions for a POW exchange with the Bosnian Serbs.¹²⁴²

436. After the meeting, Mladić flew to Bokšanica, while Smith, Baxter, Wood and Sayer drove there to assess the situation, meeting the UNPROFOR liaison team and NGO and local Muslim representatives, including Torlak.¹²⁴³ They learned from their liaison team that Mladić and **TOLIMIR** had already been in Žepa since early morning and had begun the transportation of the civilian population.¹²⁴⁴

437. **TOLIMIR** had travelled to the centre of Žepa with some men.¹²⁴⁵ A VRS doctor and an UNPROFOR doctor checked the most seriously wounded men, who were later evacuated.¹²⁴⁶ ICRC was also present for the limited purpose of assisting these wounded men,¹²⁴⁷ but both the ICRC and UNHCR refused to be part of what they considered the “ethnic cleansing” of Žepa.¹²⁴⁸ While Mladić and Smith remained at Bokšanica, Wood went into the town with Indić and another VRS officer.¹²⁴⁹ Wood saw Muslim women, children, the elderly and infirm being boarded onto buses by several Bosnian Serb policemen directed by **TOLIMIR**, who was walking around with his pistol in his hand, directing both the movement of these frightened and distressed Muslim civilians, and the activities of the

¹²⁴¹ SAYER, T.10971-10972; [REDACTED – see Exh.P02086], SMITH, T.17544; WOOD, T.11099-11100; Exh.P01978.

¹²⁴² Exh.P01979, ERN:R001-1434-R001-1435, ERN:R001-1437, paras.2, 5, 15.

¹²⁴³ [REDACTED – see Exh.P02086], SMITH, T.17544-17545; Exh.P01978, ERN:R001-1439, para.3 (referring to a “separate note” (Exh.P01979) on the events in Žepa on 25 July); Exh.P01979, ERN:R001-1435, para.7; SAYER, T.10972-10976; WOOD, T.11099-11100.

¹²⁴⁴ Exh.P01979, ERN:R001-1435, para.4. Intercepts confirm that **TOLIMIR** was giving orders for the transportation and escort of the Žepa population and otherwise planning and implementing its forcible removal on 25 July. See Exhs.P00367a[REDACTED]; Exhs.P00368a-[REDACTED]; [REDACTED], P02855; Exhs.P00370a-[REDACTED]; Exhs. P00417a-[REDACTED]; Exhs.P00577a-[REDACTED], Exhs.P00418a-[REDACTED]; Exhs.P00419a, P00579a-[REDACTED]; Exhs.P00568a-[REDACTED]; Exhs.P00733a-[REDACTED]

¹²⁴⁵ TORLAK, T.4391, T.4418; Exh.P00740, V000-8864, 00:36’12-00:38’08.

¹²⁴⁶ JOSEPH, T.10567; Exh.P01949, JOSEPH, T.14186; TORLAK, T.4411.

¹²⁴⁷ Exh.P01949, JOSEPH, T.14181, T.14186-14187, T.14234, T.14302; PALIĆ, T.13313.

¹²⁴⁸ JOSEPH, T.10634; Exh.P01949, JOSEPH, T.14175, T.14181, T.14187; DIBB, T.4870, T.4932; Exh.P00741, DIBB, T.16278-16279, T.16282-16283, T.16303-16304; SAYER, T.10979-10980, T.10988-10989.

¹²⁴⁹ WOOD, T.11102-11103; SMITH, T.11585-11586.

policemen who were loading them onto the buses.¹²⁵⁰ It appeared to Wood that **TOLIMIR** was brandishing his weapon in order to coerce the civilian population onto the vehicles.¹²⁵¹

438. Later that afternoon, Smith met Torlak at Bokšanica. Torlak told Smith that the Muslims did not want to hand over the able-bodied men to the VRS, but to exchange them all-for-all and transport them out of the enclave by helicopter so that they did not fall into Bosnian Serb hands.¹²⁵² Smith, who started making calculations for the helicopter transport, was interrupted by Mladić who said that the only way people could leave Žepa was by road.¹²⁵³ Smith asked to see Avdo Palić, but was never allowed to see him.¹²⁵⁴

439. With **TOLIMIR**'s permission, the first convoy of sick and wounded left Žepa on 25 July for Sarajevo¹²⁵⁵ accompanied by Dr. Kulovac.¹²⁵⁶ Another convoy of civilians was taken to Kladanj.¹²⁵⁷ Avdo Palić and **TOLIMIR** led the last convoy for the day, which had Palić's wife and daughters on board.¹²⁵⁸

440. When word came back that the convoys had reached their destination, on 26 July the remaining Muslim population – women, children and old men – moved to the town centre, wanting to leave as soon as possible.¹²⁵⁹ Edward Joseph recalled approaching a group of women huddled with their children in the town centre to try to determine, as he had been instructed by UNHCR, the volition of the Muslim population's decision to leave Žepa.¹²⁶⁰ After being told "yes" by between 15-20 of the women that they were leaving of their own free will, one of the women said, "No, I'm not leaving of my own free will. I want to stay. But who will protect me?"¹²⁶¹ When she began to cry, all of the other women began to cry, and it was "very ample and evident to us that that these women were going out and leaving

¹²⁵⁰ WOOD, T.11104-11105, T.11128; TORLAK, T.4704-4705.

¹²⁵¹ WOOD, T.11129-11131; SMITH, T.11670 ("It was reported to me that you, amongst others, were in Žepa, that you and the others were armed, and that the - - and were telling the population to leave.").

¹²⁵² TORLAK, T.4392-4393; SAYER, T.10975-10976.

¹²⁵³ TORLAK, T.4393; Exh.P01979, ERN:R001-1437, para.14; [REDACTED – see Exh.P02086], SMITH, T.17551.

¹²⁵⁴ SMITH, T.11692.

¹²⁵⁵ TORLAK, T.4391, T.4393-4394; DIBB, T.4930; Exh.P00741, DIBB, T.16283; *See also* Exhs. P00367a[REDACTED].

¹²⁵⁶ TORLAK, T.4411; Exh.P00741, DIBB, T.16283; [REDACTED – see Exh.P02086], SMITH, T.17551; Exh.P01979, ERN:R001-1435.

¹²⁵⁷ TORLAK, T.4394; Exh.P00741, DIBB, T.16284.

¹²⁵⁸ TORLAK, T.4402, T.4416; PALIĆ, T.13313-13319; MIČIĆ, T.16009; Exh.D00296, pp.30-33 (also stating that **TOLIMIR** led convoys out of Žepa on 2-3 nights); Exh.P02799, p.163 (footage from Exh.P00740 of **TOLIMIR** shaking hands with Avdo Palić in Žepa town). [REDACTED].

¹²⁵⁹ Exh.P00741, DIBB, T.16284-16287; TORLAK, T.4704-4705.

¹²⁶⁰ Exh.P01949, JOSEPH, T.14183-14184.

¹²⁶¹ Exh.P01949, JOSEPH, T.14184.

their homes under duress” and were terrified to stay, even though “there wasn’t a person with a bayonet at their back.”¹²⁶²

441. On the morning of 26 July, Torlak met Avdo Palić in Žepa town. Palić told Torlak that he had met Mladić, who had said to tell Torlak to return to Bokšanica.¹²⁶³ With **TOLIMIR** in the town centre, Torlak complied and went up to Bokšanica.¹²⁶⁴ Avdo Palić was also seen with **TOLIMIR** and Dragomir PEĆANAC.¹²⁶⁵

442. The removal of the Muslim population from Žepa began in earnest that day. **TOLIMIR** was personally in charge of organising the buses and putting civilians on them.¹²⁶⁶ The vehicles descended into town, people boarded, then they headed back up to Bokšanica, where the civilians were transferred to buses.¹²⁶⁷ The vehicles, which included buses, lorries and dump trucks,¹²⁶⁸ were supplied by the VRS and driven by Ukrainians, VRS and local Bosnian Serbs.¹²⁶⁹ There were not enough UNPROFOR members to ensure that every vehicle was escorted by UNPROFOR.¹²⁷⁰ Mehmed Hajrić, Dibb, Joseph and Bezrouchenko tried making lists of the civilians who boarded the buses, but were not able to register everyone.¹²⁷¹ The separate operation to transport the wounded also continued.¹²⁷²

443. The population was so desperate to leave Žepa at this stage that, when no more vehicles remained in the town centre, the women panicked and tried to block what appeared to them to be the last convoy, believing that they were being abandoned to the mercy of the Bosnian Serbs.¹²⁷³

¹²⁶² JOSEPH, T.10634-10635; Exh.P01949, JOSEPH, T.14184-14185 (“these people wanted to stay” but “they were terrified as to their fate if they would stay”), T.14290.

¹²⁶³ TORLAK, T.4402-4403, [REDACTED].

¹²⁶⁴ TORLAK, T.4402-4403, T.4421, [REDACTED]; Exh.P00740, V000-8864, 00:45’55-00:46’04 (showing buses at Bokšanica on 26 July).

¹²⁶⁵ DŽEBO, T.14801-14803.

¹²⁶⁶ Exh.P01949, JOSEPH, T.14189; Exh.P00741, DIBB, T.16290-16291, T.16313-16314; SMITH, T.11585-11586. *See also* Exh.D00175, p.2; Exh.P1979, p.2.

¹²⁶⁷ Exh.P01949, JOSEPH, T.14185-14187; FORTIN, T.3149-3150; [REDACTED – see Exh.P00587], FORTIN, T.18280; TORLAK, T.4412-4414.

¹²⁶⁸ Exh.P00594, V000-3142, 00:50’00-00:50’25 (footage of transportations from Žepa and meetings between Mladić, **TOLIMIR**, Krstić, Smith and Muslim representatives in Žepa); [REDACTED – see Exh.P00587], FORTIN, T.18278; [REDACTED – see Exh.P02797], [PW-006], T.7016.

¹²⁶⁹ Exh.P01949, JOSEPH, T.14188; TORLAK, T.4411; Exh.P00741, DIBB, T.16286.

¹²⁷⁰ Exh.P01949, JOSEPH, T.14188; SAYER, T.11023; [REDACTED – see Exh.P00587], FORTIN, T.18278-18279; FORTIN, T.3149-3150.

¹²⁷¹ DIBB, T.4931-4932, T.4937; Exh.P00741, DIBB, T.16288; Exh.P00740, V000-8864, 00:37’08-00:37’42 (showing scenes from Žepa town on 25 July 1995 including Hajrić in front of bus with a paper in his hand); SAYER, T.10985-10986 (encountering a truck carrying 12-15 Muslims who had not been registered before leaving the town centre).

¹²⁷² Exh.P01949, JOSEPH, T.14186-14187; DŽEBO, T.14806-14807; [REDACTED – see Exh.P02797], [PW-006], T.7016-7017.

¹²⁷³ JOSEPH, T.10636; Exh.P01949, JOSEPH, T.14187; Exh.P00741, DIBB, T.16285, T.16287.

444. Meanwhile at Bokšanica, Mladić, Gvero, Krstić, Kušić and Pandurević monitored the progress and implementation of the operation as the buses arrived loaded with the frightened and exhausted people.¹²⁷⁴ Mladić boarded each bus.¹²⁷⁵ Revelling in the complete control he held over the Muslims' lives, Mladić addressed no fewer than 20 buses in one convoy alone, telling the miserable, terrified and exhausted civilians "I am giving you your lives as a present."¹²⁷⁶ Later, sitting at a table at Bokšanica, Mladić had himself filmed drinking and toasting with the isolated Torlak, who described himself as "helpless."¹²⁷⁷

Transportations on 27 July and the detention of 36 Muslim men from the Žepa enclave

445. The convoys continued on 27 July, with Mladić and **TOLIMIR** being the highest-ranking VRS officers involved in the operation.¹²⁷⁸ **TOLIMIR** was present on the ground and was in charge and most involved in the operation to remove the civilian population.¹²⁷⁹ Irregularities were addressed to **TOLIMIR**¹²⁸⁰ and **TOLIMIR** clearly had the power to decide who could and could not leave Žepa.¹²⁸¹

446. During the day, a lightly-wounded man repeatedly approached Joseph and Bezrouchenko, seeking on behalf of other lightly-wounded persons to be transported with the seriously-wounded and civilians.¹²⁸² Joseph saw **TOLIMIR** in the town centre and asked him if the lightly-wounded man could leave with the others, which **TOLIMIR** permitted.¹²⁸³

447. At Bokšanica, Torlak saw the arrival of the convoy which contained Mehmed Hajrić and Amir Imamović.¹²⁸⁴ The VRS held these buses at Bokšanica, supposedly because the military-able Muslim men had not surrendered.¹²⁸⁵ Another meeting between Muslim representatives and the VRS was then held, attended by Torlak, Hajrić and Imamović,

¹²⁷⁴ Exh.P00740, V000-8864, 00:38'06-00:46'00; TORLAK, T.4423.

¹²⁷⁵ TORLAK, T.4424, T.4457; Exh.P00740, V000-8864, 00:45'50-00:57'50.

¹²⁷⁶ TORLAK, T.4466-4467; Exh.P00740, V000-8864, 00:45'50-00:57'50, transcript pp.25-34. Fortin also recalled Mladić on 28 July having himself filmed handing chocolate to an elderly Muslim woman. [REDACTED – see Exh.P00587], FORTIN, T.18286-18287. Dumanjić understood Mladić's words – "you go over there and join your people, but I will find them -- you there as well" – to be a threat to the Muslims, meaning that they had no place anywhere in Bosnia. DUMANJIĆ, T.17939.

¹²⁷⁷ TORLAK, T.4471.

¹²⁷⁸ Exh.P01949, JOSEPH, T.14200.

¹²⁷⁹ [REDACTED – see Exh.P02086], SMITH, T.17553, T.17580, T.17730. While on the ground, **TOLIMIR** had good communications access: see para.403. See also, e.g., Exh.D00522; Exh.P00476; Exh.P00483; Exh.P00475; Exh.P00477.

¹²⁸⁰ [REDACTED – see Exh.P02086], SMITH, T.17631.

¹²⁸¹ See, e.g., paras.453, 455-457.

¹²⁸² Exh.P01949, JOSEPH, T.14192, Exh.P00741, DIBB, T.16291.

¹²⁸³ Exh.P01949, JOSEPH, T.14192.

¹²⁸⁴ TORLAK, [REDACTED], T.4473.

¹²⁸⁵ TORLAK, T.4474-4477.

Dudnjik, Mladić and Smith.¹²⁸⁶ The VRS had drafted a “Decision” setting forth the terms of surrender and exchange of military-aged men and presented it to Torlak, Hajrić and Imamović to sign.¹²⁸⁷ Torlak told Mladić that the “Decision,” which falsely represented that it emanated from the War Presidency, was not effective because nobody but the military leadership could influence the army.¹²⁸⁸ Smith questioned the validity of the “Decision,” and the three representatives’ authority to speak for the ABiH in Žepa.¹²⁸⁹ Smith advised them not to sign the “Decision” because civilians could not bind the ABiH, because they did not have the approval of the civilian leadership in Sarajevo and because UNPROFOR could not deliver on the promises in the agreement. However, Torlak, Hajrić and Imamović ultimately signed under VRS pressure.¹²⁹⁰

448. Smith’s main objectives in Žepa that day were to ensure the presence of the ICRC and the media on the ground to deter Bosnian Serb excesses and to try to arrange a PoW exchange.¹²⁹¹ During his cross-examination by **TOLIMIR**, Smith stated that “evacuating the population is a consequence of a situation that was created by you and the Bosnian Serb Army.”¹²⁹²

449. Mehmed Hajrić was sent that afternoon to Mount Žepa to convey the VRS demands in the “Decision.”¹²⁹³ [REDACTED].¹²⁹⁴

450. In the late afternoon, Torlak and Imamović were placed on separate buses in the convoy waiting to leave Bokšanica.¹²⁹⁵ Later that evening, they were taken off of their respective buses and taken to a room where Torlak had spent the previous night with the Ukrainian peacekeepers.¹²⁹⁶ After some time passed, two VRS MPs arrived and handcuffed Torlak and Imamović together, told them that they were now PoWs and took them to a hotel

¹²⁸⁶ During his three trips to Žepa on 25-27 July 1995, Smith did not enter the centre of Žepa itself. SMITH, T.11585; [REDACTED – see Exh.P02086], SMITH, T.17546-17547; JOSEPH, T.10782-10784; Exh.P01949, JOSEPH, T.14284-14285; Exh.P00741, DIBB, T.16315; WOOD, T.11108.

¹²⁸⁷ TORLAK, T.4474, T.4483-4484, T.4776-4777; Exh.P00736.

¹²⁸⁸ TORLAK, T.4474.

¹²⁸⁹ [REDACTED – see Exh.P02086], SMITH, T.17553-17554.

¹²⁹⁰ Exh.P01980, paras.2-5; Exh.P02108, pp.58-59; FORTIN, T.3078-3080, T.3146-3148; TORLAK, T.4474, T.4478, T.4776; [REDACTED – see Exh.P00587], FORTIN, T.18285, T.18372; SMITH, T.11694-11695; [REDACTED – see Exh.P02086], SMITH, T.17553-17556; SAYER, T.10982-10984, T.11025, TF.11062-11063; [REDACTED – see Exh.P01974], SAYER, T.21085; Exh.P01949, JOSEPH, T.14201, T.14203-14206.

¹²⁹¹ SMITH T.11731; [REDACTED – see Exh.P02086], SMITH, T.17552; Exh.P01979, ERN:R001-1434, ERN:R001-1436-R001-1437, paras.3(a), (c).

¹²⁹² SMITH, T.11731. *See also* SMITH, T.11670, ll:14-16.

¹²⁹³ TORLAK, T.4474.

¹²⁹⁴ TORLAK, [REDACTED].

¹²⁹⁵ TORLAK, T.4474.

¹²⁹⁶ TORLAK, T.4475.

in Borike, where they remained handcuffed together overnight.¹²⁹⁷ Torlak understood that they were being arrested for failing to implement the disarmament of the able-bodied men.¹²⁹⁸

451. Meanwhile, at the Ukrainian base in Žepa town, Joseph saw two heavily-armed Bosnian Serb soldiers approach the base and demand Avdo Palić, telling Bezrouchenko that they were taking him to Mladić. The Bosnian Serb soldiers seized Palić from the compound and drove away.¹²⁹⁹ Joseph and Bezrouchenko pursued them by car, but could not find them.¹³⁰⁰ When they later contacted Mladić, he told Joseph that Palić had either escaped or been killed.¹³⁰¹

452. By the evening, approximately 5,000 Bosnian Muslims from Žepa had arrived in Kladanj.¹³⁰² Dibb spoke with **TOLIMIR** regarding the transportation of the around 400 civilians who remained in Žepa by the end of the day.¹³⁰³

453. The Main Staff's hands-on involvement in the Žepa forcible removal is exemplified by **TOLIMIR**'s personal participation in the seizure on 27 July of approximately 36 men—including a group of approximately a dozen lightly-wounded—from a bus headed to Kladanj.¹³⁰⁴ **TOLIMIR** assured Joseph that these men would be allowed to leave,¹³⁰⁵ however, they were then taken off the bus *en route* near Tišća by **TOLIMIR**, who had a list of the wounded men.¹³⁰⁶ The men were put on another bus and taken to the Rasadnik prison camp in Rogatica.¹³⁰⁷

Transportations ended, 28 July

454. In the morning, the last few hundred civilians were transported from Žepa.¹³⁰⁸ After removing the last of the population and restricting the remaining UN personnel to the Ukrainian base in town, the VRS set about the organised looting and torching of the Muslims' homes for the next several days.¹³⁰⁹

¹²⁹⁷ TORLAK, T.4475-4476.

¹²⁹⁸ TORLAK, T.4778-4779; T.4475, T.4494.

¹²⁹⁹ Exh.P01949, JOSEPH, T.14197-14198.

¹³⁰⁰ Exh.P01949, JOSEPH, T.14196-14200, T.14207; Exh.P00741, DIBB, T.16297.

¹³⁰¹ Exh.P01949, JOSEPH, T.14207.

¹³⁰² Exh.P00741, DIBB, T.16289 (estimating some 4,000 people transported during two full days).

¹³⁰³ DIBB, T.4916-4917.

¹³⁰⁴ [REDACTED – see Exh.P00587], FORTIN, T.18289-18290; Exh.P01949, JOSEPH, T.14192.

¹³⁰⁵ Exh.P00741, DIBB, T.16291; DIBB, T.4939-4940; Exh.D00112, ERN:0049-1407.

¹³⁰⁶ DŽEBO, T.14812; [REDACTED – see Exh.P02797] [PW-006], T.7024.

¹³⁰⁷ DŽEBO, T.14812; [REDACTED – see Exh.P02797] [PW-006], T.7024-7025.

¹³⁰⁸ Exh.P00741, DIBB, T.16288, T.16291 (transfer ran from 25 July through morning of 28 July 1995).

¹³⁰⁹ Exh.P00741, DIBB, T.16292-16296, T.16347-16348; *see also* paras.462, 470-473.

455. That afternoon, Gobillard¹³¹⁰ and Fortin confronted **TOLIMIR** and demanded an explanation for why 36 men including 12 lightly-wounded from the last two convoys on 27 July were taken off the buses. **TOLIMIR** said that he had cross-referenced the vehicles' manifests with a list of military-aged men and determined they had lied about their age to try to escape. He said that they would be taken to Rogatica, registered by the ICRC and exchanged.¹³¹¹ When pressed about the whereabouts of Avdo Palić and the reports that he was dead, **TOLIMIR** replied "that like every army, they used propaganda to affect the morale of its enemy and that this information that he could not confirm himself was probably such propaganda."¹³¹²

456. To the contrary, **TOLIMIR** was fully informed about Palić's capture and whereabouts.¹³¹³ In choosing to deceive UNPROFOR on this subject, **TOLIMIR** demonstrated his awareness of the possibility that Palić would not survive captivity in the hands of the VRS. **TOLIMIR** could have told Gobillard that Palić was being held legitimately as a PoW and suspected war criminal, but instead gave a false account to Gobillard that would not incriminate the VRS if Palić disappeared.

457. **TOLIMIR** was also involved in the abduction of Mehmed Hajrić, who was subsequently killed. Dibb saw **TOLIMIR** remove Hajrić from the last convoy on 27 July as it was about to leave Bokšanića, over the objections of Joseph and Bezrouchenko.¹³¹⁴

29 July

458. **TOLIMIR** had a conversation with Gobillard, in which **TOLIMIR** assured Gobillard that UNPROFOR could directly evacuate the men who had not tried to leave on the buses but who had retreated to Žepa mountain¹³¹⁵ if the Muslims accepted an all-for-all exchange. Mladić told Joseph the same thing, and in both cases—whether it was Mladić or **TOLIMIR** speaking—Joseph remained concerned for the ultimate safety of the men from Žepa despite their assurances.¹³¹⁶

¹³¹⁰ Gobillard arrived separately in Žepa on 28 July. Žepa fell within Gobillard's UNPROFOR Sector: [REDACTED – see Exh.P00587], FORTIN, T.18288, T.18399-18400; FRANKEN, T.3337-3338.

¹³¹¹ FORTIN, T.3080-3083; [REDACTED – see Exh.P00587], FORTIN, T.18289-18290; Exh.P00582; Exh.P00741, DIBB, T.16291.

¹³¹² [REDACTED – see Exh.P00587], FORTIN, T.18294-18295; Exh.P00582, ERN:R002-9425.

¹³¹³ See paras.460, 474-480. On 28 July, **TOLIMIR** sent an intelligence report containing information **TOLIMIR** had obtained from Palić: Exhs.P00150, P00151; Exh.P00482. Exhs.P00150, P00151, P00482 bear consecutive correspondence reference numbers and must both have been sent by **TOLIMIR**; BLASZCZYK, T.1462-1463; PALIĆ, T.13415-13416.

¹³¹⁴ Exh.P00741, DIBB, T.16291-16292, T.16297; DIBB, T.4912-4913, T.4916; Exh.P00582, ERN:R002-9424; Exh.P01949, JOSEPH, T.14206, T.14208, T.14212-14214; Exh.P00594, 00:46'01 (Hajrić identified by Joseph).

¹³¹⁵ See para.449; SALIĆ, T.13239-13241.

¹³¹⁶ JOSEPH, T.10560-10566; Exh.P02108, p.72.

459. Joseph's scepticism was well-founded, as that same day **TOLIMIR** passed instructions that combat operations continue against the 1st Žepa Brigade until the Muslims abided by the 24 July "agreement" and issued the following instruction to the Rogatica Brigade Command: "Do not register persons you capture before cessation of fire and do not report them to international organisations [...]".¹³¹⁷ This instruction was issued to hide the existence of these prisoners in the event that the VRS Main Staff decided to execute them as they had done with those from Srebrenica. **TOLIMIR** also monitored the flight of Žepa males to Serbia.¹³¹⁸

31 July

460. Mladić was no longer concerned about an all-for-all exchange. He was not concerned when Smith rebuked him for the way some Muslim men from Žepa were seized *en route* to Kladanj despite having been promised safe passage. Mladić was receiving intelligence that Muslim men (who had not tried to leave on the buses but had retreated to Žepa Mountain¹³¹⁹) were attempting to break out of the enclave.¹³²⁰ Although Smith was aware that Carl Bildt had been in discussions with President Milošević about having any men from Žepa who made it to Serbia registered by the ICRC, it was clear to Smith that if the men "started to try and move in any other direction then there was a high probability that they would be captured or killed."¹³²¹ Because by this time it was becoming increasingly clear that the missing men from Srebrenica were dead, Smith assumed that the men from Žepa who did not escape to Serbia "would be killed if they were taken" by the VRS.¹³²² Also, by this time the entire VRS Main Staff's inner core (*i.e.*, Mladić, **TOLIMIR**, Milovanović and Gvero) was at the Krajina front.¹³²³

461. In the end, Žepa's military-aged men did not surrender, but either fled to the hills surrounding the enclave or headed east to cross the Drina to Serbia, under VRS artillery

¹³¹⁷ Exh.P00122, p.2; Exh.P02875 (reflecting the same or similar order by **TOLIMIR**).

¹³¹⁸ Exh.P00486.

¹³¹⁹ See para.449; SALIĆ, T.13239-13241.

¹³²⁰ [REDACTED – see Exh.P02086], SMITH, T.17558-17565; SMITH, T.11564-11568; Exh.P01981; Exh.P02108, pp.75-77.

¹³²¹ SMITH, T.11597.

¹³²² SMITH, T.11597, T.11567-11568, 11572-11573, 11595-11599; [REDACTED]; Exhs.P02845, [REDACTED]; Exh. P00755.

¹³²³ SMITH, T.17563-17566; Exh.P02108, pp.75-77. **TOLIMIR** continued to be informed about and involved in overseeing the detention of captured Muslim men from Žepa. See Exh.P01434 (ČARKIĆ sends out a report concerning 45 captured Muslim men from Žepa who are being held in Rogatica, which is type-signed "by authorisation from General **TOLIMIR** Chief of OBP". The list includes the names of the soon-to-be victims of the foreseeable targeted killings, Mehmed Hajrić, Amir Imamović and "Atlantida", the code-name used for Avdo Palić); [REDACTED] See Indictment, para.23.1.

fire.¹³²⁴ Hundreds of mostly able-bodied Muslim men, fearing that they would be harmed or killed if they surrendered to the VRS, fled to the Drina River and swam to Serbia, where many of them were registered by the ICRC and eventually released.¹³²⁵

VRS “mop-up” operation, August

462. By 2 August, UNPROFOR had removed all of its French reinforcements from Žepa. By the next day, the Ukrainians had withdrawn as well, leaving no international presence.¹³²⁶ As noted by David Harland at the time, “The village of Žepa is empty except for a few Serb soldiers. It has been looted by Serb soldiers (who were seen carting off refrigerators, domestic animals etc), and most of the houses have been burnt.”¹³²⁷ The looting and burning took place under the apparent direction of the local VRS commander.¹³²⁸

463. The VRS “mop up” operation in Žepa continued into August. According to a 10 August 1995 Daily Combat Report by Commander Kušić, “in the vicinity of Luke, an unarmed Ustasha, born in Srebrenica, 24 years old, was liquidated. Before he died he said that he fell behind the others and he was looking for a food”.¹³²⁹ When shown the report, Torlak noted that it was fear “of being killed without due process” as described in the report which was felt by the Žepa population.¹³³⁰

Forcible nature of the transfer

464. All of the evidence—including the circumstances under which the 24 July “agreement” was signed and **TOLIMIR**’s “bombard and negotiate” tactics—show beyond a reasonable doubt that the Bosnian Muslims of Žepa were forced to leave their homes because they had no genuine choice about whether to remain.¹³³¹ Military commanders or political leaders cannot consent to a transfer on behalf of the individuals being transferred.¹³³² IHL protects the rights of individual protected persons, rights that cannot be derogated, renounced or bargained away by representative governments or others.¹³³³ The “agreement” forced

¹³²⁴ [PW-013], T.9878-9879; SALIĆ T.13251-13253; SMITH, T.11914; [REDACTED]; Exhs.P02845, [REDACTED], P00755.

¹³²⁵ [PW-013], T.9870-9871. *See also* SALIĆ, T.13229, T.13244-13246; TORLAK, T.4815-4816; Exh.D00111 (list of Žepa males captured in Serbia contains numerous boys 15 years old or younger).

¹³²⁶ Exh.P02108, pp.82, 87; SMITH, T.11569-11575; Exh.P00741, DIBB, T.16354.

¹³²⁷ Exh.P02108, p.79. [REDACTED – see Exh.P00587] FORTIN, T.18285-18286, [REDACTED]; Exh.P00741, DIBB, T.16284, T.16292-16296, T.16342, T.16347-16348, T.16350-16351; Exh.P01949, JOSEPH, T.14210, T.14246-14247; SMITH, T.11568-11570; [REDACTED – see Exh.P02086], SMITH, T.17546.

¹³²⁸ Exh.P00741, DIBB, T.16292-16295; [REDACTED – see Exh.P00587], FORTIN, T.18285-18286.

¹³²⁹ Exh.P00755.

¹³³⁰ TORLAK, T.4821. Torlak received information about 12-14 Muslim men from Žepa who were captured by the VRS and immediately killed.

¹³³¹ *See Stakić* AJ, para.279; *Krnojelac* AJ, para.229.

¹³³² *Naletilić* TJ, para.523; *Simić* TJ, para.127.

¹³³³ *See* GCIV, Art.8; *Simić* TJ, para.128; *Stakić* AJ, para.286.

upon the Žepa Muslims can provide no legal justification for the forcible transfer where it was signed under extreme duress by men, the Bosnian Muslim leaders of Žepa, who had no authority to consent to the transfers of all Bosnian Muslim civilians in the enclave.¹³³⁴

465. Although the population wanted to stay in Žepa, they were “terrified as to their fate if they would stay.”¹³³⁵ By the time the transportations began, “[i]t was clear that the issue of volition was already well passed and that these people felt themselves under duress. That was the reason for their departure.”¹³³⁶ Hamdija Torlak explained that the option to stay in Žepa “was not even entertained,” and that “whoever was there at the time could very well understand the fear that prevailed at the time.”¹³³⁷

466. Žepa town and its environs were shelled for an extended period during the *Krivaja-95* attack.¹³³⁸ The effect of this shelling, combined with the reports coming in concerning the missing men of Srebrenica,¹³³⁹ meant that the inhabitants of Žepa were terrified of staying.¹³⁴⁰

467. The transportations were conducted in an atmosphere of fear, intimidation and oppression.¹³⁴¹ Wood was in Žepa town on 25 July:

In the square was a group of about seven or eight Bosnian Serb policemen and they were being directed by General **TOLIMIR**. And General **TOLIMIR**, who I recognised, obviously very clearly, from having met him on previous occasions, was walking around, directing the movement of these women and children and directing the activities of the policemen loading the women and children into the coaches. And he had his pistol out, sort of held up like this, and was -- was -- I saw no violence being visited on the people, but it was a very threatening atmosphere. And the people there, you know, were clearly very frightened and distressed [*sic*], and it was being directed, as I say, by General **TOLIMIR**. . . . I remember very clearly General **TOLIMIR**. I remember what he was wearing. I remember him walking around, and he had as -- as I have been -- as I have been reminded, he had his right hand -- held his pistol in his right hand. He had it pointing up at the sky. He wasn't pointing it at anybody. He wasn't overtly threatening people with it, but he had it in his hand and it was held, you know, pointing up at the sky at about shoulder height. And the whole -- the whole episode was a little bit like -- was a little bit like being in a 1940s newsreel. There was a sort of sense -- there was a sense of the Holocaust about it. If it had been black and white, it would have been more -- you know, it would have been more in keeping in sense with the scene that was unfolding around me. And it was a very strange experience for me to be standing there as an UN soldier in a blue beret standing there amongst what was very obviously an unpleasant act of, admittedly non-violent at that stage, ethnic cleansing that was going on, directed by General **TOLIMIR** and his men.¹³⁴²

¹³³⁴ See *Simić* TJ, para.128.

¹³³⁵ Exh.P01949, JOSEPH, T.14184-14185, T.14291.

¹³³⁶ Exh.P01949, JOSEPH, T.14290, T.14318; JOSEPH, T.10637-10639.

¹³³⁷ TORLAK, T.4351-4352; [REDACTED – see Exh.P01974], SAYER, T.21084; SAYER, T.10976, T.10990, T.11042-11043; PALIĆ, T.13319.

¹³³⁸ Exh.P00583; Exh.P01962; JOSEPH; T.10721; Exh.P00741, DIBB, T.16280-16281; PALIĆ, T.13287-13290, 13377-13378; DŽEBO, T.14794-14795; SALIĆ, T.13236-13237.

¹³³⁹ Exh.P00741, DIBB, T.16310; DIBB, T.4934-4935; PALIĆ, T.13289; SALIĆ, T.13236.

¹³⁴⁰ See para.426; Exh.P00741, DIBB, T.16285-16286.

¹³⁴¹ WOOD, T.11128, 11131; FORTIN, T.3309; [REDACTED – see Exh.P02797] [PW-006], T.7019.

¹³⁴² WOOD, T.11104-11105, T.11107 (identifying the leather pouch in which **TOLIMIR** boasted he kept a hand-grenade).

General **TOLIMIR** knew very well what he was doing. He was holding his gun that way in order to frighten the population.”¹³⁴³

468. An UNPROFOR report from Tony Banbury to Akashi¹³⁴⁴ was proffered by **TOLIMIR** at trial to support his position that the population left Žepa voluntarily. In this report, Banbury states that he is passing on information provided from Žepa by Ed Joseph, including that, “the people are not being forced to leave but decided to do so as part of the total evacuation of the enclave.”¹³⁴⁵ The abundance of evidence as to the forcible nature of the population’s removal, including Joseph’s own evidence, refutes any contrary claim based on Banbury’s report. Most notably, Joseph testified “that this document does not completely and accurately reflect the full nature of the information that -- that we had on the ground. No, it does not.”¹³⁴⁶ In his testimony Joseph recited his first-hand evidence that the Žepa Muslims were forced to leave the enclave. Addressing the sentence from Banbury’s report that is quoted above, Joseph testified:

this report stating that they were not forced to leave might have a narrow meaning in that there wasn’t a person with a bayonet at their back doing it, but it was the overall presence of Serb forces and the fact that they no longer had -- any defence and were now in the control of Serb forces which put them in extreme apprehension and fear and it was in those circumstances that they boarded those buses¹³⁴⁷.

469. The forcible displacement of the Bosnian Muslims from Žepa did not fall within one of the limited instances under IHL in which individuals may be displaced during an armed conflict. It was not, for example, an evacuation carried out for reasons of the security of the Bosnian Muslims or for imperative military reasons.¹³⁴⁸ The VRS did not transfer any of the displaced Bosnian Muslims back to their homes at the end of hostilities there.¹³⁴⁹

VRS destruction of Žepa so that the Muslim population would never return

470. After the attack on the Žepa enclave finished and the population was removed,¹³⁵⁰ the VRS destroyed the mosque in the centre of Žepa town, looted property¹³⁵¹ and torched

¹³⁴³ WOOD, T.11115.

¹³⁴⁴ SMITH, T.11533-11534.

¹³⁴⁵ Exh.D00175.

¹³⁴⁶ JOSEPH, T.10633.

¹³⁴⁷ JOSEPH, T.10632-10641, T.10635.

¹³⁴⁸ See *Stakić* AJ, paras.284-285; GCIV, Art.49; GCIII, Art.19.

¹³⁴⁹ See *Stakić* AJ, para.284.

¹³⁵⁰ Exh.P00740, 00:37’21 (showing the mosque in Žepa town still standing on 25 July 1995 – in the background on the left-hand side); Exh.P02799, p.162; Exh.P02178; PALIĆ, T.13322–13325; RAZDOLJAC, T.8272; TORLAK, T.4390–4391.

¹³⁵¹ [REDACTED]; FORTIN, T.3097; [REDACTED – see Exh.P00587], FORTIN, T.18285-18286; Exh.P00741, DIBB, T.16292-16293.

virtually every home in the area.¹³⁵² This pattern of destruction was similar to that of other Muslim towns and villages in Eastern Bosnia in 1992.¹³⁵³

471. The VRS was also responsible for destroying civilian houses in Žepa by shelling and burning.¹³⁵⁴ This began with incessant shelling of all populated areas from 14-24 July.¹³⁵⁵ This destruction was sanctioned at the highest level – indeed, Mladić in a speech to VRS Main Staff colleagues to celebrate the 1996 New Year recounted how **TOLIMIR** and Kušić “fired on Ribioč,” a village close to Žepa town.¹³⁵⁶ Villages near Žepa town were also razed to the ground.¹³⁵⁷ Aerial images show that more than 100 buildings were destroyed between 27 July-24 August 1995.¹³⁵⁸ Even these images understate the scale of destruction throughout the enclave as they only show areas close to the centre of Žepa. These destroyed buildings were privately owned family houses;¹³⁵⁹ there were no military targets in Žepa.¹³⁶⁰ Against this weight of evidence, Mirko Trivić’s claim – that that the torching of houses was prohibited by an order of the Corps commander communicated on 26 July and that measures were then taken to ensure that no houses were burned by the VRS¹³⁶¹ – is not credible.

472. There is no evidence that the departing Muslims destroyed their own homes. Although David Harland commented in his 26 July memorandum that “[m]any houses in the hills were burning, *apparently* torched by departing Bosnians,”¹³⁶² this is in fact based on second-hand information provided by Col. Baxter and is contrary to an abundance of other evidence. Joseph, who was on the ground in Žepa at that time, testified that he was unaware of such a policy and that he did not see any departing Bosnians torching their own houses.¹³⁶³ As Dumanjić left Žepa, he saw houses ablaze and “Serbian soldiers by the road who were rejoicing at us being taken out of Žepa.” Asked who had set the houses ablaze, he answered, “The Serb Army.”¹³⁶⁴ Džebo testified that he was not aware of any Muslims who burned

¹³⁵² TORLAK, T.4390-4391; Exh.P00741, DIBB, T.16292-16298, T.16349-16352; PALIĆ, T.13324-13325; RAZDOLJAC, T.8263–8266.

¹³⁵³ TORLAK, T.4272, T.4288–4289.

¹³⁵⁴ RAZDOLJAC, T.8266.

¹³⁵⁵ TORLAK, T.4342, T.4376-4378; DŽEBO, T.14794-14795.

¹³⁵⁶ Exh.P01029, transcript p.11.

¹³⁵⁷ PALIĆ, T.13320.

¹³⁵⁸ Exh.P02178.

¹³⁵⁹ DŽEBO, T.14838.

¹³⁶⁰ TORLAK, T.4286, T.4377-4378.

¹³⁶¹ TRIVIĆ, T.8734-8736, T.8740-8741; Exh.P01444, ERN:0648-6816, ERN:0648-6819 (same as Exh.P00754). Trivić was present in and around Žepa: [REDACTED – see Exh.P01197], TRIVIĆ, T.11862-11863, T.11868-11870.

¹³⁶² Exh.P00749 (emphasis added). The use of the word “apparently” was also noted at Exh.P01949, JOSEPH, T.14247; Exh.P00741, DIBB, T.16308.

¹³⁶³ Exh.P01949, JOSEPH, T.14246-14247.

¹³⁶⁴ DUMANJIĆ, T.17940.

their own property before they left in the July 1995 evacuation;¹³⁶⁵ Dibb testified that such a policy is “absolutely inconceivable.”¹³⁶⁶

473. The massive destruction in Žepa,¹³⁶⁷ as Torlak observed, put “preconditions in place so that people could not return to the area; in other words, [it would] cleanse the area of Muslims”;¹³⁶⁸ it sent “a message to the population of Žepa not to return.”¹³⁶⁹ Indeed, a large number of the inhabitants of Žepa sought refuge in other parts of the world.¹³⁷⁰

(ix) Targeted Killings of Žepa Leaders

Detention and murder of Mehmed Hajrić, Amir Imamović, and Colonel Avdo Palić following the forcible removal of the Muslim population from Žepa

474. **TOLIMIR** knew of and was involved in the capture of the three Žepa leaders.¹³⁷¹ After their capture, **TOLIMIR** obtained intelligence from Palić¹³⁷² and gave orders concerning the imprisonment of all three men.¹³⁷³

475. Over the following weeks, these men were detained in terrible conditions¹³⁷⁴ and then disappeared. They were found years later in the same mass grave at Vragolovi in the Rogatica area,¹³⁷⁵ with forensic evidence indicating that all three had died as a result of gunfire.¹³⁷⁶

476. Hajrić and Imamović were detained for two or three days at Hotel Borike.¹³⁷⁷ Thereafter, they were held with other Žepa Muslims at the Rasadnik prison camp in Rogatica¹³⁷⁸ under the authority and supervision of Rogatica Brigade Intelligence and Security Chief Zoran ČARKIĆ¹³⁷⁹ and the Brigade’s MPs.¹³⁸⁰ **TOLIMIR** visited the

¹³⁶⁵ DŽEBO, T.14834.

¹³⁶⁶ Exh.P00741, DIBB, T.16350-16351.

¹³⁶⁷ DŽEBO, T.14839; PALIĆ, T.13324-13325; Exh.P02178.

¹³⁶⁸ TORLAK, T.4273.

¹³⁶⁹ TORLAK, T.4403.

¹³⁷⁰ TORLAK, T.4403-4404.

¹³⁷¹ See paras.455-457.

¹³⁷² Exh.P00150; [REDACTED]. See TORLAK, T.4494-4495; DŽEBO, T.14820.

¹³⁷³ Exh.P01434, p.5 (“Pursuant to the orders and instructions of General **TOLIMIR** all the necessary measures are taken and in accordance to the possibility they are mainly being carried out”).

¹³⁷⁴ Concerning Hajrić and Imamović, see DŽEBO, T.14816-14819, T.14826-14829, T.14831, T.14841-14842, T.14863, T.14867-14868; Exh.D00273; TORLAK, T.4401, T.4495, T.4800-4801; [REDACTED – see Exh.P02797] [PW-006], T.7025; JANC, T.14727-14729. Concerning Palić, see Exh.P02176 (“Atlantida” to be moved secretly at night).

¹³⁷⁵ JANC, T.1805-1815; Exh.P02246 (regarding the exhumation of the Vragolovi grave, near Rogatica, conducted on 11 November 2001); Exh.P00190; [REDACTED]; TORLAK, T.4401, T.4790; DŽEBO, T.14818; [REDACTED].

¹³⁷⁶ Exh.P00182, (Imamović); Exh.P00184 (Hajrić); Exh.P00186, (Avdo Palić).

¹³⁷⁷ TORLAK, T.4494-4495.

¹³⁷⁸ TORLAK, T.4401, 4495, 4497; DŽEBO, T.14818, T.14826-14827; Exh.P01434; [REDACTED – see Exh.P02797] [PW-006], T.7024; Exh.P00104, ERN:0701-3287.

¹³⁷⁹ RAZDOLJAC, T.8262-8263; DŽEBO, T.14820 (ČARKIĆ visited and took statements from the prisoners at the camp); [REDACTED].

Rasadnik prison camp, addressed and gave orders regarding the detention of a group of Žepa Muslim men who were held alongside Hajrić and Imamović.¹³⁸¹ Palić, meanwhile, was held [REDACTED]¹³⁸² before being moved at night in mid-August on the orders of BEARA to the Vaneko Mlin secret military prison in Bijeljina. BEARA ordered that this transfer was to be conducted personally by ČARKIĆ and notified to IBK Security Chief Milenko TODORVIĆ.¹³⁸³ [REDACTED].¹³⁸⁴

477. Hajrić and Imamović were registered by the ICRC as PoWs.¹³⁸⁵ Palić, who was also held under exclusive VRS jurisdiction,¹³⁸⁶ not only was not registered,¹³⁸⁷ but was referred to by the code-name “Atlantida” in VRS documents regarding his detention.¹³⁸⁸

478. Hajrić and Imamović disappeared from the Rasadnik prison camp in mid-August 1995.¹³⁸⁹ Palić was last seen being collected from the Vaneko Mlin prison on the night of 4-5 September 1995 by Dragomir PEĆANAC, acting on the orders of **TOLIMIR**'s VRS Main Staff Intelligence and Security Sector.¹³⁹⁰ Though PEĆANAC sought to remove Palić from the Vaneko Mlin prison without leaving any paper trail, the prison warden only handed Palić over to PEĆANAC once he had confirmed with TODORVIĆ that he should do so; once TODORVIĆ's duty officer had obtained confirmation from the VRS Main Staff duty officer; and once PEĆANAC had signed a receipt to take custody of Palić.¹³⁹¹

479. As described above, **TOLIMIR** and his subordinate security and intelligence officers were thus directly involved in the capture, interrogation, detention and disappearance of the three Žepa leaders. **TOLIMIR** was personally involved in the capture of Hajrić, in the interrogation of Palić and visited the Rasadnik prison where Hajrić and Imamović were

¹³⁸⁰ TORLAK, T.4780, 4497-4498; DŽEBO, T. 14843-14846.

¹³⁸¹ DŽEBO, T.14813-14816.

¹³⁸² [REDACTED].

¹³⁸³ Exh.P02176.

¹³⁸⁴ [REDACTED].

¹³⁸⁵ Exh.D00211; [REDACTED]; TORLAK, T.4798; DŽEBO, T.14814, 14830; ČARKIĆ, T.12836-12838.

¹³⁸⁶ Exh.P02801 (Palić is in the exclusive jurisdiction of the VRS as a prisoner of war); [REDACTED].

¹³⁸⁷ [REDACTED] PALIĆ, T.13333. Avdo Palić was not the only Žepa Muslim prisoner whom the VRS did not allow to be registered. Esad Cočalić was not registered; Cočalić was removed from the prison, never to be seen again, and his remains never found (TORLAK, T.4789-4790, T.4799-4800; DŽEBO, T.14817, T.14842, T.14845, T.14862, T.14867-14868; Exh.P01434). In addition, Hamdija Dedić arrived at the prison, was not registered, then taken away and killed, his remains being located in the Vragolovi grave with Palić, Hajrić and Imamović (TORLAK, T.4800-4801; PALIĆ, T.13329) Mujo Paraganlija and Mujo Hodzić were held at Rasadnik but do not appear to have been registered and also disappeared (DŽEBO, T.14818-14819, T.14841-14842, T.14863, T.14867; [REDACTED]; [REDACTED]; Exh.P01434).

¹³⁸⁸ [REDACTED]; M.TODORVIĆ, T.13002-13004.

¹³⁸⁹ TORLAK, T.4401, 4496; DŽEBO, T.14826-14827, T.14862-14863.

¹³⁹⁰ [REDACTED]; MILOVANOVIĆ, T.14184, 14214, 14255; Exh.P02805, pp.4-5; PALIĆ, T.13330.

¹³⁹¹ M.TODORVIĆ, T.13002-13012; [REDACTED]; Exh.P02182.

detained. After he left for the Krajina,¹³⁹² **TOLIMIR** continued to receive reports about the Žepa prisoners.¹³⁹³

480. The pervasive involvement of **TOLIMIR** and his security and intelligence subordinates up until the disappearance of Hajrić, Imamović and Palić leads to the conclusion that **TOLIMIR** instructed or approved their killing. As regards Palić in particular, the murder of such a high-value ABiH prisoner could only have occurred on orders from the Main Staff. On 3 September 1995—the day before PEĆANAC went to Bijeljina to take custody of Palić—**TOLIMIR**¹³⁹⁴ wrote to the VRS Corps Commanders and security and intelligence departments regarding problems concerning prisoner exchanges, notably, stating that these problems had arisen because the Corps had not captured sufficient numbers of enemy soldiers. This document demonstrates that at exactly the time when Palić's ultimate fate was in the hands of **TOLIMIR**'s security and intelligence officers, numbers of prisoners and their exchange value were at the forefront of **TOLIMIR**'s mind. In this case where the Intelligence and Security Sector had control over Palić's custody from the time of his capture to the time of his disappearance, his murder could only have occurred on **TOLIMIR**'s instructions or, at a minimum, with his approval.

The killings were a natural and foreseeable consequence of the forcible removal JCE

481. The killing of the three Žepa leaders were a natural and foreseeable consequence of the ethnic cleansing campaign in Eastern Bosnia, given that this campaign took place in the context of a war which had seen such widespread killing, including the targeting of religious leaders.¹³⁹⁵ Torlak understood that the killing of the Žepa leaders “were a message to the population of Žepa not to return.”¹³⁹⁶ [REDACTED].¹³⁹⁷ The other leaders' murders, in conjunction with the physical destruction of the mosque and private homes in Žepa, reflected **TOLIMIR**'s and the other forcible removal JCE members' intent to prevent Muslims from returning to land claimed by the Bosnian Serbs.

482. These murders were also a natural and foreseeable consequence because of the VRS Intelligence and Security Sector's close involvement in the detention of these men at the end of the Žepa forcible removal operation.¹³⁹⁸ There is overwhelming evidence that security and intelligence officers (notably BEARA, SALAPURA, PEĆANAC, POPOVIĆ, Drago

¹³⁹² See para.460.

¹³⁹³ Exh.P02256, p.2.

¹³⁹⁴ Exh.P02250, p.3.

¹³⁹⁵ DUMANJIĆ, T.17940, T.17957-17958. Specifically in Hajrić's case, the fact that he had dual roles as a religious and social/political leader was known to the VRS – see Exh.P02212, p.20.

¹³⁹⁶ TORLAK, T.4403.

¹³⁹⁷ TORLAK, [REDACTED].

¹³⁹⁸ See paras.476-478.

NIKOLIĆ and Momir NIKOLIĆ) used or permitted the use of fatal violence against Muslim prisoners, most notably during the course of the Srebrenica murder operation and this could, thus, also be expected during and after the Žepa operation.

483. Specifically, **TOLIMIR**'s subordinate security and intelligence officers also used and permitted the use of fatal violence against Muslims who were held in VRS military prisons. For example, in July 1995 POPOVIĆ supervised the Bišina mass execution at which Himzo Mujić—a prisoner from the Sušica prison in Šekovići—was killed.¹³⁹⁹ Further, in September 1995, POPOVIĆ ordered that “[i]n all future cases when a prisoner of war escapes or is killed while attempting escape or is killed in a mine field, it is necessary to compose a correct criminal investigation document”.¹⁴⁰⁰ In view of POPOVIĆ's murderous record during the Srebrenica operation, this instruction can only be understood as a deliberate attempt to conceal crimes committed against prisoners of the VRS. If prisoners such as Hajrić and Imamović were in fact lawfully killed when attempting to escape, their bodies would not have been buried in remote, unmarked mass graves, reports would not be given to the ICRC that they had “escaped”¹⁴⁰¹ without further explanation that they had in fact been lawfully killed while trying to escape and the other Muslim prisoners would not have to be instructed to tell the ICRC that the men had “escaped.”¹⁴⁰²

484. Avdo Palić's killing was foreseeable in particular because he was considered by the RS authorities to be a war criminal based on his alleged involvement in the 1992 ambush of JNA soldiers at Bucidin Potok.¹⁴⁰³ [REDACTED],¹⁴⁰⁴ [REDACTED].¹⁴⁰⁵ In view of the widely-held animosity towards Palić, it was foreseeable that he was at risk not only from families of killed JNA soldiers, but also potentially from other members of the VRS.

Beatings, torture and mistreatment of Žepa Muslim men held at the Rasadnik Prison

485. From July 1995 until January 1996, prison guards who were members of the Rogatica Brigade MP Platoon¹⁴⁰⁶ beat, tortured and otherwise mistreated the group of wounded and elderly Žepa Muslim men who were imprisoned at Rasadnik.¹⁴⁰⁷ Some

¹³⁹⁹ See para.774.

¹⁴⁰⁰ Exh.P02257, pp.2-3; see DUMANJIĆ, T.17932.

¹⁴⁰¹ [REDACTED].

¹⁴⁰² [REDACTED]; DŽEBO, T.14843-14846.

¹⁴⁰³ Exh.P02802.

¹⁴⁰⁴ [REDACTED].

¹⁴⁰⁵ [REDACTED].

¹⁴⁰⁶ TORLAK, T.4780, T.4497-4498; DŽEBO, T. 14831, 14828-14829.

¹⁴⁰⁷ DŽEBO, T.14816-14817, T.14831; TORLAK, T.4495-4496, 4790-4791; [REDACTED – see Exh.P02797] [PW-006], T.7025.

prisoners were killed.¹⁴⁰⁸ The perpetrators were supervised by ČARKIĆ¹⁴⁰⁹ and, ultimately, his professional superior **TOLIMIR**.

(B) THE JOINT CRIMINAL ENTERPRISE TO MURDER THE ABLE-BODIED MEN FROM SREBRENICA

(x) Overview

486. Mladić and other JCE members began preparations to murder large numbers of Muslim men from Srebrenica sometime between the evening of 11 July and the morning of 12 July 1995. Through the efforts of Mladić's key subordinates and others in the VRS and MUP, including **TOLIMIR** and his key subordinates, the murder operation by the evening of 17 July left dead and buried nearly 7,000 men and boys who had been alive six days earlier.¹⁴¹⁰ The murder operation continued into late July or early August with smaller mass executions and the victims' bodies were exhumed and reburied by the VRS into November 1995.

487. The murder operation was a wide-ranging and complex effort that could not have been executed without the co-ordinated assistance of key members of the Bosnian Serb forces, notably **TOLIMIR** and his security and intelligence officers. The JCE required Bosnian Serb forces to separate men from women, transfer the men to temporary holding facilities where they were sometimes blindfolded and individually restrained, drive them to execution sites and arrange for their burials in mass graves, all under the cover of secrecy.

488. The only reasonable inference is that the murder operation was part of a common plan. This common plan can be inferred from, among other things, the treatment of the detained Bosnian Muslim men before their murders. One does not provide water, food, medical care or even the most basic humane accommodation to men who are marked for death.

489. Moreover, **TOLIMIR** knew of the murder operation by the morning of 13 July and thereafter contributed to its successful execution. He supervised subordinates in organising and overseeing the murder operation and issued proposals and instructions to conceal the crimes during and after their commission.

490. **TOLIMIR** and other JCE members achieved the goal to destroy the Bosnian Muslim population of Eastern Bosnia through a campaign of terror, fear and murder. 25,000-

¹⁴⁰⁸ DŽEBO, T.14817, T.14840-14842; Exh.P01434; [REDACTED].

¹⁴⁰⁹ RAZDOLJAC, T.8262-8263; DŽEBO, T.14820; [REDACTED].

¹⁴¹⁰ AF195, AF197-201, AF204-206. AF208.

35,000 Muslims were forcibly transferred from their homes and over 7,000 men and boys were murdered. **TOLIMIR** participated in and made significant contributions to the criminal common purpose of the JCEs and shared the intent to commit the crimes with the other JCE members. **TOLIMIR** also ordered, planned, instigated and/or aided and abetted the crimes committed in eliminating the Srebrenica Muslims.

(xi) The plan to murder the Muslim men was developed between the evening of 11 July and the morning of 12 July

On the evening of 11 July, Mladić and his officers become aware of 1,000–2,000 Muslim men in Potočari

491. While the majority of able-bodied Muslim men assembled in Šušnjari and Jagličići on the evening of 11 July, up to 2,000 Muslim men accompanied their families from Srebrenica to the UNPROFOR base in Potočari on 10-11 July. Momir NIKOLIĆ became aware of the approximately 1,000-2,000 Muslim men in the crowd at Potočari on 11 July and reported their presence to his superiors.¹⁴¹¹

492. The presence of these Muslim men in Potočari was important militarily because they posed a potential threat to the Bosnian Serb forces who were planning to enter Potočari on 12 July. The Muslim men in Potočari also represented a valuable source of military intelligence and, if detained, could later be exchanged for captured VRS soldiers.

493. Mladić, Krstić, Živanović and intelligence and security officers JANKOVIĆ, POPOVIĆ and KOSORIĆ would have been informed of the presence of these men in Potočari and would have considered it in their planning on the evening of 11 July in Bratunac. Mladić, Živanović and JANKOVIĆ can be seen together with Karremans on the video of the First Hotel Fontana Meeting on the evening of 11 July.¹⁴¹²

494. It is clear from the video of the Second Hotel Fontana Meeting on the evening of 11 July that Mladić was obsessed with the whereabouts of the Muslim army, telling Nesib Mandžić that the Muslim army must lay down their weapons in order to save the Muslim people from “destruction.”¹⁴¹³

¹⁴¹¹ Exh.P02157, ERN:0608-8425. See also Exh.P01094, JANJIĆ, T.17942-17945 (he counted approximately 10-15 buses, each fully loaded with approximately 70 men per bus, and estimated that on 13 July there were two or three times as many separated Muslim men as there had been on 12 July); [REDACTED]; Exh.P02525. Borovčanin was also present in Potočari on 12 July and also would have been informed. Exh.P02235, ERN:L006-6294-L006-6295.

¹⁴¹² See Exh.P02798, V000-9014, 00:33'22-01:12:43; Exh.P02799, pp.34-35.

¹⁴¹³ See Exh.P02798, V000-9014, 01:33'36-01:37'40, transcript pp.42-43.

The plan to murder the Muslim men and boys from Potočari was developed prior to the Third Hotel Fontana Meeting at 10:00 hours on 12 July

495. Mladić's decision to separate and murder the Muslim men and boys must have been discussed and decided upon sometime between the evening of 11 July, when he became aware of the large number of Muslim men in Potočari, and the Third Hotel Fontana Meeting at 10:00 hours on 12 July, where he announced that the Bosnian Serb forces would be "screening" or "inspecting" the Muslim men at Potočari.¹⁴¹⁴ Mladić would have consulted with Živanović and Krstić, and JANKOVIĆ, KOSORIĆ and POPOVIĆ as the senior intelligence and security officers present in Bratunac, all of whom are seen on video at the Hotel Fontana on the night of 11 July and the morning of 12 July (with the exception of Živanović, who does not appear on the 12 July Hotel Fontana video).

496. Momir NIKOLIĆ testified that POPOVIĆ and KOSORIĆ approached him on 12 July outside the Hotel Fontana, prior to the meeting at 10:00 hours, and informed him that the Muslim men of Potočari would be separated and murdered.¹⁴¹⁵ POPOVIĆ assigned NIKOLIĆ to assist in the co-ordination and organisation of the separation of the Muslim men in Potočari and the transfer of the women and children. POPOVIĆ and KOSORIĆ requested that NIKOLIĆ suggest appropriate locations for the detention and execution of the Muslim men,¹⁴¹⁶ which he did.¹⁴¹⁷

497. The Prosecution asks the Trial Chamber to consider Momir NIKOLIĆ's testimony where it is corroborated by other reliable evidence and all the attendant circumstances. In this instance, there is significant evidence supporting Momir NIKOLIĆ's conclusion that the decision to murder the Muslim men in Potočari had been reached prior to the Third Hotel Fontana Meeting on 12 July.

498. Momir NIKOLIĆ, POPOVIĆ and KOSORIĆ were videotaped standing in front of the entrance of the Hotel Fontana as the Muslim representatives entered for the Third Hotel Fontana Meeting.¹⁴¹⁸ In normal circumstances, DK security and intelligence officers would pass Mladić's order to Momir NIKOLIĆ and POPOVIĆ and KOSORIĆ would have requested NIKOLIĆ's assistance in carrying out Mladić's orders. This kind of communication between the intelligence and security organs is part of the "professional chain" of reporting between and within superior and subordinate security organs.

¹⁴¹⁴ Exh.P02473, ERN:0113-4332, para.4.14; [REDACTED – see Exh.P01461], BOERING, T.1969-1975; BOERING, T.8980; Exh.P02525, particularly paras.1, 4.

¹⁴¹⁵ Exh.P02157, ERN:0608-8426.

¹⁴¹⁶ Exh.P02157, ERN:0608-8426-0608-8428.

¹⁴¹⁷ Exh.P02157, ERN:0608-8426.

¹⁴¹⁸ Exh.P02798, V000-9035, 00:05'36-00:05'46; Exh.P02799, p.49.

499. Miroslav Deronjić also testified that BEARA was intent on using the Ciglana brick factory in Bratunac to carry out executions on the morning of 14 July,¹⁴¹⁹ corroborating in part Momir NIKOLIĆ's testimony that he (NIKOLIĆ) had suggested the Ciglana factory as an execution site.

500. Momir NIKOLIĆ's testimony placing himself in the direct chain of orders implementing the murder operation is reliable as an admission against his own interest. NIKOLIĆ had nothing to gain by this admission or putting POPOVIĆ and KOSORIĆ in these key roles and he had no reason to falsely implicate POPOVIĆ and KOSORIĆ; NIKOLIĆ would have known that had he be shown to have not told the truth on this point, he would have violated his plea agreement with the Prosecution to tell the truth and would not have had the Prosecution's support during his sentencing.

501. Mladić earlier indicated his intent to kill the Muslim men of Srebrenica during his walk through Srebrenica on 11 July. On camera, he stated: "Finally, after the Rebellion against the Dahis, the time has come to take revenge on the Turks in this region."¹⁴²⁰

502. Mladić's intent to kill the Muslim men of Srebrenica is also clear from his comments to Nesib Mandžić during the Second Hotel Fontana Meeting:

Please write down the following: Number one, you need to lay down your weapons and I guarantee that all those who lay down their weapons will *live*...I need to have a clear position of the representatives of your people on whether you want to *survive...stay or* vanish. I am prepared to receive here tomorrow at 10 am a delegation of officials from the Muslim side with whom I can discuss the *salvation of your people from the enclave*, the former enclave of Srebrenica. I shall order a cessation of operations until 10 am tomorrow. If your...fighters, your fighters who lay down their arms we shall treat in accordance with international conventions and we guarantee that everybody will *live*, even those who committed crimes against our people. Have I made myself clear? Nesib, *the future of your people is in your hands*...Bring the people who can secure the surrender of weapons and *save your people from destruction*.¹⁴²¹

503. At the Third Hotel Fontana Meeting, Mladić repeated his threat to the Muslim representatives:

As I told this gentleman last night, *you can either survive or disappear*. For your survival, I demand that all your armed men, even those who committed crimes – and many did – against our people, surrender their weapons to the VRS.¹⁴²²

504. When Mladić spoke, he was aware that the ABiH 28th Division had no intention of surrendering, but was attempting to flee, potentially depriving him of an enormous, historical Muslim surrender. Mladić also knew that the Muslim soldiers greatly outnumbered the VRS and MUP soldiers and that with the winding down of the conflict, the next few battles were

¹⁴¹⁹ [REDACTED – see Exh.P00020a], DERONJIĆ, T.6275; Exh.P00029, DERONJIĆ, T.29709-29711.

¹⁴²⁰ Exh.P02798, transcript p.11.

¹⁴²¹ Exh.P02798, V000-9014, 01:34'57-01:37'40, transcript pp.42-43 (emphasis added).

¹⁴²² Exh.P02798, V000-9035, 00:10'19-00:10'43, transcript pp.50-51.

extremely important for the geographical outcome of the war. Mladić would have known that by murdering the Muslim men he would be preventing them from fighting and killing his soldiers. Mladić was also clearly furious at the perceived war crimes committed by the Muslim forces from Srebrenica, and in these comments indicated his intent that they be punished for their crimes. These comments at the Hotel Fontana reflect the mind and intent of Mladić, who had already ordered the execution of thousands of Bosnian Muslim men and boys. There is no indication that Mladić considered exchanging, or transporting to safety, the Muslim men and boys of Srebrenica.

The separation and detention of the Muslim men and boys on 12 July clearly shows the intent to murder them

505. Shortly after the Third Hotel Fontana Meeting, buses and trucks arrived in Potočari. Separations of men from their families began later that afternoon. The evidence proves the Bosnian Serbs' intention to murder the Muslim men separated at Potočari.

506. First, had Bosnian Serb forces intended to incarcerate or exchange the Muslim men at Potočari, they would have made a list of their names, retained their identity documents, and kept accurate records of the number of men taken into custody. This key information was required to determine the number of Bosnian Serb soldiers to be exchanged. Further, it was necessary to identify suspected Muslim war criminals. Instead, the Muslim detainees' identity documents were confiscated and destroyed by the Bosnian Serb forces.

507. Second, if the MUP and VRS truly intended to screen the Muslim men of Potočari for war criminals, not only would they have listed their names and kept their identification documents but also they would have conducted basic interviews to determine possible criminal conduct. No survivors from Potočari nor anyone else present there has suggested any formalised system of interviews or interrogation of Muslim prisoners in Potočari on 12-13 July. **TOLIMIR** highlighted the importance of listing and checking names in his 12 July communication to the Main Staff where he stressed the need to make lists of the Muslim men to be checked as possible war criminals. It was obvious from the very beginning of the separations that no such list was ever made or even contemplated. **TOLIMIR's** report indicates that he was not aware of the murder operation at the time he wrote it, but suggests that had the VRS meant to save the men for exchange, they would have done a comprehensive listing and screening of the men.

508. Third, had there been any intention by the VRS and MUP commanders to save these men for incarceration or exchange, they would have provided them with some basic human care, which was available through DutchBat personnel. Rather, the separated Muslim men

were not fed, were provided with very little water and not given any medical care. They were thrown together inside the cramped quarters of the White House and its balcony in summer heat of over 30°C.

509. Fourth, the meagre belongings of the Muslim men, carried in small bags, were confiscated by Bosnian Serb forces and discarded in heaps around the White House and burned on 13-14 July. Again, if the Bosnian Serb forces had any intention of incarcerating or exchanging the Muslim men, they would have been allowed to take basic essentials with them; there would have been no pressing need to confiscate or discard everything.

510. Fifth, the men separated in Potočari and taken to detention sites in Bratunac were treated inhumanely. They were provided with no food, very little water, no first aid or medical help or means of basic hygiene. Many were beaten or taken out and killed. They were hidden from view from the air and from persons passing nearby. None of this treatment was necessary if the Muslims were to live.

511. On the evening of 12 July, Mladić, Krstić and the DK Brigade Commanders met at the Bratunac Brigade HQ and discussed plans for the upcoming attack on Žepa. At this meeting, all the commanders would have been fully informed of the number of prisoners separated in Potočari and the plan to execute them. Several hundred prisoners were incarcerated in deplorable conditions within a few hundred meters of the Bratunac Brigade HQ where the commanders were meeting. The military resources required to complete the separation, detention and execution process must have been incorporated into any decision to move the VRS units to Žepa the next morning.¹⁴²³

TOLIMIR prepared for the accommodation of around 1,200 Srebrenica prisoners, 12 July

512. With knowledge of the capture of large numbers of Muslim refugees from Srebrenica on 11 July, including well over 1,000 able-bodied Muslim men,¹⁴²⁴ **TOLIMIR** took steps to arrange for their detention.¹⁴²⁵ On late 11 or 12 July, **TOLIMIR** instructed IBK Chief of Security Milenko TODOROVIĆ to prepare Batković camp to receive approximately 1,000-1,300 prisoners from Srebrenica.¹⁴²⁶ **TOLIMIR** travelled by car to the IBK HQ in Bijeljina on 12 July where he met with TODOROVIĆ.¹⁴²⁷ On the evening of 12 July,

¹⁴²³ See para.402.

¹⁴²⁴ M.NIKOLIĆ, T.12374; Exh.P02518.

¹⁴²⁵ See Exh.D00064, p.2 (noting the importance of recording the names of a “all men fit for military service who are being evacuated from the UNPROFOR base in Potočari”); Exh.P02069, p.2 (confirming that men from Srebrenica are being separated and not evacuated with women and children).

¹⁴²⁶ Exh.P02183, pp.34-35, 37, 39.

¹⁴²⁷ MIČIĆ, T.16001.

TOLIMIR returned from a meeting at the IBK Security Department (TODOROVIĆ's work-place) to the command post at Crna Rijeka that evening, stopping *en route* at the DK HQ in Vlasenica.¹⁴²⁸

513. At around 16:20 hours that day, DK Intelligence officer Major Pavle GOLIC reported to the Main Staff Intelligence and Security Sector; personally to KOSORIC; and to the DK's Pribicevac IKM, that the Muslim army, accompanied by women and children, was moving away from Srebrenica towards Ravní Buljim, Konjević Polje and Cerska.¹⁴²⁹

514. Other information was also available to **TOLIMIR** at the DK HQ on the evening of 12 July. Around 17:30 hours, POPOVIC reported to the Main Staff Security Administration and DK Command Security Department that MP units were engaged in heavy fighting with ABiH forces. Importantly, POPOVIC reported on the continuing separation of military-aged men from the crowd of some 35,000 refugees in Potočari. POPOVIC indicated that 70 had been separated so far and that security organs and state security personnel were working with them.¹⁴³⁰

515. That **TOLIMIR** had access to this intelligence and security information is evident from two important documents that he sent from the DK HQ that evening. In the first, addressed to Krstić and POPOVIC personally at the DK IKM, and to the subordinate DK security and intelligence organs, **TOLIMIR** relayed information obtained from a captured 16 year-old Muslim boy (Izudin Bektić) who had fled Srebrenica with the column. **TOLIMIR** noted that the Main Staff had informed the police of the column's route of travel and directed subordinate security and intelligence organs to propose measures to their respective brigade commands to block the column. He further advised the Bratunac, Zvornik and Milići brigade commands, in co-operation with the MUP, to restrict traffic on the Bratunac-Milići-Vlasenica and Zvornik-Konjević Polje-Vlasenica roads to military and MUP vehicles.¹⁴³¹

516. **TOLIMIR**'s second telegram was addressed to the same parties, plus the IBK and SRK Commands. **TOLIMIR** directed the intelligence and security departments in the DK

¹⁴²⁸ MIČIĆ, T.16001-16002; Exh.D00296, pp.5-6, 27-28. MIČIĆ, T.16000-16001, T.16003; Exh.P02183, pp.35-37, 39-41; TODOROVIĆ T.12940. SALAPURA testified that when he tried to call **TOLIMIR** at around 22:00 hours on 12 July, he was told **TOLIMIR** was in the Žepa/Rogatica area. However, SALAPURA accepted that "perhaps General **TOLIMIR** was in Vlasenica at the time" after he was shown two documents sent in **TOLIMIR**'s name from the Drina Corps Command. SALAPURA, T.13557 (SALAPURA had to travel to Belgrade on 12 July 1995), T.13561 (SALAPURA returned to Bijeljina that evening); T.13562-13563 (SALAPURA tried to call **TOLIMIR** and spoke to Slobodan Mamlić, a VRS Main Staff Intelligence Officer), T.13523, T.13553, T.13567-13569.

¹⁴²⁹ Exh.P02527.

¹⁴³⁰ Exh.P02069, pp.1-2; [REDACTED – see Exh.P01461]; BUTLER, T.16379-16380.

¹⁴³¹ AF538; Exh.P02203 (2nd Romanija Brigade received stamp at 22:10 hours); see KESEROVIĆ, T.14069 (security branch had great authority over traffic matters).

area of responsibility to conduct electronic surveillance of ABiH radio communications. He repeated his direction to his professional subordinates and directed them to make proposals to their respective brigade commanders to block and arrest Muslims in the column. He instructed them to work with the MUP to draw up joint plans for breaking-up and liquidating enemy formations. Significantly, he also ordered them to note down the names of Muslim men fit for military service who were being evacuated from Potočari.¹⁴³²

517. Although **TOLIMIR**'s second telegram may suggest that was not fully apprised of the planned murder operation at the time it was drafted, it shows unequivocally that he was fully apprised of the ongoing expulsion of the Muslim civilian population from Potočari. **TOLIMIR**'s awareness that certain militarily fit Muslims males had been moved out of Potočari with women, children and elderly, demonstrates the specific and detailed knowledge he had about the ongoing forcible transfer operation that day.¹⁴³³ Thus, **TOLIMIR**'s direction "to note down the names of all men fit for military service who are being evacuated from the UNPROFOR base in Potočari"¹⁴³⁴ reflects the VRS's concerted effort to show to the international community that the enclave harboured a Muslim militia, or to create a list enabling the identification of possible war criminals from among the captured men or for possible exchange.

518. **TOLIMIR**'s telegram must have triggered an immediate response from Krstić or POPOVIĆ, clarifying the plan then in place to kill the captured men.¹⁴³⁵ It was incumbent on POPOVIĆ to inform **TOLIMIR**, his professional superior, of his engagement in the murder plan.¹⁴³⁶ Otherwise, **TOLIMIR** would have continued to issue orders or directions or other proposals that potentially conflicted with the murder plan. Krstić had a similar obligation.¹⁴³⁷ On the evidence, there is no reason to believe that either man would have withheld this critical information from **TOLIMIR**. **TOLIMIR** would have received this information at Vlasenica, otherwise, upon his return to the VRS Main Staff Command at Crna Rijeka, where he had access to direct and secure communications. Similarly, he would have had such access upon reaching Borike by the morning of 13 July.¹⁴³⁸ Indeed, **TOLIMIR**'s subsequent

¹⁴³² Exh.D00064, p.2 (2nd Romanija Brigade received stamp at 21:50 hours); BUTLER, T.16356.

¹⁴³³ [REDACTED – see Exh.P00598], FRANKEN, T.2494, T.2496-2497; [REDACTED – see Exh.P01461], BOERING, T.2010 (noting that only a few Muslim males from Potočari were evacuated in the first convoy).

¹⁴³⁴ Exh.D00064, p.2, third paragraph.

¹⁴³⁵ See paras.495-511; M.NIKOLIĆ, T.12377-12378.

¹⁴³⁶ See OBRADOVIĆ, T.11969 (noting generally the importance of reporting); P.ŠKRBIĆ, T.18544 (stating, a professional subordinate tasked by a commander must inform his professional superior); Exh.D00203, p.9, Ch.I, items 12-13.

¹⁴³⁷ Exh.P01112, items 3, 7; and Exh.D00203, p.14, Ch.II, item 30.

¹⁴³⁸ See para.403.

actions remove any doubt that he was fully informed of the murder operation by the morning of 13 July.

TOLIMIR called-off preparations to detain Srebrenica prisoners at Batković

519. Within 24 hours of **TOLIMIR**'s order to **TODOROVIĆ** to prepare Batković Camp, parents of captured Serbian soldiers learned of the imminent arrival of Muslim Srebrenica prisoners. They surrounded the IBK Command in Bijeljina and besieged the commanders of the subordinate units, demanding information about a potential prisoner exchange.¹⁴³⁹ **TODOROVIĆ** described the scene as a "very serious" situation, "a mutiny of sorts."

520. In his 2010 statement, **TODOROVIĆ** stated that within 24-48 hours of **TOLIMIR**'s direction to prepare Batković Camp,¹⁴⁴⁰ IBK Commander Novica Simić asked him to "[c]heck with that **TOLIMIR** of yours [...] check with this **TOLIMIR** about when those prisoners are going to arrive!"¹⁴⁴¹ At trial, **TODOROVIĆ** recounted more particularly that Simić said: "Check with your *boss*", and he meant General **TOLIMIR**, 'what is going on. When would those 1,000-1,200 captured Army of Bosnia-Herzegovina soldiers arrive?'"¹⁴⁴²

521. **TODOROVIĆ** then called **TOLIMIR**, who told him that the prisoners were not coming: "[i]t's not going to happen. Stop the preparations!"¹⁴⁴³ **TODOROVIĆ** description of this exchange at trial makes clear that **TOLIMIR** was not simply idly relaying information that he had come into, but communicating a decision that he, together with others members of the Main Staff, had reached, stating more particularly: "Drop all further preparations. *We gave up on that idea*", or "Drop any further preparations. *We are halting the task.*"¹⁴⁴⁴

Reliability of Todorović's evidence

522. **TODOROVIĆ** confirmed at trial that the information he provided in his 2010 statement was accurate.¹⁴⁴⁵ That statement confirms that **TOLIMIR** communicated the order to stop preparations at Batković between 13 and 16 July at the latest. From his words 'we

¹⁴³⁹ Exh.P02183, pp.37-38; L.MITROVIĆ, T.15174 (on his way back from a prisoner exchange meeting in Bijeljina on 12 July, Lt. Col. Ljubomir Mitrović, Security Officer in the East Bosnia Corps and President of the Commission for Exchange of Prisoners (T.15152, T.15154, T.15156, T.15160) was confronted by the relatives of Bosnian Serb prisoners asking about the possibility of an exchange). M.TODOROVIĆ, T.12941-12942.

¹⁴⁴⁰ Exh.P02183, pp.37-38, 40, 51, 63. Todorović stated that **TOLIMIR**'s order to stop the preparations because the prisoners were not coming came "quite soon" or "pretty soon" after **TOLIMIR** initially ordered him to prepare the camp from the arrival of the prisoners and before the preparations had been completed at Batković camp. *See also* L.MITROVIĆ, T.15174 (The day after he was confronted by relatives of Bosnian Serb prisoners (12 July, according to Mitrović), Todorović told Mitrović that he spoke with **TOLIMIR** who ordered him to prepare Batković camp for around 1,300 prisoners).

¹⁴⁴¹ Exh.P02183, pp.37-38.

¹⁴⁴² M.TODOROVIĆ, T.12942 (emphasis added).

¹⁴⁴³ Exh.P02183, p.38.

¹⁴⁴⁴ M.TODOROVIĆ, T.12942.

¹⁴⁴⁵ M.TODOROVIĆ, T.12922.

gave up on that idea [...] we are halting the task’, arises the inescapable conclusion that **TOLIMIR** (as well as other JCE members – ‘we’) knew precisely where the prisoners were and why they were no longer coming to Batković, and that they were going to be killed.

523. To avoid incriminating **TOLIMIR** at trial, **TODOROVIĆ** attempted to dilute his prior statement and to make it appear as imprecise as he could. However, his efforts to do so were transparent.¹⁴⁴⁶

524. For example, **TODOROVIĆ** claimed at trial that he was unsure of when he learned about the fall of Srebrenica, saying that he could have learned of it at the IBK Command meeting on 11 July or through the media.¹⁴⁴⁷ However, in his earlier statement, he stated that he first learned of the fall of Srebrenica at the IBK Corps Command meeting (as the meetings covered events in the preceding 24-hour period, this must have been the meeting on 11 July).¹⁴⁴⁸

525. At trial, **TODOROVIĆ** testified that two, three or maybe more days elapsed from when he received **TOLIMIR**’s order to prepare the camp and when **TOLIMIR** told him the prisoners were no longer going to Batković.¹⁴⁴⁹ He went as far as to claim “whether it was two, three days, or even *five days*, that is something I can't tell you from this position.”¹⁴⁵⁰ By contrast, in 2010 he stated “between the time that we found out they were coming and the time that we learnt they were not coming was maybe 24 hours [...] two, three days *at most*.”¹⁴⁵¹ His testimony at trial that this period could have been as much as five days was a deliberate fabrication, with obvious motives.

526. **TODOROVIĆ** testified that some five, 10 or 12 hours after being told the prisoners were not coming to Batković, Simić told him that he had called the commander of the Zvornik Brigade, Pandurević. In his 2010 statement, **TODOROVIĆ** elaborated as follows:

[General Simić] had an idea to call the Commander of the Zvornik Brigade Pandurević. He asked him if he had any captured people in his area, and if so could he send them to me to Batković because I have an exchange related problem. He said ‘I do and no problem. Just send me a vehicle and a Police Platoon to provide a security and [...] maybe not a platoon, maybe just a group so that they could provide them, you will have them today’.¹⁴⁵²

¹⁴⁴⁶ Todorović went so far as to fabricate an alibi for **TOLIMIR** in an attempt to avoid incriminating him in relation to Avdo Palić’s murder: M.TODOROVIĆ, T.13118-13119, T.13211-13213.

¹⁴⁴⁷ M.TODOROVIĆ, T.12933.

¹⁴⁴⁸ Exh.P02183, pp.33-34.

¹⁴⁴⁹ M.TODOROVIĆ, T.12944. Todorović repeatedly claimed more than 24 hours elapsed. M.TODOROVIĆ, T.12982-12983, T.12992.

¹⁴⁵⁰ M.TODOROVIĆ, T.12993 (emphasis supplied).

¹⁴⁵¹ Exh.P02183, p.63.

¹⁴⁵² Exh.P02183, p.38.

527. When asked during his interview why Simić as a corps commander had called Pandurević (a brigade commander) rather than his superior, the DK Commander, TODOROVIĆ stated “that was the time when the Commander of the Drina Corps was to be replaced, so Živanović was supposed to step down, and Krstić was supposed to become the Commander of the Drina Corps.”¹⁴⁵³ Two important facts thus fix **TOLIMIR**’s call to stop the preparations as having occurred on or before 15 July: (1) Krstić was promoted to DK Commander, relieving Živanović, on the evening of 13 July;¹⁴⁵⁴ and (2) Pandurević returned to the Zvornik Brigade from Žepa on 15 July.¹⁴⁵⁵

528. Following his conversation with Pandurević, Simić instructed TODOROVIĆ to organise MPs and vehicles to be sent to Zvornik.¹⁴⁵⁶ TODOROVIĆ complied.¹⁴⁵⁷ He stated:

[...] concerning the 15th, he [Simić] ordered me to pass the message on to the military police commander to designate 15 of his men who would go, more than once, to the area of responsibility of the Zvornik Brigade to bring back groups of prisoners of war.¹⁴⁵⁸

529. The IBK Command Duty Operations Logbook reflects that on 15 July at 18:20 hours 50 IBK MPs were ordered to go to Zvornik the following day.¹⁴⁵⁹ On 16 July, 35 IBK soldiers reported to the Zvornik Brigade IKM, leaving 15 of the 50 unaccounted for.¹⁴⁶⁰ Although TODOROVIĆ insisted that these 15 soldiers were not the men that he ordered IBK MP Commander Dragiša Vulin to send to collect Zvornik Brigade prisoners, TODOROVIĆ could offer no plausible explanation for their whereabouts inconsistent with his order.¹⁴⁶¹ Again, what is significant here (and which TODOROVIĆ obviously realised during his testimony), is that the arrival of IBK MPs at the Zvornik Brigade on 16 July establishes that TODOROVIĆ’s conversation with **TOLIMIR** occurred not later than 15 July and possibly sooner. In either case, without doubt that conversation occurred well before the end of executions in the Zvornik area.

530. Mile Mičić’s and Ljubomir MITROVIĆ’s evidence corroborates the version of events in TODOROVIĆ’s interview statement. Mičić clearly recalled driving **TOLIMIR** to Bijeljina on 12 July to meet with the East Bosnia Corp IBK Security Department. While

¹⁴⁵³ Exh.P02183, p.46.

¹⁴⁵⁴ See para.172.

¹⁴⁵⁵ See para.693.

¹⁴⁵⁶ M.TODOROVIĆ, T.12943.

¹⁴⁵⁷ M.TODOROVIĆ, T.12943, T.13193.

¹⁴⁵⁸ M.TODOROVIĆ, T.13176.

¹⁴⁵⁹ Exh.P02188, p.2.

¹⁴⁶⁰ Exh.P01459, p.81 (entry of 16 July at 10:50).

¹⁴⁶¹ M.TODOROVIĆ, T.13184-13186.

TODOROVIĆ stated that he could have received **TOLIMIR**'s order *via* a telegram from the Main Staff, he did not exclude the possibility that he met **TOLIMIR** in person on 12 July.¹⁴⁶²

531. Further, MITROVIĆ returned to Bijeljina on 12 July, which is when he encountered Bosnian Serb civilians who inquired about a possible prisoner exchange. This indicates that news had already spread that the arrival of Muslim prisoners was expected.¹⁴⁶³ This is consistent with TODOROVIĆ's interview statement that within 24 hours after receiving **TOLIMIR**'s order, the relatives of Bosnian Serb prisoners began hassling Simić about the anticipated exchange.¹⁴⁶⁴

532. The documentary evidence demonstrating **TOLIMIR**'s awareness of the influx of prisoners from Srebrenica on 12 July further supports the accuracy of TODOROVIĆ's interview statement.¹⁴⁶⁵

533. Both the documentary and testimonial evidence on the question of when **TOLIMIR** directed TODOROVIĆ to stop preparations to receive the Srebrenica prisoners dispels TODOROVIĆ's transparent efforts to confuse this issue at trial. The only reasonable inference that arises from his evidence is that his initial recitation of the timeline of events he gave in 2010 is the most reliable and credible, namely that **TOLIMIR** called off the preparations on 13, 14 or 15 July.

(xii) 13 July: Bosnian Serb forces captured at least 5,000 Muslim men along the Bratunac – Konjević Polje – Milići Road

534. On the evening of 11 July, between 13,000-15,000¹⁴⁶⁶ Muslim civilians and ABiH 28th Division soldiers set out in a column towards Muslim-held territory from Jagličići and Šušnjari.¹⁴⁶⁷ The column was mostly comprised of Muslim men and boys aged between 16-65 years.¹⁴⁶⁸ Around one-third were 28th Division soldiers, and not all were armed.¹⁴⁶⁹ Soldiers headed the column and were mixed through the remaining sections, as well as bringing up the rear.¹⁴⁷⁰

¹⁴⁶² MIČIĆ, T.16000-16002; Exh.P02183, p.36; M.TODOROVIĆ, T.12934.

¹⁴⁶³ L.MITROVIĆ, T.15174.

¹⁴⁶⁴ Exh.P02183, pp.37-38. TODOROVIĆ testified that the information leaked from the commands that the prisoners were arriving. M.TODOROVIĆ, T.12941.

¹⁴⁶⁵ Exh.D00064; Exh.P02069.

¹⁴⁶⁶ [PW-007], T.520-521; [PW-008], T.8893; [REDACTED – see Exh.P00069], ORIĆ, T.872; [REDACTED – see Exh.P00110], [PW-015], T.2944.

¹⁴⁶⁷ AF117-119, AF124, AF524-525. *See also* [REDACTED – see Exh.P02797], [PW-008], T.6972-6973; [REDACTED – see Exh.P00261], [PW-005], T.7083; [REDACTED – see Exh.P00069], ORIĆ, T.875 (all three testified that they set out on 12 July).

¹⁴⁶⁸ AF125. There were also a small number of women, children and elderly. AF126.

¹⁴⁶⁹ AF120.

¹⁴⁷⁰ AF120.

535. Around 10:00 hours on 12 July, Bosnian Serb forces called out to the column over loudspeakers: “Surrender or we’ll shell you. You’ll be taken according to all the Geneva Conventions.”¹⁴⁷¹ Many of the Muslim men surrendered. Around this time, Malinić met and spoke to SALAPURA in Nova Kasaba.¹⁴⁷² Around 14:00-15:00 hours, the Bosnian Serbs gave a final ultimatum for the Muslims to surrender or be killed, causing large numbers to surrender.¹⁴⁷³

536. By 17:30 hours on 13 July, Bosnian Serb forces had captured approximately 6,000 Muslim men from the column along the Bratunac–Konjević Polje–Milići Road.¹⁴⁷⁴ Approximately 1,500-2,000 men were detained at three major sites:¹⁴⁷⁵ Nova Kasaba, Konjević Polje and Sandići Meadow. From the moment of their capture, these men were marked for death, as we know from survivors detained at each of these sites.¹⁴⁷⁶

TOLIMIR’s arrangements for the captured prisoners

537. By the early morning of 13 July, **TOLIMIR** knew of and shared the plan to murder the Srebrenica able-bodied men. To facilitate its implementation, he issued two key proposals on 13 July, both advocating the concealment of the detained Muslim prisoners in furtherance of the murder operation.

538. On the afternoon of 13 July, **TOLIMIR** formulated the first proposal in furtherance of the murder operation.¹⁴⁷⁷ Concerning the treatment of the captured prisoners, this was directed to Mladić and Gvero and to the Command of the 65thZMTP MP Battalion, effected by order of the Regiment’s Commander, Lt. Col. Savčić. Drafted at around 14:00 hours and sent at 15:10 hours,¹⁴⁷⁸ the document accurately reflected contemporaneous information about the situation on the ground, noting in particular that:

There are over 1000 members of the former 28th Division of the so-called BH Army captured in the area of Dušanovo (Kasaba). Prisoners are under control of the Military Police Battalion of the 65th ZMTP.¹⁴⁷⁹

¹⁴⁷¹ AF536-537; [PW-007] T.522-523; Exh.P01450, [PW-008], T.1384. *See also* [REDACTED – see Exh.P00110], [PW-015], T.2946, T.3008.

¹⁴⁷² Exh.P02205; MALINIĆ, T.15342; SALAPURA, T.13579-13580, T.13582-13583 (SALAPURA met Malinić twice on 13 July, on his way to and from Bratunac. On the second occasion, SALAPURA passed a message on to Malinić that there were problems with the prisoners at the football field).

¹⁴⁷³ AF535; [PW-007], T.523; Exh.P01450, [PW-008], [REDACTED].

¹⁴⁷⁴ AF562, AF551, AF554; FRANKEN, T.3356; Exh.P00607, p.7.

¹⁴⁷⁵ [REDACTED]; *see also* Exh.P02798, V000-9016, 00:27’50-00:28’00, transcript p.83 (after 16:48 hours, “three to four thousand”).

¹⁴⁷⁶ [PW-016] (Nova Kasaba), [PW-004] (Konjević Polje), [PW-007] (Sandići).

¹⁴⁷⁷ Exh.P00125.

¹⁴⁷⁸ GOJKOVIĆ, T.2817, T.2877 (acknowledging his signature, and having sent the document at 15:10 hours on 13 July 1995).

¹⁴⁷⁹ Exh.P00125, ERN:0425-8580-0425-8580.

539. **TOLIMIR** was fully apprised of this developing situation. On the morning of 13 July both Savčić and **TOLIMIR** were together in Borike.¹⁴⁸⁰ Savčić received at least two telephone calls from his subordinate, MP Battalion Commander Maj. Zoran Malinić, who was in Nova Kasaba.¹⁴⁸¹ Malinić reported that the situation “was getting more complex” and that “there was a continuous stream of larger groups of people, mostly members of the 28th division from Srebrenica who were surrendering, and he was facing a problem” because he did not have enough troops to secure the prisoners.¹⁴⁸² Savčić also learned that “several major television companies from the world” were arriving in the area,¹⁴⁸³ an issue directly addressed by **TOLIMIR**’s subsequent proposals. During these conversations, **TOLIMIR** was standing next to Savčić or somewhere in the immediate vicinity.¹⁴⁸⁴ As to **TOLIMIR**’s knowledge of the situation, Savčić explained “[**TOLIMIR**] knew. He was aware of that if only from the conversation I had with Malinić.”¹⁴⁸⁵ This evidence supports no other reasonable inference to the contrary.¹⁴⁸⁶ In fact the evidence indicates that **TOLIMIR** must have known of the much larger number of Muslims captured along the road.

540. With knowledge of the developing situation, **TOLIMIR** proposed to: (1) prohibit access to and filming of the prisoners; (2) prohibit traffic for all UN vehicles along the Zvornik-Vlasenica road; and importantly, (3) conceal the prisoners through the use of the 65th ZMTP MP Battalion to “remove [them] from the main Milići-Zvornik road, [and] place them somewhere indoors or in an area protected from observation from the ground or the air.”¹⁴⁸⁷

541. Savčić commanded Malinić.¹⁴⁸⁸ As such, ordering Malinić to implement **TOLIMIR**’s proposal with regard to the use of the MP Battalion to remove and conceal the prisoners was entirely consistent with the existing VRS practices and the Rules of Service.¹⁴⁸⁹ Savčić similarly ordered Malinić to “contact General Miletic and receive from him additional

¹⁴⁸⁰ [REDACTED – see Exh.P02418], SAVČIĆ, T.15256.

¹⁴⁸¹ [REDACTED – see Exh.P02418], SAVČIĆ, T.15249, T.15252; MALINIĆ, T.15362, T.15317-15318.

¹⁴⁸² [REDACTED – see Exh.P02418], SAVČIĆ, T.15252, T.15254; MALINIĆ, T.15316-15317.

¹⁴⁸³ [REDACTED – see Exh.P02418], SAVČIĆ, T.15254.

¹⁴⁸⁴ [REDACTED – see Exh.P02418], SAVČIĆ, T.15256.

¹⁴⁸⁵ [REDACTED – see Exh.P02418], SAVČIĆ, T.15256. [REDACTED].

¹⁴⁸⁶ Cf., Defence PTB, paras.225-229 (asserting that, because he was engaged in negotiations concerning Žepa during the period when the message was sent, he had no information regarding the accumulation of prisoners in the Srebrenica area that would have allowed him to make such proposals).

¹⁴⁸⁷ Exh.P00125.

¹⁴⁸⁸ MALINIĆ, T.15309, [REDACTED],.

¹⁴⁸⁹ [REDACTED – see Exh.P02418], SAVČIĆ, T.15239 (noting that the Main Staff Security Administration operated as the 65th ZMTP’s security organ since the Regiment lacked one). Proposals on the use of the Regiment’s MPs were thus received from the Main Staff Security Administration—in this case, **TOLIMIR**—and implemented by Savčić’s order as the Regiment’s Commander. See [REDACTED – see Exh.P02418], SAVČIĆ, T.15239-15240, T.15272 (stating that Security Organs “are professionals who give suggestions to the commander on the use of respective units”).

orders and verify if the proposal has been approved by the Commander of the [VRS Main Staff].”¹⁴⁹⁰

542. **TOLIMIR**'s proposal was communicated as intended. Danko Gojković, a Rogatica Brigade communications operator, confirmed not only that he typed-up the proposal, but that he sent it on, memorialising its transmission by signing, dating, and timing the document.¹⁴⁹¹ Intercept evidence and aerial imagery corroborates the situation on the ground as contemporaneously related in the document. In particular, an intercepted conversation at 14:05 hours between two unidentified participants reflects oral instructions which are confirmed in **TOLIMIR**'s written proposal:¹⁴⁹²

X – Where is that?

Y – Here at the football /pitch/.

X – Is it visible?

Y – Fuck, it is.

X – Brother, don't take anyone, I'll send you an urgent telegram now, don't take anyone, /?put out of sight/ a little. I'll send you the telegram now and explain it to you.

Y – Go ahead.

X – Secure it well and you'll get it now in the telegram.

Y – Fine.

X – Cheers.

Y – I will do nothing before that.

X – Nothing.

In addition, the results of forensic analysis and proof of the provenance of **TOLIMIR**'s proposal document further confirm its authenticity.¹⁴⁹³ Finally, Mladić issued an order later that night which explicitly adopted elements of **TOLIMIR**'s proposal.¹⁴⁹⁴

543. The proposal confirms **TOLIMIR**'s knowledge of the murder operation. The glaring and conspicuous absence of any reference to the listing, documenting or registering of prisoners shows their intended fate and that **TOLIMIR** knew of and shared the intent of the murder JCE. His proposal to other JCE members to conceal the prisoners underscores **TOLIMIR**'s intention to ensure the successful covert implementation of the murder operation.

¹⁴⁹⁰ Exh.P00125.

¹⁴⁹¹ GOJKOVIĆ, T.2817-2818; Exh.P00468, pp.24-26.

¹⁴⁹² Exhs.P00411a-[REDACTED].

¹⁴⁹³ Exh.P00410a; Exh.P00858; Exh.P00857; Exh.P01972 (finding conclusive evidence that the document was produced on the same typewriter as Exh.P00517, and strong evidence that another regularly-produced document (Exh.P00518) was typed on the same machine – *see also* BARR, T.10918-10925). BLASZCZYK, T.1410-1413, T.1467-1470 (establishing that the document was obtained during an OTP search of the Drina Corps in 2004).

¹⁴⁹⁴ Exh.P02420, (accepting proposals contained in Exh.P00125). BUTLER, T.16398-16399.

544. The significance of **TOLIMIR**'s proposal was not lost on Savčić, who immediately distanced both himself and Malinić when confronted with the document.¹⁴⁹⁵ At trial, Savčić confirmed that during his 2005 OTP interview he had tried to rationalise the impetus for **TOLIMIR**'s proposal by offering what can only be described as an incredible theory: that **TOLIMIR**'s proposal to place the prisoners out of view from the ground or air was motivated by a concern that NATO might accidentally bomb them.¹⁴⁹⁶ In 2007, Savčić added that upon "subsequent reflection", he had come up with three new (and even more incredible) explanations for the reference to protecting the prisoners from observation from the air: 1) that there might be retribution for past atrocities; 2) that it is difficult to guard so many prisoners in such a large outside area at night; and 3) that the Geneva Conventions bar exposure of PoWs to the general public.¹⁴⁹⁷ In 2011, he stated "[t]o leave them there at the playground, that would be exposing them to certain death."¹⁴⁹⁸ The irony here is just as clear as the evolution of Savčić's attempts to legitimise the proposal. None of the rationalisations for the proposal Savčić offered can be reconciled with the fact that it took him, a well-trained and decorated combat soldier, the better part of six years to explain.

545. Malinić's testimony about the document was equivocal.¹⁴⁹⁹ However, his equivocation must be viewed in light of Savčić's admission of having spoken with Malinić about the events of 13 July and about the document in particular on at least two separate occasions – once on 27 July 1995¹⁵⁰⁰ and once, sometime between 2005 and 2007.¹⁵⁰¹ Malinić denied having any recollection of these conversations.¹⁵⁰²

546. The lengths to which Savčić went to distance himself and explain away the impetus for **TOLIMIR**'s proposal underscores his awareness of the incriminatory nature of its plain import—that **TOLIMIR** knew that the prisoners were going to be killed and that the proposal was made to other members of the murder JCE in order to further that objective.

547. The document's unusual form, combining **TOLIMIR**'s proposals to the VRS Main Staff with Savčić's orders to the 65th ZMTP MP Battalion, reflects expediency—given that both **TOLIMIR** and Savčić were in Borike or Bokšanica and had to pass on communications to the VRS Main Staff. Notwithstanding his attempts to distance himself from the contents of the document, Savčić acknowledged that the document should have been transmitted by

¹⁴⁹⁵ [REDACTED – see Exh.P02418], SAVČIĆ, T.15263-15266.

¹⁴⁹⁶ SAVČIĆ, T.15810-15811; [REDACTED – see Exh.P02418], SAVČIĆ, T.15267.

¹⁴⁹⁷ [REDACTED – see Exh.P02418], SAVČIĆ, T.15272-15274.

¹⁴⁹⁸ SAVČIĆ, T.15811.

¹⁴⁹⁹ MALINIĆ, T.15367-15371.

¹⁵⁰⁰ [REDACTED – see Exh.P02418], SAVČIĆ, T.15255.

¹⁵⁰¹ [REDACTED – see Exh.P02418], SAVČIĆ, T.15263-15265.

¹⁵⁰² MALINIĆ, T.15375-15376.

somebody from the Rogatica Brigade,¹⁵⁰³ which is consistent Danko Gojković's evidence;¹⁵⁰⁴ and admitted further: "I cannot say with any certainty that I drafted this, as dictated by **TOLIMIR**, but I cannot refute the possibility with 100% certainty, either."¹⁵⁰⁵

548. The transmission of **TOLIMIR**'s proposal is proved by three unassailable facts: (1) the prisoners were removed from view from the ground and the air; (2) hours after **TOLIMIR**'s proposals were transmitted, Mladić issued an order entitled "Prevention of leakage of confidential military information in the area of combat operations" which unmistakably included some of **TOLIMIR**'s proposals;¹⁵⁰⁶ and (3) at 20:10 hours, Karadžić similarly ordered that: "All the goods must be placed in warehouses before twelve tomorrow,"¹⁵⁰⁷ clearly making an opaque reference to the prisoners.

549. Within two hours of **TOLIMIR**'s proposal being sent, about 1,000 Muslim prisoners were murdered at Kravica Warehouse. Over the next three days, all the prisoners at the Nova Kasaba football field and many others were executed by the VRS in secret, away from the eyes of international forces and organisations, and hurriedly buried in nearby mass graves. This document and **TOLIMIR**'s involvement in drafting and sending it to Mladić was a substantial contribution to the JCE to murder the able-bodied men of Srebrenica.

Sandići Meadow

550. [PW-008], surrendered to heavily-armed Bosnian Serb soldiers in camouflage uniforms who demanded that the Muslims hand over any weapons, bags and money they had.¹⁵⁰⁸ 1,000-2,000 prisoners were lined up along the road in five lines approximately 100 metres long; the Bosnian Serb soldiers demanded more money from them and gave insults like: "Fuck your balija's mother."¹⁵⁰⁹ One Bosnian Serb soldier made the prisoners do a three-fingered Serb salute to Muslim women and children who were passing by in buses; another beat a prisoner as he ran down the road.¹⁵¹⁰ The prisoners eventually reached Sandići Meadow.¹⁵¹¹ [PW-007] and other Muslims who surrendered in Sandići were also stripped of

¹⁵⁰³ [REDACTED – see Exh.P02418], SAVČIĆ, T.15266.

¹⁵⁰⁴ GOJKOVIĆ, T.2817-2818.

¹⁵⁰⁵ [REDACTED – see Exh.P02418], SAVČIĆ, T.15263; MALINIĆ, T.15320 ("I am not saying the document is not legitimate").

¹⁵⁰⁶ See Exh.P02420; BUTLER, T.16398-16399.

¹⁵⁰⁷ [REDACTED].

¹⁵⁰⁸ Exh.P01450, [PW-008], T.1384-1387; AF237.

¹⁵⁰⁹ Exh.P01450, [PW-008], T.1386-1388.

¹⁵¹⁰ Exh.P01450, [PW-008], T.1388-1389.

¹⁵¹¹ Exh.P01450, [PW-008], T.1389-1390, identifying the meadow on a map as Sandići.

their money, being threatened that otherwise: “you will fare in the same way as your predecessors.”¹⁵¹²

551. At Sandić Meadow, the prisoners were lined up in rows and guarded by soldiers.¹⁵¹³ They were given water but no food nor medical attention for the wounded.¹⁵¹⁴ Mladić arrived and told the prisoners that their governments were negotiating and that they would be exchanged “all for all” the following day.¹⁵¹⁵ Mladić’s promise that the Muslim men would be exchanged was a lie, as he had already ordered their murders.

552. That afternoon, approximately 1,000 of these prisoners were bussed and marched to Kravica Warehouse.¹⁵¹⁶ A woman and child, two young girls, and around ten boys aged under 15, were allowed to leave the Meadow.¹⁵¹⁷ As at Potočari, these separations at Sandić Meadow were integral to the murder operation and show that the Muslim men detained there, as well as at Konjević Polje and at Nova Kasaba, were to be murdered.

553. The prisoners remaining in the Meadow were ordered to lie on their stomachs with their hands above their necks, applaud and say “[l]ong live the king, long live Serbia.”¹⁵¹⁸ They lay there for about three hours, during which time shooting started nearby.¹⁵¹⁹ This coincided with the Kravica Warehouse executions.

554. Later that day, these remaining prisoners were crammed between 100-200 men to a truck and transported to Bratunac, escorted by a Golf vehicle containing soldiers.¹⁵²⁰ The prisoners spent the night in appalling conditions in and around Bratunac and the following morning, were transported to the Zvornik area¹⁵²¹ where they were executed.

Nova Kasaba

555. On the morning of 13 July, **TOLIMIR**’s subordinate BEARA co-ordinated the detention of Muslim men captured at Nova Kasaba using the 65thZMTP MP Battalion.¹⁵²²

¹⁵¹² AF237; [PW-007] T.523.

¹⁵¹³ [PW-007] T.525.

¹⁵¹⁴ AF239; [PW-007] T.554-555. *See also* AF240241.

¹⁵¹⁵ AF238; [PW-007] T.527-528.

¹⁵¹⁶ AF242; [REDACTED – see P00261], [PW-005], T.7094.

¹⁵¹⁷ [PW-007] T.525-526; *See also* [PW-008], T.8904-8905.

¹⁵¹⁸ [PW-008], T.8913.

¹⁵¹⁹ Exh.P01450, [PW-008], T.1397.

¹⁵²⁰ AF242; [PW-007] T.528; Exh.P01450, [PW-008], T.1397-1399.

¹⁵²¹ *See paras.*607-608.

¹⁵²² Exh.P00663a-[REDACTED]; Exh.P01145, ERN:0044-3212. (“I wanted to have [Malinić] guarantee our safety. He could not guarantee it and said that he had to contact his commander, Colonel BEARA.”); Exh.P01142, EGBERS, T.2756-2757 (Egbers did not identify the unit of the soldiers who stopped him and his men, but he was told by Major Zoran Malinić that they were his soldiers), T.2758-2759 (“He identified himself as being in charge of the headquarters and the things happening on the road with his soldiers. I was stopped by his soldiers, yes.”), T.2759-2760 (Malinić contacted BEARA to speak about Egbers’ complaint at his detention),

BEARA gave information and instructions regarding the prisoners to Malinić and his deputy, Aleksandar Lučić.¹⁵²³ BEARA asked Lučić whether he knew that “400 Balijas have shown up in Konjević Polje.” Lučić knew. BEARA instructed Lučić to “[s]hove them all on the playground, who gives a fuck about them?” and to line them up “in 4-5 rows” - meaning to put the Muslim prisoners on the Nova Kasaba football field.¹⁵²⁴

556. Later, BEARA arranged for four buses, two lorries and one trailer to be sent to Nova Kasaba for the transportation of the Muslim prisoners.¹⁵²⁵ BEARA’s message that the prisoners were “to be taken to the camp in Batkovići village” where there would be a selection between “war criminals and just soldiers,”¹⁵²⁶ was a deliberate deception designed to maintain the secrecy of the operation and to ensure that anyone unaware of the decision to kill all the prisoners would comply with their ostensible transfer without question. There is no evidence that any prisoners were transported to Batković on 13 July. The only known destinations for captured Muslim men and boys were other sites of temporary detention in the local area or sites of execution. Indeed later that afternoon, BEARA procured a bulldozer, the only purpose of which was for burials.¹⁵²⁷ As discussed at paragraphs 519-533, **TOLIMIR**’s 12 July instructions for preparations to be made for the arrival of prisoners at Batković camp were quickly rescinded once **TOLIMIR** learned of and joined the common plan to murder the military-aged men from Srebrenica.

557. When [PW-015], and 30 other men surrendered to Bosnian Serb forces wearing dark blue camouflage uniforms, they joined some 300 other prisoners.¹⁵²⁸ They were all detained in a hangar at Konjević Polje.¹⁵²⁹ They were ordered onto three or four civilian trucks which took them to the football field in Nova Kasaba,¹⁵³⁰ where they were ordered to throw away their remaining belongings.¹⁵³¹ At least 100 Bosnian Serb soldiers in camouflage uniforms,

T.2854-2856; Exh.P01147, ERN:0306-8457 (including Lt. Egbers’ 15 July 1995 official report written on his return to Potočari, in which Egbers describes BEARA as “Major Zoran” [Malinić]’s commanding officer).

¹⁵²³ MALINIĆ, T.15321-T.15322; SAVČIĆ, T.15768-15769; [REDACTED – see Exh.P02418], SAVČIĆ, T.15278, T.15236.

¹⁵²⁴ See para.557-559.

¹⁵²⁵ Exh.P02537.

¹⁵²⁶ Exh.P02537.

¹⁵²⁷ Exh.P01459, ERN:0293-5742 (“President of the municipality MITROVIĆ called and asked that the flat-bed trailer (~~Colonel Beara~~) be sent to Bratunac to bring bulldozer 1000. Colonel Beara passed on the message.”). This entry must have been made after 14:45 hours and probably after 16:00 hours on 13 July (see ERN:0293-5740-0293-5741).

¹⁵²⁸ [REDACTED – see P00110], [PW-015], T.2948.

¹⁵²⁹ [REDACTED – see P00110], [PW-015], T.2949.

¹⁵³⁰ [REDACTED – see P00110], [PW-015], T.2948-2950.

¹⁵³¹ AF542; [REDACTED – see P00110], [PW-015], T.2950; [PW-015], T.1325.

including 65th ZMTP MPs, secured the detained men in the football field; 15-20 soldiers stood by the gates and swore at the prisoners as they entered the field.¹⁵³²

558. There were at least 2,000 Muslim prisoners in the football field lined up in rows.¹⁵³³ Prisoners sitting in the football field at Nova Kasaba with their hands behind their necks were seen by DutchBat soldiers on 12-13 July.¹⁵³⁴ The prisoners received no food or water while detained.¹⁵³⁵

559. Shortly after [PW-015] arrived at Nova Kasaba, Mladić arrived. A prisoner was shot as he addressed the prisoners, telling them that the Muslim authorities did not want them and that the Serbs would give them food and water then decide whether they would be sent to the Krajina, Fikret Abdić or to Batković Camp.¹⁵³⁶ This was a lie, as Mladić had already ordered their murder. Around 17:00-18:00 hours, the prisoners were ordered onto three or four trucks and a bus waiting at the entrance to the football field.¹⁵³⁷ One prisoner asked to take his bag, but Bosnian Serb guards said: "You won't need that any longer."¹⁵³⁸ The truck, along with at least two others, then drove to Kravica, stopping near the supermarket.¹⁵³⁹ The following morning, these prisoners were transported to the Zvornik area¹⁵⁴⁰ for execution.

Konjević Polje

560. Around 19:30 hours on 13 July, Mevludin Orić and other Muslims who had surrendered to Bosnian Serb soldiers at Konjević Polje were detained in a former agricultural warehouse in Konjević Polje.¹⁵⁴¹ Around 21:00-22:00 hours, two buses arrived from Milići and transported the captured Muslims to Bratunac, accompanied by three VRS MPs wearing blue flak jackets identical to those of UNPROFOR.¹⁵⁴² Orić and the other prisoners were transported to the Zvornik area the following day¹⁵⁴³ where they were executed.

¹⁵³² [REDACTED – see P00110], [PW-015], T.2952-2953; [PW-015], T.1325-1328; Exh.P00113; MALINIĆ, T.15351.

¹⁵³³ AF541, AF543; [PW-015], T.1325-1328; [REDACTED – see P00110], [PW-015], T.2950-2951. Exh.P00113; Exh.P00094, p.31-32; [REDACTED].

¹⁵³⁴ EGBERS, T.7088-7090, T.7094-7095; Exh.P01142, EGBERS, T.2724-2725, T.2748-2749; Exh.P01302; [REDACTED – see Exh.P00598], FRANKEN, T.2509-2510.

¹⁵³⁵ [REDACTED – see P00110], [PW-015], T.2955.

¹⁵³⁶ AF547; [REDACTED – see P00110], [PW-015], T.2953-2954; [PW-015], T.1383-1384; Exh.D00028; MALINIĆ, T.15378, T.15383; Exh.P01762, [PW-016], T.3024.

¹⁵³⁷ [REDACTED – see P00110], [PW-015], T.2954-2956.

¹⁵³⁸ [REDACTED – see P00110], [PW-015], T.2954.

¹⁵³⁹ [REDACTED – see P00110], [PW-015], T.2956.

¹⁵⁴⁰ AF546; *see paras.607-608.*

¹⁵⁴¹ [REDACTED – see Exh.P00069], ORIĆ, T.885-887.

¹⁵⁴² [REDACTED – see Exh.P00069], ORIĆ, T.890-892.

¹⁵⁴³ *See paras.607-608.*

(xiii) 13 July: Murder of approximately 16 Muslim prisoners at Jadar River

561. On the morning of 13 July, after capturing approximately 16 Muslim men from the column along the Bratunac-Konjević Polje road,¹⁵⁴⁴ a squad of Bosnian Serb soldiers carried out the first known execution of Muslim men from Srebrenica.¹⁵⁴⁵ This execution was highly co-ordinated. Buses were used to transport them to the execution site where executioners awaited them, and identity documents crucial to identifying the prisoners as part of the interrogation process were destroyed. The ultimate aim was not interrogation, but execution.

562. On 12 July and the early hours of 13 July, VRS and MUP forces began capturing Muslim men in the areas of Ravni Buljim, Nova Kasaba and Konjević Polje.¹⁵⁴⁶ [PW-004] was captured near the Konjević Polje intersection by policemen.¹⁵⁴⁷ He was taken with three other prisoners to a warehouse on the banks of the Jadar River where they were detained with 12 other Muslim prisoners,¹⁵⁴⁸ and where Bosnian Serb soldiers, including Nenad Deronjić, a member of a MUP PJP Company, were waiting.¹⁵⁴⁹ The soldiers ordered the prisoners to undress, lined them up against the wall and beat them.¹⁵⁵⁰ One soldier said that the prisoners were to be killed, not exchanged.¹⁵⁵¹ The 16 prisoners, including a 15 year-old boy, were loaded onto a bus by the soldiers and taken to the Jadar River, where the soldiers ordered off the bus, lined them up and shot them.¹⁵⁵² [PW-004] was shot, whereupon he threw himself into the river.¹⁵⁵³ The soldiers continued shooting at him, but he managed to escape.¹⁵⁵⁴

563. The testimony of the sole survivor of the execution, [PW-004],¹⁵⁵⁵ combined with other witness testimony, Butler's military analysis and radio intercept evidence, illustrates VRS, DK and MUP involvement in the Jadar River execution.¹⁵⁵⁶ As buses were in very high demand on the morning of 13 July to transport civilians out of Potočari, it is not possible that individual soldiers or police officers could have commandeered a bus, organised an

¹⁵⁴⁴ AF148-149.

¹⁵⁴⁵ AF201.

¹⁵⁴⁶ Exh.P02157, ERN:0608-8427-0608-8428.

¹⁵⁴⁷ Exh.P02157, ERN:0608-8427; [REDACTED – see Exh.P002066], [PW-075], T.3824-3825; [REDACTED – see Exh.P00442], [PW-004], T.3244-3247. Exh.P00094, pp.35, 36.

¹⁵⁴⁸ [REDACTED], T.3268-3269, T.3275; [REDACTED], Exh.P00462; Exh.P00451. *See also* RUEZ, T.935-936; Exh.P00094, pp.38-39.

¹⁵⁴⁹ AF146; M.NIKOLIĆ, T.12408; Exh.P02157, ERN:0608-8428 (Momir NIKOLIĆ went to Konjević Polje on 13 July with an MP and saw Nenad Deronjić there); Exh.P02525, item 5.

¹⁵⁵⁰ [REDACTED – see Exh.P00442], [PW-004], T.3269-3271, T.3273-3274.

¹⁵⁵¹ [REDACTED – see Exh.P00442], [PW-004], T.3270.

¹⁵⁵² [PW-004], T.2718-2722, T.2743; [REDACTED]. *See also* RUEZ, T.957-960; Exh.P00094, pp.74-80; Exh.P00463; Exh.P00464.

¹⁵⁵³ AF202.

¹⁵⁵⁴ [PW-004], T.2721-2722; [REDACTED – see Exh.P00442], [PW-004], T.3276-3279.

¹⁵⁵⁵ [REDACTED – see Exh.P00442], [PW-004], T.3244-3279.

¹⁵⁵⁶ *See* Exh.P02157, ERN:0608-8428; [REDACTED – see Exh.P002066], [PW-075], T.3824-3825. Exh.P02473, ERN:01113-4345, para.6.17; RUEZ, T.935-936; Exh.P00094, pp.38-39, 75.

execution squad and carried out an execution of 16 people without VRS Main Staff knowledge and approval. This execution confirms the murder operation was in place and activated by the morning of 13 July.

(xiv) Execution of six Bosnian Muslim men interrogated at the Bratunac Brigade Headquarters on 13 July 1995

564. On 13 July, Rešid Sinanović, a Bosnian Muslim lawyer¹⁵⁵⁷ and the former Bratunac Chief of Police,¹⁵⁵⁸ was taken prisoner at Konjević Polje. Momir NIKOLIĆ arrived at the Konjević Polje checkpoint on the morning of 13 July and drove Sinanović to the Bratunac Brigade HQ,¹⁵⁵⁹ then handed Sinanović over to Zlatan Čelanović (Bratunac Brigade Desk Officer for Moral, Legal and Religious Affairs)¹⁵⁶⁰ and asked Čelanović to investigate war crimes allegations against Sinanović,¹⁵⁶¹ consistent with instructions Čelanović had received earlier from BEARA.¹⁵⁶²

565. Čelanović testified that on the morning of 13 July he interviewed 5-6 other Bosnian Muslim men who arrived at the Bratunac Brigade HQ in a vehicle escorted by special police.¹⁵⁶³ They were: Nazif Avdić, Munib Dedić, Aziz Husić, Mujo Husić and Hasib Ibišević.¹⁵⁶⁴ After the interrogations, the special police took Sinanović and the other Muslim prisoners to Vuk Karadžić School in Bratunac.¹⁵⁶⁵ All were then transported to Zvornik¹⁵⁶⁶ [REDACTED]¹⁵⁶⁷ [REDACTED].¹⁵⁶⁸ [REDACTED].¹⁵⁶⁹ [REDACTED].¹⁵⁷⁰

566. The interrogation, capture, detention, transportation and murder of these prisoners demonstrates the co-ordination of the VRS and MUP, including the DK, Bratunac Brigade and the Zvornik Brigade.

¹⁵⁵⁷ Exh.P00637, ČELANOVIĆ, T.6634.

¹⁵⁵⁸ M.NIKOLIĆ, T.12401.

¹⁵⁵⁹ Exh.P02157, ERN:0608-8428; Exh.P00637, ČELANOVIĆ, T.6633. *See also* M.NIKOLIĆ, T.12401, T.12630; [PW-063], T.6527.

¹⁵⁶⁰ Exh.P00637, ČELANOVIĆ, T.6626-6627, T.6630; M.NIKOLIĆ, T.12401.

¹⁵⁶¹ Exh.P00637, ČELANOVIĆ, T.6633-6636; Exh.P00639; M.NIKOLIĆ, T.12401-12402.

¹⁵⁶² Exh.P00637, ČELANOVIĆ, T.6628-6632. *See also* AF194.

¹⁵⁶³ Exh.P00637, ČELANOVIĆ, T.6632-6633, T.6645-6647.

¹⁵⁶⁴ *See* Indictment para.21.1; Exh.P00637, ČELANOVIĆ, T.6637, T.6655, T.6658-6659; Exh.P00638; Exh.P00641; Exh.P00640. Note: Hajrudin Begžadić's name was mentioned by Aziz Husić during his interview. He was not present that day.

¹⁵⁶⁵ Exh.P00637, ČELANOVIĆ, T.6645-6647, T.6650, T.6690; [PW-063], T.6533; M.NIKOLIĆ, T.12402.

¹⁵⁶⁶ M.NIKOLIĆ, T.12402. *See also* [PW-063], [REDACTED], T.6574.

¹⁵⁶⁷ [REDACTED].

¹⁵⁶⁸ [REDACTED].

¹⁵⁶⁹ [REDACTED].

¹⁵⁷⁰ [REDACTED]; Exh.P00170, ERNs X019-6012, X019-6019.

(xv) **13 July: Murder of over 1,000 Muslim prisoners at Kravica Warehouse**

567. During the morning and afternoon hours of 13 July, 1,000-2,000 Muslim men and boys were detained at Sandići Meadow by MUP forces under Borovčanin's command.¹⁵⁷¹ In the afternoon, the MUP units escorted at least 1,000 of these prisoners to Kravica Warehouse, where they were executed.¹⁵⁷² At this time and throughout the Srebrenica operation, Borovčanin and his forces were under Krstić's command.¹⁵⁷³

568. Shortly before 17:00 hours, Borovčanin was driving along the Kravica-Konjević Polje road in the direction of Sandići.¹⁵⁷⁴ The Muslim prisoners were already moving from Sandići Meadow towards Kravica¹⁵⁷⁵ when Borovčanin ordered Rade Čturić ("Oficir") to stop the traffic behind him.¹⁵⁷⁶ This traffic comprised of the buses and trucks transporting the Muslim women and children from Potočari to Kladanj. Borovčanin's order to Čturić was part of a planned operation to summarily execute the Muslim men and boys in Kravica Warehouse and to ensure that the murders did not occur while buses were driving past. Borovčanin continued to drive, arriving at Kravica Warehouse as the executions were underway.¹⁵⁷⁷

569. Milenko Pepić stopped the traffic upon Čturić's order, then heard "more intense" firing from the direction of the Warehouse which "seemed as if fire was being opened from one side alone."¹⁵⁷⁸ Predrag Čelić also heard hand-grenade detonations.¹⁵⁷⁹ Pepić was somewhat vague about the timing between stopping the traffic and the sound of intense gunfire,¹⁵⁸⁰ but testified that the shooting stopped in the late afternoon or perhaps dusk and he was told to allow the traffic to pass later that evening.¹⁵⁸¹ Pepić saw bullet holes in the wall and hay in front of the Warehouse when he drove past it later that evening.¹⁵⁸²

570. [PW-005], who was detained in the West Room¹⁵⁸³ of Kravica Warehouse,¹⁵⁸⁴ testified that the shooting started in that room when the last Muslim prisoner entered the

¹⁵⁷¹ AF146, AF225, AF236; Exhs.P00413a-[REDACTED].

¹⁵⁷² AF226; See Exh.P01633, ČELIĆ, T.13477-13478; [REDACTED – see Exh.P02797], [PW-006], T.6981, T.6988-6990; [REDACTED – see Exh.P00261], [PW-005], T.7094-7095, T.7106; Exh.P01632; Exh.P00094, p.96; RUEZ, T.971, T.924, T.968.

¹⁵⁷³ [REDACTED].

¹⁵⁷⁴ Exh.P01251, pp.38-53.

¹⁵⁷⁵ Exh.P01346, at 16'48"-17'20" (see Exh.P01347, p.10 for transcript).

¹⁵⁷⁶ Exh.P01628, PEPIĆ, T.13559. See also Exh.P01628, PEPIĆ, T.13556-13557, T.13569.

¹⁵⁷⁷ PETROVIĆ, T.18801-18802; Exh.P02798, V000-9016, 0h36'18"-0h36'57".

¹⁵⁷⁸ Exh.P01628, PEPIĆ, T.13560.

¹⁵⁷⁹ Exh.P01633, ČELIĆ, T.13479.

¹⁵⁸⁰ Exh.P01628, PEPIĆ, T.13560-13566.

¹⁵⁸¹ Exh.P01028, PEPIĆ, T.13567.

¹⁵⁸² Exh.P01628, PEPIĆ, T.13573; Exh.P01631; Exh.P01628, PEPIĆ, T.13574).

¹⁵⁸³ The Kravica Warehouse includes two large rooms, one at the east end of the building ("East Room") and one at the west end ("West Room"), with a smaller room in-between.

Warehouse and had no place to sit down.¹⁵⁸⁵ The shooting continued, with pauses, until the night.¹⁵⁸⁶

571. [PW-006], had been in the East Room of the Warehouse for some time when he heard shooting start outside, including from an “84” machine gun, automatic rifles, a tank, a 23-millimetre anti-aircraft weapon, a Praga and grenades.¹⁵⁸⁷ This lasted for about half an hour.¹⁵⁸⁸ He was not sure where the shooting came from, but that it was outside the Warehouse, not inside.¹⁵⁸⁹ He saw soldiers standing in front of the Warehouse, firing from automatic rifles.¹⁵⁹⁰ During the firing, the Serb guards told the prisoners in [PW-006]’s room: “They are attacking us. Look at what they’re doing to us.”¹⁵⁹¹

572. The shooting that [PW-006] heard must have been the executions occurring in the West Room where [PW-005] was detained. The soldiers guarding [PW-006] lied that the shooting was from attacking Muslims¹⁵⁹² to disguise the murder of Muslims that was taking place at the other end of the Warehouse, in an effort to keep the Muslim prisoners in the East Room calm and to prevent their escape.

573. After the shooting in the West Room stopped, the soldiers started shooting the prisoners in the East Room.¹⁵⁹³

574. Both [PW-005]’s and [PW-006]’s accounts demonstrate that the Kravica Warehouse executions were part of an organised plan to kill all the prisoners. Their accounts are corroborated by video footage, aerial imagery, forensic evidence and Bosnian Serb witnesses.

575. Both [PW-006]¹⁵⁹⁴ and [PW-005]¹⁵⁹⁵ witnessed further killings at Kravica Warehouse on 14 July¹⁵⁹⁶ and testified that a loader or excavator was at the Warehouse,

¹⁵⁸⁴ Exh.P00264; [REDACTED – see Exh.P00261], [PW-005], T.7101-71703.

¹⁵⁸⁵ AF227; [REDACTED – see Exh.P00261], [PW-005], T.7095. AF228.

¹⁵⁸⁶ [REDACTED – see Exh.P00261], [PW-005], T.7123.

¹⁵⁸⁷ AF227; [REDACTED – see Exh.P02797], [PW-006], T.6996.

¹⁵⁸⁸ [REDACTED – see Exh.P02797], [PW-006], T.6992, T.6995-6996.

¹⁵⁸⁹ [REDACTED – see Exh.P02797], [PW-006], T.6992.

¹⁵⁹⁰ [REDACTED – see Exh.P02797], [PW-006], T.6997.

¹⁵⁹¹ [REDACTED – see Exh.P02797], [PW-006], T.6997.

¹⁵⁹² [REDACTED – see Exh.P02797], [PW-006], T.6997.

¹⁵⁹³ [REDACTED – see Exh.P02797], [PW-006], T.6999. *See also* AF229.

¹⁵⁹⁴ [REDACTED – see Exh.P02797], [PW-006], T.7005-7006.

¹⁵⁹⁵ [REDACTED – see Exh.P00261], [PW-005], T.7096-7098. *See also* [PW-005], T.2209-2210, T.2212.

¹⁵⁹⁶ AF230.

signifying the start of the clean-up operation.¹⁵⁹⁷ On the night of 13 July, BEARA organised the burial of the Muslim men murdered at the Warehouse.¹⁵⁹⁸

576. Information about the 13 July killings was quickly disseminated within the DK and higher commands – the DK 5th Engineering Battalion's, headquartered at Konjević Polje, 14 July regular combat report detailed the arrest and killing of 1,000-1,500 Muslim soldiers and civilians.¹⁵⁹⁹

577. Forensic investigations at the Warehouse yielded human tissue and blood, explosive residue, shell cases, bullets, hand-grenade handles and personal identification and belongings of victims.¹⁶⁰⁰ They showed that small arms, machine guns and grenades inflicted substantial damage¹⁶⁰¹ as demonstrated in photographic evidence.¹⁶⁰²

(xvi) 13 July: Murder of approximately 22 Muslim men detained at the Luke School near Tišća

578. On 12 July, buses containing Srebrenica Muslims, including a number of Muslim men and boys, arrived near Tišća.¹⁶⁰³ On orders from the DK, VRS soldiers from the Milići Brigade separated 10-15 Muslim men and boys and took them away towards the forest.¹⁶⁰⁴

[REDACTED].¹⁶⁰⁵ [REDACTED].¹⁶⁰⁶ [REDACTED].¹⁶⁰⁷ [REDACTED].¹⁶⁰⁸
 [REDACTED].¹⁶⁰⁹ [REDACTED].¹⁶¹⁰ [REDACTED].¹⁶¹¹ [REDACTED].¹⁶¹²
 [REDACTED].¹⁶¹³ [REDACTED].¹⁶¹⁴ [REDACTED].¹⁶¹⁵ [REDACTED].¹⁶¹⁶
 [REDACTED].

¹⁵⁹⁷ AF231; [REDACTED – see Exh.P00261], [PW-005], T.7106-7107; [REDACTED – see Exh.P02797], [PW-006], T.7006. *See also* Exh.P02798, V000-9016, 00:36'18-00:36'56; Exh.P00094, pp.121-122 (showing damage to doorway, indicating that an excavator or loader had driven into Kravica Warehouse).

¹⁵⁹⁸ *See* para.587; AF232-234.

¹⁵⁹⁹ Exh. P01769.

¹⁶⁰⁰ AF235; Exh.P01824; Exh.P01825, ERN:0095-0931; Exh.P01828; Exh.P00094, p.106.

¹⁶⁰¹ AF235; RUEZ, T.972-974; Exh.P01828; Exh.P01825, ERN:0095-0931-0095-0933.

¹⁶⁰² AF235; Exh.P01041; Exh.P00262; Exh.P01830; Exh.P01828; Exh.P00094, pp.94-122 (blood stains on the wall-pp.98-99, 109-110; bullet and/or explosive damage-pp.98-99, 102-103, 105, 108-111; grenades or grenade handles found at the site-pp.100-101).

¹⁶⁰³ [REDACTED – see Exh.P01461], BOERING, T.2022-2023.

¹⁶⁰⁴ AF251-253; [REDACTED – see Exh.P01461], BOERING, T.2022-2023.

¹⁶⁰⁵ AF243-244, AF247-248, AF253; [REDACTED].

¹⁶⁰⁶ [REDACTED]; T.1281-1282; Exh.P00056, pp.2-3.

¹⁶⁰⁷ AF249; [REDACTED].

¹⁶⁰⁸ [REDACTED]

¹⁶⁰⁹ [REDACTED].

¹⁶¹⁰ AF250; [REDACTED].

¹⁶¹¹ [REDACTED].

¹⁶¹² AF250; [REDACTED].

¹⁶¹³ [REDACTED]

¹⁶¹⁴ [REDACTED]

¹⁶¹⁵ [REDACTED].

¹⁶¹⁶ [REDACTED].

(xvii) On the evening of 13 July, TOLIMIR proposed accommodating Muslim prisoners at Sjemeč farm

579. On the evening of 13 July 1995, when thousands of prisoners were in VRS custody, including over 1,500 at Nova Kasaba football field,¹⁶¹⁷ **TOLIMIR** sent a telegram to Gvero at the Main Staff,¹⁶¹⁸ proposing the accommodation of 800 Srebrenica PoWs¹⁶¹⁹ at Sjemeč in the Rogatica Brigade's area of responsibility.¹⁶²⁰ He proposed their use for agricultural work, maintaining the Sjemeč horse, pig and sheep farm¹⁶²¹ and advised that the Rogatica Brigade would guard the prisoners. He ended the proposal as follows:

[i]f you send them to this sector, this must be done at night, using 1st plpbr transport and troops. It would be best if this is a new group which has not been in contact with the other r/zs [prisoners of war].

580. **TOLIMIR** likely sent the proposal from Bokšanica, where he had spent time earlier in the day.¹⁶²² Rogatica Brigade security and intelligence chief Zoran ČARKIĆ testified that he wrote down **TOLIMIR**'s proposal by hand, before forwarding it to the Brigade's Communications Centre where it was typed up and sent to Gvero.¹⁶²³ Danko Gojković confirmed that he typed the telegram on a teleprinter and transmitted it on 13 July at 22:30 hours.¹⁶²⁴ Although on the typed version of the document the '800' figure for the number of prisoners is hard to read, ČARKIĆ's handwritten copy as dictated by **TOLIMIR** clearly shows '800.' Gojković confirmed that, whether or not the typed version is legible, it should read '800.'¹⁶²⁵

581. This proposal reflects **TOLIMIR**'s receipt of timely information concerning the huge numbers of prisoners captured along the Bratunac-Konjević Polje-Milići road and problems concerning their detention in Bratunac.¹⁶²⁶ Furthermore, having been deployed to the Rogatica Brigade's area of responsibility, **TOLIMIR**'s proposal to use local resources was a practical and convenient pretext to relieve pressure on Bratunac and facilitate the murders.

582. **TOLIMIR**'s initial efforts on 12 July to arrange accommodation for prisoners at Batković Camp contrast starkly with his Sjemeč proposal. In proposing that 800 prisoners be sent to Sjemeč, **TOLIMIR** was not proposing legitimate accommodation for PoWs at a

¹⁶¹⁷ [REDACTED].

¹⁶¹⁸ Exh.D00049.

¹⁶¹⁹ ČARKIĆ, T.12726.

¹⁶²⁰ Exh. P00104, p.12, lower right corner; ČARKIĆ, T.12726, 12729.

¹⁶²¹ Exh.D00049, p.1; ČARKIĆ, T.12724-12725.

¹⁶²² ČARKIĆ, T.12725.

¹⁶²³ ČARKIĆ, T.12723-12725.

¹⁶²⁴ GOJKOVIĆ, T.2852-2854, 2857-2858.

¹⁶²⁵ Exh.D00049; GOJKOVIĆ, T.2853-2854.

¹⁶²⁶ See paras.538-539; BUTLER, T.16407-16408, T.17354.

location where, in the normal course of events, they would be documented and eventually exchanged. He made no mention about listing the prisoners, arranging for their registration with the ICRC, or making adequate provision for their basic needs. Rather, **TOLIMIR** proposed that the prisoners be moved to Sjemeč at night, avoiding detection and consistent with his proposals earlier that day to ensure the secrecy of the murder operation.

583. **TOLIMIR** did not propose, for example, for the prisoners to be accommodated at Rasadnik, where a functioning prison camp was operated by the Rogatica Brigade;¹⁶²⁷ at the Sušica prison in Šekovići;¹⁶²⁸ at the Srbinje Correctional Facility where there was capacity for 1,000 new prisoners;¹⁶²⁹ or in any other legitimate detention facility in RS.¹⁶³⁰ **TOLIMIR**'s proposal was a pretext to relieve the pressure to guard the prisoners in Bratunac, to minimise the potential exposure of the murder operation and to facilitate its perpetration.¹⁶³¹ BEARA was dealing with the same problem the evening of 13 July as was Deronjić and President Karadžić.¹⁶³² Had **TOLIMIR** intended for the prisoners from Srebrenica to be handled consistently with his duties towards them and in accordance with the usual practice followed during the war, he would have proposed such legitimate and humane accommodation for them, rather than the Sjemeč farm.

584. The evidence proves that there was no way for 800 prisoners to be secured at Sjemeč, as **TOLIMIR** had proposed. **TOLIMIR** knew this because ČARKIĆ was present when **TOLIMIR** formulated his proposal and as his subordinate, was obliged to and would have informed **TOLIMIR** that: "this number of people would have beyond the ability of the 1st Podrinje Brigade to handle. Additional forces would have to be engaged from the Drina Corps."¹⁶³³ ČARKIĆ furthermore knew how unsuitable the buildings at Sjemeč were, given that they were poorly built and had crumbled long ago.¹⁶³⁴

585. Furthermore, there was no agricultural work to occupy 800 prisoners at Sjemeč, and **TOLIMIR** must also have known this from ČARKIĆ or another informed member of the Rogatica Brigade command. Djoko Razdoljac, then-Rogatica Brigade Assistant Commander for Logistics and afterwards an employee of the company that owned the Sjemeč farm,¹⁶³⁵

¹⁶²⁷ See paras.476-479, 485.

¹⁶²⁸ See para.771.

¹⁶²⁹ Exh.P02256, pp.2-3.

¹⁶³⁰ Exh.P00037, DERONJIĆ, T.117-118.

¹⁶³¹ See paras.537-549 concerning **TOLIMIR**'s earlier proposal on 13 July that prisoners should be concealed.

¹⁶³² See paras.587-588; [REDACTED].

¹⁶³³ ČARKIĆ, T.12728; BUTLER, T.17329-17331. The 1st Podrinje Light Infantry Brigade (1.PLBR) was the official name of the Rogatica Brigade: RAZDOLJAC, T.8232.

¹⁶³⁴ ČARKIĆ, T.12729; Exh.P02170; ČARKIĆ, T.12731; Exh.P02171, "1" indicating the regional Rogatica-Višegrad road and "2" indicating the dirt road leading to the Sjemeč farm buildings: ČARKIĆ, T.12734-12735.

¹⁶³⁵ RAZDOLJAC, T.8234.

testified to two important facts: (1) in July and August 1995, there was nothing at Sjemeč¹⁶³⁶ other than animals belonging to locals who used the pasture and kept their cattle in the barns there;¹⁶³⁷ and (2) “there was no farm work to be done.”¹⁶³⁸

(xviii) On the evening of 13 July, the JCE members decided to move the thousands of Muslim prisoners detained in Bratunac to the Zvornik area and Drago NIKOLIĆ was relieved of duty at the Zvornik Brigade IKM to make preparations for the prisoners’ arrival

586. By the afternoon of 13 July 1995, the Bosnian Serb forces had thousands of Muslim men in custody.¹⁶³⁹ Those who had not been killed at Kravica Warehouse or Jadar River were taken from Nova Kasaba, Konjević Polje and Sandići to Bratunac where, along with the Muslim men who had been brought to Bratunac after being separated in Potočari, they were detained in deplorable conditions in buses, trucks, at Vuk Karadžić School, the Old Engineering School and the Hanger behind Vuk Karadžić School.

587. That evening, BEARA met Čelanović at the Bratunac Brigade HQ. They discussed the large numbers of prisoners and surveyed the security situation at various detention sites.¹⁶⁴⁰ Later, BEARA met Deronjić, and told him that he was there to “kill all of the Muslims that were there being warehoused in schools and in buses”.¹⁶⁴¹ Borovčanin, who overheard the conversation, stated: “BEARA was insistent that all captured to [sic] be brought to Bratunac and Deronjić was adamantly against it.”¹⁶⁴² Overnight, BEARA had a series of meetings at Deronjić’s SDS offices in Bratunac concerning the logistics of the murder operation.¹⁶⁴³ BEARA continued to play a key role in co-ordinating and facilitating the provision of equipment for the execution and burial of prisoners throughout 14 July.¹⁶⁴⁴

¹⁶³⁶ RAZDOLJAC, T.8234-8236.

¹⁶³⁷ RAZDOLJAC, T.8235-8236.

¹⁶³⁸ RAZDOLJAC, T.8237.

¹⁶³⁹ See para.536.

¹⁶⁴⁰ AF291; ČELANOVIĆ, T.3610; Exh.P00637, ČELANOVIĆ, T.6637-6643, T.6648-6653; Exh.P00643.

¹⁶⁴¹ [REDACTED – see Exh.P00020a], DERONJIĆ, T.6225-6226, T.6440-6441, T.6445-6448.

¹⁶⁴² Exh.P02235, pp.82-83.

¹⁶⁴³ [PW-064] confirmed that his meeting with BEARA in the evening took place the same day as the killings at Kravica Warehouse, [PW-064], T.13426-13431, T.13451, T.13461; [REDACTED – see Exh.P01031], [PW-064], T.9362-9364, T.9433, T.9446, T.9449; [REDACTED]. BEARA asked [PW-064] what kind of machinery he had and what “resources” were available. BEARA instructed [PW-064] to deliver the machinery to Milići because “a large number of dead” needed to be buried. [PW-064] T.13431-13432; [REDACTED – see Exh.P01031], [PW-064], T.9362-9364, T.9365-9370, T.9432-9434, T.9459-9461. At around 01:00-02:00 hours, [PW-064] was called back to the SDS offices. BEARA directed [PW-064] to go with an MP to a location where a grave was to be dug. [PW-064] was taken to Glogova. [PW-064] T.13432, T.13461; [REDACTED – see Exh.P01031], [PW-064] T.9369-9370. On the morning of 14 July, BEARA arranged for an excavator to be sent to Glogova. [PW-064], T.13432-13433; [REDACTED – see Exh.P01031], [PW-064], T.9370-9371, T.9387, T.9552. [REDACTED].

¹⁶⁴⁴ [PW-065], T.7776-7779; [REDACTED – see Exh.P01351], [PW-065], T.7940-7942. [REDACTED]. Second, [PW-065]’s visit to the Zvornik Brigade HQ was on a day when Pandurević was not present, and prisoners were being held at various locations throughout the Zvornik municipality: [REDACTED – see

588. That afternoon or evening, the JCE members decided to transport these men to the Zvornik area for mass execution. An intercepted conversation between Karadžić and Deronjić on the evening of 13 July dealt specifically with ensuring that the thousands of Bosnian Muslim prisoners in Bratunac were moved to other areas.¹⁶⁴⁵ The decision to execute the Muslim prisoners in the Zvornik area was likely due to the difficulty of concealing such large executions in the Bratunac area, which had a large international presence including UNMOs, UNPROFOR troops and UNHCR and MSF staff.

589. [REDACTED].¹⁶⁴⁶ [REDACTED].¹⁶⁴⁷ [REDACTED].¹⁶⁴⁸

590. [REDACTED].¹⁶⁴⁹ [REDACTED].¹⁶⁵⁰

591. [REDACTED].¹⁶⁵¹ [REDACTED].¹⁶⁵² [REDACTED].¹⁶⁵³ Around 21:45 hours, Momir NIKOLIĆ arrived at the Zvornik Brigade command to convey further information in person to Drago NIKOLIĆ.¹⁶⁵⁴ Momir NIKOLIĆ was told that Drago NIKOLIĆ was on duty at the IKM.¹⁶⁵⁵ Momir NIKOLIĆ drove to the IKM, where he found Drago NIKOLIĆ.¹⁶⁵⁶ Momir NIKOLIĆ told Drago NIKOLIĆ that he had been sent by BEARA to convey his order:

I told him that I was ordered to tell him to expect that evening and in the following period that all the prisoners in Bratunac would be transferred. He was supposed to secure facilities and buildings. I said to Drago NIKOLIĆ that I know that I'm convinced that this is my estimate, that those people were going to be killed in the territory of Zvornik.¹⁶⁵⁷

Drago NIKOLIĆ stated that he would advise his command.¹⁶⁵⁸

592. Jasikovac and the MPs were deployed to Orahovac School that night, when the first group of prisoners from Bratunac arrived. The remaining prisoners were transferred to Zvornik in a huge convoy on the morning of 14 July.¹⁶⁵⁹

Exh.P01351], [PW-065], T.7941-7942. [REDACTED], [REDACTED – see Exh.P01351], [PW-065], T.7944 (BEARA said that the order was from “two presidents.”) (“The colonel said, “We have to get rid of them.”... “And he also said that he expected our help in taking care of that.”... “In other words, in burying the bodies.”).

¹⁶⁴⁵ [REDACTED].

¹⁶⁴⁶ [REDACTED].

¹⁶⁴⁷ [REDACTED].

¹⁶⁴⁸ [REDACTED].

¹⁶⁴⁹ NIKOLIĆ was relieved of his duty at the IKM by Mihajlo Galić. Exh.P01124, ERN:0096-2680 (“I took over duty (unscheduled) from Lieutenant Drago NIKOLIĆ at 2300 hours.”); [REDACTED – see Exh.P01106], GALIĆ, T.10495, T.10545; Exh.P01126 (indicates that Galić was in the terrain (“T”) on 14 July).

¹⁶⁵⁰ [REDACTED].

¹⁶⁵¹ [REDACTED]; Exh.P01241, p.3; [REDACTED].

¹⁶⁵² [REDACTED].

¹⁶⁵³ [REDACTED].

¹⁶⁵⁴ M.NIKOLIĆ, T.12412-12413.

¹⁶⁵⁵ Exh.P02157, ERN:0608-8430-0608-8431; M.NIKOLIĆ, T.12412-12413.

¹⁶⁵⁶ Exh.P02157, ERN:0608-8430-0608-8431; M.NIKOLIĆ, T.12413.

¹⁶⁵⁷ M.NIKOLIĆ, T.12413.

¹⁶⁵⁸ Exh.P02157, at ERN:0608-8430-0608-8431; M.NIKOLIĆ, T.12413.

(xix) On the evening of 13 July, Jasikovac and a number of Zvornik Brigade MPs were deployed to Orahovac and the first prisoners arrived from Bratunac

593. The area of Orahovac falls within the zone of the 4th Battalion of the Zvornik Brigade¹⁶⁶⁰ and was used as a detention, execution and primary burial site from the night of 13 July through 14 July.¹⁶⁶¹ As detailed below, elements of the Zvornik Brigade's MP Company, Security Organ (including Drago NIKOLIĆ and Milorad TRBIĆ), Command, Engineering Company, Logistics Organ and the 4th Battalion, as well as BEARA and POPOVIĆ, were involved in the planning, detention, transportation, execution and burial of the prisoners at this site.

594. On 13 July, approximately 10-15 Zvornik Brigade MPs¹⁶⁶² were ordered to go to Orahovac School (also known as "Grbavci School"¹⁶⁶³) to guard prisoners arriving from Srebrenica.¹⁶⁶⁴ There were no prisoners at the School when they arrived.¹⁶⁶⁵

595. Between 00:00-02:00 hours,¹⁶⁶⁶ approximately six buses carrying Muslim prisoners arrived at Orahovac School.¹⁶⁶⁷ The convoy of buses was led by at least one captured UN APC, and at least one PUH military jeep containing a senior VRS officer.¹⁶⁶⁸ The prisoners began to disembark and Jasikovac told them to enter the gym.¹⁶⁶⁹ Those who arrived that

¹⁶⁵⁹ AF268; *See* paras.607-608.

¹⁶⁶⁰ AF270; Exh.P02473, ERN:0113-4358.

¹⁶⁶¹ AF266.

¹⁶⁶² [REDACTED – see Exh.P01659], [PW-060], T.6527-6529, [REDACTED]; Exh.P01662, S.BIRČAKOVIĆ, T.10742-10744; Exh.P01667, D.IVANOVIĆ, T.14539-14540.

¹⁶⁶³ RUEZ, T.983.

¹⁶⁶⁴ AF271; [REDACTED – see Exh.P01659], [PW-060], T.6527; Exh.P01662, S.BIRČAKOVIĆ, T.10741-10743; Exh.P01667, D.IVANOVIĆ, T.14539. The evidence demonstrates that they were deployed on the night of 13 July, even though S.Birčaković, [REDACTED] and D.Ivanović could not recall the date. These MPs testified that they spent one full night and the entire next day at Orahovac, and the day after at Ročević. Exh.P01754, when read in conjunction with Exh.P02595, confirms that S.Birčaković, [REDACTED] and D.Ivanović were at Orahovac on 14 July and Ročević on 15 July; thus, the night these MPs spent at Orahovac, prior to the full day they spent there, was the night of 13 July. *See also* [REDACTED – see Exh.P00060], [PW-023], T.17328, who testified that he arrived with the first group of prisoners at Orahovac School on the night of 13 July.

¹⁶⁶⁵ Exh.P01662, S.BIRČAKOVIĆ, T.10744. [REDACTED – see Exh.P01659], [PW-060], T.6530-6531, [REDACTED] PW-060 testified that the prisoners were already there and were in the process of going from the buses into the gym. However, S.Birčaković and D.Ivanović both described waiting for the buses to arrive; furthermore, both witnesses described the actual arrival of the convoy of buses with a UN APC escort. It is clear from S.Birčaković's and D.Ivanović's testimony that the MPs arrived before the prisoners: Exh.P01662, S.BIRČAKOVIĆ, T.10745; Exh.P01667, D.IVANOVIĆ, T.14540-14541.

¹⁶⁶⁶ [REDACTED – see Exh.P00060], [PW-023], T.17328. Exh.P01667, D.IVANOVIĆ, T.14541, Ivanović testified that the buses arrived around 21:00 hours, but [PW-023] testified that the convoy of buses did not leave Bratunac until it was dark and it therefore is unlikely that the buses would have arrived so early.

¹⁶⁶⁷ AF269; [REDACTED – see Exh.P00060], [PW-023], T.17328, T.17331; Exhs.P00061, P00062, P00045; Exh.P01667, D.IVANOVIĆ, T.14541.

¹⁶⁶⁸ Exh.P01662, S.BIRČAKOVIĆ, T.10745; Exh.P01667, D.IVANOVIĆ, T.14541-14542.

¹⁶⁶⁹ Exh.P01667, D.IVANOVIĆ, T.14543; Exh.P01662, S.BIRČAKOVIĆ, T.10746; [REDACTED – see Exh.P01659], [PW-060], T.6531.

night filled up approximately half of the gym.¹⁶⁷⁰ Many were elderly and/or infirm.¹⁶⁷¹ Their identification, wallets, watches and money had been stripped from them earlier that day in Bratunac.¹⁶⁷² At some point, Drago NIKOLIĆ arrived.¹⁶⁷³ Jasikovac assigned MPs to the positions where they would stand guard throughout the night.¹⁶⁷⁴ Once all the prisoners were inside the gym, MPs were deployed at the door, at the corners and at the back of the gym.¹⁶⁷⁵

(xx) On the morning of 14 July, TOLIMIR warned units of the presence of an unmanned aircraft

596. On 14 July, **TOLIMIR** was in the Žepa/ Rogatica area.¹⁶⁷⁶ That morning, SALAPURA relayed a message to the Zvornik Brigade HQ for BEARA and Drago NIKOLIĆ to report to GOLIĆ,¹⁶⁷⁷ a DK intelligence officer. Given that it originated with the Main Staff, this was clearly an important communication. The Zvornik Brigade Duty Operations Officer's Unofficial Notebook records further messages reflecting GOLIĆ's contacts with POPOVIĆ, Drago NIKOLIĆ and TRBIĆ during their organisation of the murder operation in the Zvornik area on 15-16 July.¹⁶⁷⁸

597. Although SALAPURA claimed that he could not recall the subject of the 14 July message, he stated, "it could have been [...] from **TOLIMIR** or from the Commander, although the commander's message would probably go through the staff."¹⁶⁷⁹ Given that all of the participants in this scenario were **TOLIMIR**'s subordinates at Brigade, Corps and Main Staff level, it is most likely that he, rather than Mladić, ordered SALAPURA to direct BEARA and Drago NIKOLIĆ to report to GOLIĆ. This would have been consistent with the Main Staff's requirement for VRS intelligence and security organs to exchange pertinent information daily.¹⁶⁸⁰ Moreover, regardless of who tasked SALAPURA to pass on the order for the security officers to report, this event underscores the pervasive and co-ordinated involvement of **TOLIMIR**'s security and intelligence subordinates in the murder operation,

¹⁶⁷⁰ Exh.P01667, D.IVANOVIĆ, T.14571-14572.

¹⁶⁷¹ [REDACTED – see Exh.P00060], [PW-023], T.17316; [PW-007], T.537, T.538-539; Exh.P01667, D.IVANOVIĆ, T.14541; Exh.P01662, S.BIRČAKOVIĆ, T.10746. [REDACTED].

¹⁶⁷² [REDACTED – see Exh.P00060], [PW-023], T.17326.

¹⁶⁷³ [REDACTED – see Exh.P01659], [PW-060], T.6532-6533, [REDACTED]. *See also* AF285; Exh.P01748 (records two trips to Orahovac on 13 July). Exh.P01748 records Milorad Birčaković, Mirko Ristić and Miško Arapović as the only authorized drivers of the Opel Rekord in July 1995. All three are listed as members of the Zvornik Brigade MP Company in July 1995 (*see* Exh.P01754)

¹⁶⁷⁴ Exh.P01667, D.IVANOVIĆ, T.14564.

¹⁶⁷⁵ Exh.P01667, D.IVANOVIĆ, T.14543; Exh.P01662, S.BIRČAKOVIĆ, T.10746-10747.

¹⁶⁷⁶ Exhs.P00124, P00146; Exhs.P00121, P00128, P00147, P00148; Exhs.P00129, P00149; Exh.P00480. **TOLIMIR** was also in communication *via* the radio-relay system. *See* Exhs. P00559a-[REDACTED].

¹⁶⁷⁷ Exh.P01459, p.41 (ERN:0293-5744); BUTLER, T.16743; SALAPURA, T.13605-13606.

¹⁶⁷⁸ Exh.P01459, p.75 (ERN:0293-5761), p.79 (ERN:0293-5763), p.85 (ERN:0293-5766); BUTLER, T.16747-16748, 16751-16752.

¹⁶⁷⁹ SALAPURA, T.13605-13606.

¹⁶⁸⁰ Exh.P02609, item 4.

clearly undertaken with **TOLIMIR**'s knowledge. There is no reason that BEARA and Drago NIKOLIĆ would have ignored a Main Staff instruction to report to GOLIĆ. Separately, they were obliged, as were all security and intelligence officers including GOLIĆ, not only to share information on their activities amongst one another, but importantly, to report those activities up the professional chain to **TOLIMIR**.¹⁶⁸¹ Given the gravity of the activities in which these officers were engaged, the only reasonable inference is that they provided regular reports to **TOLIMIR** *via* GOLIĆ or *via* other channels and in turn, received his expert direction, guidance and instruction during the course of the murder operation.

598. During the morning of 14 July, **TOLIMIR** sent two telegrams warning VRS units of the presence of an unmanned aircraft (drone) above the eastern enclaves. He sent telegram no. 04-520/53/95 to the VRS Main Staff Sector for Intelligence and Security,¹⁶⁸² the DK Command Intelligence and Security departments, the DK IKM – personally to Krstić, and the Command of the 65thZMTP. In this telegram, **TOLIMIR** provided further details about the drone, as well as summarised key information concerning developments in Žepa. He wrote:

Early this morning, since 0500 hours, in the area of responsibility of the 1st Plpbr and above the Muslim enclaves of Žepa, Srebrenica and Goražde there is an unmanned aerial vehicle whose flight path we can determine only by sound. It is probably recording the positions and the movements of units. Radio communication interference is registered. The orders for camouflage measures and organisation of multiple communications system have been issued.¹⁶⁸³

TOLIMIR ended this message with the following proposal and combat readiness information concerning the Žepa operation:

We propose to commence with combat operations as per plan of the Superior Command. All units of the 1st Plpbr and elements of the 65th Zmtp are in readiness since 0800 hours.¹⁶⁸⁴

599. In telegram no. 04-520-54/95, **TOLIMIR** informed and ordered¹⁶⁸⁵ the DK Command as follows:

There is an unmanned aerial vehicle in our airspace reconnoitering the area and jamming radio communications. It has been there since 0500 hours and has probably recorded certain features and movements. The following measures therefore need to be taken.

1. Warn all units and reinforcements in the /?combat area/ that an unmanned aerial vehicle is in our airspace recording features and troop movements.

¹⁶⁸¹ Exh.P01112, items 3-4 (requiring mutual assistance among units and services and regular reporting within the security and intelligence chains); Exh.P02210, item 4; Exh.P02610, item 4 (requiring regular reporting to the Intelligence and Security Sector: "Chiefs of intelligence and security departments must exchange daily information of mutual importance").

¹⁶⁸² Exhs.P00124, P00146. The first addressee listed on the document is marked as " =4' – Sector for OBP /Intelligence and Security/." The meaning of the first symbols is unknown, however the only level at which the VRS combined intelligence and security in a 'Sector' was the VRS Main Staff and it was natural for **TOLIMIR** when away from Crna Rijeka to inform his Sector of important information such as that contained in this telegram.

¹⁶⁸³ Exhs.P00124, p.2; Exh.P00146.

¹⁶⁸⁴ Exhs.P00124, P00146, p.2.

¹⁶⁸⁵ P.ŠKRBIĆ, T.18804-18805, T.18810-18811; BUTLER, T.16730.

2. Warn the troops to take cover when they hear the sound of the unmanned aerial vehicle and to camouflage combat equipment immediately after completing movement and combat actions.
3. In addition to wire communications, establish all radio communications.
4. If spotted, the unmanned aerial vehicle must be destroyed immediately.¹⁶⁸⁶

600. The DK command forwarded **TOLIMIR**'s information and instructions in full to all of its subordinate brigades,¹⁶⁸⁷ including to the Zvornik Brigade¹⁶⁸⁸ in whose zone the murder operation was in full swing on 14 July.

601. On the morning of 14 July, VRS forces engaged in Žepa were about to commence combat operations (these combat operations were launched according to plan that morning¹⁶⁸⁹). Nevertheless, although **TOLIMIR** was deployed towards Žepa, his concerns about the drone were not limited to operations in that area. As explained in the two telegrams, the drone's presence also risked compromising VRS activities around Srebrenica and Goražde. The telegrams underscore **TOLIMIR**'s efforts to ensure the secrecy of VRS operations including, on this key date in the murder operation, in and around the Srebrenica and Zvornik areas. As described below, **TOLIMIR**'s subordinates were then in the midst of organizing and transporting huge numbers of prisoners northwards from Bratunac for detention and eventually, for execution in the Zvornik area. In addition, they were overseeing the mass burial of Muslim men killed at Kravica Warehouse on 13-14 July, and soon would be doing the same for the thousands more executed in the Zvornik area. **TOLIMIR**'s clear aim in sending these telegrams was to ensure that VRS units undertook all necessary security measures to prevent aerial photographic and/or radio surveillance from compromising these ongoing activities.¹⁶⁹⁰

602. Finally, these two telegrams are unquestionably authentic.¹⁶⁹¹ Both exist in multiple copies, including copies sent from the Rogatica Brigade Communications Centre¹⁶⁹² and received by the addressees.¹⁶⁹³ The copies sent from the Rogatica Brigade are each marked "Žiža" at the top, at the bottom signed, marked "at 1045 hours" and bear the typed marking, "D.Ž." or "D.ZZ." According to Rogatica Brigade Assistant Commander for Logistics Djoko Razdoljac, "Žiža" was a brigade teletype communications officer, whose last name was

¹⁶⁸⁶ Exh.P00128.

¹⁶⁸⁷ Exh.P00148 (addressees indicated as "To all DK subordinate units" and marked in handwriting, "sent to all units"); Exh. P00147 (copy received by 5th Mixed Artillery Regiment).

¹⁶⁸⁸ Exh.P00121 (bears a stamp indicating its receipt by the Zvornik Brigade).

¹⁶⁸⁹ See para.407.

¹⁶⁹⁰ BUTLER, T.16726-16730.

¹⁶⁹¹ BLASZCZYK, T.1452-1458.

¹⁶⁹² Exh.P00124 is a sent copy of telegram no. 04-520/53/95; Exh.P00128 is a sent copy of telegram no. 04-520-54/95.

¹⁶⁹³ Exh.P00146 is a received copy of telegram no. 04-520/53/95; Exhs.P00121, P00147 and P00148 are copies of telegram no. 04-520-54 as forwarded by the Drina Corps Command to subordinate units.

Žižović.¹⁶⁹⁴ Danko Gojković further confirmed Žiža as his colleague, and that his name was in fact “Desimir Žižovic”¹⁶⁹⁵ whom he believed was ‘D.Ž.’.¹⁶⁹⁶

603. On the afternoon of 14 July, **TOLIMIR** was in communication with extension “155”, the VRS Main Staff’s Operations Centre. He was thus reachable, proving he had access to all the information passing through the Main Staff.¹⁶⁹⁷

(xxi) On the morning of 14 July, BEARA, POPOVIĆ and NIKOLIĆ met at the Zvornik Brigade HQ

604. BEARA, POPOVIĆ and Drago NIKOLIĆ met for approximately 10-15 minutes on the morning of 14 July at the Zvornik Brigade HQ.¹⁶⁹⁸ The only reason for this meeting was to organise and co-ordinate the ongoing detention and murder of the prisoners. BEARA had been organising the murder operation for much of the day on 13 July and he would have informed POPOVIĆ and NIKOLIĆ of the details of the operation at this time. After the meeting, BEARA returned to Bratunac where he continued to arrange for engineering equipment to bury the bodies of the Muslim men murdered at Kravica Warehouse the previous day.¹⁶⁹⁹ POPOVIĆ led a convoy of vehicles transporting prisoners from Bratunac to the Zvornik area that morning.

605. In addition, between 07:00-09:00 hours on 14 July, the Zvornik Brigade’s 1st Battalion received a telegram from the Zvornik Brigade Command stating that prisoners from Srebrenica were going to arrive at the Kula School and ordering 1st Battalion personnel to secure the School.¹⁷⁰⁰

606. The killings at Orahovac started on 14 July in the early afternoon. The first excavator arrived at the execution site around midday,¹⁷⁰¹ meaning that the necessary orders were given by Dragan Jokić (Chief of Engineering) earlier that morning. Jokić was also the Zvornik Brigade Duty Officer on the morning of 14 July¹⁷⁰² and the provision of engineering equipment for Orahovac would have been arranged while Jokić, BEARA, POPOVIĆ and Drago NIKOLIĆ were all at the Zvornik Brigade HQ. The occurrence of the meeting is further corroborated by the Zvornik DO Notebook, which shows that BEARA was in the

¹⁶⁹⁴ RAZDOLJAC, T.8232.

¹⁶⁹⁵ GOJKOVIĆ, T.2901.

¹⁶⁹⁶ GOJKOVIĆ, T.2805-2807 (ZZ was used on teleprinters as the equivalent of the letter Ž).

¹⁶⁹⁷ Exh.P00559a-[REDACTED].

¹⁶⁹⁸ M.BIRČAKOVIĆ, T.9194, T.9212; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11014-11015, T.11089-11090, T.11097, T.11102, T.11118.

¹⁶⁹⁹ See para.587, fn.1643.

¹⁷⁰⁰ Exh.P01635, R.BABIĆ, T.10216, T.10221.

¹⁷⁰¹ Exh.P01689, RISTANOVIĆ, T.5371.

¹⁷⁰² See Exh.P01459, ERN:0293-5744-0293-5747.

Zvornik area working with NIKOLIĆ before 10:00 hours on 14 July and that BEARA sought a report from NIKOLIĆ on the progress of his work.¹⁷⁰³

(xxii) On the morning of 14 July, POPOVIĆ led a convoy of vehicles containing thousands of prisoners from Bratunac to the Zvornik area

607. On the morning of 14 July, the Muslim men detained at various locations around Bratunac were moved in a huge convoy to the Zvornik area.¹⁷⁰⁴ An hour or two before noon,¹⁷⁰⁵ [REDACTED]¹⁷⁰⁶ [REDACTED]¹⁷⁰⁷ [REDACTED].¹⁷⁰⁸

608. [REDACTED]¹⁷⁰⁹ [REDACTED].¹⁷¹⁰ After passing through Karakaj, some vehicles were driven to Petkovci School,¹⁷¹¹ some to Orahovac School,¹⁷¹² and others to Ročević School.¹⁷¹³ Drago NIKOLIĆ went with MP Milorad Birčaković to meet part of the prisoner convoy near the Hotel Vidikovac,¹⁷¹⁴ some 2km from Zvornik.¹⁷¹⁵ NIKOLIĆ instructed Birčaković to get on the first bus and go to Orahovac.¹⁷¹⁶ NIKOLIĆ then left in his Opel Rekord.¹⁷¹⁷ NIKOLIĆ would have learned where and when to meet these prisoners at the meeting he attended with BEARA and POPOVIĆ earlier that morning.

(xxiii) 14 July: Detention of approximately 1,000 Muslim prisoners at Orahovac School and their murder at two sites nearby

Around 08:00 hours, NIKOLIĆ co-ordinated the changeover of security and deployment of additional Zvornik Brigade MPs

609. Around 08:00 hours on 14 July, Drago NIKOLIĆ arrived at Orahovac School.¹⁷¹⁸ Shortly afterwards, 20-40 soldiers arrived and NIKOLIĆ told Jasikovac that they were there to take over the prisoners as replacements for the MPs who had guarded the prisoners

¹⁷⁰³ Exh.P01459, ERN:0293-5744 (This entry must have been made prior to 10:00 hours because a later entry (ERN:0293-5746) records a message that was received from Palma 1 at 10:00 hours).

¹⁷⁰⁴ [PW-007], T.530-534; Exh.P01450, [PW-008], T.1399-1400.

¹⁷⁰⁵ [REDACTED]. At T.3903, [PW-075]'s testimony that he left Bratunac around 2pm is clearly incorrect because Orić, [PW-007] and [PW-008] all testified that they left Bratunac in the morning; moreover, the evidence establishes that the prisoners arrived at Orahovac around 10:00 hours (see para.611) and the Orahovac executions commenced in the early afternoon (see paras.622-626).

¹⁷⁰⁶ [REDACTED].

¹⁷⁰⁷ [REDACTED].

¹⁷⁰⁸ [REDACTED].

¹⁷⁰⁹ [REDACTED]. Exh.P00018, ERN:0070-6695.

¹⁷¹⁰ [PW-008] [REDACTED – see Exh.P02066], [PW-075], [REDACTED], T.3903. [REDACTED].

¹⁷¹¹ [PW-008], Exh.P01450, T.1401; [REDACTED – see Exh.P00110], [PW-015], T. 2963, see also para.648.

¹⁷¹² [REDACTED – see Exh.P02066], [PW-075], [REDACTED], T.3851; Exh.P00061. See also para.611.

¹⁷¹³ See paras.671.

¹⁷¹⁴ M.BIRČAKOVIĆ, T.9184; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11017-11019.

¹⁷¹⁵ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11017.

¹⁷¹⁶ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11018, T.11055.

¹⁷¹⁷ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11018.

¹⁷¹⁸ Exh.P01667, D.IVANOVIĆ, T.14544, T.14551, T.14564.

overnight.¹⁷¹⁹ [REDACTED].¹⁷²⁰ These MPs were instructed to prepare the entrance gate for the arrival of prisoners, and they created a wire corridor for the expected prisoners.¹⁷²¹

610. At least ten Zvornik Brigade MPs were present in Orahovac on 14 July, including Jasikovac. Their attendance roster was subsequently altered in an attempt to cover up the MPs' involvement in the murder operation at Orahovac.¹⁷²²

611. The new group of prisoners arrived at Orahovac School around 10:00 hours¹⁷²³ [REDACTED].¹⁷²⁴ On their arrival, Zvornik Brigade MPs were positioned around the School, providing security.¹⁷²⁵

612. A dozen or more buses and trucks arrived at the School¹⁷²⁶ and the Zvornik Brigade MPs, assisted by civilian police who arrived on the buses, escorted these new prisoners into the gym.¹⁷²⁷ Once all the prisoners disembarked, the civilian police left with the buses and did not return.¹⁷²⁸

After the arrival of the additional prisoners, the conditions of detention deteriorated and two prisoners were murdered at the School

613. Before entering Orahovac School, the newly-arrived prisoners were forced to leave their personal belongings outside the building,¹⁷²⁹ a clear indication that the VRS had no intention of exchanging them.

614. The prisoners who had arrived the previous night were told to make room for the new arrivals.¹⁷³⁰ Approximately 1,000 prisoners were packed into the gym.¹⁷³¹ The

¹⁷¹⁹ Exh.P01662, S.BIRČAKOVIĆ, T.10747; Exh.P01667, D.IVANOVIĆ, T.14544-14545.

¹⁷²⁰ [REDACTED]; Exh.P01383; [REDACTED – see Exh.P01178], TANIĆ, T.10334-10335.

¹⁷²¹ [REDACTED – see Exh.P01657], [PW-058], T.6446-6447.

¹⁷²² Exh.P01754; Exh.P02595. In the entries for 14 July 1995, it is visible that Miomir Jasikovac, Nada Stojanović, Goran Bogdanović, Čedo Jović, Dragoje Ivanović, Predrag Ristić, Željko Stevanović, Milomir Simić, Stanoje Birčaković and Slađan Jokić had “O” marked as their location at Orahovac, which was subsequently erased and remarked with “T” (designating “in the terrain”). See also Exh.P02473, ERN:0113-4360, paras.7.16-7.17.

¹⁷²³ [REDACTED – see Exh.P00060], [PW-023], T.17333.

¹⁷²⁴ See paras.607-608; [REDACTED – see Exh.P02066], , [REDACTED], T.3849.

¹⁷²⁵ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11123.

¹⁷²⁶ [REDACTED – see Exh.P01657], [PW-058], T.6449. See also [REDACTED – see Exh.P00069], ORIĆ, T.934.

¹⁷²⁷ [REDACTED – see Exh.P01657], [PW-058], T.6446, T.6475, [REDACTED]; [PW-007], T.534-535. [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11086-11087; Exh.P00094, p.129.

¹⁷²⁸ [REDACTED – see Exh.P01657], [PW-058], T.6476.

¹⁷²⁹ AF274; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11029; [REDACTED – see Exh.P00069], ORIĆ, T.938-939; [PW-007], T.535.

¹⁷³⁰ [REDACTED – see Exh.P00060], [PW-023], T.17332; [REDACTED – see Exh.P00069], ORIĆ, T.942-943.

¹⁷³¹ [REDACTED – see Exh.P01657], [PW-058], T.6450 [REDACTED]. See also [PW-007], T.538; [REDACTED – see Exh.P00069], ORIĆ, T.943; [PW-023], T.769; [REDACTED – see Exh.P00060], [PW-023], T.17338; TANIĆ, T.8048. Exh.P00170, ERN:X019-6012 and Annex C, Chart Number 3, X019-6047 which shows that the Orahovac 1 primary grave and the Hodžići Road 5 secondary grave are linked *via* DNA connections; and the Orahovac 2 primary grave and the Hodžići Road 1, 2, 3, 4, 6 and 7 secondary graves are

conditions were cramped and suffocating.¹⁷³² The prisoners were not given any food, only a few of them were permitted to fetch water under guard from Zvornik Brigade MPs, none of the prisoners were offered or received medical attention and many of the elderly prisoners fainted due to the extreme heat.¹⁷³³ Among the prisoners were four children, two of whom were approximately 10 and 14 years old, respectively.¹⁷³⁴ Zvornik Brigade Command member Tanacko Tanić saw two boys aged approximately 10-12 years old carrying water,¹⁷³⁵ and Tanić testified that as soon as the first truck arrived, it became obvious that the prisoners, including the children, were going to be executed.¹⁷³⁶ [REDACTED].¹⁷³⁷ A fourth boy, [PW-021], [REDACTED], was shot and wounded at Orahovac.¹⁷³⁸

615. During the hours the prisoners were held in the gym, they were secured by Zvornik Brigade MPs.¹⁷³⁹ In addition to the MPs, there were approximately 50 other soldiers present at the School.¹⁷⁴⁰ In order to control the prisoners, the guards occasionally shot at the walls and ceiling.¹⁷⁴¹

616. When the removal of prisoners from the gym began one prisoner stood up and protested: “You must not kill these people.”¹⁷⁴² He was taken outside the gym and rifle shots and a scream were heard; then another prisoner was taken outside and another rifle shot heard.¹⁷⁴³ Tanić saw two bodies in the School yard sometime after 12:00 hours.¹⁷⁴⁴

linked via DNA connections. *See also* Exh.P00937 and Exh.P01825, which show that Orahovac 1 and 2 primary graves are linked with the execution of prisoners detained at Orahovac School; MANNING, T.10172.

¹⁷³² AF273; [REDACTED – see Exh.P00060], [PW-023], T.17332-17333; [PW-023], T.770; [REDACTED – see Exh.P00069], ORIĆ, T.942-944; [PW-007], T.535-536, T.538.

¹⁷³³ AF276; [REDACTED – see Exh.P00060], [PW-023], T.17333-17334; [REDACTED – see Exh.P01657], [PW-058], T.6452, T.6485; [PW-007], T.536, T.555; [REDACTED – see Exh.P01659], [PW-060], T.6534; [REDACTED – see Exh.P00069], ORIĆ, T.944-945; [REDACTED – see Exh.P01178], TANIĆ, T.10339.

¹⁷³⁴ [PW-007], T.536.

¹⁷³⁵ [REDACTED – see Exh.P01178], TANIĆ, T.10339; TANIĆ, T.8002-8005; Exh.P01387.

¹⁷³⁶ [REDACTED – see Exh.P01178], TANIĆ, T.10346. *See also* TANIĆ, T.8042-8043, T.8045.

¹⁷³⁷ [REDACTED].

¹⁷³⁸ [REDACTED – see Exh.P00102], [PW-021], T.7746-7747; [REDACTED – see Exh.P01672], [PW-061], T.7581.

¹⁷³⁹ [REDACTED – see Exh.P01657], [PW-058], T.6453.

¹⁷⁴⁰ [REDACTED – see Exh.P01659], [PW-060], T.6535.

¹⁷⁴¹ AF275; [PW-007], T.538; Exh.P00094, pp.130, 131, 133.

¹⁷⁴² [PW-007], T.537.

¹⁷⁴³ AF576; [PW-007], T.537.

¹⁷⁴⁴ TANIĆ, T.7995-7998; Exh.P01381; [REDACTED – see Exh.P01178], TANIĆ, T.10336. *See also* [REDACTED – see Exh.P00060], [PW-023], T.17333-17334; [REDACTED – see Exh.P00069], ORIĆ, T.945-946.

Around 12:00 hours, a “Rovokopač” backhoe excavator arrived

617. On the morning of 14 July, Zvornik Brigade excavator operator Cvijetin Ristanović was ordered to go to Orahovac.¹⁷⁴⁵ Ristanović went there with three other Zvornik Brigade members, the Deputy Commander of the Engineering Company¹⁷⁴⁶ and a “G-700” excavator.¹⁷⁴⁷ The vehicle log for a “Rovokopač” backhoe excavator¹⁷⁴⁸ shows that it was assigned to Ristanović and worked for six hours at Orahovac that day.¹⁷⁴⁹

618. Ristanović and the excavator arrived at Orahovac around 12:00 hours.¹⁷⁵⁰ Ristanović unloaded the excavator near a water point, and was ordered to take it to the first execution site under the railway pass.¹⁷⁵¹ Ristanović was told to dig a grave in a marked area.¹⁷⁵²

Around 12:00 hours, reinforcements were sent from the Zvornik Brigade Command to assist with the prisoners

619. Tanić¹⁷⁵³ was at the Zvornik Brigade HQ on the morning of 14 July. Tanić heard that prisoners were being held in schools in the area and had seen prisoners on a bus outside the Zvornik Brigade HQ that morning. Around 12:00 hours, Tanić was told that some of the prisoners were escaping. Tanić got his rifle and with other Zvornik Brigade members boarded a truck to Orahovac School, arriving after 12:00 hours.¹⁷⁵⁴

620. Upon arrival, Tanić saw MPs and soldiers who he assumed were from the Zvornik Brigade,¹⁷⁵⁵ as well as two bodies and a pile of clothing in the School yard.¹⁷⁵⁶ Tanić also saw Drago NIKOLIĆ and the Zvornik Brigade’s Assistant Commander for Logistics in the School yard.¹⁷⁵⁷ Tanić and other Zvornik Brigade MPs went to secure the road to prevent civilians from approaching the School.¹⁷⁵⁸ Later, Tanić saw an officer in the School yard

¹⁷⁴⁵ Exh.P01689, RISTANOVIĆ, T.5363-5364, T.5406-5407.

¹⁷⁴⁶ Exh.P01689, RISTANOVIĆ, T.5365. *See also* [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14435; Exh.P01692, ERN:0074-3386 (BCS) (identifying Ristanović and Miladinović as Zvornik Brigade Engineering Company soldiers).

¹⁷⁴⁷ Exh.P01689, RISTANOVIĆ, T.5365, T.5367. *See also* Exh.P01689, RISTANOVIĆ, T.5398, T.5366; Exh.P01687; Exh.P01690, ERN:0672-7354; [REDACTED – see Exh.P00069], ORIĆ, T.964-966; Exh.P00070. The excavator was towed by a Mercedes 2626 truck: Exh.P01653.

¹⁷⁴⁸ Exh.P01689, RISTANOVIĆ, T.5397-5398; [REDACTED – see Exh.P01682], RISTANOVIĆ, T.13627. Exh.P01690, p.2.

¹⁷⁴⁹ AF286, AF292; Exh.P01685.

¹⁷⁵⁰ Exh.P01689, RISTANOVIĆ, T.5371.

¹⁷⁵¹ Exh.P01689, RISTANOVIĆ, T.5370-5371.

¹⁷⁵² Exh.P01689, RISTANOVIĆ, T.5371-5372.

¹⁷⁵³ *See* Exh.P01126.

¹⁷⁵⁴ TANIĆ, T.8025-8026, T.8033; [REDACTED – see Exh.P01178], TANIĆ, T.10329-10334, T.10383.

¹⁷⁵⁵ [REDACTED – see Exh.P01178], TANIĆ, T.10335; AF283.

¹⁷⁵⁶ TANIĆ, T.7995-7998; Exh.P01381; [REDACTED – see Exh.P01178], TANIĆ, T.10336; Exh.P01382.

¹⁷⁵⁷ TANIĆ, T.8028; [REDACTED – see Exh.P01178], TANIĆ, T.10337.

¹⁷⁵⁸ [REDACTED – see Exh.P01178], TANIĆ, T.10337, T.10407.

whom he was told was POPOVIĆ.¹⁷⁵⁹ [PW-075] corroborates Tanić, testifying that POPOVIĆ led the convoy of vehicles from Bratunac to Orahovac School that morning;¹⁷⁶⁰ as does Birčaković, who testified that he was “99%” sure he saw POPOVIĆ at the School about 30-60 minutes after the additional prisoners arrived that morning.¹⁷⁶¹

621. Preparations were undertaken at the School to facilitate the efficient removal of the prisoners to the execution site including the preparation of blindfolds, cut from larger pieces of cloth.¹⁷⁶² This corresponds to some 594 blindfolds which have been located at Orahovac School and in and around Orahovac-related graves.¹⁷⁶³

By 13:30 hours, the transport of prisoners to the execution site began

622. The removal of prisoners from the School to the execution site commenced sometime between 10:00-11:30 hours¹⁷⁶⁴ and by 13:30 hours at the latest; thereby placing those present and in charge at Orahovac with full knowledge of the murder operation by that time.¹⁷⁶⁵

623. A military TAM truck covered with tarpaulin reversed up to the exit of the gym.¹⁷⁶⁶ Three or four Zvornik Brigade MPs situated at the gym’s entrance, and two MPs plus one or two soldiers and the driver stood around the truck.¹⁷⁶⁷ The prisoners were told to crawl, one by one, to a small locker room next to the gym, where VRS soldiers ordered them to stand up.¹⁷⁶⁸ The soldiers brought cloth blindfolds, and tasked two of the prisoners with the job of blindfolding each prisoner before leaving the gym.¹⁷⁶⁹

624. MPs or the soldiers then tied some of the prisoners’ hands,¹⁷⁷⁰ after which the prisoners were escorted by MPs onto the trucks, which drove out of the schoolyard and

¹⁷⁵⁹ TANIĆ, T.8028; [REDACTED – see Exh.P01178], TANIĆ, T.10337.

¹⁷⁶⁰ [REDACTED – see Exh.P02066], [PW-075], T.3849-3851.

¹⁷⁶¹ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11024.

¹⁷⁶² AF278; [REDACTED – see Exh.P00060], [PW-023], T.17334-17335; [PW-007], T.540; [REDACTED – see Exh.P00069], ORIĆ, T.949; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11026.

¹⁷⁶³ See *Appendix D*.

¹⁷⁶⁴ Exh.P01662, S.BIRČAKOVIĆ, T.10754.

¹⁷⁶⁵ [REDACTED – see Exh.P01657], [PW-058], T.6453; [PW-007], T.539. [REDACTED – see Exh.P00069], ORIĆ, T.949, T.956-959, T.962.

¹⁷⁶⁶ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11025; [REDACTED – see Exh.P01657], [PW-058], T.6454; [REDACTED – see Exh.P01659] [PW-060], T.6539; [REDACTED – see Exh.P00060], [PW-023], T.17335. See [REDACTED – see Exh.P01657], [PW-058], T.6454; Exh.P00094, p.129; [PW-023], T.743 and Exh.P00064; Exh.P00066.

¹⁷⁶⁷ [REDACTED – see Exh.P01657], [PW-058], T.6454; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11038; AF283.

¹⁷⁶⁸ [REDACTED – see Exh.P00069], ORIĆ, T.952, T.949.

¹⁷⁶⁹ AF278; [REDACTED – see Exh.P00060], [PW-023], T.17335; [PW-007], T.540; [REDACTED – see Exh.P00069], ORIĆ, T.949, T.952; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11026.

¹⁷⁷⁰ [REDACTED – see Exh.P01657], [PW-058], T.6454, [REDACTED]; [REDACTED – see Exh.P01659], [PW-060], T.6539; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11026.

turned towards the execution sites.¹⁷⁷¹ The trucks returned empty.¹⁷⁷² [REDACTED].¹⁷⁷³ [REDACTED].¹⁷⁷⁴ MP [PW-060] saw Drago NIKOLIĆ getting into a metallic grey-coloured military car at the School which then left in the same direction as the trucks carrying prisoners.¹⁷⁷⁵

625. Shots and “bursts of fire” could be heard coming from the direction where the trucks were taking the prisoners.¹⁷⁷⁶

The executions

626. The Orahovac executions occurred at two sites adjacent to each other and nearby the School.¹⁷⁷⁷ The prisoners were ordered to line up in rows¹⁷⁷⁸ and told not to talk.¹⁷⁷⁹ Moments later, the soldiers opened fire on the prisoners.¹⁷⁸⁰ Some wounded Muslims were not killed immediately but were left to suffer in agony and Bosnian Serb soldiers called the Muslims “Turks”: “They said fuck our Turk mothers and they said we were best off dead.”¹⁷⁸¹ Trucks continued to arrive at regular intervals; prisoners were executed throughout the afternoon and into the evening.¹⁷⁸²

[REDACTED]

627. [REDACTED]¹⁷⁸³ [REDACTED]¹⁷⁸⁴ The two operators reported to Slavko Bogičević (Deputy Commander of the Engineering Company), at the Zvornik Brigade HQ.

¹⁷⁷¹ [REDACTED – see Exh.P01659], [PW-060], T.6539; [REDACTED – see Exh.P01657], [PW-058], T.6454-6455 [REDACTED – see Exh.P01672], [PW-061], T.7579; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11026-11027; Exh.P01667, D.IVANOVIĆ, T.14549 (“the civilians were taken towards the separation line”). The prisoners were told they were being taken to Batković camp. [REDACTED – see Exh.P00069], ORIĆ, T.947-948, T.953; [PW-007], T.537; [REDACTED – see Exh.P00060], [PW-023], T.17334.

¹⁷⁷² [REDACTED – see Exh.P01659], [PW-060], T.6539-6540.

¹⁷⁷³ [REDACTED – see Exh.P01657], [PW-058], T.6455-6457.

¹⁷⁷⁴ [REDACTED – see Exh.P01657], [PW-058], T.6455-6456.

¹⁷⁷⁵ [REDACTED – see Exh.P01659], [PW-060], T.6540, [REDACTED].

¹⁷⁷⁶ [REDACTED – see Exh.P01657], [PW-058], T.6455; [REDACTED – see Exh.P01659], [PW-060], T.6541; Exh.P01662, S.BIRČAKOVIĆ, T.10755; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11037.

¹⁷⁷⁷ AF281; RUEZ, T.987-988; Exh.P00094, p.139, p.141.

¹⁷⁷⁸ [REDACTED – see Exh.P00069], ORIĆ, T.955; [REDACTED – see Exh.P00060], [PW-023], T.17336.

¹⁷⁷⁹ [REDACTED – see Exh.P00060], [PW-023], T.17336.

¹⁷⁸⁰ [PW-007], T.541; [REDACTED – see Exh.P00060], [PW-023], T.17336; [REDACTED – see Exh.P00069], ORIĆ, T.956; AF283.

¹⁷⁸¹ [REDACTED – see Exh.P00069], ORIĆ, T.961.

¹⁷⁸² [REDACTED – see Exh.P00069], ORIĆ, T.956, T.958-959, T.962; [REDACTED – see Exh.P00060], [PW-023] T.17336-17337, [PW-007], T.542-543.

¹⁷⁸³ [REDACTED]; Exh.P01693, M.MITROVIĆ, T.5599-5601; Exh.P01692, ERN:0074-3386(BCS) (Mitrović and Miladinović were members of the Engineering Company of the Zvornik Brigade).

¹⁷⁸⁴ [REDACTED]. See also Exh.P01241, p.7; [REDACTED]

One, Miladinović, left with Bogičević to the Orahovac execution site,¹⁷⁸⁵ where he replaced Ristanović in operating the large “Rovokopač” backhoe excavator.¹⁷⁸⁶

Between 11:00-15:00 hours, Drago NIKOLIĆ was seen at the School numerous times speaking with Jasikovac and senior VRS officers

628. Around 11:00 hours, Drago NIKOLIĆ arrived at the School in an Opel Rekord, and on that occasion, NIKOLIĆ stayed at the School for approximately one hour and spoke with Jasikovac and others.¹⁷⁸⁷ NIKOLIĆ was seen up to three separate times between 12:00-15:00 hours standing on the road talking to some senior, higher-ranking officers.¹⁷⁸⁸ Significantly, [REDACTED] [PW-060] saw NIKOLIĆ during the afternoon hours speaking with a senior VRS officer who was not from the Zvornik Brigade. His description was consistent with the contemporaneous appearance of BEARA.¹⁷⁸⁹ The only senior non-Zvornik Brigade officers known to have been in the Zvornik Brigade area at the time were POPOVIĆ and BEARA. Further, sometime after 12:00 hours, Tanić saw Drago NIKOLIĆ at the School organising and directing the transportation of the prisoners,¹⁷⁹⁰ who were destined for the execution sites.

During the afternoon, Drago NIKOLIĆ’s deputy, TRBIĆ, requested reinforcements from the 4th Battalion and they, and Tanić, were asked to form part of an execution squad

629. In the afternoon, TRBIĆ called Lazar Ristić (Zvornik Brigade 4th Battalion Deputy Commander) and asked Ristić to send soldiers to Orahovac School to assist with the security of prisoners.¹⁷⁹¹ Ristić sent ten soldiers.¹⁷⁹² Sometime later, Ristić received a telephone call from one of his soldiers, who told Ristić that they had been asked to participate in an execution.¹⁷⁹³

630. Ristić testified that after receiving this call, he went to the School, lined up his men and let them go home;¹⁷⁹⁴ [REDACTED].¹⁷⁹⁵

¹⁷⁸⁵ Exh.P01693, M.MITROVIĆ, T.5601.

¹⁷⁸⁶ Exh.P01689, RISTANOVIĆ, T.5375-5376.

¹⁷⁸⁷ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11022-11023.

¹⁷⁸⁸ [REDACTED – see Exh.P01657]], [PW-058] , T.6451-6452, T.6484; Exh.P01662, S.BIRČAKOVIĆ, T.10748, T.10767-10768; Exh.P01664; Exh.P01667, D.IVANOVIĆ, T.14546, 14548.

¹⁷⁸⁹ See e.g., Exh.P02798, V000-9067, 01:27’08; Exh.P02799, p.178.

¹⁷⁹⁰ AF279, AF290; TANIĆ, T.8028.

¹⁷⁹¹ RISTIĆ, T.9248; Exh.P01233, RISTIĆ, T.10062, T.10068; [REDACTED].

¹⁷⁹² Exh.P01233, RISTIĆ, T.10068-10070.

¹⁷⁹³ AF284, AF290; Exh.P01233, RISTIĆ, T.10072. See also [REDACTED – see Exh.P0178], TANIĆ, T.10342-10345.

¹⁷⁹⁴ RISTIĆ, T.9282; Exh.P01233, RISTIĆ, T.10076; Exh.P01755. TRBIĆ, Čedo Jović and Goran Bogdanović were opposite the school building, that is, not facing the school yard: RISTIĆ, T.9251.

¹⁷⁹⁵ [REDACTED]. See also [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11039; Exh.P01233, RISTIĆ, T.10062-10063; [REDACTED – see Exh.P01178], TANIĆ, [REDACTED].

NIKOLIĆ directed the transport of prisoners from the School and their removal off trucks at the execution site

631. Around 20:30 hours, [REDACTED] [PW-061] received an order to take food from the Zvornik Brigade HQ to Orahovac School.¹⁷⁹⁶ There, [REDACTED] [PW-061] saw Drago NIKOLIĆ, who was listening and issuing orders and other people were carrying out his orders.¹⁷⁹⁷

He said: "Let me tell you, those were not really orders. *I think that they planned and co-ordinated how to do it systematically.* There was no need for him to constantly give instructions. *People knew it; it had been all pre-planned.*"¹⁷⁹⁸

632. After a truck had been loaded with prisoners, [PW-061] followed it to the execution site, where the prisoners were shot by four to six soldiers.¹⁷⁹⁹ [PW-061] saw Drago NIKOLIĆ at the execution site, directing the soldiers who were escorting prisoners off the trucks:

He was there because the men who were escorting prisoners from the trucks, he was to direct them. Because the other men who were there were executing people, firing at them, and that was their job. Whereas, Drago was with these others. He wasn't yelling at them or anything of that kind. He was simply directing them what to do.¹⁸⁰⁰

633. A Lt. Colonel fitting POPOVIĆ's description was also at the execution site.¹⁸⁰¹ POPOVIĆ is known to have been at Orahovac School that day¹⁸⁰² and was present at least at one other execution (Bišina).

634. While NIKOLIĆ and this Lt. Colonel were at the execution site, [PW-061] described how a seven-year old Muslim boy, [PW-021], who had been transported to the execution site with his father and shot, emerged alive but wounded from the pile of murdered prisoners.¹⁸⁰³

635. [PW-021] testified that when he was seven years old and living in Srebrenica, he and his father, [REDACTED], were blindfolded and forced by men in camouflage uniforms onto a green truck with other people.¹⁸⁰⁴ When they got off the truck it was night-time and dark;

¹⁷⁹⁶ [REDACTED – see Exh.P01672], [PW-061], T.7564-7565, T.7627-7628 ([PW-061] was unsure whether the order was received from Sgt. Radislav Pantić, the Zvornik Brigade's Head of Logistics Transport Service, or his deputy).

¹⁷⁹⁷ [REDACTED – see Exh.P01672], [PW-061], T.7573.

¹⁷⁹⁸ [REDACTED – see Exh.P01672], [PW-061], T.7573-7574. *See also* AF279, AF290; TANIĆ, T.8028.

¹⁷⁹⁹ AF280; [REDACTED – see Exh.P01672], [PW-061], T.7580.

¹⁸⁰⁰ [REDACTED – see Exh.P01672], [PW-061], T.7590.

¹⁸⁰¹ [REDACTED – see Exh.P01672], [PW-061], T.7581-7582, T.7586. *See also* Exh.P02798, V000-9035, 00:05'36; Exh.P02799, p.49.

¹⁸⁰² *See* para.611.

¹⁸⁰³ [REDACTED – see Exh.P01672], [PW-061], T.7580-7590; [REDACTED – see Exh.P00102], [PW-021], T.7744-7750.

¹⁸⁰⁴ AF278, AF280; [REDACTED – see Exh.P00102], [PW-021], T.7744-7746.

they were forced down onto the grass and were shot at.¹⁸⁰⁵ He was taken in a jeep to the Zvornik hospital, where he was given an injection, a bath, and his arm and leg were sewn-up.¹⁸⁰⁶

After nightfall a ULT loader arrived at the execution site and the killings continued late into the night

636. NIKOLIĆ returned to Orahovac School just before nightfall¹⁸⁰⁷ and remained there for up to one hour. During this time, a ULT loader arrived at the School and then left in the direction of the execution sites.¹⁸⁰⁸ After dark, a second machine arrived at the execution site and parked next to the other to light-up the site with their headlights, allowing the executions to continue.¹⁸⁰⁹

637. When the killings at the first execution site finished, a survivor, [PW-007] heard soldiers referring to their leader as “Gojko,” [REDACTED]¹⁸¹⁰ who was in the Zvornik Brigade 4th Battalion, 2nd Company.¹⁸¹¹ [REDACTED] ordered the other soldiers: “collect all your ammunition, lets go to this mowed field and let’s shoot the people.”¹⁸¹² [PW-007] also heard two other soldiers being referred to as “Vojo” and “Risto.”¹⁸¹³ In July 1995, the 2nd Company of the 4th Battalion had two members called “Vojo Matic”¹⁸¹⁴ and “Risto Trifković.”¹⁸¹⁵

638. At some point the last TAM truck arrived at the execution site and the prisoners on board were executed.¹⁸¹⁶ Afterwards, following some discussion about whether one of them would remain overnight, the Bosnian Serb soldiers left the site.¹⁸¹⁷ Approximately 10-15 minutes later, another survivor, Orić, stood up.¹⁸¹⁸ Orić could see the grave excavation and

¹⁸⁰⁵ [REDACTED – see Exh.P00102], [PW-021], T.7747. This further corroborates [PW-061]’s testimony about going to Orahovac around nightfall on 14 July.

¹⁸⁰⁶ [REDACTED – see Exh.P00102], [PW-021], T.7747-7750, T.7753; [REDACTED].

¹⁸⁰⁷ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11023, T.11039.

¹⁸⁰⁸ [PW-007] T.549; [REDACTED – see Exh.P00069], ORIĆ, T.960; [REDACTED – see Exh.P00060], [PW-023], T.17339.

¹⁸⁰⁹ AF286; [REDACTED – see Exh.P00060], [PW-023], T.17339-17338; [REDACTED – see Exh.P00069], ORIĆ, T.959.

¹⁸¹⁰ [PW-007] T.543-544, [REDACTED].

¹⁸¹¹ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11039; Exh.P01233, RISTIĆ, T.10063 (Simić was in the 2nd Company, 4th Battalion, Zvornik Brigade). Gojko Simić was killed in battle two days later, on 16 July: Exh.P01238.

¹⁸¹² [PW-007] T.548.

¹⁸¹³ [PW-007] T.543.

¹⁸¹⁴ Exh.P01233, RISTIĆ, T.10067, T.10141.

¹⁸¹⁵ Exh.P01233, RISTIĆ, T.10064, T.10141.

¹⁸¹⁶ AF279, AF280, AF286; [REDACTED – see Exh.P00060], [PW-023], T.17339.

¹⁸¹⁷ [REDACTED – see Exh.P00069], ORIĆ, T.960. *See also* [REDACTED – see Exh.P00060], [PW-023], T.17339.

¹⁸¹⁸ [REDACTED – see Exh.P00069], ORIĆ, T.961.

the “Rovokopač” excavator and ULT, which had been left behind near the site.¹⁸¹⁹ Before the Bosnian Serb soldiers left, Orić heard them say that the burials would continue the following morning.¹⁸²⁰ Orić confirmed that the large “Rovokopač” backhoe excavator and the ULT loader were left at the first execution site that night.¹⁸²¹ After midnight, Orić looked back and saw the railway embankment and meadow full of dead bodies.¹⁸²²

Drago NIKOLIĆ personally shot prisoners during the executions at Orahovac

639. [PW-067] went to the Zvornik Brigade HQ on a day in mid-July where he met a “lower-ranked officer” who told [PW-067] that BEARA had ordered that “6,900 people had to disappear within five days”.¹⁸²³ The officer also told [PW-067] that “he was killing the people in Orahovac” and that he himself had shot people because others were refusing to do it.¹⁸²⁴ The officer introduced himself as “Drago” and [PW-067] later found out that his surname was “NIKOLIĆ”.¹⁸²⁵ [PW-067] described the occasion as one when buses were at Ročević School; prisoners were being shot there; and there were a few soldiers in the Zvornik Brigade HQ.¹⁸²⁶ This establishes the date of [PW-067]’s visit to the Zvornik Brigade HQ as 14 July.

640. [PW-062] confirmed that one day in July 1995, he went to the Zvornik Brigade HQ with [PW-067], where they met Drago NIKOLIĆ.¹⁸²⁷ [PW-067] went into an office and had a conversation with NIKOLIĆ for 10-15 minutes.¹⁸²⁸ Afterwards, [PW-067] and [PW-062] drove back to Serbia and [PW-067] told [PW-062]: “they were doing all sorts of things and that only madmen could do that kind of thing.”¹⁸²⁹ [PW-067]’s evidence is further corroborated by [REDACTED].¹⁸³⁰

Burials

641. Three engineering machines operated at Orahovac on 14 July: a large “Rovokopač” single-grab backhoe excavator;¹⁸³¹ an ULT 220 loader;¹⁸³² and a smaller “Rovokopač”

¹⁸¹⁹ [REDACTED – see Exh.P00069], ORIĆ, T.964, T.966; Exh.P00070.

¹⁸²⁰ [REDACTED – see Exh.P00069], ORIĆ, T.960.

¹⁸²¹ AF282; [REDACTED – see Exh.P00069], ORIĆ, T.964, T.966. *See also* Exh.P00070.

¹⁸²² [REDACTED – see Exh.P00069], ORIĆ, T.967-968.

¹⁸²³ [REDACTED – see Exh.P00001a], [PW-067], T.21041.

¹⁸²⁴ [REDACTED – see Exh.P00001a], [PW-067], T.21041; [REDACTED].

¹⁸²⁵ [REDACTED – see Exh.P00001a], [PW-067], T.21041.

¹⁸²⁶ [REDACTED – see Exh.P00001a], [PW-067], T.21040-21041.

¹⁸²⁷ [REDACTED – see Exh.P01716], [PW-062], T.14747.

¹⁸²⁸ [REDACTED – see Exh.P01716], [PW-062], T.14747.

¹⁸²⁹ [REDACTED – see Exh.P01716], [PW-062], T.14747.

¹⁸³⁰ [REDACTED].

¹⁸³¹ AF282; *see paras.* 617-618.

¹⁸³² AF282; Exh.P00070; [REDACTED – see Exh.P00060], [PW-023], T.17339-17338; [PW-007] T.548-549; [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11041; [REDACTED – see Exh.P00069], ORIĆ, T.960. *See also para.*638.

Torpedo excavator.¹⁸³³ In addition, a Zvornik Brigade Mercedes 2626 truck towed an excavator to Križevići (next to Orahovac);¹⁸³⁴ and a Zvornik Brigade TAM 75 truck made two trips to Orahovac.¹⁸³⁵ The vehicle logs for the “Rovokopač” backhoe excavator and the smaller “Rovokopač” Torpedo specifically state that the work at Orahovac was done for the VRS.¹⁸³⁶

642. The next day, the Zvornik Brigade Engineering Company Daily Order Log Book records that a BGH-700 and an ULT 220 were tasked with working at Orahovac that day.¹⁸³⁷ The presence of the ULT 220 at Orahovac on 15 July is further confirmed by a Zvornik Brigade Vehicle Log, which records that an ULT 220 performed five hours of work for the VRS at Orahovac that day.¹⁸³⁸ These are clearly the same vehicles—the “Rovokopač” backhoe excavator and the ULT loader.

643. The Zvornik Brigade TAM 75 truck which made two trips to Orahovac on 14 July also made four trips to Orahovac on 15 July¹⁸³⁹ to provide personnel, fuel or other support to the continued operation.¹⁸⁴⁰

644. On 16 July, the Engineering Company Daily Order Log Book again records that a BGH-700 and an ULT 220 were tasked with working at Orahovac that day.¹⁸⁴¹ The same Mercedes 2626 truck which towed the excavator to Križevići on 14 July also records a trip to Orahovac on 16 July;¹⁸⁴² most likely to collect the excavator and return it to the Engineering Company base¹⁸⁴³ from where it was taken to Branjevo the next day.¹⁸⁴⁴ Finally, the same Zvornik Brigade TAM truck which went to Orahovac on 14 and 15 July made two trips between Orahovac and Kozluk on 16 July,¹⁸⁴⁵ most likely to move personnel or equipment between those sites.¹⁸⁴⁶ These received a total of 240 litres of D2 fuel on 14 and 15 July.¹⁸⁴⁷

¹⁸³³ [REDACTED]; Exh.P01686, (operated at Orahovac for five hours on 14 July).

¹⁸³⁴ AF286; Exh.P01653.

¹⁸³⁵ AF286; Exh.P01684.

¹⁸³⁶ Exh.P01686, ERN:0087-5992; Exh.P01685, ERN:0087-6044. *See also* AF313-314; [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14478; Exh.P01693, M.MITROVIĆ, T.5603.

¹⁸³⁷ AF288; Exh.P01652, ERN:0084-6762.

¹⁸³⁸ AF289; Exh.P01655. The registered driver, Veljko Kovačević, was not listed on the Zvornik Brigade Engineering Company roster in July 1995, *but see* [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14514 (once the machine was requisitioned, Kovčević would be made part of the company or the brigade).

¹⁸³⁹ AF289; Exh.P01684.

¹⁸⁴⁰ Exh.P02473, ERN:0113-4362, para.7.27.

¹⁸⁴¹ AF289; Exh.P01652, ERN:0084-6762.

¹⁸⁴² AF289; Exh.P01653.

¹⁸⁴³ Exh.P02473, ERN:0113-4362, para.7.27.

¹⁸⁴⁴ *See* Exh.P01685.

¹⁸⁴⁵ AF289; Exh.P01684.

¹⁸⁴⁶ Exh.P02473, ERN:0113-4362, para.7.27.

¹⁸⁴⁷ AF287, AF289; Exh.P01685 (the “Rovokopač” backhoe excavator (C-3117) received 40 litres on 14 July); Exh.P01686 (the “Rovokopač” Torpedo excavator received 40 litres on 14 July); Exh.P01653 (the Mercedes

(xxiv) 14 July 1995: Detention and murder of Muslim prisoners at Petkovci School and the Petkovci Dam

645. The area of Petkovci fell within the zone of the Zvornik Brigade's 6th Battalion¹⁸⁴⁸ and was used as a detention, execution and primary burial site on 14 and 15 July. Petkovci School, where the prisoners were detained, and the Petkovci Dam execution site and primary gravesite, were located less than 2km from the 6th Battalion's command post.¹⁸⁴⁹

The arrival of Muslim prisoners at Petkovci School

646. On the morning of 14 July, between 10:00-12:00 hours, Marko Milošević (Zvornik Brigade 6th Battalion Deputy Commander)¹⁸⁵⁰ was informed that in approximately two hours some "imprisoned Muslims would be brought to the elementary school in Petkovci and that they would be accompanied by the security."¹⁸⁵¹

647. Approximately two hours later, Ostoja Stanišić (6th Battalion Commander) returned to the 6th Battalion Command and was informed about the prisoners' arrival, who by that time were already in Petkovci School.¹⁸⁵²

648. The Muslim men who were brought to Petkovci had been captured and detained on 13 July, transferred to Bratunac where they were detained overnight, and on the morning of 14 July, were transported in a convoy led by an UNPROFOR APC from Bratunac to Zvornik.¹⁸⁵³ Some of the trucks in that convoy arrived at Petkovci School in the afternoon.¹⁸⁵⁴

Conditions of detention were appalling and numerous prisoners were killed at the School

649. The prisoners were ordered off the trucks, told to place their hands behind their heads and to chant aloud "Long live the Serb Republic" and "Srebrenica is Serb". Twenty Bosnian Serb soldiers dressed in camouflage uniforms kicked, slapped and hit the prisoners

2626 truck received 30 litres on 14 July); Exh.P01684 (the TAM truck received 15 litres on 14 July and 15 litres on 15 July, two dispersals of 10 and 5 litres); Exh.P01655 (the ULT 220 loader received 100 litres of fuel on 15 July, two dispersals of 60 and 40 litres).

¹⁸⁴⁸ Exh.P02473, ERN:0113-4362, para.7.28.

¹⁸⁴⁹ Exh.P01102, MILOŠEVIĆ, T.13318; Exh.P01074, STANIŠIĆ, T.11606. *See also* Exh.P01086; AF300; Exh.P02473, ERN:0113-4362, para.7.28.

¹⁸⁵⁰ Exh.P01102, MILOŠEVIĆ, T.13299.

¹⁸⁵¹ Exh.P01102, MILOŠEVIĆ, T.13300-13301, T.13342. *See also* Exh.P01459, ERN:0293-5744-0293-5747.

¹⁸⁵² Exh.P01102, MILOŠEVIĆ, T.13301. Note: Ostoja Stanišić testified that he returned to the 6th Battalion Command around 17:00-18:00 hours, but Marko Milošević testified that he received an order from Stanišić between 16:00-17:00 hours to deliver a message to BEARA at Petkovci School, so Stanišić appears to be mistaken about this time. Exh.P01074, STANIŠIĆ, T.11661.

¹⁸⁵³ *See* para.607-608.; Exh.P01450, [PW-008], T.1381-1400; [PW-015], T.1396-1397; [REDACTED – see Exh.P00110], [PW-015], T.2948-2963.

¹⁸⁵⁴ AF293; [REDACTED – see Exh.P00110], [PW-015], T.2963; Exh.P01450, [PW-008], T.1401-1402. *See also* Exh.P01452; [REDACTED – see Exh.P01449], [PW-008], T.3337; Exh.P00094, pp.161-164.

with rifle butts as they entered the school.¹⁸⁵⁵ Sporadic shooting was heard.¹⁸⁵⁶ While some were taken off the trucks upon their arrival, others had to stay on the crammed trucks for up to an hour, pleading for water, but receiving none.¹⁸⁵⁷

650. As the prisoners made their way upstairs inside the School, soldiers assaulted them and forced them to repeat: “This is Serbian land and will always remain so;” and “Srebrenica has always been Serbian and will continue to be that.”¹⁸⁵⁸ The classrooms were overcrowded with prisoners.¹⁸⁵⁹ Two badly beaten men were found in one of the classrooms.¹⁸⁶⁰ The conditions were suffocating; the prisoners were very thirsty and had no toilet facilities.¹⁸⁶¹ At one point, the prisoners were given a very small and completely insufficient amount of water.¹⁸⁶² The soldiers also demanded money from them.¹⁸⁶³ One prisoner who looked outside one of the classroom windows was shot by a guard¹⁸⁶⁴ and when another prisoner tried to open a window, Serb soldiers fired shots into the room, breaking the windows and injuring five or six prisoners.¹⁸⁶⁵

651. Prisoners from Cerska, Konjević Polje and Glogova were selected and called outside by the Bosnian Serb soldiers; after they left, beating and moans could be heard.¹⁸⁶⁶ Bursts of fire were also heard after other prisoners were taken outside.¹⁸⁶⁷ None of the prisoners taken from the classrooms returned.¹⁸⁶⁸

Around 16:00-17:00 hours, BEARA and NIKOLIĆ were at the crossroads near the School

652. At around 16:00-17:00 hours, Marko Milošević went to Petkovci School where he found BEARA and delivered the message that BEARA was to “report to the brigade

¹⁸⁵⁵ Exh.P01450, [PW-008], T.1403-1405; [REDACTED – see Exh.P00110], [PW-015], T.2965.

¹⁸⁵⁶ [REDACTED – see Exh.P00110], [PW-015], T.2964.

¹⁸⁵⁷ Exh.P01450, [PW-008], T.1402. AF294.

¹⁸⁵⁸ AF295; [REDACTED – see Exh.P00110], [PW-015], T.2965; Exh.P01450, [PW-008], T.1403-1405. *See also* Exh.P01452; [REDACTED – see Exh.P01449], [PW-008], T.3337-3338; Exh.P00116; [PW-015], T.1333-1334; Exh.P01453 and P01454; [REDACTED – see Exh.P01449], [PW-008], T.3338.

¹⁸⁵⁹ [REDACTED – see Exh.P00110], [PW-015], T.2966, T.2968; [PW-015], T.1392; [REDACTED – see Exh.P01449], [PW-008], T.3359, 3362; Exh.P01450, [PW-008], T.1406.

¹⁸⁶⁰ AF295; [REDACTED – see Exh.P00110], [PW-015], T.2966.

¹⁸⁶¹ AF294; Exh.P01450, [PW-008], T.1406; [REDACTED – see Exh.P00110], [PW-015], T.2967-2968.

¹⁸⁶² Exh.P01450, [PW-008], T.1406.

¹⁸⁶³ [PW-015], T.1393; [REDACTED – see Exh.P00110], [PW-015], T.2966; Exh.P01450, [PW-008], T.1407.

¹⁸⁶⁴ [PW-015], T.1393; [REDACTED – see Exh.P00110], [PW-015], T.2966-2967.

¹⁸⁶⁵ Exh.P01450, [PW-008], T.1407. *See also* Exh.P00094, pp.168-170 (showing marks consistent with bullet ricochets on the blackboard inside one of the classrooms).

¹⁸⁶⁶ AF295; Exh.P01450, [PW-008], T.1407-1408.

¹⁸⁶⁷ [REDACTED – see Exh.P00110], [PW-015], T.2967.

¹⁸⁶⁸ Exh.P01450, [PW-008], T.1408.

command.”¹⁸⁶⁹ The Zvornik DO Notebook records that BEARA was going to Petkovci that day,¹⁸⁷⁰ [REDACTED].¹⁸⁷¹

653. Milošević saw 4-5 MPs (either Zvornik Brigade or DK) in camouflage uniforms and white belts with BEARA and Drago NIKOLIĆ.¹⁸⁷² He also saw some soldiers in camouflage and olive-drab uniforms providing security around the School; a blue Golf III car; and “a few” empty lorries and buses “down on the road.”¹⁸⁷³ The presence of empty trucks and buses and the deployment of soldiers around the School clearly indicates that the Muslim prisoners had already arrived from Bratunac and were inside the School.

654. Milošević returned to the Battalion Command and briefed Stanišić on what had happened;¹⁸⁷⁴ Stanišić then relayed to the Zvornik Brigade Duty Officer that the message had been conveyed to BEARA.¹⁸⁷⁵ That afternoon, Milošević and Stanišić heard isolated shots and bursts of gunfire coming from the direction of the School and “in the depths, from the free territory”.¹⁸⁷⁶

Transport of prisoners to the execution site

655. The prisoners were taken out of the classroom, and forced to discard their belongings including clothing, footwear, documents and ID cards;¹⁸⁷⁷ the same procedure that took place in Orahovac earlier that day. This clearly establishes that these men would not be exchanged, but murdered.

656. The prisoners’ hands were then tied behind their backs using rope or some kind of sharp thread.¹⁸⁷⁸ Twenty-four ligatures (one made of nylon rope and 23 made of twine) have been recovered from primary and secondary grave sites associated with the murder of prisoners detained at Petkovci School.¹⁸⁷⁹ Once their hands were bound, the prisoners were pushed into another classroom¹⁸⁸⁰ and then called outside in groups of 10 and 20.¹⁸⁸¹ As he

¹⁸⁶⁹ MILOŠEVIĆ, T.6365; Exh.P01102, MILOŠEVIĆ, T.13302-13304, T.13319; Exh.P01103. Stanišić testified that it “may have been between 1800 and 1900 hours”, Exh. P01074, STANIŠIĆ, T.11604-11605; however, Milošević actually went to the School and spoke with BEARA and NIKOLIĆ, thus his memory of the times is likely to be more accurate. *See e.g.* Exh.P02798, V000-9067, 01:27’10; Exh.P02799, p.185.

¹⁸⁷⁰ Exh.P01459, ERN:0293-5746.

¹⁸⁷¹ [REDACTED].

¹⁸⁷² Exh.P01102, MILOŠEVIĆ, T.13303-13305, T.13344; Exh.P01074, STANIŠIĆ, T.11605; STANIŠIĆ, T.6287-6288. Milošević stated that he did not know all the MPs from the Zvornik Brigade.

¹⁸⁷³ AF293; Exh.P01102, MILOŠEVIĆ, T.13304-13305; Exh.P01074, STANIŠIĆ, T.11605.

¹⁸⁷⁴ Exh.P01102, MILOŠEVIĆ, T.13303.

¹⁸⁷⁵ Exh.P01074, STANIŠIĆ, T.11650; Exh.P01102, MILOŠEVIĆ, T.13306, 13330.

¹⁸⁷⁶ Exh.P01102, MILOŠEVIĆ, T.13307; Exh.P01074, STANIŠIĆ, T.11607-16608.

¹⁸⁷⁷ AF295-296; [REDACTED – see Exh.P00110], [PW-015], T.2967-2968; [PW-015], T.1333; Exh.P01450, [PW-008], T.1409; *see also* Exh.P01454; [REDACTED – see Exh.P01449], [PW-008], T.3338.

¹⁸⁷⁸ AF296; [PW-015], T.1333; [REDACTED – see Exh.P00110], [PW-015], T.2969; Exh.P01450, [PW-008], T.1409; *See also* Exh.P01454; [REDACTED – see Exh.P01449], [PW-008], T.3338.

¹⁸⁷⁹ *See* Exh.P01825, ERN:0095-0971 and ERN:0095-1024-0095-1025.

¹⁸⁸⁰ [REDACTED – see Exh.P00110], [PW-015], T.2969; Exh.P01450, [PW-008] T.1409-1410.

made his way out, [PW-015] saw the bodies of three or four dead prisoners;¹⁸⁸² with his feet, [PW-008] could feel dead bodies in front of the School.¹⁸⁸³

657. Sometime after midnight, VRS trucks crammed with at least 100 prisoners¹⁸⁸⁴ left the School for the nearby execution site.¹⁸⁸⁵ Throughout this process, the Bosnian Serb soldiers continued to insult the prisoners and curse the prisoners' "balija mothers".¹⁸⁸⁶ At least one prisoner was shot on the truck.¹⁸⁸⁷ Upon their arrival at the execution site, the prisoners on the truck heard heavy bursts of fire and yelling.¹⁸⁸⁸ At the location, which was lit up by floodlights on two poles,¹⁸⁸⁹ [PW-015] saw a very big area covered in dead bodies, all lying face down and all with their hands tied.¹⁸⁹⁰

The executions

658. The VRS soldiers called the prisoners off the truck in groups of five or ten, ordered them to form rows and lie down on the ground.¹⁸⁹¹ As the prisoners started to lie down, the soldiers opened fire at close-range.¹⁸⁹² Before being fired at, [PW-015] saw Bosnian Serb soldiers in uniform with masked faces.¹⁸⁹³ [PW-015] and [PW-008] survived the initial burst of gunfire¹⁸⁹⁴ and as [PW-008] lay there, badly wounded, he watched as other groups of men were marched out and executed, during which time he was shot again.¹⁸⁹⁵ The Bosnian Serb soldiers went around and systematically shot many of the dead and dying prisoners in the head.¹⁸⁹⁶ [PW-008] testified:

¹⁸⁸¹ AF295-296; [REDACTED – see Exh.P00110], [PW-015], T.2969-2970; *see also* Exh.P01450, [PW-008], T.1415.

¹⁸⁸² [REDACTED – see Exh.P00110], [PW-015], T.2970. [PW-015], T.1343.

¹⁸⁸³ Exh.P01450, [PW-008], T.1415.

¹⁸⁸⁴ AF297, AF299-301; [REDACTED – see Exh.P00110], [PW-015], T.2970, T.2974; [PW-008], T.8877; Exh.P01450, [PW-008], T.1415-1416; [PW-015], T.1343.

¹⁸⁸⁵ AF300-301, AF307; [PW-008], T.8877; Exh.P01450, [PW-008], T.1416-1417; [REDACTED – see Exh.P00110], [PW-015], T.2974.

¹⁸⁸⁶ [REDACTED – see Exh.P00110], [PW-015], T.2970.

¹⁸⁸⁷ [PW-015], T.1343; [REDACTED – see Exh.P00110], [PW-015], T.2970-2971; Exh.P01450, [PW-008], T.1416.

¹⁸⁸⁸ Exh.P01450, [PW-008], T.1416-1417; [REDACTED – see Exh.P00110], [PW-015], T.2974.

¹⁸⁸⁹ [PW-015], T.1336; [REDACTED – see Exh.P00110], [PW-015], T.2984.

¹⁸⁹⁰ [REDACTED – see Exh.P00110], [PW-015], T.2975; [PW-015], T.1336. *See also* Exh.P00117; Exh.P01455 and [REDACTED – see Exh.P01449], [PW-008], T.3338; Exh.P00094, pp.173-188.

¹⁸⁹¹ AF283, AF302; [REDACTED – see Exh.P00110], [PW-015], T.2975; [PW-008] T.8877; Exh.P01450, [PW-008], T.1418-1419.

¹⁸⁹² AF302; [REDACTED – see Exh.P00110], [PW-015], T.2976.

¹⁸⁹³ [REDACTED – see Exh.P00110], [PW-015], T.2975.

¹⁸⁹⁴ [REDACTED – see Exh.P00110], [PW-015], T.2976; Exh.P01450, [PW-008], T.1419; [REDACTED – see Exh.P01449], [PW-008], T.3339-3340; [REDACTED – see Exh.P01449].

¹⁸⁹⁵ AF202; Exh.P01450, [PW-008], T.1419; [REDACTED – see Exh.P01449], [PW-008], T.3339; [REDACTED].

¹⁸⁹⁶ AF303; [REDACTED – see Exh.P00110], [PW-015], T.2976-2977; Exh.P01450, [PW-008], T.1419-1420.

As the others were killing, as others were being killed, I was praying that I be killed, too, because I was in terrible pain. But I dared not call out to them. So I just thought that my mother would never know where I was, as I was thinking that I'd like to die.¹⁸⁹⁷

659. As of February 2010, the remains of **809** of these individuals have been identified in Petkovci Dam-related graves.¹⁸⁹⁸ [REDACTED].¹⁸⁹⁹

On 15 July, the 6th Battalion sent soldiers and trucks to clean up the School

660. On 15 July, Ostoja Stanišić was informed that some local villagers had asked for a truck in order to drive some dead bodies away.¹⁹⁰⁰ Stanišić gave his approval for the use of the truck, but claimed he did not know more.¹⁹⁰¹ [REDACTED].¹⁹⁰²

661. Marko Milošević was told by Stanišić that he had sent members of the 6th Battalion to clean up Petkovci School.¹⁹⁰³ The vehicle logs for a Zvornik Brigade TAM 75 and TAM 80 trucks, logged out to Dragan Topalović (a 6th Battalion driver) and Vlado Josić (Ostoja Stanišić's driver),¹⁹⁰⁴ made 10 trips between Petkovci and the Dam on 15 July.¹⁹⁰⁵

Burials

662. On the morning of 15 July, [PW-015] and [PW-008] saw a Caterpillar bulldozer with a blade and a ULT loader which was scooping up bodies and loading them onto a truck at the execution site; the truck returned 20 minutes later to pick up more bodies.¹⁹⁰⁶ During the burial process that morning, explosions and strong bursts of fire continued.¹⁹⁰⁷ The Zvornik Brigade Engineering Company Daily Order Log Book confirms that a ULT and an excavator were tasked with working at Petkovci on 15 July.¹⁹⁰⁸ Damjan Lazarević claimed to know nothing about these entries relating to Petkovci, though they bear his signature.¹⁹⁰⁹ It is clear that Lazaravić denied the Petkovci entries because on the morning of 15 July, shooting could still be heard *after* the loader and tractor arrived at the site.¹⁹¹⁰

¹⁸⁹⁷ Exh.P01450, [PW-008], T.1421.

¹⁸⁹⁸ See Exh.P00170, e.g. ERN:X019-6012, which shows that the remains of **18** individuals have been identified from the Dam near Petkovci; **157** from Liplje 1; **173** from Liplje 2; **57** from Liplje 3; **288** from Liplje 4; and **116** from Liplje 7. There are DNA connections between the Dam primary grave site and these five secondary sites. See Exh.P00170, ERN:X019-6019-X019-6020; JANC, T.1829; MANNING, T.10173.

¹⁸⁹⁹ [REDACTED].

¹⁹⁰⁰ Exh.P01074, STANIŠIĆ, T.11611-11612; STANIŠIĆ, T.6355-6356.

¹⁹⁰¹ Exh.P01074, STANIŠIĆ, T.11612; STANIŠIĆ, T.6355-6356.

¹⁹⁰² [REDACTED].

¹⁹⁰³ Exh.P01102, MILOŠEVIĆ, T.13333-13334.

¹⁹⁰⁴ Exh.P01074, STANIŠIĆ, T.11600, T.11613-11614; STANIŠIĆ, T.6357-6358.

¹⁹⁰⁵ AF298; Exh.P01085; Exh.P01084. See also Exh.P01074, STANIŠIĆ, T.11611; STANIŠIĆ, T.6290-6291.

¹⁹⁰⁶ AF304-305; [REDACTED – see Exh.P00110], [PW-015], T.2978-2981, T.2983-2984; Exh.P01450, [PW-008], T.1423; [REDACTED – see Exh.P01449], [PW-008], T.3335; [PW-008] T.8877-8878; [PW-015], T.1340-1341; Exh.P00119.

¹⁹⁰⁷ AF304-305; [REDACTED – see Exh.P00110], [PW-015], T.2979-2981; Exh.P01450, [PW-008], T.1422.

¹⁹⁰⁸ AF297, AF305; Exh.P01652.

¹⁹⁰⁹ [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14471-14472.

¹⁹¹⁰ [REDACTED – see Exh.P00110], [PW-015], T.2981.

(xxv) At 21:02 hours on 14 July, the Zvornik Brigade Duty Operations Officer informed BEARA that there were problems with the prisoners

663. Around 21:00 hours on 14 July, Jokić, the Duty Operations Officer, received an urgent message that BEARA should call “155”,¹⁹¹¹ the extension number for the Milovanović¹⁹¹² and also for the VRS Main Staff Operations Centre.¹⁹¹³ The fact that a message was left for BEARA at the Zvornik Brigade shows that Miletić or someone from his Sector for Operations and Training knew BEARA had been in the Zvornik area that day. The only reason why BEARA was in the Zvornik area was to oversee the murder operation. Thus, Miletić and the Main Staff must also have known about and been involved in the co-ordination of the murder operation at this time.

664. At 21:02 hours, Jokić contacted BEARA at the Bratunac Brigade HQ to pass on the message.¹⁹¹⁴ Jokić also informed BEARA that: “We have huge problems over here...There are big problems. Well with the people, I mean, with the parcel.”¹⁹¹⁵ Given Jokić’s knowledge of the prisoners detained at Orahovac, Petkovci, Ročević and Pilica,¹⁹¹⁶ the “people” to whom Jokić referred were the prisoners. “[T]he parcel” was a coded reference to those same prisoners.

665. BEARA’s response was not noted, then Jokić stated: “Who? Drago is nowhere around. I don’t know where the others are all day.”¹⁹¹⁷ Given that Drago NIKOLIĆ had spent much of the day overseeing the detention and murder of prisoners at Orahovac, as well as meeting with BEARA at the Zvornik Brigade HQ that morning and near Petkovci School that afternoon, the reference to “Drago” must have been a reference to Drago NIKOLIĆ. Accordingly, Jokić’s report to BEARA about problems with the prisoners and the reference to Drago NIKOLIĆ in the same context, indicates that security officers BEARA and NIKOLIĆ were involved in co-ordinating and overseeing the ongoing detention and murder of the prisoners at this time.

¹⁹¹¹ Exh.P01459, ERN:0293-5751-0293-5751; Exh.P00016a,b[REDACTED].

¹⁹¹² MILOVANOVIĆ, T.14268-14269; Exh.P02230.

¹⁹¹³ OBRADOVIĆ, T.11990-11991; BUTLER, T.16744; MILOVANOVIĆ, T.14277-14288; [REDACTED]; *see also* MILOVANOVIĆ, T.14266-14267.

¹⁹¹⁴ Exhs.P00016a, [REDACTED].

¹⁹¹⁵ Exhs.P00016a-b, [REDACTED].

¹⁹¹⁶ Jokić sent an excavator to Orahovac that morning; passed on messages to BEARA and Drago NIKOLIĆ at Petkovci during the afternoon; was the duty operations officer at the time when Srećko Aćimović called about the prisoners in Ročević; and received a delegation from Pilica just before he spoke with BEARA at 21:02 hours (*see* Exh.P01459, ERN:0293-5744-0293-5752).

¹⁹¹⁷ Exhs.P00016a-[REDACTED].

(xxvi) On the morning of 15 July, BEARA organised troops to form execution squads

666. On the morning of 15 July, BEARA was at the Zvornik Brigade HQ.¹⁹¹⁸ In three related conversations, BEARA discussed with Živanović and Krstić problems with the murder operation. BEARA complained to Živanović about the problems he was having obtaining troops, specifically referring to Radomir Furtula, who had not sent an intervention platoon.¹⁹¹⁹ Živanović, who was no longer serving as DK Commander,¹⁹²⁰ told BEARA that he could no longer provide troops. He referred BEARA to Zlatar extension 385, this being the number for the DK Commander, who by this time was Krstić.¹⁹²¹

667. BEARA subsequently called Krstić and asked for troops to carry out executions. This conversation was recorded by three separate intercept operators¹⁹²² and the three intercepts must be read together for a comprehensive understanding of the conversation.¹⁹²³ BEARA complained that Furtula did not carry out the “boss’s order” and deliver 30 men to BEARA on 13 July so that BEARA could use them to “distribute parcels”. The boss is a reference to Mladić, the only person in the command who was “the boss” for both Krstić and BEARA. Krstić proposed that BEARA request troops from the Milići Brigade Commander, Nastić¹⁹²⁴ or the Bratunac Brigade Commander, Blagojević, because as Krstić explained, he “can’t pull anybody out of here”. Krstić was commanding the attack on Žepa at the time. Krstić reminded BEARA that the line was not secure and BEARA indicated that he knew this. Nevertheless, BEARA and Krstić continued their conversation, with Krstić again reiterating that BEARA should check with Nastić and Blagojević. BEARA persisted and Krstić finally said he would see what he could do. BEARA told Krstić to “have them go to Drago’s”, meaning Drago NIKOLIĆ’s Zvornik Brigade HQ. Krstić stated that he could not guarantee anything and suggested that BEARA take MUP from “up there”, meaning the Zvornik area. BEARA said he could not because “they won’t do anything” and that he had already spoken to them. BEARA concluded, “[t]here are 3,500 parcels that I have to distribute and I have no solution”, referring to the prisoners held in Ročević and Kula Schools and at Pilica Dom, who were still to be executed.

¹⁹¹⁸ Exh.P00014, ERN:0293-5752 (“0900 BEARA is coming”); Exh.P02541 (BEARA was looking for General Živanović and that he should call him at ext. 139); Exh.P02290, ERN:0084-6869; Exh.P02302; BUTLER, T.16760 (confirming that extension 139 was Drago NIKOLIĆ’s extension at the Zvornik Brigade HQ); [REDACTED – see Exh.P02588], D.TODOROVIĆ, T.14029 (confirms BEARA’s presence in Zvornik on 15 July).

¹⁹¹⁹ Exh.P02813; BUTLER, T.16761-16762; Exhs.P00843[REDACTED-d].

¹⁹²⁰ Exh.P02540.

¹⁹²¹ BUTLER, T.16764.

¹⁹²² Exh.P00506g; Exh.P00506e; Exh.P00506d.

¹⁹²³ One intercept operator heard BEARA and Krstić introduce themselves to each other, Exh.P00506g. [REDACTED]. A third missed the beginning but heard the rest of the conversation more clearly, Exh.P00506d.

¹⁹²⁴ Milomir Nastić. BUTLER, T.16767 [REDACTED]; [REDACTED – see Exh.P01197], TRIVIĆ, T.11803.

668. BEARA's reference to "3,500 parcels" is consistent with the 2,417 individuals that have to date been identified in the primary and secondary graves linked to the Kozluk, Branjevo Farm and Pilica Dom executions.¹⁹²⁵

(xxvii) 14-15 July: Murder of over 700 Muslims at Ročević School and Kozluk

669. Ročević was used as a detention and execution site on 14-15 July. A number of prisoners were murdered at the School itself; however, most of the prisoners were executed and buried at Kozluk.

670. Unlike the other large detention/execution sites at Kravica, Orahovac, Petkovci and Pilica, there are no known Muslim survivors from Ročević School or Kozluk.

The arrival of Muslim prisoners at Ročević School, 14 July

671. Prisoners who arrived at Ročević School sometime during the day on 14 July were detained in the School building and the gym.¹⁹²⁶ A number of prisoners were killed in front of the School that day.¹⁹²⁷

672. Between 20:00-21:00 hours, Srećko Aćimović, Zvornik Brigade 2nd Battalion Commander, went to Ročević School,¹⁹²⁸ where he saw prisoners, with soldiers standing guard.¹⁹²⁹ After half an hour, Aćimović left to the Zvornik Brigade's rear base in Kozluk where he called the Brigade's Duty Operations Officer and asked to speak with the Commander or Chief of Staff.¹⁹³⁰ Because both were absent, the Duty Operations Officer put Aćimović on the telephone with POPOVIĆ.¹⁹³¹ Aćimović informed POPOVIĆ that prisoners were being killed in front of the School.¹⁹³² According to Aćimović, POPOVIĆ told him to calm down and that the prisoners were going to be exchanged the next morning.¹⁹³³ It is extremely doubtful that POPOVIĆ would have tried to mislead Aćimović

¹⁹²⁵ Exh.P00170, ERN:X019-6012.

¹⁹²⁶ Srećko Aćimović visited the School the day before the Kozluk executions and the prisoners were already at the School. This is clearly 14 July. [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12934-12945. Moreover, aside from one convoy of prisoners which arrived at Orahovac late on the night of 13 July, the vast majority of the prisoners were moved from Bratunac to Zvornik on the morning of 14 July. [REDACTED – see Exh.P01657], [PW-058], [REDACTED]. [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18176-18177 (recalls driving to Ročević on the third day after the fall of Srebrenica), [REDACTED].

¹⁹²⁷ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12941; [REDACTED – see Exh.P01703], JOVIĆ, T.18050; [REDACTED – see Exh.P01441], M.LAZAREVIĆ, T.13367; M.LAZAREVIĆ, T.8518-8520; AĆIMOVIĆ, T.9550-9551.

¹⁹²⁸ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12934-12935, T.12937; [REDACTED – see Exh.P01441], M.LAZAREVIĆ, T.13366. Lazarević heard from Aćimović that the prisoners at the school were civilians, not soldiers. See M.LAZAREVIĆ, T.8519.

¹⁹²⁹ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12936; M.LAZAREVIĆ, T.8521.

¹⁹³⁰ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12937; [REDACTED – see Exh.P01441], M.LAZAREVIĆ, T.13372-13373; AĆIMOVIĆ, T.9554.

¹⁹³¹ AĆIMOVIĆ, T.9554-9555; [REDACTED – see Exh.P01441], M.LAZAREVIĆ, T.13372-13373.

¹⁹³² [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12937-12940.

¹⁹³³ AĆIMOVIĆ, T.9558; [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12940; M.LAZAREVIĆ, T.8523.

this way; this was more likely Aćimović's attempt to minimise his own knowledge of, and involvement in, the murder of those prisoners.

673. BEARA was also present in the Ročević area at some point on 14 July. At 15:00 hours, the following message was recorded in the Zvornik DO Notebook: "Colonel BEARA is coming in order to Orovoc Petkovci Ročević Pilica."¹⁹³⁴ Given the locations are all known schools where prisoners were detained prior to their execution, BEARA went to the Zvornik Brigade area with the intent of either visiting or dealing with the issues related to the prisoners detained at the schools.¹⁹³⁵

During the early morning hours of 15 July, Drago NIKOLIĆ passed on an order to the Zvornik Brigade's 2nd Battalion to participate in the execution of prisoners

674. Between 01:00-02:00 hours, the 2nd Battalion received a coded telegram from the Zvornik Brigade HQ, ordering that a platoon of soldiers be assembled to execute prisoners.¹⁹³⁶ 45 minutes to an hour later, the 2nd Battalion received another telegram asking for the personnel to be gathered for the purpose of executing prisoners and that 2nd Battalion company commanders be informed of the contents of the telegram, which was done.¹⁹³⁷

675. Around 02:30 hours, Drago NIKOLIĆ called Aćimović, and told Aćimović that the order "had to be carried out":¹⁹³⁸

He told me that the order had come from above, using these words, and that this should be done. A platoon had to be allocated for that. He put pressure on me. He told me that I had to carry out that order, that I could not refuse to carry out that order.¹⁹³⁹

Aćimović claimed he told NIKOLIĆ that the 2nd Battalion did not have enough people for the job and that they would not carry out the order.¹⁹⁴⁰ NIKOLIĆ insisted and said that he would contact Aćimović at 07:00 or 08:00 to check what Aćimović had done.¹⁹⁴¹ As planned, NIKOLIĆ called Aćimović and asked whether the order had been implemented.¹⁹⁴²

¹⁹³⁴ Exh.P00014, ERN:0293-5746. "Orovoc" is clearly a misspelling of "Orahovac."

¹⁹³⁵ BUTLER, T.16743-16744.

¹⁹³⁶ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12944-12946; [REDACTED – see Exh.P01441], M.LAZAREVIĆ, T.13373-13375, T.13379. *See also* [REDACTED – see Exh.P01703], JOVIĆ, T.18086, T.18090 (while he never heard of a telegram for an execution platoon, when he and Aćimović went to the School on 15 July: "I think that it was maybe through a telegram or some other sort of communication device, he had known already of these prisoners.").

¹⁹³⁷ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12947-12948.

¹⁹³⁸ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.13066, Aćimović confirmed he could recognise Drago NIKOLIĆ's voice.

¹⁹³⁹ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12950.

¹⁹⁴⁰ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12950-12951. Corroborating Aćimović's evidence about this conversation is Mitar Lazarević who testified that after the 2nd Battalion responded negatively to the telegram sent by the Zvornik Brigade, Aćimović had an argument with an unknown person over the telephone during which he was shouting and cursing. [REDACTED – see Exh.P01441], M.LAZARAVIĆ, T.13377-13378, T.13392-13393.

¹⁹⁴¹ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12951.

¹⁹⁴² [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12951.

Aćimović claimed he resisted NIKOLIĆ's demand.¹⁹⁴³ NIKOLIĆ told Aćimović to meet him at Ročević School at 09:00 or 10:00 hours.¹⁹⁴⁴

676. On the morning of 15 July, an UNPROFOR APC and Bratunac Brigade MPs were at Ročević School.¹⁹⁴⁵ Around 10:00 hours on 15 July, Aćimović arrived at Ročević School with his driver, Dragan Jović.¹⁹⁴⁶ Aćimović remained at the School for five or six hours.¹⁹⁴⁷ While there, Aćimović asked Jović to go and see "Drašković," whose brother had been killed earlier in the war, to see if he wanted to execute prisoners.¹⁹⁴⁸ Aćimović told Jović: "We have to do that. It's an order, the order must be carried out."¹⁹⁴⁹ Although Jović claimed Drašković declined the invitation, [REDACTED].¹⁹⁵⁰

677. When Aćimović arrived at Ročević School, he met POPOVIĆ in front of the School where there were at least 12 corpses laid on the grass.¹⁹⁵¹ POPOVIĆ was armed with a pistol.¹⁹⁵² From an office in the School and in the presence of Aćimović, POPOVIĆ called the Zvornik Brigade and requested vehicles for the transportation of the prisoners.¹⁹⁵³ [REDACTED].¹⁹⁵⁴ [REDACTED].¹⁹⁵⁵ Around this time, Aćimović ordered 2nd Battalion driver Veljko Ivanović to bring three crates of ammunition to the School.¹⁹⁵⁶

¹⁹⁴³ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12951-12952.

¹⁹⁴⁴ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12953-12954.

¹⁹⁴⁵ [REDACTED – see Exh.P01703], JOVIĆ, T.18052-18053. *See also* Exh.P01094, JANJIĆ, T.17948-17956 (on the late afternoon of 14 or 15 July, Janjić went to Ročević School with six or seven other Bratunac Brigade MPs. When Janjić arrived, he saw a UN APC, Bratunac Brigade MP Commander Mirko Janković, Bratunac Brigade MP Zoran Živanović and 10-15 soldiers from the Bratunac Brigade 1st and 2nd Battalions. Janjić claimed that he and his colleagues only stayed at the School for 10-20 minutes and that Mirko Janković also left the School during the time he was there. However, according to Dragan Jović, some Bratunac Brigade MPs remained at the School and escorted the first group of prisoners to the execution site. *See* [REDACTED – see Exh.P01703], JOVIĆ, T.18083. Janjić was either mistaken on this point or attempting to minimise his own involvement, and that of his colleagues, in the Ročević/Kozluk executions.

¹⁹⁴⁶ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12957; [REDACTED – see Exh.P01703], JOVIĆ, T.18051-18052; [REDACTED – see Exh.P01441], M.LAZAREVIĆ, T.13379.

¹⁹⁴⁷ [REDACTED – see Exh.P01703], JOVIĆ, T.18067.

¹⁹⁴⁸ [REDACTED – see Exh.P01703], JOVIĆ, T.18054, T.18056-18057.

¹⁹⁴⁹ [REDACTED – see Exh.P01703], JOVIĆ, T.18057.

¹⁹⁵⁰ [REDACTED – see Exh.P01703], JOVIĆ, T.18057; [REDACTED].

¹⁹⁵¹ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12957-12959.

¹⁹⁵² [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12986.

¹⁹⁵³ [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12958, T.12965-[REDACTED]. Dragan Jović testified that he saw Aćimović go into the office but did not see Aćimović meet a senior officer outside the School and did not see anyone aside from Aćimović enter the office. However, Jović did not enter the office himself (he stayed 20-30m away) and only stayed there a short period of time before going home for 40-60 minutes. *See* [REDACTED – see Exh.P01703], JOVIĆ, T.18054, T.18073-18074.

¹⁹⁵⁴ [REDACTED]; [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18176-18178, [REDACTED].

¹⁹⁵⁵ [REDACTED].

¹⁹⁵⁶ *See* para.682.

Sometime between 10:00-12:00 hours on 15 July, PEĆANAC and POPOVIĆ pick up 10th Sabotage Detachment soldiers

678. Between 10:00-12:00 hours on 15 July, PEĆANAC arrived with POPOVIĆ at Dragaševac, the 10th Sabotage Detachment Vlasenica Platoon's base.¹⁹⁵⁷ PEĆANAC asked Zoran Obrenović for some soldiers.¹⁹⁵⁸ An argument ensued, following which Obrenović directed Brano Gojković to gather up some men and go with PEĆANAC and POPOVIĆ. Approximately eight soldiers were assembled and left in a van together with PEĆANAC's vehicle and POPOVIĆ's Golf.¹⁹⁵⁹

Between 10:00-12:00 hours on 15 July, Zvornik Brigade MPs were deployed to Ročević School

679. Between 10:00-12:00 hours on 15 July, Jasikovac ordered Zvornik Brigade MPs including Slađan Jokić, Dragoje Ivanović, [PW-060] Stanoje Birčaković and [PW-059] to go to Ročević School to secure the facilities and prisoners being held there and to set up a checkpoint.¹⁹⁶⁰ MPs and soldiers were seen carrying machine guns that were pointed at the School.¹⁹⁶¹ The checkpoint was erected just outside the School.¹⁹⁶² When the MPs arrived, the bodies of dead prisoners, mostly civilian clothing, could be seen.¹⁹⁶³

680. The Zvornik Brigade MP Roster shows the deployment of seven MPs to Ročević School on 15 July.¹⁹⁶⁴ Alterations were made to the MP Roster to conceal the presence and involvement of MPs in the murder operation. Four of the MPs admitted to being in Ročević on 15 July¹⁹⁶⁵ and Milorad Birčaković testified that he drove Jasikovac to Ročević on 15 July.¹⁹⁶⁶

¹⁹⁵⁷ [REDACTED – see Exh.P02588], D.TODOROVIĆ, T.13992, T.14026-14027; Exh.D00318, p.3.

¹⁹⁵⁸ [REDACTED – see Exh.P02588], D.TODOROVIĆ, T.14012-14013.

¹⁹⁵⁹ [REDACTED – see Exh.P02588], D.TODOROVIĆ, T.14039-14041.

¹⁹⁶⁰ [REDACTED – see Exh.P01657], [PW-058], T.6460-6461; Exh.P01667, D.IVANOVIĆ, T.14553-14554; [REDACTED – see Exh.P01659], [PW-060], T.6542-6546; Exh.P01662, S.BIRČAKOVIĆ, T.10760; [REDACTED – see Exh.P01944], [PW-059], T.9909-9912.

¹⁹⁶¹ [PW-001], T.8794.

¹⁹⁶² See Exh.P01948; [REDACTED – see Exh.P01944], [PW-059], T.9920-9921.

¹⁹⁶³ [REDACTED – see Exh.P01657], [PW-058], T.6461-6462. These bodies were later transported with the live prisoners to the execution site.

¹⁹⁶⁴ See Exh.P01754; Exh.P02595, p.3. In the entries for 15 July 1995, it is visible to the naked eye that the names Miomir Jasikovac, Dragoje Ivanović, Predrag Ristić, Milomir Simić, Stanoje Birčaković, Slađan Jokić and Dragan Aščerić had “R” recorded next to their name, which was subsequently erased and remarked with a “T” to designate “in the terrain.” See also [PW-059], T.10504-10507.

¹⁹⁶⁵ [REDACTED – see Exh.P01657], [PW-058], T.6460-6461; Exh.P01667, D.IVANOVIĆ, T.14553; [REDACTED – see Exh.P01659], [PW-060], T.6542-6546; Exh.P01662, S.BIRČAKOVIĆ, T.10760. However, three MPs who admitted being deployed to Ročević with their commander Jasikovac on 15 July -- Stanoje Birčaković, Dragoje Ivanović and [PW-060] -- were less than candid about their activities that day: see Exh.P01662, S.BIRČAKOVIĆ, T.10760-10761; Exh.P01667, D.IVANOVIĆ, T.14554-14556; [REDACTED – see Exh.P01659], [PW-060], T.6542-6546. The evidence of these three MPs is contradicted by [PW-058], who testified that the MPs were deployed around the School; [PW-059], who testified that the MPs also manned a checkpoint near the School; and [PW-001], who saw MPs [REDACTED] at the execution site. [REDACTED]. See also [PW-001], T.8809-8812; [REDACTED – see Exh.P01773], AĆIMOVIĆ, T.12935, T.12942, T.13038-

681. Later that day, TRBIĆ and Drago NIKOLIĆ arrived at the School¹⁹⁶⁷ and ordered the MPs to keep everything under control.¹⁹⁶⁸ NIKOLIĆ's presence in Ročević is corroborated by the Opel Rekord vehicle log signed out to Milorad Birčaković, which records five trips to Ročević and Kozluk on 15 July. NIKOLIĆ signed off on the entries for those trips.¹⁹⁶⁹

Around 12:00 hours, three crates of ammunition arrived from the Zvornik Brigade HQ, and the transport of prisoners began

682. Around 11:00-11:15 hours on 15 July, Veljko Ivanović received an order from Aćimović to take three crates of ammunition to Ročević where he was to "load some other stuff" and then proceed to Malesić.¹⁹⁷⁰ Ivanović loaded a truck with three crates of automatic rifle ammunition, totalling 3,000 rounds, and drove to Ročević School.¹⁹⁷¹ He arrived around noon and saw a large number of soldiers, with Aćimović standing next to the door leading into the School.¹⁹⁷² [REDACTED].¹⁹⁷³ Prisoners were then loaded onto Ivanović's truck.¹⁹⁷⁴ [REDACTED].¹⁹⁷⁵

683. The prisoners' hands were tied and they were blindfolded.¹⁹⁷⁶ This is corroborated by the discovery of 205 ligatures and 63 blindfolds in primary and secondary graves associated with the Kozluk executions.¹⁹⁷⁷ Ivanović and Jović drove the first truck of

13040; [REDACTED – see Exh.P01708], V.IVANOVIĆ, [REDACTED]. Stanoje Birčaković, Dragoje Ivanović and [PW-060] each testified candidly about their role in the detention of prisoners at Orahovac the previous day, and their respective untruthful attempts to conceal their presence at Ročević School on 15 July suggest that they were involved in more than just guarding prisoners at the School.

¹⁹⁶⁶ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T.11045-11047.

¹⁹⁶⁷ [REDACTED – see Exh.P01944], [PW-059], T.9923 (an MP at a checkpoint outside Ročević School told [PW-059] that Drago NIKOLIĆ and TRBIĆ had arrived), T.9960-9961 ([PW-059] claimed not to see NIKOLIĆ, but he did see TRBIĆ in the School yard). [PW-059]'s testimony about whether or not he personally saw NIKOLIĆ was evasive to the point that it supports a reasonable inference that [PW-059] *did* see NIKOLIĆ at the School.

¹⁹⁶⁸ [REDACTED – see Exh.P01944], [PW-059], T.9923, T.9925.

¹⁹⁶⁹ Exh.P01748, ERN:0307-5155.

¹⁹⁷⁰ [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18174, T.18176-18178.

¹⁹⁷¹ [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18177-18179.

¹⁹⁷² [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18177.

¹⁹⁷³ [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18177, [REDACTED]; [REDACTED – see Exh.P01703], JOVIĆ, T.18058-18059, T. 18082.

¹⁹⁷⁴ [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18177; [REDACTED – see Exh.P01657], [PW-058], T.6464. Note [REDACTED – see Exh.P01703], JOVIĆ, T.18063: Jović testified that the transport of prisoners started around 14:00-15:00 hours; however, Ivanović testified that it started when he arrived at the School after loading the ammunition at the Zvornik Brigade sometime around 11:00-11:15 hours, and [PW-001] testified that when he arrived at around 12:00-13:00, the transport was already underway. *See* [PW-001], T.8794-8796.

¹⁹⁷⁵ [REDACTED – see Exh.P01708], V.IVANOVIĆ, [REDACTED].

¹⁹⁷⁶ [REDACTED – see Exh.P01708], V.IVANOVIĆ, [REDACTED]. *See also* [PW-001], T.8796.

¹⁹⁷⁷ Exh.P01825, shows that **168** cloth and white nylon twine ligatures and **55** blindfolds were found in the Kozluk primary grave (at ERN:0095-0974), while **37** ligatures and **8** blindfolds were recovered from the Čančari Road 3 secondary grave (at ERN:0095-0977).

prisoners to the execution site.¹⁹⁷⁸ [REDACTED].¹⁹⁷⁹ Jović and other 2nd Battalion members continued to transport prisoners to the execution site.¹⁹⁸⁰ Jović made two or three trips with Muslim prisoners and one trip to deliver food and drinks to the soldiers there.¹⁹⁸¹ [REDACTED].¹⁹⁸² Each round trip from the School to the execution site and back was no less than one hour.¹⁹⁸³

Executions

684. At the Kozluk execution site,¹⁹⁸⁴ 40-50 soldiers and MPs were lined on either side of a pit.¹⁹⁸⁵ [REDACTED].¹⁹⁸⁶ [REDACTED].¹⁹⁸⁷ By 19:00 hours, most of the prisoners had been executed.¹⁹⁸⁸

685. As of February 2010, **761** victims have been identified using DNA in mass-graves related to the Ročević/Kozluk executions.¹⁹⁸⁹ [REDACTED].¹⁹⁹⁰ Of the DNA identified remains in the primary and secondary graves associated with Kozluk, [REDACTED].¹⁹⁹¹ [REDACTED].¹⁹⁹² Some of the murdered prisoners also had disabilities or signs of chronic disease.¹⁹⁹³ The age of these men, the recorded place of disappearance and the fact that some of them had obvious disabilities indicates that at least some of the men detained in Ročević and murdered at Kozluk were the elderly men separated from their families in Potočari on 12-13 July.

686. [REDACTED].¹⁹⁹⁴ [REDACTED].¹⁹⁹⁵

¹⁹⁷⁸ AF309; [REDACTED – see Exh.P01703], JOVIĆ, T.18059-18060; [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18178; [REDACTED]. The MPs who escorted the first group of prisoners to the execution site were from the Bratunac Brigade. See [REDACTED – see Exh.P01703], JOVIĆ, T.18083.

¹⁹⁷⁹ [REDACTED].

¹⁹⁸⁰ AF309; [REDACTED – see Exh.P01703], JOVIĆ, T.18060-18061. Between two and four MPs rode in the back of the trucks to the execution site. [REDACTED – see Exh.P01703], JOVIĆ, T.18059; [REDACTED – see Exh.P01708], V.IVANOVIĆ, [REDACTED]; [REDACTED – see Exh.P01703], JOVIĆ, T.18063. [REDACTED – see Exh.P01773], AĆIMOVIĆ, [REDACTED].

¹⁹⁸¹ AF309; [REDACTED – see Exh.P01703], JOVIĆ, T.18062, T.18067-18068.

¹⁹⁸² AF309; [REDACTED – see Exh.P01708], V.IVANOVIĆ, T.18179, [REDACTED].

¹⁹⁸³ [REDACTED – see Exh.P01703], JOVIĆ, T.18061.

¹⁹⁸⁴ AF312.

¹⁹⁸⁵ Exh.P00094, pp.192-200; [PW-001], [REDACTED], T.8800-8802, T.8809.

¹⁹⁸⁶ [REDACTED].

¹⁹⁸⁷ [REDACTED – see Exh.P01708], V.IVANOVIĆ, [REDACTED].

¹⁹⁸⁸ AF308, AF310; BUTLER, T.16787; [REDACTED – see Exh.P01657], [PW-058], T.6465.

¹⁹⁸⁹ See Exh.P00170, ERNs X019-5974-X019-5975, X019-6011-X019-6012, show that the remains of **336** individuals have been identified at Kozluk; **118** at Čančari Road 2; **138** at Čančari Road 3; **108** at Čančari Road 7; and **61** at Čančari Road 13. See ERN:X019-5974-X019-5975. Čančari Road 2, 3, 7 and 13 are linked with the Kozluk primary grave *via* DNA connections. See ERN:X019-6019.

¹⁹⁹⁰ [REDACTED – see Exh.P01708], V.IVANOVIĆ, [REDACTED].

¹⁹⁹¹ See AF310; [REDACTED].

¹⁹⁹² [REDACTED].

¹⁹⁹³ Exh.P01825, ERN:0095-0973-0095-0974.

¹⁹⁹⁴ [REDACTED – see Exh.P01708], V.IVANOVIĆ, [REDACTED].

¹⁹⁹⁵ [REDACTED].

Burials

687. Sometime before 08:00 hours on 16 July, Damjan Lazarević was ordered to Kozluk¹⁹⁹⁶ to bury the bodies of execution victims.¹⁹⁹⁷ Lazarević took a TAM 75 truck and arrived at the execution site around 08:00 hours.¹⁹⁹⁸ Lazaravić noticed pieces of green and white broken glass at the execution site, which had been transported there from the nearby Vitinka Kozluk mineral water plant.¹⁹⁹⁹

688. Around 08:00-09:00 hours on 16 July, Dragan Jokić arrived at the Zvornik Brigade Engineering Company compound and ordered excavator operator Miloš Mitrović and Engineering Company member Nikola Rikanović to go to Kozluk with the “Skip” (*i.e.*, the “Rovokopač” Torpedo excavator).²⁰⁰⁰ Lazarević led Mitrović and Rikanović to the execution site, where Mitrović saw the bodies of the executed prisoners, some of whom had uniforms on, but many of whom were dressed in civilian clothes, lying in “two or three” holes.²⁰⁰¹

689. Mitrović worked for approximately half an hour with the “Rovokopač” until a ULT 220 driven by Rade Bošković arrived.²⁰⁰² Bošković reported to Lazarević and then began covering the bodies with earth.²⁰⁰³ Mitrović claims that he returned to the base in Karakaj with the Torpedo excavator approximately one and a half hours after the ULT 220 arrived;²⁰⁰⁴ however, the vehicle log for the “Rovokopač” Torpedo excavator shows that it operated in Kozluk for 8 hours on 16 July.²⁰⁰⁵ The vehicle log specifies that this work was done for the VRS.²⁰⁰⁶

690. A bulldozer was transported and used in Kozluk to “mend a trench” between 18-19 July.²⁰⁰⁷ The vehicle log for a bulldozer TG-75, assigned to Zvornik Brigade excavator

¹⁹⁹⁶ [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14454-14455.

¹⁹⁹⁷ AF311; [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14454.

¹⁹⁹⁸ AF314; [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14455. A Zvornik Brigade truck also made two trips between Orahovac and Kozluk, likely to move personnel and/or equipment between those sites. *See* AF315; Exh.P01684, ERN:0087-5950; Exh.P02473, ERN:0113-4362, para.7.27.

¹⁹⁹⁹ [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14456.

²⁰⁰⁰ Exh.P01692, ERN:0086-0837, 0086-0840; AF311, AF314; Exh.P01693, M.MITROVIĆ, T.5603. *See also* [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14457, who only referred to Mitrović arriving at the site.

²⁰⁰¹ [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14457; Exh.P01693, M.MITROVIĆ, T.5605-5606. [REDACTED].

²⁰⁰² *See* Exh.P01693, M.MITROVIĆ, T.5606-5607; [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14457-14458 (“I suppose that the order came from the unit. I suppose that they had realised [...] that that small machine was not fit for that job in that location, that it would take a very long time to accomplish the task, and I suppose that they had sent the big machine.”); [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14522.

²⁰⁰³ AF314; Exh.P01693, M.MITROVIĆ, T.5610.

²⁰⁰⁴ Exh.P01693, M.MITROVIĆ, T.5610.

²⁰⁰⁵ AF318; Exh.P01686.

²⁰⁰⁶ AF318; Exh.P01686.

²⁰⁰⁷ AF316-317; Exh.P01652, ERN:0084-6765-0084-6766.

operator Mićo Mirković, records that the bulldozer performed “special purposes work in Kozluk” for the VRS on 18-19 July.²⁰⁰⁸

691. The work done by these engineering machines at Kozluk in the days following the executions can be clearly seen on the aerial photograph of the area dated 27 July.²⁰⁰⁹

(xxviii) On the evening of 15 July, BEARA and POPOVIĆ met the Zvornik Brigade commander at the Zvornik Brigade HQ

692. On the evening of 15 July, **TOLIMIR** was in the Žepa/Rogatica area and used the Rogatica Brigade HQ facilities to communicate.²⁰¹⁰ His whereabouts earlier in the day are unknown.²⁰¹¹

693. On the same (and only) day MP [PW-059] was at Ročević, 15 July, [PW-059] returned to the Zvornik Brigade HQ sometime after 18:00 hours, where he saw individuals dressed in camouflage uniforms.²⁰¹² [PW-059]’s colleague informed him that “the commander has a meeting with POPOVIĆ and BEARA.”²⁰¹³ [PW-059] saw POPOVIĆ’s profile.²⁰¹⁴ POPOVIĆ’s and BEARA’s meeting must have been with Vinko Pandurević, who returned to Zvornik from Žepa around midday on 15 July.²⁰¹⁵

694. Entries in the Zvornik DO Notebook show that people were looking for POPOVIĆ in the Zvornik area on the evening of 15 July: “Communicate to POPOVIĆ that his proposal has been approved;”²⁰¹⁶ and “Drago and Lieutenant Colonel POPOVIĆ are to report to Major GOLIC’ early in the morning.”²⁰¹⁷ This is compelling evidence that these security officers were working closely together during this period and of course reporting on the progress of their work to their superiors, including (directly, or *via* GOLIC’) to **TOLIMIR**.

(xxix) 14-17 July: Detention, murder and burial of Muslim prisoners at Kula School near Pilica, Branjevo Farm and Pilica Dom

695. Nikola Tesla primary school is in Kula, a hamlet of Pilica.²⁰¹⁸ Kula School was used as a detention facility for Muslim prisoners between 14-16 July, following the fall of

²⁰⁰⁸ Exh.P01596, ERN:0087-6037-0087-6038; Exh.P01692, ERN:0086-0840.

²⁰⁰⁹ AF318; Exh.P00094, p.196.

²⁰¹⁰ Exh.P00479, (sent at 23:09 hours).

²⁰¹¹ BUTLER, T.16803.

²⁰¹² [REDACTED – see Exh.P01944], [PW-059], T.9965–9966, T.9973, T.9962.

²⁰¹³ [REDACTED – see Exh.P01944], [PW-059], T.9962, T.9965.

²⁰¹⁴ [REDACTED – see Exh.P01944], [PW-059], T.9962-9964, T.9967-9968, T.9975.

²⁰¹⁵ [REDACTED – see Exh.P01944], [PW-059], T.9966, T.10001, T.10011; [REDACTED]; Exh.P01233, RISTIĆ, T.10090-10091.

²⁰¹⁶ Exh.P01459, ERN:0293-5760.

²⁰¹⁷ Exh.P01459, ERN:0293-5761.

²⁰¹⁸ Exh.P01635, BABIĆ, T.10213; Exh.P01669, BOGDANOVIĆ, T.11319; BUTLER, T.16746; Exh.P00094, p.202.

Srebrenica.²⁰¹⁹ Some prisoners were murdered at the School, while as many as 1,500 were executed and buried at Branjevo Farm on 16 July.

696. On 15 July, the VRS used Pilica Dom as a detention facility.²⁰²⁰ On 16 July, it became an execution site where over 500 Muslim prisoners were executed.²⁰²¹ These prisoners were buried at Branjevo Farm on 17 July.

697. The 1st Battalion of the Zvornik Brigade, the 10th Sabotage Detachment and other VRS formations took part in these executions.²⁰²² POPOVIĆ directly oversaw this process.

On the morning of 14 July, a telegram from the Zvornik Brigade Command arrived at the 1st Battalion, ordering soldiers to secure prisoners at Kula School

698. On the morning of 14 July, a telegram from the Command of the Zvornik Brigade arrived at the 1st Battalion Command.²⁰²³ Duty Officer Rajko Babić read the communication sometime between 07:00-09:00 hours on 14 July.²⁰²⁴ Significantly, around this time, BEARA, POPOVIĆ and Drago NIKOLIĆ met at the Zvornik Brigade HQ to co-ordinate the murder operation.²⁰²⁵

699. The telegram ordered personnel to secure access to Kula School and the gym where prisoners from Srebrenica were to be detained.²⁰²⁶ Zvornik 1st Battalion members, including Pelemiš, Slavko PERIĆ (1st Battalion Assistant Commander for Intelligence and Security) and Dragan Pantić (Assistant Commander for Moral and Information), met and determined how to carry out the order.²⁰²⁷

Around 12:00 hours on 14 July, 1st Battalion Soldiers arrived at Kula School and two hours later the prisoners arrived

700. Twelve 1st Battalion soldiers went to Kula School and began preparations in anticipation of the prisoners' arrival. PERIĆ was put in charge of them.²⁰²⁸ Around 14.00 hours, Babić saw an armed soldier from another unit order two or three civilians to walk towards the School and the gym with their hands behind their heads.²⁰²⁹ For the next 30-50

²⁰¹⁹ AF319-320; Exh.P01635, BABIĆ, T.10214; BUTLER, T.16723, T.16773, T.16787.

²⁰²⁰ AF347.

²⁰²¹ AF347.

²⁰²² AF342-343; *see paras.698-741.*

²⁰²³ Exh.P01635, BABIĆ, T.10215-10217, T.10241 (after the executions, Babić discovered that the page in the logbook containing the order/telegram had gone missing).

²⁰²⁴ Exh.P01635, BABIĆ, T.10217.

²⁰²⁵ *See paras.604-606.*

²⁰²⁶ AF319; Exh.P01635, BABIĆ, T.10216, 10221.

²⁰²⁷ Exh.P01635, BABIĆ, T.10217-10219.

²⁰²⁸ Exh.P01635, BABIĆ, T.10219-10222.

²⁰²⁹ Exh.P01635, BABIĆ, T.10221, T.10222-10223.

minutes, civilians continued to arrive and were led into the gym and to five classrooms.²⁰³⁰ Young boys and elderly men were among those detained.²⁰³¹ [REDACTED].²⁰³²

701. The prisoners were detained under horrendous and life-threatening conditions of overcrowding.²⁰³³ They were hungry and thirsty; some were stripped of their clothing.²⁰³⁴ The prisoners feared being mistreated and were subjected to physical abuse.²⁰³⁵ One prisoner was shot while allegedly trying to flee and, without medical supplies, was forced to dress the wound using his own t-shirt.²⁰³⁶ On the morning of 15 July, VRS soldiers entered the gym and demanded the prisoners' valuables and money, under threat of death.²⁰³⁷

702. The 1st Battalion soldiers' task was to "provide security for the villagers in case one of the prisoners decided to escape."²⁰³⁸ Whilst the provision of this security would necessarily have entailed preventing the escape of prisoners in the first instance,²⁰³⁹ had their purpose been limited to securing the prisoners against potential violence from local residents, they likely would have been assigned to patrolling the roads around the school, or establishing a perimeter.

Prisoners were murdered at Kula School

703. On his way to collect water for the other prisoners, [PW-016] heard shooting and cries for help emanating from behind the School after a bus pulled up.²⁰⁴⁰ [PW-073] also heard bursts of gunfire, as well as "screaming, shouting, moaning from outside" incessantly throughout the day and night.²⁰⁴¹ On the night of 15 July, VRS soldiers took a number of prisoners from the gym and while some returned, others did not²⁰⁴² presumably, they were killed.

²⁰³⁰ Exh.P01635, BABIĆ, T.10222, T.10227; Exh.P00094, at pp.202-213; Exh.P01762, [PW-016], T.3017, T.3020, T.3027, T.3030-3031; [REDACTED - see Exh.P00049] [PW-073], T.1192-1195, T.1227 ([PW-073] was at Kula School "for one night or two nights, possibly for two nights" and the executions occurred on 17 July; "if I can remember correctly, we spent about two nights there"; thinks he arrived on 15 July; "On the 14th and 15th, I was in Bratunac"). These chronologies, taken in the context of the proven events leading up to the executions at the Branjevo Military Farm suggest [PW-073] likely arrived at Kula School on 14 July.

²⁰³¹ [REDACTED - see Exh.P00049] [PW-073], T.1193-1194; Exh.P01635, BABIĆ, T.10250.

²⁰³² [REDACTED].

²⁰³³ AF321; Exh.P01635, BABIĆ, T.10224-10226, T.10228, T.10228, T.10239 *but see* Exh.P01762, [PW-016], T.3036-3037; *see also* [REDACTED - see Exh.P00049] [PW-073], T.1195.

²⁰³⁴ AF321; Exh.P01669, BOGDANOVIĆ, T.11340-11341, T.11321-11322.

²⁰³⁵ [REDACTED - see Exh.P00049] [PW-073], T.1193.

²⁰³⁶ Exh.P01635, BABIĆ, T.10228-10229.

²⁰³⁷ AF322; Exh.P01762, [PW-016], T.3037-3038.

²⁰³⁸ Exh.P01635, BABIĆ, T.10252.

²⁰³⁹ Exh.P01635, BABIĆ, T.10224.

²⁰⁴⁰ Exh.P00094, pp. 204, 206, 207, 210, 211; RUEZ, T.1016-1017; Exh.P01762, [PW-016], T.3032-3034.

²⁰⁴¹ [REDACTED - see Exh.P00049], [PW-073], T.1192, T.1197.

²⁰⁴² AF577; Exh.P01762, [PW-016], T.3038.

704. Birčaković, Drago NIKOLIĆ's driver, saw a corpse lying on the ground outside Kula School on 15 July, when he stopped at the School with Jasikovac.²⁰⁴³ Drago NIKOLIĆ would have been informed about conditions at Kula School by both Birčaković and Jasikovac. On 16 July, Bogdanović saw nine dead prisoners in civilian clothes some fifty meters from the School and was ordered to help lift the bodies onto a tractor-trailer to be driven away.²⁰⁴⁴ Before boarding a truck that took him to the execution site, [PW-073] saw a dead prisoner at the bottom of the stairs in the School.²⁰⁴⁵

On the late morning of 15 July, PERIĆ and Pelemiš went to the Zvornik Brigade Command to ask that the prisoners be taken elsewhere

705. [REDACTED],²⁰⁴⁶ [REDACTED].²⁰⁴⁷ [REDACTED].²⁰⁴⁸

706. By this time, the Zvornik Brigade Command and the security officers of various echelons of the VRS were obviously aware of the presence of the prisoners in Pilica. The prisoners at Petkovci and Orahovac had already been executed and the executions at Kozluk were imminent.

On the afternoon of 15 July, a senior VRS officer was present at Kula School

707. On the afternoon of 15 July, Babić met a senior VRS Officer near Kula School, who was being referred to as Colonel or Lieutenant Colonel.²⁰⁴⁹ The officer was blond, fair, rather tall, with a strong build and receding hairline.²⁰⁵⁰ Babić asked the senior VRS officer what should be done with the prisoners. He was told: "you are a farmer's unit, a battalion. We have brought Muslims to you and you don't know how to take them away...you are good for nothing."²⁰⁵¹ Babić, who knew some of the prisoners in the school, asked whether he could keep one or two of them, to which the officer responded in no uncertain terms that "they can't stay, they had to be taken away, all of them."²⁰⁵² Babić knew that the prisoners "would all be killed."²⁰⁵³

²⁰⁴³ [REDACTED – see Exh.P01746], M.BIRČAKOVIĆ, T. 11045-11046.

²⁰⁴⁴ Exh.P01669, BOGDANOVIĆ, T.11344, T.11323-11324.

²⁰⁴⁵ [REDACTED - see Exh.P00049] [PW-073], T.1195-1196.

²⁰⁴⁶ [REDACTED].

²⁰⁴⁷ [REDACTED].

²⁰⁴⁸ [REDACTED].

²⁰⁴⁹ Exh.P01635, BABIĆ, T.10236-10237.

²⁰⁵⁰ Exh.P01635, BABIĆ, T.10237, T.10240.

²⁰⁵¹ Exh.P01635, BABIĆ, T.10238.

²⁰⁵² Exh.P01635, BABIĆ, T.10239-10240.

²⁰⁵³ Exh.P01635, BABIĆ, T.10240.

On the night of 15 July and morning of 16 July, 1st Battalion reinforcements arrived at Kula School

708. Babić estimated that there were approximately 40-50 soldiers in total at Kula School on the night of 15 July, including approximately 20 1st Battalion soldiers, who were brought there by PERIĆ.²⁰⁵⁴ On 16 July, other Zvornik Brigade soldiers including, Bogdanović were ordered to guard the School so that the prisoners could be loaded onto buses.²⁰⁵⁵

709. Drago NIKOLIĆ, who was the Zvornik Brigade Duty Officer from at least 11:45 hours on 15 July through 06:35 hours on 16 July, was in contact with the 1st Battalion and, as Duty Officer, organised fuel and ammunition to be sent to the 1st Battalion. He received a request between 04:00-06:00 hours on 16 July from the 1st Battalion for 50 litres of oil and 20 litres of petrol “for transport of troops to Kula” as well as for “ten crates of 7.62mm ammunition”.²⁰⁵⁶ The only significant operation requiring troops and ammunition was the murder of Muslim prisoners at Kula School.²⁰⁵⁷

At 10:00 hours on 16 July, TOLIMIR told Miletić that he was accessible through secure communications through the DK IKM (“Uran”)

710. At 10:00 hours on the morning of 16 July, **TOLIMIR** contacted Miletić at the VRS Main Staff. In their intercepted conversation,²⁰⁵⁸ **TOLIMIR** noted that the line on which they were speaking was not secure. Nevertheless, he asked Miletić if he had received two urgent telegrams **TOLIMIR** had sent *via* the DK IKM in Krivače, code-named “Uran”.²⁰⁵⁹ Miletić indicated that they had not arrived. As such, **TOLIMIR** asked Miletić to contact DK 5th Communications Battalion Chief Major Milenko Jevđević (“Jevdo”)²⁰⁶⁰ to find out why the documents had not yet been forwarded to the Main Staff. Significantly, **TOLIMIR** asked Miletić to inform “Pepo,” *i.e.*, SALAPURA,²⁰⁶¹ and “my men” — meaning the staff of **TOLIMIR**’s Intelligence and Security Administrations²⁰⁶² — that they could communicate

²⁰⁵⁴ Exh.P01635, BABIĆ, T.10231-10233.

²⁰⁵⁵ Exh.P01669, BOGDANOVIĆ, T.11314, T.11320-11321. The day after his assignment at Kula School, Bogdanović and other Workers Platoon members removed bodies from the Pilica Dom (*see paras.727-729*). This occurred on 17 July, thus dating his assignment at Kula School as 16 July.

²⁰⁵⁶ Exh.P01459, ERN:0293-5761.

²⁰⁵⁷ *See* BUTLER, T.16745-16746.

²⁰⁵⁸ Exhs.P00394a-[REDACTED]. *See also* BUTLER, T.16847-16849; Exh.P02208, p.2; SALAPURA, T.13796-13797; BUTLER, T.16846; SALAPURA, T.13610 (“Mićo” is a nickname for Gen. Miletić); Exh.P02573; [REDACTED – *see* Exh.P01197], TRIVIĆ, T.11871 (stating that the Drina Corps IKM did not move from Krivače to Godenje before 19 July). *See also* Exh.P00104, p.14.

²⁰⁵⁹ Exh.P00763; BUTLER, T.16846.

²⁰⁶⁰ BUTLER, T.16849.

²⁰⁶¹ SALAPURA, T.13581-13582.

²⁰⁶² SALAPURA, T.13621 (“Q:... In a conversation, when you say “Pepo,” does that also involve the institution that Pepo is at the head of? A:... So this wasn’t necessarily something that referred to myself, personally, but to the administration”).

with him securely²⁰⁶³ by telegram and *vice versa* through the DK IKM,²⁰⁶⁴ as opposed to through the Rogatica Brigade.²⁰⁶⁵

711. A 16 July handwritten communication further confirms that **TOLIMIR** had access to secure communications at “Uran”, reflecting information reported to the DK IKM (“Uran”) and the 67th Communications Regiment (Elektron).²⁰⁶⁶ An intercepted conversation between the VRS Main Staff Duty Officer and Mladić at 16:15 hours further confirms that **TOLIMIR** could be reached by telegram from the Main Staff.²⁰⁶⁷

At 11:00 hours on 16 July, Col. Cerović passed on an order to BEARA that “triage” must be done on the prisoners

712. A little more than one hour after **TOLIMIR**’s conversation with Miletić, at 11:11 hours, the VRS Main Staff, through Colonel Cerović (DK Assistant Commander for Moral, Legal and Religious Affairs) ordered BEARA to perform “triage” on the prisoners.²⁰⁶⁸ This Main Staff instruction to BEARA was recorded in the Zvornik DO Notebook.²⁰⁶⁹ “Triage” was a code word for the murder of the roughly 2,000 Muslim prisoners still being held on 16 July at Kula School and in Pilica Dom. Cerović said, “[t]o do triage on those”. BEARA clearly acknowledged and understood the instruction as well as its nefarious purpose, which explains why BEARA said “I don’t want to talk about it on the phone.” There is no evidence of any selection process being conducted amongst the prisoners in Pilica and Kula on 16 July. Further, there is absolutely no evidence demonstrating that legitimate medical triage procedures were performed on any Muslim prisoners, with the exception of the wounded men taken to Milići Hospital on 13 July. The term “triage,” as used in this intercept, singularly refers to an execution.²⁰⁷⁰

713. As the instruction to do “triage” came from above, implying that Mladić issued the order, **TOLIMIR** would have known about it for two reasons: (1) he was accessible to the Main Staff securely, through the DK IKM; and (2) as the recipient of the order, BEARA was

²⁰⁶³ Exhs.P00394a-[REDACTED] (“Tošo” says: “...you send it to me via Uran because this one is not secure”).

²⁰⁶⁴ SALAPURA, T.13612-13614.

²⁰⁶⁵ SALAPURA, T.13615.

²⁰⁶⁶ Exh.P02552; *see also* Exh.P00763; BUTLER, T.16845-16848; SALAPURA T.13613-13614.

²⁰⁶⁷ Exhs.P00836, [REDACTED], P00836a.

²⁰⁶⁸ BUTLER, T.16804-16805; Exhs.P00845a-b. Participant X is Captain Milorad TRBIĆ, Drago NIKOLIĆ’s assistant in the Zvornik Brigade Security Organ. TRBIĆ was brigade Duty Officer that day, and entered the substance of the intercept in the Duty Officer’s Logbook nearly simultaneously at 11:15 hours. Exh.P00014, ERN:0293-5764. “Trkulja,” who is mentioned in the intercept, is a reference to Colonel Nedo Trkulja, VRS Main Staff Chief of Armoured Mechanized Services.

²⁰⁶⁹ Exh. P01459, ERN0293-5764 (“At 1115 hrs. It was reported from Zlatar that a triage of wounded and prisoners must be carried out (It was reported to BEARA)”.

²⁰⁷⁰ BUTLER, T.16808-16810. *See also* Exh.P02473.

obliged to inform **TOLIMIR** and indeed, through SALAPURA (“Pepo”), would have been informed about how to do so (*i.e.*, through the DK IKM).

The prisoners were transported from Kula School to Branjevo Farm, 16 July

714. On the morning of 16 July, the prisoners detained at Kula School were transported to Branjevo Farm²⁰⁷¹ where they were murdered.²⁰⁷² The prisoners detained at Kula School were told that those able to pay would be bussed to Sarajevo.²⁰⁷³ Those who could pay were taken out of the School;²⁰⁷⁴ those who could not pay were told that they would be driven to Tuzla.²⁰⁷⁵ They were also told that all young men in the gym would be released and exchanged.²⁰⁷⁶ All these deceptions were devised to diffuse any potential resistance by the prisoners to their movement and ensure their compliance.

715. The prisoners’ hands were tied behind their backs using torn sheets, they were blindfolded, then escorted by VRS MPs and ordered to board buses.²⁰⁷⁷ The VRS soldiers swore at the prisoners and occasionally struck them with the butts of their rifles.²⁰⁷⁸ The “buses were crammed” with prisoners.²⁰⁷⁹

716. Sometime before 14:00 hours on 16 July, POPOVIĆ requested 500 litres of fuel for Pilica to complete this “work”.²⁰⁸⁰ Cerović and GOLIC were informed of POPOVIĆ’s request.²⁰⁸¹ This fuel was clearly used to “finish[] the job”²⁰⁸² of transporting the Muslim men from Kula School to Branjevo Farm for execution.

On the morning of 16 July, 10th Sabotage Detachment soldiers were deployed to Branjevo Farm

717. On the morning of 16 July, Erdemović and seven other 10th Sabotage Detachment soldiers were told to ready their weapons and to prepare for an assignment.²⁰⁸³ Under Brano Gojković’s command, they travelled from their base in Dragaševac to the Zvornik Brigade’s

²⁰⁷¹ AF334; Exh.P02473, ERN:0113-4357, para.7.1 and 0113-4363, para.7.36.

²⁰⁷² Exh.P01635, BABIĆ, T.10235-10236; [REDACTED – see Exh.P00049], [PW-073], T.1200-1201.

²⁰⁷³ [REDACTED – see Exh.P00049], [PW-073], T.1195.

²⁰⁷⁴ [REDACTED – see Exh.P00049], [PW-073], T.1195.

²⁰⁷⁵ [PW-073], T. 624, [REDACTED – see Exh.P00049], [PW-073], T.1195, T.1198.

²⁰⁷⁶ Exh.P01762, [PW-016], T.3039-3040.

²⁰⁷⁷ [REDACTED – see Exh.P00049], [PW-073], T.1195; Exh.P01762, [PW-016], T.3040 ; Exh.P01635, BABIĆ, T.10234-10235; Exh.P01669, BOGDANOVIĆ, T.11320, T.11321; Exh.P00215, ERDEMOVIĆ, T.10971-10972.

²⁰⁷⁸ [REDACTED – see Exh.P00049], [PW-073], T.1198, T.1199.

²⁰⁷⁹ [REDACTED – see Exh.P00049], [PW-073], T.1198, T.1200; Exh.P01669, BOGDANOVIĆ, T.-11321-11322.

²⁰⁸⁰ [REDACTED]; Exh.P02549, ERN:0084-4508; BUTLER, T.16815-16820. POPOVIĆ’s presence in the Pilica area is reflected in a 16:40 hours entry in the Zvornik DO Notebook, noting that a message for POPOVIĆ to report to Pandurević was relayed to the 1st (Pilica) Battalion. Exh.P01459, p.87; BUTLER, T.16751-16752.

²⁰⁸¹ BUTLER, T.16743.

²⁰⁸² [REDACTED]; Exh.P02550.

²⁰⁸³ Exh.P00215, ERDEMOVIĆ, T.10962; Exh.P01762, [PW-016], T.3043-3044; [REDACTED – see Exh.P01710], TOMIĆ, T.21001-21003.

Standard Barracks.²⁰⁸⁴ Soon after arriving, a tall corpulent Lieutenant Colonel with greyish hair in a VRS uniform emerged, accompanied by two DK MPs.²⁰⁸⁵ Following a brief discussion with Gojković, the three got into an “olive-green-grey” Opel Cadet car and were followed by a van carrying the 10th Sabotage Detachment soldiers to Branjevo Farm.²⁰⁸⁶ At the Farm, Erdemović saw a tractor, trailers, agricultural machinery, as well as men in military uniform inside an office located in a long one-storey building.²⁰⁸⁷

718. Inside the office, the Lieutenant Colonel spoke with Gojković, who announced that buses carrying “civilians” from Srebrenica would start arriving in a few minutes and that they were to be killed.²⁰⁸⁸ To reluctant members of Erdemović’s unit, Gojković added: “If you think that they would not shoot you, give me your rifle and stand in the same line with them.”²⁰⁸⁹ The Lieutenant Colonel and the two MPs escorting him drove away as the first buses with Muslim prisoners arrived.²⁰⁹⁰

The executions at Branjevo Farm

719. As the prisoners neared Branjevo Farm, they heard bursts of gunfire.²⁰⁹¹ The 10th Sabotage Detachment soldiers ordered the men off the buses several at a time.²⁰⁹² The prisoners were escorted in a column for some 100-200m.²⁰⁹³ With their backs to the executioners and before they could comply with the order that they lie down, Gojković ordered that they be shot.²⁰⁹⁴ Erdemović, along with seven other 10th Sabotage Detachment soldiers, opened fire on the prisoners.²⁰⁹⁵

720. [PW-073] saw dead men lying on the ground on the path to the execution site when he arrived.²⁰⁹⁶ As he was marched down to the killing site a soldier demanded his money.

²⁰⁸⁴ Exh.P00215, ERDEMOVIĆ, T.10961-10964; Exh.P00217; Exh.P00221; and Exh.P00218.

²⁰⁸⁵ Exh.P00215, ERDEMOVIĆ, T.10966-10967.

²⁰⁸⁶ Exh.P00215, ERDEMOVIĆ, T.10969.

²⁰⁸⁷ Exh.P00215, ERDEMOVIĆ, T.10969-10970.

²⁰⁸⁸ Exh.P00215, ERDEMOVIĆ, T.10970-10971.

²⁰⁸⁹ Exh.P00215, ERDEMOVIĆ, T.10971.

²⁰⁹⁰ Exh.P00215, ERDEMOVIĆ, T.10971.

²⁰⁹¹ [REDACTED – see Exh.P00049], [PW-073], T.1201.

²⁰⁹² [REDACTED – see Exh.P00049], [PW-073] T.1201; Exh.P00215, ERDEMOVIĆ, T.10971.

²⁰⁹³ [REDACTED – see Exh.P00049], [PW-073], T.1201-1202; Exh.P00215, ERDEMOVIĆ, T.10971-10972; Exh.P01762, [PW-016], T.3043-3044.

²⁰⁹⁴ Exh.P00215, ERDEMOVIĆ, T.10972; [REDACTED – see Exh.P00049], [PW-073], T.1202-1203.

²⁰⁹⁵ Exh.P00215, ERDEMOVIĆ, T.10972-10973; [REDACTED – see Exh.P00049], [PW-073], T.1202-1203; Exh.P01762, [PW-016], T.3040-3041, T.3044; [REDACTED – see Exh.P02588], D.TODORVIĆ 14031; Exh.P02590, ERN:0423-4937 (BCS).

²⁰⁹⁶ [REDACTED – see Exh.P00049], [PW-073], T.1201.

Not having any, [PW-073] was kicked in the stomach by the soldier.²⁰⁹⁷ The soldier asked him whether he wanted to “convert to and register [as a Serb] to survive.”²⁰⁹⁸

721. [PW-016] described the execution:

When they opened fire, I threw myself on the ground. My hands were still tied behind my back and I fell on my stomach, face down. And one man fell on my head. I think that he was killed on the spot. And I could feel the hot blood pouring over me. The shooting continued and then they ordered soldiers to shoot people individually. And I could hear a voice saying that they shouldn't shoot people in their heads, so that their brains wouldn't spill out, but rather to shoot them in their backs.²⁰⁹⁹

722. In the early afternoon, 8-10 VRS soldiers, believed to come from Bratunac, arrived at the execution site.²¹⁰⁰ As the executions progressed, these soldiers beat and cursed the prisoners.²¹⁰¹ The executions lasted from around 10:00-16:00 hours, during which time 15-20 busloads of prisoners were executed.²¹⁰² By the time the executions ended, some 1,000-1,500 men had been killed.²¹⁰³

The murder of four Branjevo Farm survivors

723. [REDACTED].²¹⁰⁴ He encountered four other survivors, ranging in age from 16-25 years.²¹⁰⁵ They hid until dark, then crossed a field where they came across dead prisoners from Kula School whom [PW-073] recognised as among those who paid to go to Sarajevo.²¹⁰⁶ Later on, [PW-073] lost the other four survivors. He subsequently learned that they had been captured.²¹⁰⁷ [REDACTED].²¹⁰⁸ [REDACTED].²¹⁰⁹ [REDACTED].²¹¹⁰ [REDACTED].²¹¹¹

On the afternoon of 16 July, the prisoners at Pilica Dom were murdered

724. As the last busload of prisoners was being executed at Branjevo Farm on the afternoon of 16 July, the Lieutenant Colonel and the two escorting MPs who accompanied the 10th Sabotage Detachment soldiers to Branjevo Farm that morning returned to the

²⁰⁹⁷ [REDACTED – see Exh.P00049], [PW-073], T.1201.

²⁰⁹⁸ [REDACTED – see Exh.P00049], [PW-073], T.1202.

²⁰⁹⁹ Exh.P01762, [PW-016], T.3041.

²¹⁰⁰ Exh.P00215, ERDEMOVIĆ, T.10982.

²¹⁰¹ Exh.P00215, ERDEMOVIĆ, T.10975.

²¹⁰² Exh.P00215, ERDEMOVIĆ, T.10972, T.10983; [REDACTED – see Exh.P00049], [PW-073], T.1203; Exh.P01669, BOGDANOVIĆ, T.11325; Exh.P01762, [PW-016], T.3042.

²¹⁰³ [REDACTED – see Exh.P00049], [PW-073], T.1205; ERDEMOVIĆ, T.1881; Exh.P00215, ERDEMOVIĆ, T.10972, T.10983; Exh.P00094, pp.222-224.

²¹⁰⁴ [REDACTED].

²¹⁰⁵ [REDACTED – see Exh.P00049], [PW-073], T.1204-1206.

²¹⁰⁶ [REDACTED – see Exh.P00049], [PW-073], T.1205.

²¹⁰⁷ [REDACTED – see Exh.P00049], [PW-073], T.1205-1206.

²¹⁰⁸ [REDACTED].

²¹⁰⁹ [REDACTED].

²¹¹⁰ [REDACTED].

²¹¹¹ [REDACTED].

execution site.²¹¹² The Lieutenant Colonel told the 10th Sabotage Detachment soldiers that some 500 prisoners at Pilica Dom were also to be executed.²¹¹³

725. Erdemović and some other soldiers in his squad refused this order.²¹¹⁴ Members of the Bratunac unit left Branjevo Farm with the Lieutenant Colonel and the two MPs, while the 10th Sabotage Detachment soldiers, instructed to meet the Lieutenant Colonel in a coffee bar in Pilica, readied their weapons.²¹¹⁵ When Erdemović's squad arrived at the coffee bar located across the road from Pilica Dom, they saw a checkpoint manned by two or three MUP members.²¹¹⁶ The sound of gunfire and explosions could be heard coming from the Dom and several dead bodies were visible in front of the Dom.²¹¹⁷ The use of these weapons in carrying out the executions in the Dom is corroborated forensically.²¹¹⁸

726. Erdemović sat in the coffee bar with the Lieutenant Colonel and two other 10th Sabotage Detachment members, Brano Gojković and Franc Kos.²¹¹⁹ Soon afterwards, one of the Bratunac soldiers who had been at Branjevo Farm arrived and reported to the Lieutenant Colonel that "everything is finished."²¹²⁰ The Lieutenant Colonel stood up and said "who remained alive has remained alive."²¹²¹ There are no known survivors of the massacre at Pilica Dom.

On 17 July, Zvornik Brigade 1st Battalion soldiers removed the bodies from Pilica Dom

727. On the day following their assignment at Kula School (*i.e.*, on 17 July²¹²²), around 12 members of Bogdanović's platoon mustered at Branjevo Farm and were ordered to go to Pilica, as "some people had been brought there."²¹²³ On their way to Pilica, Bogdanović saw about ten bodies in civilian clothes who had been shot.²¹²⁴

728. At Pilica Dom, Bogdanović saw soldiers he did not recognize securing the area.²¹²⁵ Bogdanović's commander, Lakić, ordered the platoon to load the dead bodies that were scattered and piled up on each other inside the Dom.²¹²⁶ The victims were in civilian clothes,

²¹¹² Exh.P00215, ERDEMOVIĆ, T.10975.

²¹¹³ AF342-343; ERDEMOVIĆ, T.1882; Exh.P00215, ERDEMOVIĆ, T.10982. *See* Exh.P00091.

²¹¹⁴ ERDEMOVIĆ, T.1882; Exh.P00215, ERDEMOVIĆ, T.10982.

²¹¹⁵ Exh.P00215, ERDEMOVIĆ, T.10983.

²¹¹⁶ ERDEMOVIĆ, T.1881; Exh.P00215, ERDEMOVIĆ, T.10984-10985.

²¹¹⁷ ERDEMOVIĆ, T.1881, T.1937; Exh.P00215, ERDEMOVIĆ, T.10983-10984.

²¹¹⁸ AF345-346; Exh.P01861.

²¹¹⁹ Exh.P00215, ERDEMOVIĆ, T.10985.

²¹²⁰ Exh.P00215, ERDEMOVIĆ, T.10985.

²¹²¹ Exh.P00215, ERDEMOVIĆ, T.10986.

²¹²² *See* para.708; Exh.P01669, BOGDANOVIĆ, T.11339.

²¹²³ Exh.P01669, BOGDANOVIĆ, T.11319, T.11323, T.11329, T.11332.

²¹²⁴ Exh.P01669, BOGDANOVIĆ, T.11326-11327.

²¹²⁵ Exh.P01669, BOGDANOVIĆ, T.11328.

²¹²⁶ Exh.P01669, BOGDANOVIĆ, T.11329-11330, T.11332.

and all but two were men; it appeared to Bogdanović that these victims had all been killed on site.²¹²⁷

729. From the morning until about 15:00 hours, members of Bogdanović's platoon loaded bodies onto trucks.²¹²⁸ To help them get through the gruesome task, they drank rakija (local brandy) offered by villagers.²¹²⁹ Bogdanović estimated that there had been 550 bodies at the Dom.²¹³⁰

The burials at Branjevo Farm

730. The massive operation at Branjevo Farm to bury the murdered Muslim prisoners who had been executed both there and at Pilica Dom began in earnest on 17 July.²¹³¹ The operation was supervised and overseen by POPOVIĆ.²¹³²

731. At 12:44 hours, Zlater 01 (Krstić) tries to reach POPOVIĆ. X is told by the Zvornik Brigade Duty Officer TRBIĆ that POPOVIĆ has "gone toward *that task*", confirming that he is north of the Brigade Command.²¹³³ TRBIĆ is instructed to tell POPOVIĆ to "leave right away for here."²¹³⁴

732. At 12:49 hours, X calls TRBIĆ and told him that the plans had changed and that TRBIĆ is to contact POPOVIĆ and "let him finish that work he's doing, and have him report immediately here at Golac's."²¹³⁵ [REDACTED],²¹³⁶ the reference to 'Golac' in this intercept is simply a transcription error. [REDACTED].

733. POPOVIĆ's direct and personal involvement in the burial operation is evidenced by a 16:22 hours intercept:

P: Hello, its POPOVIĆ ... boss ... everything's OK, that job is done...everything's OK...everything's been brought to an end, no problems ... I am here at the place ... I'm here at the place where I was before, you know ... I'm at the base ... at the base, the base. Can I just take a little break, take a little break, take a shower and then I'll think again later ... basically, that all gets an A ... an A ... the grade is an A, everything's OK ... that's it, bye, take care.²¹³⁷

Here POPOVIĆ is most likely reporting to Krstić, particularly as POPOVIĆ earlier was directed to contact the DK Command.²¹³⁸ [REDACTED].²¹³⁹ [REDACTED].²¹⁴⁰

²¹²⁷ Exh.P01669, BOGDANOVIĆ. T.11330-11331.

²¹²⁸ AF344; Exh.P01669, BOGDANOVIĆ, T.11329, T.11332.

²¹²⁹ Exh.P01669, BOGDANOVIĆ. T.11332-11333, T.11343.

²¹³⁰ AF342; Exh.P01669, BOGDANOVIĆ. T.11333.

²¹³¹ [REDACTED – see Exh.P00049], [PW-073], T.1207; Exh.P01762, [PW-016], T.3044-3045

²¹³² [REDACTED].

²¹³³ Exhs.P00378a-[REDACTED] (emphasis added).

²¹³⁴ Exhs.P00378a-[REDACTED].

²¹³⁵ Exhs.P00379a-[REDACTED].

²¹³⁶ [REDACTED].

²¹³⁷ Exh.P02553. *See also* Exh.P00848.

²¹³⁸ Exhs.P00378-[REDACTED].

734. An entry made by TRBIĆ in the Zvornik DO Notebook on 16 July reads:

At 2210 hrs. the 1st pb asked for one loader,
one excavator and a dump-truck with a tarpaulin
to be in Pilica at 0800 hrs.²¹⁴¹

The request was conveyed to Zvornik Brigade Engineering Chief Dragan Jokić and to Sreten Milošević (Zvornik Brigade Assistant Commander for Logistics).

735. On 17 July, Milenko Tomić, a member of the Zvornik Brigade R Battalion, received an order from his superior, Radislav Pantić, to go to Pilica and then to Kula “to pick up the military.”²¹⁴² Tomić went in a TAM-130, a large freight truck.²¹⁴³ In Pilica, Tomić was stopped by a soldier who told him to follow and report to Pilica Dom.²¹⁴⁴ Tomić followed the soldier and positioned his truck, as directed, next to a side door at Pilica Dom.²¹⁴⁵ There, Tomić saw six soldiers working who were around 50 years old and wearing uniforms without any insignia.²¹⁴⁶ Tomić and the soldier left to a nearby house and returned about half an hour later.²¹⁴⁷ The soldier told Tomić that they would be “going up there,” meaning to Branjevo Farm and that they would be driving dead bodies.²¹⁴⁸ He and the soldier then drove to Branjevo Farm in a truck.²¹⁴⁹ At the Farm, Tomić saw corpses lying farther away.²¹⁵⁰ He saw five or ten bodies lying on the ground where he parked his truck.²¹⁵¹

736. After approximately half an hour, Tomić again set off for Pilica. However, he was stopped by a soldier who then discharged him.²¹⁵² A Zvornik Brigade vehicle log records five trips between Zvornik, Pilica and Kula by a TAM-130 on 17 July.²¹⁵³

737. Damjan Lazarević (Commander of the Zvornik Brigade Engineering Company’s Road and Bridge Platoon) received an assignment on the morning of 17 July to go to Branjevo Farm and dig a pit out “to dump the bodies in”.²¹⁵⁴

²¹³⁹ [REDACTED].

²¹⁴⁰ [REDACTED].

²¹⁴¹ Exh.P01459, ERN:0293-5771 (emphasis added); Exh.P01185.

²¹⁴² [REDACTED – see Exh.P01710], TOMIĆ, T.21022, T.21001, T.21003.

²¹⁴³ [REDACTED – see Exh.P01710], TOMIĆ, T.21009-21010, T.21022.

²¹⁴⁴ [REDACTED – see Exh.P01710], TOMIĆ, T.21001.

²¹⁴⁵ [REDACTED – see Exh.P01710], TOMIĆ, T.21001; Exh.P01711.

²¹⁴⁶ [REDACTED – see Exh.P01710], TOMIĆ, T.21004.

²¹⁴⁷ [REDACTED – see Exh.P01710], TOMIĆ, T.21002.

²¹⁴⁸ AF344; [REDACTED – see Exh.P01710], TOMIĆ, T.21001.

²¹⁴⁹ AF344; [REDACTED – see Exh.P01710], TOMIĆ, T.21001; [REDACTED – see Exh.P00049], [PW-073], T.1207.

²¹⁵⁰ [REDACTED – see Exh.P01710], TOMIĆ, T.21002.

²¹⁵¹ [REDACTED – see Exh.P01710], TOMIĆ, T.21005.

²¹⁵² [REDACTED – see Exh.P01710], TOMIĆ, T.21002.

²¹⁵³ Exh.P01596, ERN:0087-6085-0087-6086.

²¹⁵⁴ [REDACTED – see Exh.P01642], D. LAZAREVIĆ, T.14459-14460.

738. Lazarević arrived at Branjevo Farm around 08:30-09:00 hours.²¹⁵⁵ Shortly thereafter, earth-moving equipment, including a G-700 backhoe excavator, arrived.²¹⁵⁶ Zvornik Brigade equipment and fuel logs reflect the extensive involvement of Zvornik Brigade engineers and engineering equipment in the burials that took place on 17 July.²¹⁵⁷ Lazarević directed Ristanović to dig a grave roughly equivalent in size to those previously created in Orahovac.²¹⁵⁸ The pit was excavated and the corpses were buried in it.²¹⁵⁹

739. The burial process continued throughout the day and by 19:00-20:00 hours, only a few bodies remained.²¹⁶⁰ The operation was completed late in the day, sometime before nightfall.²¹⁶¹

Forensic Corroboration

740. The execution and burial of Muslim prisoners as set out above is corroborated by data obtained from the ICMP, which as of February 2010, had identified **1,656** unique DNA profiles from the Branjevo Farm (Pilica) primary mass grave and the associated secondary mass graves of Čančari Road 4 (Kamenica 4); Čančari Road 5; Čančari Road 6 (Kamenica 6); Čančari Road 9 (Kamenica 9); Čančari Road 10 (Kamenica 10); Čančari Road 11; and Čančari Road 12.²¹⁶²

741. Aerial imagery from 17 July 1995 shows a mass of bodies strewn across the execution site and located near the Branjevo Farm buildings.²¹⁶³ Track marks consistent with the use of heavy earth-moving equipment are also plainly visible.²¹⁶⁴ In addition, crime scene photographs of Pilica Dom depict blood and human tissue on the walls as well as evidence of damage caused by explosions from which traces of explosive residue were collected.²¹⁶⁵

²¹⁵⁵ [REDACTED – see Exh.P01642], D. LAZAREVIĆ, T.14460.

²¹⁵⁶ See, e.g., Exh.P01646; [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14460, T.14466-14467; Exh.P01689, RISTANOVIĆ, T.5389-5392, T.5394-5395.

²¹⁵⁷ Exh.P01647; Exh.P01655; Exh.P01653, ERN:0087-6066, RUEZ, T.1668-1669.

²¹⁵⁸ Exh.P01689, RISTANOVIĆ, T. 5392.

²¹⁵⁹ AF344; [REDACTED – see Exh.P01642], D. LAZAREVIĆ, T.14460-14462, T.14464. See Exh.P01650; Exh.P01651; Exh.P01649; [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14453; Exh.P01689, RISTANOVIĆ, T. 5393.

²¹⁶⁰ [REDACTED – see Exh.P01642], D. LAZAREVIĆ, T.14454.

²¹⁶¹ Exh.P01689, RISTANOVIĆ, T. 5395.

²¹⁶² Exh.P00170, ERN:X019-6012, X019-6046, which shows that the Branjevo Farm primary grave is linked via DNA connections to Čančari Road 4 (Kamenica 4), Čančari Road 5, Čančari Road 6 (Kamenica 6), Čančari Road 9 (Kamenica 9), Čančari Road 10 (Kamenica 10), Čančari Road 11 and Čančari Road 12.

²¹⁶³ Exh.P00216; Exh.P01921.

²¹⁶⁴ Exh.P00216; Exh.P01921.

²¹⁶⁵ AF345-346; Exh.P01861; [REDACTED – see Exh.P01819], MANNING, T.18982.

(xxx) On the evening of 16 July, TOLIMIR met Mladić and KESEROVIĆ at Crna Rijeka and planned KESEROVIĆ's participation in a sweep operation for Muslims on 17 July

742. By the evening of 16 July, **TOLIMIR** was at Crna Rijeka with Mladić and his subordinate KESEROVIĆ,²¹⁶⁶ among others. That evening, Mladić ordered KESEROVIĆ, to take command of several units conducting a sweep operation for Muslims in the Bratunac area.²¹⁶⁷ KESEROVIĆ approached **TOLIMIR** in the underground operations room in Crna Rijeka and asked **TOLIMIR** to intervene on his behalf as he was concerned about Mladić's order.²¹⁶⁸ **TOLIMIR** spoke to Mladić and, according to KESEROVIĆ, informed KESEROVIĆ that the order had been modified and that KESEROVIĆ, among other things, was to find Col. JANKOVIĆ in the Bratunac area and relay the following instructions to him:

I was supposed to find Colonel JANKOVIĆ in Bratunac from the Intelligence Administration, and I was supposed to convey a message to him that a visit should be paid to the Dutch Battalion of UNPROFOR, and that weapons and some other equipment should be returned to them after having been confiscated at the check-points by the Army of Republika Srpska as they were entering Srebrenica. A message was supposed to be conveyed to the DutchBat commander that the plan of the evacuation of the battalion from Srebrenica was changed, that they would not be evacuated via Sarajevo Airport, but rather via Serbia. And I was also to convey a message that the evacuation would be secured by the Ministry of the Interior of the Republika Srpska, and Tomo Kovač personally. At that time, Tomo Kovač was either the deputy minister or the minister of the interior. As far as I remember, those were to be my additional tasks and duties.

I apologise, there is something else.

I'm not sure whether that was a task that I was given. In any case, I was told that JANKOVIĆ's obligation would be to supervise the evacuation of the wounded from the Bratunac Hospital, and that evacuation was to be organised by the International Committee of the Red Cross.²¹⁶⁹

These instructions that **TOLIMIR** ordered KESEROVIĆ to relay to JANKOVIĆ are consistent with the tasks JANKOVIĆ was already engaged in.²¹⁷⁰ Describing these events in October 2000, KESEROVIĆ stated "General **TOLIMIR** got involved. He didn't protect me, but he tried to explain [to Mladić] that I had other responsibilities and that, according to his plans, I had to carry out some other activities."²¹⁷¹

743. Mladić's final instructions to KESEROVIĆ concerning the sweep operation are reflected in a written order dated 17 July, which states the aim of the operation as: "discovering and destroying lagging Muslim groups."²¹⁷² The sweep operation on 17 July duly took place, although KESEROVIĆ minimised the role he played in its co-ordination.²¹⁷³

²¹⁶⁶ BUTLER, T.16313. [REDACTED], P02656, **TOLIMIR** was also dealing with transportation issues.

²¹⁶⁷ AF151-154, AF530, AF532, AF555, AF557; KESEROVIĆ, T.13949-13950. Earlier that morning

²¹⁶⁸ KESEROVIĆ, T.13954-13955.

²¹⁶⁹ KESEROVIĆ, T.13957.

²¹⁷⁰ See, e.g. para.354-355

²¹⁷¹ Exh.P02221, p.41.

²¹⁷² Exh.P00126.

²¹⁷³ KESEROVIĆ, T.13983. But see Exhs.P00376a-[REDACTED].

However, [PW-052] – whose MUP forces took part in the operation – confirmed that in the evening hours of 17 July, about 200 Muslim prisoners and four children had surrendered as a result of the sweep.²¹⁷⁴ The children were taken by Capt. Gavrić of the Bratunac Brigade²¹⁷⁵ [REDACTED].²¹⁷⁶

(xxxi) 16-17 July, movement of the wounded from Potočari and the Bratunac hospital

744. **TOLIMIR** again met KESEROVIĆ at the VRS Main Staff on the morning of 17 July.²¹⁷⁷ He told KESEROVIĆ that BEARA was in the DK zone²¹⁷⁸ and likely at its command in Vlasenica.²¹⁷⁹ Later that day, **TOLIMIR** travelled to the Žepa/Rogatica area, sending a report in the afternoon or evening from the nearby DK IKM at Krivače.²¹⁸⁰ **TOLIMIR** was fully aware of the whereabouts and disposition of his staff.

745. In the interim, KESEROVIĆ sought out JANKOVIĆ at the Bratunac Brigade HQ,²¹⁸¹ where he relayed **TOLIMIR**'s instructions.²¹⁸² KESEROVIĆ accompanied JANKOVIĆ to see DutchBat, stopping at the police station on the way.²¹⁸³ He and JANKOVIĆ met an UNPROFOR commander²¹⁸⁴ and later travelled to the Bratunac Health Centre.²¹⁸⁵ KESEROVIĆ recalled that:

somebody – I don't remember who – had separated a group of the wounded, about 20 of them, and these were not evacuated in the organisation of the ICRC, and they eventually stayed there after the column left.²¹⁸⁶

While at the Health Centre, JANKOVIĆ spoke to personnel from the international organisations regarding the evacuation of local staff.²¹⁸⁷ According to KESEROVIĆ,

²¹⁷⁴ AF558; [REDACTED – see Exh.P01598], [PW-052], T.8702-8703; Exh.P01612; Exh.P01613. *See also* [REDACTED – see Exh.P01598], [PW-052], T.8633; KESEROVIĆ, T.13943, T.13955-13956, T.13959, T.13992. *See also* Exh.P01335, p.5.

²¹⁷⁵ [REDACTED – see Exh.P01598], [PW-052], T.8699, T.8705.

²¹⁷⁶ [REDACTED].

²¹⁷⁷ KESEROVIĆ, T.13968 (“on the 16th, in the evening hours, or maybe on the 17th, in the morning, before I departed, I'm not sure about that.”), T.14137-14138. However, KESEROVIĆ was clear in an interview with the OTP that the conversation took place on the morning on the day he was deployed. *See* Exh.P02221, p.41. KESEROVIĆ was deployed on 17 July; KESEROVIĆ, T.13864-13865; Exh.P02168 (a handwritten version of the document was drafted by Col. Janković at BCS p.3 bearing initials ‘RJ’, confirming that the meeting with DutchBat Commander Karremans occurred on 17 July and thus the date of Keserović's assignment).

²¹⁷⁸ KESEROVIĆ, T.13968.

²¹⁷⁹ KESEROVIĆ, T.14138; Exh.P02221, p.83.

²¹⁸⁰ Exh.P02207; SALAPURA, T.13616-13617; BUTLER, T.16850. The report must have been written and sent after 14:00 hours as it refers to a conversation between Lt. Col. Kušić and Avdo Palić, which took place at that time.

²¹⁸¹ KESEROVIĆ, T.13956-13957, T.13976.

²¹⁸² KESEROVIĆ, T.13957-13958, T.13976-13977.

²¹⁸³ KESEROVIĆ, T.13977.

²¹⁸⁴ KESEROVIĆ, T.13977-13978.

²¹⁸⁵ KESEROVIĆ, T.13978-13979.

²¹⁸⁶ KESEROVIĆ, T.13979.

²¹⁸⁷ KESEROVIĆ, T.13981, T.14147-14148.

JANKOVIĆ's task was to monitor the evacuation. Given his position, there was also an intelligence component to his involvement.²¹⁸⁸

746. On 17 July, JANKOVIĆ led a meeting with Franken and ICRC representatives regarding the ICRC's evacuation of the wounded.²¹⁸⁹ Momir NIKOLIĆ insisted on checking whether there were soldiers amongst them and demanded that they be handled as PoWs.²¹⁹⁰ During the ensuing VRS inspection, JANKOVIĆ presented Franken with a pre-prepared document declaring:

No incidents were provoked by any side during the evacuation and the Serbian side observed all the regulations of the Geneva Conventions and the International Law of War.²¹⁹¹

JANKOVIĆ conditioned the release of the wounded on Franken's signing the declaration. Although he considered the document "nonsense" and "not correct", Franken signed it with a reservation limiting the statement to those convoys escorted by UN forces. As noted at paragraph 358, this included only the first and second convoys leaving Potočari on 12 July.²¹⁹² Nesib Mandžić also signed the document under duress.²¹⁹³

747. At 20:55 hours on 17 July, the ABiH intercepted a conversation between the DK Command and the Bratunac Brigade.²¹⁹⁴ The caller, who spoke with JANKOVIĆ, informed him that Miletić advised that he, "write down what [he wants] to do" and then "send it urgently by code up to **TOLIMIR**." In the context of the release of wounded prisoners, this instruction was in essence a direction to JANKOVIĆ to submit his proposal to **TOLIMIR** on to how to deal with this situation.²¹⁹⁵ Later in the conversation, the caller told JANKOVIĆ that "[t]he Commander will decide with **TOLIMIR** and send you a reply." As an 18 July intercepted communication and a document show,²¹⁹⁶ JANKOVIĆ was also seeking guidance on what to do with the able-bodied male local staff of MSF.

748. As a senior Main Staff operations officer, it is clear that Miletić's reference to "the commander" meant Mladić.²¹⁹⁷ His instruction to send a message "by code" underscores VRS efforts to keep matters involving prisoners secret. DutchBat's provision of a list of

²¹⁸⁸ KESEROVIĆ, T.14148-14149.

²¹⁸⁹ AF483; FRANKEN, T.3361; [REDACTED – see Exh.P00598], FRANKEN, T.2514-2515, T.2531.

²¹⁹⁰ [REDACTED – see Exh.P00598], FRANKEN, T.2516.

²¹⁹¹ Exhs.P00028, P00628; FRANKEN, T.3361-3364; [REDACTED – see Exh.P00598], FRANKEN, T.2519-2529, [REDACTED]. *See also* Exh.P02459, p.1, in which **TOLIMIR** discusses this declaration.

²¹⁹² FRANKEN, T.3363-3365.

²¹⁹³ [REDACTED – see Exh.P00598], FRANKEN, T.2516; [PW-071], T.6097-6099; T.6100-6101.

²¹⁹⁴ Exh.P00554a; BUTLER T.16408-16409. *See also* BUTLER T.16410.

²¹⁹⁵ BUTLER, T.16410.

²¹⁹⁶ *See paras.* 749-755.

²¹⁹⁷ BUTLER T.16410.

wounded to the VRS²¹⁹⁸ necessarily made their identities a matter of record. Miletić, recognising this precarious situation, promptly referred JANKOVIĆ to **TOLIMIR**, implicitly recognising the issue as one falling squarely with **TOLIMIR**'s essential role in dealing with prisoners, as well as handling delicate matters of secrecy in respect of the international community: a position necessary to, and consistently maintained throughout, the Srebrenica murder operation.

(xxxii) On 18 July, JANKOVIĆ sought instructions from TOLIMIR regarding MSF's local staff and POPOVIĆ banned reporters from entering RS

749. By 18 July, much of the area from Bratunac north to Zvornik was a crime scene. Access to the area by international representatives was deliberately blocked.²¹⁹⁹ By this time, serious questions about the fate of the men and boys from Srebrenica began to surface in the international community.²²⁰⁰

750. **TOLIMIR** was at the VRS Main Staff on 18 July²²⁰¹ and remained in communication with JANKOVIĆ. [REDACTED].²²⁰²

751. Pursuant to **TOLIMIR**'s instructions as conveyed through KESEROVIĆ, JANKOVIĆ hand-wrote a report that he sent to the Main Staff Intelligence and Security Sector and to the DK Intelligence and Security Departments from the Bratunac Brigade Command.²²⁰³ He reported that the wounded Muslim prisoners were evacuated from the Bratunac Health Centre and noted that the MSF convoy that arrived on 18 July to retrieve their staff from the UNPROFOR base in Potočari had been turned away. Importantly, JANKOVIĆ included the following request in his report concerning MSF:

Will you please tell me what stand to take in terms of authorisation for evacuation of the International organization Medecins Sans Frontiers, in fact, how to deal with so-called local staff.²²⁰⁴

Being directed to the Sector for Intelligence and Security, the request was clearly intended for **TOLIMIR**. It also followed specific instructions to JANKOVIĆ to communicate with **TOLIMIR** on this prisoner issue. **TOLIMIR**'s involvement is also highlighted in a conversation between unknown individuals on 18 July, describing how MSF personnel who appeared at a bridge requesting permission to evacuate co-workers from the UNPROFOR

²¹⁹⁸ FRANKEN, T.3358; KINGORI, T.5360-5361. [REDACTED].

²¹⁹⁹ AF579; [REDACTED].

²²⁰⁰ Exh.P02223.

²²⁰¹ Exh.P02489; BUTLER, T.16427-16429.

²²⁰² [REDACTED].

²²⁰³ Exh.P02168. The original handwritten report bears the initials "RJ", which stand for Radoslav JANKOVIĆ. BUTLER T.16410-16411. The handwritten document was taken by Momir NIKOLIĆ to be typed and transmitted. The typist inadvertently replaced "RJ" with Momir NIKOLIĆ, though NIKOLIĆ was not the author of the report.

²²⁰⁴ Exh.P02168.

base could not go through “until they’ve checked with Tošo”²²⁰⁵ and another intercepted conversation later that evening in which JANKOVIĆ is searching for **TOLIMIR**.²²⁰⁶

752. Meanwhile, aware of rising international suspicions, VRS intelligence and security organs took measures to ensure that all information associated with the mass executions of Srebrenica was carefully controlled and concealed.

753. On 18 July, POPOVIĆ issued a direction to the Chiefs of Intelligence and Security in DK formations, indefinitely banning “all reporters and cameramen from entering the RS.” The direction notes the expected influx of foreign and domestic news crews to the Srebrenica area, and prefaces the ban stating, “most of [these reporters] are malicious, filing false and tendentious reports from our parts”.²²⁰⁷

754. Similarly, VRS security organs restricted and strictly controlled access to the area when international representatives arrived to monitor the medical evacuation of the wounded from Bratunac. The Bratunac Brigade was tasked with:

[C]onstantly monitor[ing] their movement and activities. They must not allow them to go anywhere on their own and must restrict their movement, but be very polite. In other words, the security organs must direct their movement.²²⁰⁸

755. These measures, which are consistent with **TOLIMIR**’s 13 July proposal to “prohibit access to all unauthorised individuals, filming and photographing of prisoners,”²²⁰⁹ demonstrate a concerted effort on the part of the VRS Security Administration to conceal the horrendous crimes that had just taken place.

(xxxiii) 19 July, Determining the fate of the local staff of Medicins Sans Frontieres

756. On the afternoon of 19 July, Đurđić and JANKOVIĆ discussed the fate of the Muslim local MSF staff in Srebrenica and Bratunac.²²¹⁰ Đurđić named the men in question.²²¹¹ JANKOVIĆ told Đurđić that MSF’s local staff had permission from the local civilian government to leave.²²¹² In response Đurđić said “[a]ll right, they have the permission, but you know that the procedure you, too, took part in...”; Đurđić then asked

²²⁰⁵ Exh.P02488, p.1; MILOVANOVIĆ, T.14245, T.14291; Exh.P02807, 24.46-38.53, transcript p.3 (featuring Mladić, BEARA, PEĆANAC and where Mladić refers to **TOLIMIR** as Tošo); [REDACTED]; OBRADOVIĆ, T.11992; KRALJ, T.18498; SALAPURA, T.13610; M.TODOROVIĆ, T.13212.

²²⁰⁶ Exhs.P00561a-[REDACTED].

²²⁰⁷ See AF578; Exh.P01971.

²²⁰⁸ Exh.P02571, p.2.

²²⁰⁹ Exh.P00125.

²²¹⁰ Exhs.P00383a-[REDACTED].

²²¹¹ Exh.P00383a, p.2. [REDACTED]; KINGORI, T.5361.

²²¹² Exh.P00383a, p.2. JANKOVIĆ refers to “permission from Koljević Government”; Koljević was a Deputy RS President who was appointed as head of the committee tasked with handling co-operation with the UN and international organizations. See Exh.P00689, p.3.

“are they able-bodied or older than 60?”²²¹³ After JANKOVIĆ confirmed that the men were able-bodied, Đurđić said “[s]o, that’s the procedure. And you saw what you left behind in Bratunac the other day.”²²¹⁴ This reference to “the procedure” and what was “left behind” following the removal of the population from Potočari is a clear euphemism for the separations that occurred there just days before. These separations were a key component of the murder operation. Đurđić instructed JANKOVIĆ to let the elderly go and told him to consult with **TOLIMIR** further upon **TOLIMIR**’s arrival in the early evening.²²¹⁵ **TOLIMIR** was central to the decision-making process concerning the fate of the local MSF staff, whether they would be allowed to leave with DutchBat and the MSF international staff or sent for execution as others had been.

757. The MSF local staff survived as they were transported out of the area with DutchBat. The decision by **TOLIMIR** and Mladić was motivated not on any humanitarian grounds, but on the fact that separating and killing the men would have brought unwanted attention to the VRS and possibly exposed the murder operation.

758. **TOLIMIR** undoubtedly knew, as did his subordinates Momir NIKOLIĆ and JANKOVIĆ, what the fate of local MSF staff would have been were they separated and not allowed to leave. Momir NIKOLIĆ described it this way:

Well, if the path of all of those imprisoned were to [be] followed, I mean, those who had previously been taken prisoner and transferred to Zvornik and all those who ended up in Zvornik and we know how they ended up, they were killed, then we were practically certain that these people, if they are separated and if that path is followed, they would not survive either. And that these people would be executed, killed, there was no reason whatsoever for them to be treated any different from what they actually were.²²¹⁶

(xxxiv) 19 July: Murder of Muslim prisoners at Nezuk

759. On 19 July, soldiers from the VRS’s 16th Krajina Motorized Brigade²²¹⁷ murdered eight Bosnian Muslims whom they had captured at Tisova Kosa, close to Baljkovica and Nezuk.²²¹⁸

760. After capturing the Bosnian Muslim men between 12:00-14:00 hours,²²¹⁹ the 16th Krajina Motorized Brigade soldiers kicked and beat them with rifle butts²²²⁰ and ordered them to lie down. The soldiers, who wore patches with the word “Krajinšici” on their

²²¹³ Exh.P00383a, p.2.

²²¹⁴ Exh.P00383a, pp.2-3.

²²¹⁵ Exh.P00383a, p.3; KESEROVIĆ, T.14149-14156, T.14143.

²²¹⁶ M.NIKOLIĆ, T.12437.

²²¹⁷ See Exh.P02555.

²²¹⁸ [REDACTED – see Exh.P01173], [PW-018], T.3195-3196; [PW-018], T.10801, T.10807-10809, T.10811-10812; [REDACTED]; Exh.P01964.

²²¹⁹ [REDACTED – see Exh.P01173], [PW-018], T.3196. [REDACTED].

²²²⁰ [REDACTED – see Exh.P01173], [PW-018], T.3197-3198; [REDACTED].

arms,²²²¹ then forced the Bosnian Muslim men to give up their documents, valuables and money before leading them away one by one and shooting them.²²²² [PW-018] pretended to lie dead after being beaten and shot, as one of his executioners sat next to him and ants crawled into his bloody mouth.²²²³ He could hear the soldiers shoot his fellow detainees nearby.²²²⁴

761. [REDACTED].²²²⁵ [REDACTED]:

- [REDACTED],²²²⁶ located approximately 2km from the site at Tisova Kosa;
- [REDACTED];²²²⁷
- [REDACTED];²²²⁸ and,
- [REDACTED].

762. Pursuant to a Main Staff order, the unit of the 16th Krajina Motorized Brigade had been sent to assist the Zvornik Brigade in “smashing and destroying fugitive Muslim groups in the general Kamenica area”.²²²⁹ It was the only unit from either the 1st or 2nd Krajina Corps that was searching the terrain in the Zvornik Brigade’s area of responsibility on this date.²²³⁰

(xxxv) On or about 22 July: Murder of Muslim prisoners at Snagovo

763. [REDACTED].²²³¹ [REDACTED]. The officers, among them [PW-054] understood [REDACTED] to mean that they should kill any Muslims they encountered.²²³²

764. [REDACTED],²²³³ [PW-054]’s group captured two Muslim men and a 16 year-old boy [REDACTED], who left Srebrenica on 11 July with the head of the column [REDACTED].²²³⁴ [REDACTED].²²³⁵

²²²¹ AF348; [REDACTED – see Exh.P01173], [PW-018], T.3199, T.3205-3206; [REDACTED]; Exh.P02556, ERN:0081-0829.

²²²² AF348; [REDACTED – see Exh.P01173], [PW-018], T.3198-3199.

²²²³ [REDACTED – see Exh.P01173], [PW-018], T.3201. *See also* [PW-018], T.10803, 10805; [REDACTED]; Exh.P01965; AF202.

²²²⁴ [REDACTED – see Exh.P01173], [PW-018], T.3201-3202, 3204.

²²²⁵ [REDACTED].

²²²⁶ [REDACTED].

²²²⁷ [REDACTED].

²²²⁸ [REDACTED].

²²²⁹ Exh.P02555.

²²³⁰ *See* Exh.P01459, ERN:0293-5769 (18:30 hours entry).

²²³¹ [REDACTED]; Exh.P02057.

²²³² [REDACTED – see Exh.P02054], [PW-054], [REDACTED], T.4250; [REDACTED].

²²³⁴ [REDACTED – see Exh.P02054], [PW-054], T.4112-4113, T.4181-4182; [REDACTED – see Exh.P00097], [PW-022], T.3954, [REDACTED].

765. [REDACTED].²²³⁶ [REDACTED].²²³⁷ [REDACTED].²²³⁸ [REDACTED],²²³⁹
[REDACTED]²²⁴⁰ [REDACTED].²²⁴¹

766. [REDACTED],²²⁴² [REDACTED].²²⁴³

767. [REDACTED].²²⁴⁴ [REDACTED]²²⁴⁵ [REDACTED]²²⁴⁶

768. [REDACTED].²²⁴⁷ [REDACTED].²²⁴⁸ [REDACTED].²²⁴⁹

(xxxvi) On 22 July, TOLIMIR instructed POPOVIĆ: “do your job”

769. On the morning of 22 July, POPOVIĆ called **TOLIMIR** to ask about a cousin of his who had been captured, and whether **TOLIMIR** could do anything to help. During the conversation, **TOLIMIR** asked POPOVIĆ, who was still involved in the murder operation, how things were going. POPOVIĆ reported that there were no particular problems and explained to **TOLIMIR** that he was at his base to complete some work. **TOLIMIR** instructed POPOVIĆ: “You just do your job.”²²⁵⁰ When **TOLIMIR** said this, he knew exactly what job POPOVIĆ had been doing for the past ten days. The next day, POPOVIĆ kept on with the same work—he oversaw the murder of Muslim men at Bišina by the 10th Sabotage Detachment and afterwards, was scheduled to go to the Zvornik Brigade Command to deal with the question of the Milići patients who were killed some days later.²²⁵¹

²²³⁵ [REDACTED].

²²³⁶ [REDACTED – see Exh.P00097], [PW-022], T.3966; [REDACTED – see Exh.P02054], [PW-054], T.4180.

²²³⁷ [REDACTED – see Exh.P02054], [PW-054], T.4112, T.4114-4115.

²²³⁸ [REDACTED – see Exh.P02054], [PW-054], T.4112, T.4171-4172.

²²³⁹ [REDACTED].

²²⁴⁰ [REDACTED – see Exh.P00097], [PW-022], T.3970; [REDACTED – see Exh.P02054], [PW-054], T.4112, T.4114-4115, T.4176.

²²⁴¹ [REDACTED – see Exh.P00097], [PW-022], T.3970; [REDACTED – see Exh.P02054], [PW-054], T.4114-4115, [REDACTED].

²²⁴² [REDACTED – see Exh.P00097], [PW-022], T.3971; [REDACTED – see Exh.P02054], [PW-054] [REDACTED], T.4188-4189, T.4195-4196.

²²⁴³ [REDACTED]; [REDACTED – see Exh.P02054], [PW-054], [REDACTED], T.4188-4189, T.4195-4196.

²²⁴⁴ [REDACTED].

²²⁴⁵ [REDACTED]. *See also* [PW-054], T.11258-11259.

²²⁴⁶ [REDACTED].

²²⁴⁷ [REDACTED].

²²⁴⁸ [REDACTED]; [PW-022], T.1157-1158; [REDACTED].

²²⁴⁹ [REDACTED].

²²⁵⁰ Exh.P00765; Exhs.P00773a-[REDACTED]; Exhs.P00369a-[REDACTED].

²²⁵¹ *See paras.* 782-783.

(xxxvii) 23 July: Murder of 39 Muslim men at Bišina

770. On 23 July, while **TOLIMIR** communicated with the VRS Main Staff²²⁵² and attended a meeting in Belgrade with Mladić and British, French and American generals,²²⁵³ **POPOVIĆ** organised and oversaw the execution of at least 39 Muslim men in Bišina.

771. Around 08:00-09:00 hours on 23 July, [PW-074] and two other soldiers²²⁵⁴ [REDACTED].²²⁵⁵ [PW-074] drove a TAM-110 truck to Sušica, picked up prisoners and set off for Bišina.²²⁵⁶ Along the way, [PW-074] stopped at a restaurant where he saw five soldiers and was joined by other trucks and vehicles.²²⁵⁷ More prisoners were loaded onto the lorries and then all the vehicles proceeded to Bišina.²²⁵⁸ At some point, **POPOVIĆ**'s vehicle joined the convoy.²²⁵⁹

772. That same day, DK driver [PW-068] was ordered²²⁶⁰ to drive five or six soldiers, members of the 10th Sabotage Detachment,²²⁶¹ to Bišina.²²⁶² [REDACTED].²²⁶³ [REDACTED].²²⁶⁴ The 10th Sabotage Detachment members remained at Bišina for four or five hours.²²⁶⁵

773. When [PW-074] and the two soldiers with him arrived in Bišina, they were ordered to secure the lorries²²⁶⁶ that were carrying the prisoners. The prisoners were then systematically unloaded and executed in groups of five by the 10th Sabotage Detachment soldiers brought by [PW-068].²²⁶⁷

²²⁵² Exhs.P00723a-[REDACTED]. This 13:58 hours intercept involving "X," Colonel Dević and Miletić, has X asking, "Tošo arrived?" to which Miletić replies, "Yes, he is waiting for you at the spot you have told him to." Given the nature of the conversation, "X" is most likely another VRS Main Staff general. *See also* Exhs.P00578a [REDACTED], Intercept dated 23 July, 13:44 hours (Y says to X: "Tošo told me that he should be there at 1400, and then the two of them are supposed to go up there").

²²⁵³ Exh.P01407, p.229.

²²⁵⁴ Exh.P00629, [PW-074], T.32570..

²²⁵⁵ Exh.P00629, [PW-074], T.32570, T.32575, [REDACTED]; Exh.P00161, ERN:0632-6537, para.12.

²²⁵⁶ Exh.P00629, [PW-074], T.32570, [REDACTED] [T.32578-32580]; [REDACTED].

²²⁵⁷ Exh.P00629, [PW-074], T.32570-32572. These were the same soldiers he saw at the execution site.

²²⁵⁸ Exh.P00629, [PW-074], T.32570-32572..

²²⁵⁹ Exh.P00629, [PW-074], T.32572.

²²⁶⁰ [PW-068], T.1694; [REDACTED].

²²⁶¹ [REDACTED]. [PW-074] identified the Bišina executioners as members of the 10th Sabotage Detachment: Exh.P00629, [PW-074], T.32575-32576, T.32588. The 10th Sabotage Detachment's Vlasenica Platoon had its base in Dragaševac and the unit included both Croat and Muslim soldiers: Exh.P00215, ERDEMOVIĆ, T.10931-10934; T.10961-10962; ERDEMOVIĆ, T.1877-1878, T.1931-1932; JANC, T.14640.

²²⁶² [REDACTED]; [PW-068], T.1690.

²²⁶³ [REDACTED].

²²⁶⁴ [REDACTED].

²²⁶⁵ [PW-068], T.1695; [REDACTED].

²²⁶⁶ Exh.P00629, [PW-074], T.32572.

²²⁶⁷ Exh.P00629, [PW-074], T.32572-32573.

774. A construction machine arrived and dug a grave.²²⁶⁸ POPOVIĆ, who was present at the scene,²²⁶⁹ ordered the two soldiers with [PW-074] to help bury the bodies.²²⁷⁰ In addition to [PW-074]’s and [PW-068]’s testimonies, two intercepts from 24 July discuss one of the men executed at Bišina, Himzo Mujić,²²⁷¹ and confirm POPOVIĆ’s responsibility for his fate.²²⁷²

775. Upon exhumation in 2006, the Bišina grave has been found to contain **39** victims who have been positively identified using DNA.²²⁷³ Eighteen ligatures and four blindfolds were recovered from the grave.²²⁷⁴ **TOLIMIR** must have known and approved of these murders and indeed **TOLIMIR**’s order to POPOVIĆ on 22 July²²⁷⁵ was made with full knowledge of POPOVIĆ’s work in continuing to murder Srebrenica Muslims.

(xxxviii) 24 or 25 July: Murder of the “Milići patients”

On 13-14 July, Muslim men were treated at the Milići Hospital and then moved to the Zvornik Hospital on the orders of the VRS Main Staff

776. On 13 July, 11 seriously wounded Muslim men were admitted to Milići’s *Sveti Nikola* War Hospital and treated for a variety of injuries including fractures, blast injuries and gunshot wounds.²²⁷⁶

777. These men would have been members of the Muslim column, so many of whom were captured in the Nova Kasaba area on 13 July. [REDACTED],²²⁷⁷ when fierce fighting between Bosnian Serb forces and the Muslim column is known to have occurred.

778. In addition to these 11 Muslim men, [REDACTED].²²⁷⁸ [REDACTED].

779. The Muslim men admitted to the Milići Hospital were discharged on 14 July and transferred to Zvornik Hospital by Dr. Jugoslav Gavrić, Director of the Zvornik Hospital and member of the Zvornik Brigade, on the orders of the Chief Medical Corps of the VRS Main

²²⁶⁸ Exh.P00629, [PW-074], T.32573-32574.

²²⁶⁹ Exh.P00629, [PW-074], T.32575, T.32585, [REDACTED]; [REDACTED]; Exh.P01969 (Barr concludes at ERN:0634-4900, “the similarities [between the specimen signatures and questioned signatures] do, in my opinion, provide strong evidence that Vujadin POPOVIĆ produced the User’s signatures (Potpis korisnika) for the entries dated 19th and 23rd July. I therefore consider that the possibility of another person being responsible is unlikely”).

²²⁷⁰ Exh.P00629, [PW-074], T.32574, T.32603.

²²⁷¹ [REDACTED]; Exh.P00163, p.17; Exh.P00164.

²²⁷² Exhs.P00162a-d; Exhs.P00664a-[REDACTED] (all showing that Himzo Mujić had been held as a prisoner; Exhs.P00664a-[REDACTED] indicating POPOVIĆ’s knowledge of his fate).

²²⁷³ Exh.P00170, ERN:X019-6002-X019-6003; [REDACTED].

²²⁷⁴ Exh.P00170, ERN:X019-6002.

²²⁷⁵ See para.769.

²²⁷⁶ See Indictment, para.21.15 for a list of the names of the 11 patients; [REDACTED].

²²⁷⁷ [REDACTED].

²²⁷⁸ [REDACTED].

Staff.²²⁷⁹ **TOLIMIR** would have been made aware of this Main Staff order for the movement of these wounded prisoners shortly after the order was made. A 24 July report from Dr. Davidović, Director of the Milići Hospital, to Krstić noted that: “Eighteen wounded enemy /soldiers/ have undergone surgery and have been transferred to the hospital in Zvornik on the orders of the Main Staff.”²²⁸⁰ While the names of 14 Muslims treated at the Milići Hospital are known, the identities and fate of the other four Muslim men referred to in Davidović’s report are unknown. The Main Staff’s knowledge of these wounded Muslims and its order to move them to Zvornik shows the detailed attention paid to the Srebrenica victims.

780. On their arrival at Zvornik Hospital, the wounded Muslims were placed in the gynaecology ward under armed guard.²²⁸¹ One of the wounded, Aziz Bećirović, died there on around 16 July.²²⁸²

The wounded Muslims were then transferred to the Zvornik Brigade infirmary

781. Shortly after their arrival at Zvornik Hospital, the wounded Muslims were transferred to the Zvornik Brigade infirmary.²²⁸³ Dr. Zoran Begović, Chief of the Medical Centre for the Zvornik Brigade, confirmed that one of the men in the Zvornik Brigade infirmary, whose surname was “Begović,” had his leg amputated below the knee,²²⁸⁴ [REDACTED].²²⁸⁵

[REDACTED]

782. [REDACTED].²²⁸⁶ [REDACTED].²²⁸⁷ [REDACTED].²²⁸⁸ [REDACTED]:

[REDACTED].²²⁸⁹

The substance of this conversation was also recorded in the Zvornik DO Notebook.²²⁹⁰

783. The vehicle log for POPOVIĆ’s VW Golf records that the vehicle made a trip from Vlasenica to Zvornik on 23 July.²²⁹¹

²²⁷⁹ GAVRIĆ, T.8400-8401, T.8403-8404; Exh.P01170, GAVRIĆ, ERN:0327-1013; Exh.P01168, GAVRIĆ, T.9114-9115; Exh.P01732, ERN:0327-1157-0327-1158, paras.2-3.

²²⁸⁰ Exh.P02532, ERN:0307-9595.

²²⁸¹ Exh.P01732, ERN:0327-1157, para.2; Exh.P01170, ERN:0327-1014.

²²⁸² Exh.P01732, ERN:0327-1157, para.2; Exh.P01459, ERN:0293-5762; [REDACTED – see Exh.P01730], NOVAKOVIĆ, T.9039.

²²⁸³ Exh.P01640, ERN:0290-7840-0290-7841, paras.5, 7; Exh.P01732, ERN:0327-1157-0327-1158, paras.2-3.

²²⁸⁴ Exh.P01638, BEGOVIĆ, T.9146.

²²⁸⁵ [REDACTED].

²²⁸⁶ [REDACTED].

²²⁸⁷ [REDACTED]; BUTLER, T.16695-16700.

²²⁸⁸ [REDACTED].

²²⁸⁹ [REDACTED].

²²⁹⁰ Exh.P01459, ERN:0293-5795.

784. A day or two later, the wounded Muslims disappeared from the Zvornik Brigade infirmary. They were not escorted by any medical staff in accordance with standard practice²²⁹² and their medical records were left behind at the infirmary.²²⁹³ [REDACTED]²²⁹⁴

785. Because these victims had been transferred to Zvornik on the orders of the VRS Main Staff, the DK would not have ordered their execution without first obtaining Main Staff approval. This approval was likely received in the minutes between Pandurević's request for guidance on what to do with the patients and Cerović's response, then passed along to POPOVIĆ to arrange the murders. **TOLIMIR** would have been fully aware of and approved the fate of these wounded prisoners.

786. As noted above, Aziz Bećirović died at the Zvornik Hospital around 16 July.²²⁹⁵ [REDACTED]²²⁹⁶ [REDACTED].²²⁹⁷

(xxxix) Around 26 July: Murder of the four Branjevo Farm Survivors

787. Around 26 July, three Muslim men and one boy who had survived the Branjevo Farm executions were captured and taken to the Zvornik Brigade HQ. After Pandurević and Drago NIKOLIĆ learned the men and boy had survived the massacre, the prisoners disappeared.

788. On the morning of 18 July, Zvornik Brigade soldier Neško Đokić encountered the three Muslim men and the boy covered in blood in a field near Branjevo Farm.²²⁹⁸ These four Muslims were later identified as Almir Halilović, 14;²²⁹⁹ Sakib Kivirić, 31;²³⁰⁰ Emin Mustafić, 25²³⁰¹ and Fuad Đozić, 30.²³⁰²

789. Đokić gave them food and clothing²³⁰³ and agreed to help take them to the front lines.²³⁰⁴ Đokić's son Slobodan gave the four directions to Teočak.²³⁰⁵

790. The four were captured the following day and taken first to Ugljevik and then to the Zvornik Brigade HQ.²³⁰⁶ The Muslims told interrogators at the Zvornik Brigade that they

²²⁹¹ Exh.P02535, p.4.

²²⁹² [REDACTED]; Exh.P01638, BEGOVIĆ, T.9134-9135, T.9148.

²²⁹³ Exh.P01638, BEGOVIĆ, T.9148.

²²⁹⁴ [REDACTED].

²²⁹⁵ Exh.P01459, ERN:0293-5762; [REDACTED – see Exh.P01730], NOVAKOVIĆ, T.9039.

²²⁹⁶ [REDACTED].

²²⁹⁷ [REDACTED].

²²⁹⁸ Exh.P01295, ERN:0081-8045; Exh.P02473, ERN:0113-4376, para.8.16.

²²⁹⁹ Exh.P01294.

²³⁰⁰ Exh.P01291.

²³⁰¹ Exh.P01292.

²³⁰² Exh.P01293.

²³⁰³ Exh.P01295.

²³⁰⁴ Exh.P01295.

²³⁰⁵ Exh.P01295.

had been assisted by a father named “Neško” and his unnamed son, who were quickly identified as Neško and Slobodan Đokić. Slobodan Đokić confessed to helping the four Muslims after being slapped by Drago NIKOLIĆ.²³⁰⁷ On 25 July, Drago NIKOLIĆ ordered the detention of Neško and Slobodan Đokić for up to three days for collaborating with the enemy.²³⁰⁸ [REDACTED]²³⁰⁹ [REDACTED].²³¹⁰ These four victims were obviously murdered on orders from the Main Staff. Given the time and effort to use these prisoners in a judicial process against the VRS soldiers who helped them, **TOLIMIR** would have known of and approved the murders.

(xl) Murder of six Bosnian Muslim men and boys near Trnovo

791. In July or August 1995, a Serbian MUP unit called the “Scorpions” executed six Srebrenica Muslim men and boys—[REDACTED]²³¹¹—near Trnovo. Scorpions member Slobodan Stojković videoed the executions.²³¹²

792. Stojković’s video shows that the Scorpions unit transported the six Muslims by truck to an isolated location in Godinjske Bare, near Trnovo, and forced them to lie face down in a ditch with their hands bound.²³¹³ Scorpions members then marched the prisoners to the execution site, forced Salkić and Ibrahimović to lie face down and the other four to stand in a line. Scorpions members shot the four men in the back. They untied Salkić and Ibrahimović and ordered them to carry the bodies of their murdered comrades into a deserted building nearby. Afterwards, the Scorpions executed Salkić and Ibrahimović.²³¹⁴

793. The Scorpions abused and tormented their prisoners before killing them. One Scorpions member kicked Delić’s head as he was lying in the back of a truck and asked: “Why are you shaking, motherfucker?”²³¹⁵ They teased the youngest captives as they were lying face-down by the road, saying, “[...] You did not /?shag?! either?” You haven’t fucked

²³⁰⁶ Exh.P01291; Exh.P01292; Exh.P01293; Exh.P01294.

²³⁰⁷ JEREMIĆ, T.6933; Exh.P01280, JEREMIĆ, T.10427-10428.

²³⁰⁸ Exh.P01290, ERN:0304-9501-0304-9502; Exh.P01280, JEREMIĆ, T.10427, T.10438, T.10473-10474, T.10478-10479; JEREMIĆ, T.6938, T.6941-6942. *See also* Exh.P01184.

²³⁰⁹ [REDACTED].

²³¹⁰ [REDACTED]: *See* [PW-073], T.629-630; [REDACTED – see Exh.P00049], [PW-073], T.1205-1206; Exh.P01291, ERN:0081-8051. The ages of the four Muslims Neško Đokić met correspond with the approximate age range of the four individuals described by [PW-073]: [PW-073], T.629-630; [REDACTED – see Exh.P00049], [PW-073], T.1205-1206. [PW-073] recalled that one of the Muslims was from Jagonje, and Sakib Kivirić, one of the men Neško Đokić met, is recorded as having come from the village of Jagodnja: Exh.P01291, ERN:0081-8051. [PW-073] heard that the four Muslims he escaped with were captured and taken to Zvornik, the same fate which befell the four Muslims met by Neško Đokić: [PW-073], T.630; [REDACTED – see Exh.P00049], [PW-073], T.1205-1206; Exh.P02473, ERN:0113-4376, para.8.16.

²³¹¹ [REDACTED].

²³¹² Exh.P02415, V000-5095, 01:39’00-01:57’56; STOJKOVIĆ, T.8342-8343.

²³¹³ STOJKOVIĆ, T.8361-8363.

²³¹⁴ Exh.P02415, V000-5095, 01:39’00-01:57’56.

²³¹⁵ Exh.P02415, V000-5095, 01:39’00-01:57’56.

either?” and “What was it that you have you never done?”²³¹⁶ The captors denied the prisoners’ request for water and laughed and joked as Salkić and Ibrahimović carried the bodies of the executed prisoners into the woods while they continued to fire at the dead bodies of the men lying on the ground.²³¹⁷ Given that these victims were transported the great distance from Srebrenica to the Sarajevo/Trnovo area²³¹⁸, across the zones of two VRS Corps, **TOLIMIR** and the Main Staff would have known about and approved of the summary execution of these men.

(xli) Cerska Valley

794. In 1996, the Cerska Valley mass grave was discovered.²³¹⁹ Aerial imagery shows that this grave was created between 7-27 July 1995.²³²⁰ An examination of the soil at the grave shows that an excavator was used to bury the victims.²³²¹ Upon exhumation in 1996, the grave was found to contain 150 male victims, with a mean age from 14 to 50²³²² 147 of whom wore civilian clothes and 149 of whom died as a result of gunshot wounds.²³²³ 48 ligatures were recovered from the grave, including 24 still binding the arms of the victims behind their backs.²³²⁴ To date, **149** persons have been identified through DNA as missing from Srebrenica.²³²⁵

(xlii) Nova Kasaba

795. Between 1996-1999, eight undisturbed primary mass graves were exhumed in the area of Nova Kasaba.²³²⁶ Aerial imagery shows that these graves were created between 7-27 July 1995.²³²⁷ There are no known survivors of, or witnesses to, these executions.

796. The first four primary graves, NKS 1 through NKS 4, were exhumed in July 1996. These graves contained the remains of at least 33 people.²³²⁸ Twenty-seven ligatures were

²³¹⁶ Exh.P02415, transcript, pp.88-89; STOJKOVIĆ, T.8374-8377.

²³¹⁷ Exh.P02415, 01:39’00-01:57’56.

²³¹⁸ Exh.P01372, p19; [REDACTED].

²³¹⁹ AF217, AF224; HAGLUND, T.9133-9134.

²³²⁰ RUEZ, T.952-953; MANNING, T.10344; Exh.P00094, pp.62- 63, Exh.P01836.

²³²¹ AF214, AF216; HAGLUND, T.9111-9112; Exh.P01359, HAGLUND, T.3733-3737; *See also* AF216, AF218; MANNING, T.10344-10345.

²³²² AF213, AF219-220; Exh.P01359, HAGLUND, T.3734. *See also* Exh.P01071.

²³²³ AF215; AF219, AF221; *See* HAGLUND, T.9113; Exh.P01359, HAGLUND, T.3733-3735; Exhs.P01071, P01312-P01315; MANNING, T.10272.

²³²⁴ *Id.*; AF222.

²³²⁵ AF223; [REDACTED]. For the most current number of bodies identified via DNA from Cerska, *see* Exh.P00170, ERN:X019-5974, X019-5979; JANC, T.1790. [REDACTED]; JANC, T.1778.

²³²⁶ Exh.P01825, ERN:0095-0940; Exh.P01060, ERN:0091-1867-0091-1882.

²³²⁷ Exh.P01066; Exh.P01825, ERN:0095-0939; [REDACTED].

²³²⁸ Exh.P01320, ERN:0149-2656; Exh.P01825, ERNs 0095-0908, 0095-0924. *See also* Exh.P00170, ERN:X019-5979-X019-5980; [REDACTED].

recovered from these gravesites.²³²⁹ Most victims died of gunshot wounds.²³³⁰ In August 1999, another four primary graves were discovered in the Nova Kasaba area: NK04, NK06, NK07, and NK08.²³³¹ The minimum number of individuals in these graves was 55.²³³² Most of these victims also died of gunshot wounds.²³³³ DNA matching by the ICMP has identified a total of **51** persons within the Nova Kasaba 1999 graves.²³³⁴

(xlili) July–August 1995: murder of other Muslim prisoners

797. VRS and MUP personnel continued to capture and kill Bosnian Muslim men from Srebrenica through July and August.²³³⁵ BEARA led the VRS's attempts to have the Serbian authorities hand over Muslim men from Žepa who had fled across the Drina River to Serbia.²³³⁶ POPOVIĆ and Krstić actively participated in this concerted effort.

798. BEARA spoke to various VJ and VRS officers about the need for these prisoners. Notably, on 1 August, BEARA said that there were “no plans to kill them [...] but to exchange them.”²³³⁷ By this statement, he demonstrated that he was fully aware that the men from Srebrenica had been killed in previous planned executions. In the same conversation, BEARA also referred to Muslims as “parcels”, the same word as he used on 15 July when referring to the Srebrenica Muslim men who were being held in the Zvornik area pending execution.

799. On 2 August, Krstić ordered POPOVIĆ to accompany KOSORIĆ across the Drina River to Bajina Bašta, Serbia, to arrange the return of Muslim refugees. POPOVIĆ acknowledged the order and asked what he was to do if the Serbian authorities did not relinquish the refugees, to which Krstić responded, “[t]hey’re our Turks, man! [...] I’ll turn the gun-barrels on them. Did you understand?”²³³⁸

800. On 8 August, Kušić reported that five “Balijas” from Žepa and “an unarmed Ustasha, born in Srebrenica, 24 years old” were “liquidated,” having first been interrogated.²³³⁹

²³²⁹ Exh.P01320, ERN:0149-2657, ERN:0149-2672-0149-2673 and Annex 1; Exh.P01825, ERNs 0095-0922, 0095-0940; Exh.P01914.

²³³⁰ Exh.P01320, ERN:0149-2657; Exh.P01825, ERN:0095-0940.

²³³¹ Exh.P01825, ERN:0095-0987-0095-0990; Exh.P01915, ERN:0614-8659; Exh.P00894, ERN:0090-8195; Exh.P01060, ERN:0091-1867-0091-1881; Exh.P00170, ERN:X019-5980.

²³³² Exh.P01825, ERN:0095-0924; Exh.P01915, ERN:0614-8659; Exh.P00894, ERN:0090-8195.

²³³³ Exh.P01825, ERN:0095-0988-0095-0990; Exh.P00894, ERN:0090-8195-0090-8198.

²³³⁴ Exh.P00170, Annex A, ERN:X019-5979-X019-5980; [REDACTED].

²³³⁵ AF150.

²³³⁶ [REDACTED]; Exh.P00528a-[REDACTED]; Exh.P00529a–c.

²³³⁷ [REDACTED].

²³³⁸ Exhs.P00529a–c.

²³³⁹ Exh.P00755.

801. These opportunistic killings were the natural and foreseeable consequence of both the forcible removal JCE and the murder JCE.

(xliv) September–October 1995: the cover-up reburial operation

802. From about 1 August–1 November 1995, VRS and MUP personnel executed an organised and comprehensive effort to conceal the mass murders by exhuming bodies from primary mass graves at Glogova, Lažete (Orahovac), the Dam near Petkovci, Branjevo Farm and Kozluk and transferring them to secondary graves at Zeleni Jadar (seven sites containing bodies from Glogova), Budak (two sites containing bodies from Glogova), Blječeva (three sites containing bodies from Glogova), Hodžići Road (seven sites containing bodies from Orahovac), Liplje (five sites containing bodies from Petkovci Dam) and Čančari Road (13²³⁴⁰ sites containing bodies from Branjevo Farm and Kozluk).²³⁴¹ Such extreme measures would have been unnecessary had the bodies in the primary graves been combat victims.

803. The VRS Main Staff ordered²³⁴² and the security organs led and co-ordinated these efforts.²³⁴³ The Main Staff's decision to involve the security organs was calculated to protect the secrecy of the reburial operation, rendering the role of the security organs vital to the successful execution of the task.²³⁴⁴ The potential need for a reburial operation was a natural and foreseeable possibility from the start of the murder operation, given its scale and the haste with which the bodies were buried in July 1995. From the time **TOLIMIR** and other security officers shared the common plan, the JCE members understood and expected that **TOLIMIR** and his security officers would take such further steps as might become necessary to conceal the killings, such as reburials. As such, **TOLIMIR** and his security officers contributed to the murder JCE and aided and abetted the murders by ordering and organising the reburials.

The Zvornik reburial operation

804. [REDACTED].²³⁴⁵ [REDACTED].²³⁴⁶ [REDACTED].²³⁴⁷ Later, a short order followed from the VRS Main Staff that the five tonnes of fuel were to be provided for

²³⁴⁰ Čančari Road 1 was exhumed between 8-23 July 2009. No information as to remains located therein is currently available. See Exh.P00872, ERN:0082-8221. See also Exh.P00170, Annex A, ERN:X019-8976.

²³⁴¹ AF349, AF351, AF354-357; Exh.P00170; Exh.P00212; Exh.P01917; [REDACTED – see Exh.P01642], D. LAZAREVIĆ, T.14467-14534.

²³⁴² Exh.P02281; Exh.P02559. See also Exh.P01219, p.4; [REDACTED].

²³⁴³ See, e.g., [REDACTED]; M.NIKOLIĆ, T.12427-12429; Exh.P02157, ERN:0608-8431. Exh.P01119, p.115 (entry dated 14 September 1995, showing that Exh.P02281 and Exh.P02559 were received by the Zvornik Brigade), p.140 (27 September 1995: “remind the Commander about the construction work”). There was no known construction work or need for fuel in the Zvornik Brigade zone at the time. See also Exh.P01219, p.11.

²³⁴⁴ Exh.P02157, ERN:0608-8431, para.13; M.NIKOLIĆ, T.12432-12433; Exh.P02473, ERN:0113-4411; [REDACTED].

²³⁴⁵ [REDACTED].

engineering works and TRBIĆ.²³⁴⁸ This was a pretext, as TRBIĆ was not an engineer. TRBIĆ²³⁴⁹ recorded the receipt of both telegrams concerning fuel in the DOO Notebook on 14 September 1995 with a remark “delivered to Pantić,” *i.e.*, Radislav Pantić (Head of the Zvornik Brigade Logistics Transport Service).²³⁵⁰

805. [REDACTED].²³⁵¹ [REDACTED].²³⁵²

806. POPOVIĆ’s involvement in managing and overseeing the reburials in Zvornik is also evident from a 22 September conversation POPOVIĆ had with someone whose name is recorded as “Mihalić”, but who could only have been Drago NIKOLIĆ.²³⁵³ POPOVIĆ sought information regarding the fuel that was to be sent to the Zvornik Brigade. TRBIĆ is clearly also involved, as POPOVIĆ sought information from him concerning the status of the fuel delivery.

807. [REDACTED].²³⁵⁴ [REDACTED].²³⁵⁵ [REDACTED].²³⁵⁶ [REDACTED].

808. Dragan Jokić and Slavko Bogičević assigned Damjan Lazarević to work on the reburial operation.²³⁵⁷ Lazaravić was told to dig up the bodies and transfer them to another location and was handed a list of people who were to participate.²³⁵⁸ Two or three operators from the Engineering Company who had taken part in the original excavations of the graves, including Cvijetin Ristanović and Milovan Miladinović, as well as personnel from other units of the Zvornik Brigade, were involved.²³⁵⁹ The necessary fuel for the machinery and vehicles was obtained from the Zvornik Brigade.²³⁶⁰ According to Lazaravić, TRBIĆ co-ordinated the operation and determined the status of the operation after every job.²³⁶¹

²³⁴⁶ [REDACTED].

²³⁴⁷ [REDACTED].

²³⁴⁸ See Exh.P02281; Exh.P02559.

²³⁴⁹ See Exh.P02281; Exh.P02559. [REDACTED].

²³⁵⁰ Exh.P01119, p.115 (14 September 1995 entry, showing that the Zvornik Brigade received Exhs.P02281, P02559).

²³⁵¹ [REDACTED].

²³⁵² [REDACTED].

²³⁵³ Exhs.P00571a-[REDACTED]. Identifying POPOVIĆ and Drago NIKOLIĆ, first, POPOVIĆ addressed NIKOLIĆ familiarly as “Nido,” who reciprocates with “Pop.” See *e.g.*, Exh.P000498, (same nicknames used). Second, “Mihalić” sounds like “NIKOLIĆ” and could easily be attributable to poor radio reception. Third, the conversation’s tenor clearly denotes a familiar and working relationship shared amongst TRBIĆ, NIKOLIĆ and POPOVIĆ.

²³⁵⁴ [REDACTED].

²³⁵⁵ [REDACTED].

²³⁵⁶ [REDACTED].

²³⁵⁷ AF371; [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14468, T.14525.

²³⁵⁸ [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14467-14468.

²³⁵⁹ AF371; [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14484, T.14488, T.14489-14490, T.14508, T.14523.

²³⁶⁰ [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14487.

²³⁶¹ [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14589-14590.

809. The Orahovac (Lažete 1 and 2), Kozluk, and Branjevo Farm grave sites were exhumed mostly during the night.²³⁶² The reburial operation took five or six days to complete.²³⁶³ [REDACTED].²³⁶⁴

The Bratunac reburial operation

810. VRS security organs also led and co-ordinated the reburials in the Bratunac area. In September,²³⁶⁵ Momir NIKOLIĆ heard from POPOVIĆ and Blagojević that the VRS Main Staff ordered a reburial operation; the operation was dubbed “asanacija”.²³⁶⁶

811. POPOVIĆ told Momir NIKOLIĆ that the Main Staff had ordered the relocation of the grave in Glogova²³⁶⁷ and that he (Momir NIKOLIĆ) was to conduct the operation.²³⁶⁸ [REDACTED].²³⁶⁹

812. The reburial operation lasted from September until the end of October.²³⁷⁰ On 16 October at a meeting of the Bratunac Brigade Command Staff, Momir NIKOLIĆ reported “we are currently engaged in tasks issued by the VRS Main Staff (“asanacija”)”, which Momir NIKOLIĆ confirmed was a reference to the reburial operation.²³⁷¹ It was impossible to perform the reburials in secret given the large number of people, machinery and vehicles the operation involved.²³⁷²

The cover-up of the crimes continued

813. From July 1995 through to at least 1997, **TOLIMIR** worked to conceal the crimes. From the time when he joined the murder JCE in July 1995, his fellow JCE members knew that they could rely on **TOLIMIR** and his security and intelligence apparatus to cover-up the crimes as necessary in future.

814. First, during August 1995, BEARA, POPOVIĆ and ČARKIĆ, among other security officers, were involved – with **TOLIMIR**’s knowledge – in efforts to prosecute members of the ABiH Žepa Brigade who were returned from Serbia to the RS for crimes against humanity.²³⁷³ Aside from the astonishing perversity of genocidaires such as BEARA and POPOVIĆ taking part in such proceedings, these activities reveal the VRS's efforts to divert

²³⁶² [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T.14529, T.14469, T.14484-14485, T.14510.

²³⁶³ [REDACTED – see Exh.P01642], D.LAZAREVIĆ, T. 14486-14487.

²³⁶⁴ [REDACTED].

²³⁶⁵ AF351; Exh.P02157, p.25; M.NIKOLIĆ, T.12427-12429.

²³⁶⁶ AF372, AF352; M.NIKOLIĆ, T.12427-12428, T.12429; Exh.P02157, p.25; [REDACTED].

²³⁶⁷ AF372; M.NIKOLIĆ, T.12427-12428.

²³⁶⁸ AF352; Exh.P02157, p.25; [REDACTED].

²³⁶⁹ [REDACTED].

²³⁷⁰ AF349, 350; M.NIKOLIĆ, T.12429.

²³⁷¹ AF372, AF352; Exh.P01219, p.11; M.NIKOLIĆ, T.12431.

²³⁷² M.NIKOLIĆ, T.12432.

²³⁷³ Exh.P02256 (to **TOLIMIR** personally).

attention from and cover-up the crimes committed by Bosnian Serbs against the Srebrenica and Žepa populations in July 1995 (as well as reflecting the access that VRS security officers had to the military justice system which of course *could* have been used more appropriately to prosecute those responsible for the Srebrenica killings).

815. Second, on 3 September, **TOLIMIR** explained to officers who participated in or knew of the murder operation²³⁷⁴ that the VRS Main Staff insisted on an “all-for-all” exchange as opposed to a “one-for-one” exchange during its prisoner exchange negotiations, because VRS forces captured only a small number of enemy soldiers during the attacks on Srebrenica and Žepa.²³⁷⁵ **TOLIMIR** was well aware of the thousands of prisoners who had been captured in July 1995.²³⁷⁶ This blatant lie reflected the “know nothing, say nothing” position that **TOLIMIR** and the VRS Main Staff adopted in relation to the subject of the missing Srebrenica Muslim men, the truth of which he sought to conceal. Consistently, **TOLIMIR** assisted in the denial and cover-up of crimes in December 1995.²³⁷⁷

816. Fourth, in 1996, SALAPURA requested that fake IDs be issued for eight 10th Sabotage Detachment soldiers who were believed to be indicted by the ICTY.²³⁷⁸ Fourth, in 1997, **TOLIMIR** proposed that no response be made to an official Dutch request concerning refugees listed at the DutchBat Potočari compound on 13 July 1995; instead, **TOLIMIR** proposed that the Dutch should be redirected to the commissions for exchange and search for refugees or missing persons.²³⁷⁹

The investigation and the connections

817. In April 1996, the OTP commenced forensic examinations of suspected execution points and exhumation of mass graves.²³⁸⁰ It was observed that certain “primary” mass graves had been disturbed and that the bodies from those primary mass graves were removed and transferred to “secondary” mass graves.²³⁸¹ Forensic links between the primary

²³⁷⁴ Including Gen. Krstić, Lt. Col. POPOVIĆ and Lt. Col. TODORVIĆ.

²³⁷⁵ Exh.P02250; BUTLER, T.16436-16437.

²³⁷⁶ BUTLER, T.16436-16437; *see* Exh.P02203, p.2; Exh.D00064, p.2; Exh.P00125, p.1; *see* para.539, and generally, paras.486-813, detailing **TOLIMIR**'s, his subordinates' and his fellow JCE members' involvement in the murder operation and the subsequent cover-up.

²³⁷⁷ Exh.P02459.

²³⁷⁸ Exh.P02206; SALAPURA, T.13595-13598, T.13600-13602.

²³⁷⁹ Exh.P02433.

²³⁸⁰ AF353, AF355, AF383, AF406, AF413, AF427.

²³⁸¹ AF356.

gravesites and the secondary gravesites were found.²³⁸² These links are corroborated by evidence of DNA connections.²³⁸³

Specific primary to secondary connections

Glogova 1 and 2 primary mass graves (Kravica Warehouse executions) are connected to the Zeleni Jadar, Budak and Blječeva secondary mass graves

818. A variety of forensic evidence including, aerial imagery, soil and pollen samples, similar artefacts, fragments of grenades, a comparison of shell cases and DNA connections, proves that the men executed at Kravica Warehouse were first buried in the primary graves at Glogova and then reburied in the secondary graves at Zeleni Jadar, Budak and Blječeva.²³⁸⁴ Fragments of grenades and shrapnel were also found in both the primary and secondary graves, consistent with the survivor accounts and other evidence of grenade and RPG fire at Kravica Warehouse.²³⁸⁵

819. As of February 2010, DNA matching by the ICMP has identified a total of **1,334** persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Glogova, Ravnice, Zeleni Jadar, Budak and Blječeva graves.²³⁸⁶

820. While the majority of the victims identified from these graves come from Kravica Warehouse, the graves also contain bodies of Srebrenica-related victims killed in Bratunac,²³⁸⁷ Potočari and along the Bratunac-Konjević Polje Road.²³⁸⁸ These graves also contain the remains of at least 10 Muslim men from Srebrenica who were captured in Serbia and whose remains were found in Grave L.²³⁸⁹

²³⁸² AF358, AF369.

²³⁸³ "A 'DNA connection' means that the remains of one individual were found in at least two different [disturbed] graves": Exh.P00170, ERN:X019-6019.

²³⁸⁴ See Exh.P01825, ERN:0095-0979; Exh.P01916, ERN:X016-7712-X016-7713. See also AF369, AF383-384, AF374-378, AF381, AF388 and **Appendix D** for further details.

²³⁸⁵ See AF382; [REDACTED – see Exh.P02797], [PW-006], T.6996 (heard different weapons shooting into Kravica Warehouse, including machine guns, automatic rifles, a praga, and grenades). See also Exh.P01633, ČELIĆ, T.13478-13479 (hearing grenade explosions).

²³⁸⁶ Exh.P00170, ERN:X019-6011. See **Appendix D** for breakdown.

²³⁸⁷ See, e.g., [PW-023], T.748, [REDACTED – see Exh.P00060], [PW-023], T.17321, T.17388 (concerning the murder of a captured civilian Hamed Efendić, at the hangar behind Vuk Karadžić School). [REDACTED].

²³⁸⁸ Exh.P00170, ERN:X019-6011. See also [REDACTED]; [PW-064], T.13439-13441; [REDACTED – see Exh.P01031], [PW-064], T.9538, T.9555-9556, T.9392 (“[M]ost of the bodies buried in Glogova, I believe, were from Kravica...”); JANC, T.1827-1828; RUEZ, T.1523-1524.

²³⁸⁹ AF385. Evidence shows that, although the 12 individuals in subgrave L do not come from Kravica Warehouse, all 12 were killed by a single gunshot to the head; their hands were bound behind their backs, and then bound to each other in pairs. See Exh.P00937, ERN:X006-5671; Exh.P01014; Exh.P00919; CLARK, T.5917-5918. See also Exh.P00212, which should also contain arrows connecting the Glogova primary mass graves with Bratunac, Konjević Polje, the Bratunac-Konjević Polje Road, and Potočari.

Lažete 1 and 2 primary mass graves (Orahovac executions) are connected to the Hodžići Road secondary mass graves

821. Investigations at Orahovac confirmed that a mass execution took place near the primary mass graves named Lažete 1 and 2.²³⁹⁰ Investigation of the secondary grave sites of Hodžići Road 1-7²³⁹¹ indicates that these sites are associated with the Lažete primary graves. Forensic evidence including aerial imagery, a comparison of soil and pollen samples as well as shell cases and DNA establish connections between the Orahovac execution site, Lažete 1 and 2 and the Hodžići Road secondary mass graves (1-7). The recovery of blindfolds in the graves and at Orahovac School is supported by survivors' accounts, as well as those of VRS members, that the prisoners at Orahovac School were blindfolded with strips of cloth prior to being taken for execution.²³⁹²

822. As of February 2010, DNA matching by the ICMP has identified a total of **830** persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Lažete 1 and 2 and Hodžići Road 1-7 graves.²³⁹³

The Petkovci Dam primary mass grave is connected to the Liplje secondary mass graves

823. Forensic evidence linking the Liplje secondary mass graves (1-4 and 7) to the Dam primary mass grave includes aerial imagery, the presence of limestone at the secondary graves, matching of shell cases, the nature of the injuries and DNA.²³⁹⁴ Both Dam survivors testified that the prisoners' hands were bound with some type of string or rope;²³⁹⁵ this is corroborated by the finding of ligatures at these graves, also supporting the connection between the Petkovci Dam primary mass grave and the associated Liplje secondary graves.²³⁹⁶

824. As of February 2010, DNA matching by the ICMP has identified a total of **809** persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Dam and Liplje 1-4 and 7 graves.²³⁹⁷

Kozluk primary mass graves are connected to the Čančari Road secondary mass graves

825. Investigations of the site near Kozluk confirmed that a mass execution occurred there.²³⁹⁸ Forensic evidence of soil and pollen samples, glass from the Vitinka bottling plant,

²³⁹⁰ AF390-391, AF395. See also paras.XX

²³⁹¹ For an aerial overview of the area containing the Hodžići secondary mass graves, see Exh.P01863.

²³⁹² See paras.623.

²³⁹³ Exh.P00170, ERN:X019-6012. See *Appendix D* for breakdown.

²³⁹⁴ AF405 and *Appendix D*.

²³⁹⁵ See para.656.

²³⁹⁶ See *Appendix D*.

²³⁹⁷ Exh.P00170, ERN:X019-6012. See *Appendix D* for breakdown.

matching shell cases, the recovery of ligatures and blindfolds, the nature of the injuries sustained by the victims exhumed and DNA establish between connections between Kozluk and Čančari Road 2, 3, 7 and 13.²³⁹⁹

826. As of February 2010, DNA matching by the ICMP has identified a total of **761** persons who were reported missing after the fall of Srebrenica in July 1995, and whose remains were exhumed from the Kozluk primary grave and its related Čančari Road secondary mass graves (Čančari Road 2, 3, 7 and 13).²⁴⁰⁰

Branjevo Farm primary mass graves are connected to the Čančari Road secondary mass graves

827. Forensic evidence such as aerial imagery, soil and pollen samples, the nature of the victims' injuries, the recovery of bullets and shell cases and DNA, link the Branjevo Farm primary mass graves to the Čančari Road (4-6 and 8-12) secondary mass graves. The connection between the graves is also established through the discovery of ligatures at the Branjevo Farm primary gravesite and at the Čančari Road 8 and 12 secondary gravesites, which evidence corroborates the recollections of both surviving witnesses that their hands were bound prior to the execution, as well as the recollection of various VRS members who saw the prisoners' hands tied up at Kula School and at the execution site itself.²⁴⁰¹

828. As of February 2010, DNA matching by the ICMP has identified a total of **1,656** persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from Branjevo Farm and associated Čančari Road 4, 5, 6, 9, 10, 11 and 12 secondary mass graves.²⁴⁰²

(xlv) Destruction of the Muslim women and children - victim impact

829. In forcibly transferring the women and children from the Srebrenica and Žepa enclaves, **TOLIMIR** intended to create conditions that would contribute to the destruction of the Muslim population of Eastern Bosnia. **TOLIMIR** knew that the transfers would prevent the population from living and reproducing normally within the meaning of ICTY Statute Article 4(2)(c) and (d). He knew that the transfers would ensure that the Bosnian Muslim

²³⁹⁸ See paras.683-691.

²³⁹⁹ AF420; see *Appendix D*.

²⁴⁰⁰ Exh.P00170, ERN:X019-6012. See *Appendix D* for breakdown.

²⁴⁰¹ AF429, AF431. See also [PW-073], T.634; [REDACTED – see Exh.P00049], [PW-073], T.1195, T.1198, T.1201, T.1203-1204; Exh.P01762, [PW-016], T.3040-T.3042; Exh.P00215, ERDEMOVIĆ, T.10971-10972; Exh.P01635, R.BABIĆ, T.10234 (also noting that men were blindfolded at Kula School).

²⁴⁰² Exh.P00170, ERN:X019-6012. See *Appendix D* for breakdown.

population of Srebrenica and Žepa would not return to those regions, nor reconstitute itself elsewhere.²⁴⁰³

830. **TOLIMIR**'s contributions to the murder of the able-bodied men from Srebrenica also had the effect of destroying the population of Bosnian Muslims in Srebrenica and Žepa. On the morning of 12 July 1995, Mladić told the assembled civilian representatives of the Srebrenica enclave: "you can either survive or disappear."²⁴⁰⁴ The women and children who survived the horrors of Srebrenica and Žepa today walk a tenuous line between survival and disappearance as they struggle to cope with great mental and physical trauma, demonstrating the meaning of ICTY Article 4(2)(b).²⁴⁰⁵

Destruction through physical and psychological trauma of survivors

831. Survivors of the fall of Srebrenica have suffered insomnia, lack of appetite, weight loss and headaches caused by frequent bouts of crying. Some are prone to shaking, fainting, increased blood pressure and heart problems.²⁴⁰⁶ One survivor recounted, "after what happened in Potočari I am not the same, there was fear and there was sorrow and I don't see very well now, I don't hear very well, I do not walk very well."²⁴⁰⁷ For several survivors their symptoms are incapacitating.²⁴⁰⁸

832. The survivors also suffer from pervasive and debilitating psychological trauma, including feelings of fear, irritation, nervousness, aggressiveness, isolation and loss of concentration.²⁴⁰⁹ Their psychological suffering stems from their grief for their husbands, sons and brothers. One survivor described: "It's hard for me when I see young boys going to school...I see the pictures of the fall of Srebrenica in my mind. The pictures of my children come to me."²⁴¹⁰

833. Survivors have also reported repetitive nightmares, flashbacks and hallucinations about the events and the return of their lost family members.²⁴¹¹ One survivor explained: "I

²⁴⁰³ See e.g. *Blagojević* TJ, paras.843-845 (taking into account for purposes of sentencing, the victim impact testimony concerning the vulnerability of the victims, their position of helplessness and the fact that they were subject to cruel treatment, as an aggravating circumstance).

²⁴⁰⁴ Exh.P02798, V000-9035, at 00:10'20-00:10'28; Transcript, p.50, ll:33-34.

²⁴⁰⁵ See *Blagojević* TJ, paras.645, 651-654.

²⁴⁰⁶ Exh.P01529, GABELJIĆ, ERN:0100-3583; Exh.P02743, KRĐIĆ, ERN:0100-3511; Exh.P01526, IBEŠEVIĆ, ERN:0100-3631; Exh.P01524, SALČINOVIĆ, ERN:0100-3590. See also IBRAHIMEFENDIĆ, T.10080.

²⁴⁰⁷ Exh.P01522, H.HAFIZOVIĆ, ERN:0100-3534.

²⁴⁰⁸ Exh.P01531, S.MEHMEDOVIĆ, ERN:0100-3501.

²⁴⁰⁹ IBRAHIMEFENDIĆ, T.10080-10081; Exh.P01817, IBRAHIMEFENDIĆ, T.5816.

²⁴¹⁰ Exh.P01521, MALKIĆ, ERN:0100-3562.

²⁴¹¹ Exh.P01527, S.HAFIZOVIĆ, ERN:0100-3527; Exh.P01521, MALKIĆ, ERN:0100-3562; Exh.P01525, M.MEŠANOVIĆ, ERN:0100-3612; Exh.P01524, SALČINOVIĆ, ERN:0100-3590.

sleep only one hour or two and then thoughts come to my head about what happened in Srebrenica and the people who disappeared”.²⁴¹²

834. The surviving children of Srebrenica have shown signs of extreme trauma. Pre-school age children exhibited excessive attachment to their mothers, feelings of fear, bouts of crying, appetite and sleeping problems.²⁴¹³ One victim spoke about how her young daughter asks “if we are going to return to Srebrenica because she thinks that her father is there.”²⁴¹⁴ School-aged children exhibited a generalized fear of people and sounds, and have experienced flashbacks, nightmares, bed-wetting, low concentration, and learning problems.²⁴¹⁵ Adolescents exhibited high oscillations of mood and behaviour, varying from aggressiveness to withdrawal, isolation and lack of activity.²⁴¹⁶ Most boys lack male role models to set an example of healthy male behaviour.²⁴¹⁷

Srebrenica Syndrome: uncertainty and survivor guilt

835. The trauma inflicted on the survivors of the fall of Srebrenica is distinct from normal war trauma and is described as the “Srebrenica Syndrome”.²⁴¹⁸ The situation among survivors is unique partly due to the collective and sudden nature of the suffering and partly as a result of the problem of the missing men.²⁴¹⁹

836. Joseph recalled that the 20,000 mostly female refugees who arrived in Tuzla around the 12 or 13 July 1995 were “quite distraught [...] their overwhelming source of distress was their concern about the fate of their men, be they husbands, fathers, sons or brothers, whom they had left behind.”²⁴²⁰ Joseph remembered seeing a woman attempt to scale, with her bare hands, the barbed wire fence which surrounded the refugee centre: “she was absolutely determined to scale because a rumour had circulated that...some of the Srebrenica men were nearby there, and she was determined that she was going to go explore and see if— whether it was her son or husband was there.”²⁴²¹

837. Many of the missing men of Srebrenica still have not been pronounced officially dead. The survivors exist in a suspended state of perpetual uncertainty, unable to fully grieve

²⁴¹² Exh.P01524, SALČINOVIĆ, ERN:0100-3590.

²⁴¹³ Exh.P01817, IBRAHIMEFENDIĆ, T.5820, 5822-5823.

²⁴¹⁴ Exh.P01525, M.MEŠANOVIĆ, ERN:0100-3612.

²⁴¹⁵ AF590.

²⁴¹⁶ Exh.P01817, IBRAHIMEFENDIĆ, T.5820; IBRAHIMEFENDIĆ, T.10081, T.10084-10087.

²⁴¹⁷ AF589-590; Exh.P01817, IBRAHIMEFENDIĆ, T.5820, T.5823-5824; IBRAHIMEFENDIĆ, T.10084-10085.

²⁴¹⁸ Exh.P01817, IBRAHIMEFENDIĆ, T.5817, T.5842.

²⁴¹⁹ AF591.

²⁴²⁰ Exh.P01949, JOSEPH, T.14151-14152.

²⁴²¹ JOSEPH, T.10539; Exh.P01949, JOSEPH, T.14152.

in order to continue with life.²⁴²² Survivors continue to hope that their loved ones have survived, preventing them from completing the mourning process. Many of these women will take longer to recover than other trauma victims or simply “will never recover.”²⁴²³

838. The survivors’ feelings of uncertainty have been mixed with tremendous guilt for not perishing with their loved ones.²⁴²⁴ These feelings result in self-destructive behaviour and suicidal thoughts.²⁴²⁵ Many continue to believe that dying with their husbands would have been better than the waking nightmare they live today.²⁴²⁶

Destruction through breakdown of family life, including decreasing birth rate

839. The Bosnian Muslim communities of Srebrenica and Žepa were traditional patriarchal communities where men took the leadership roles in both the public and private sphere.²⁴²⁷ Men generally had a higher level of education than women. They were providers, protectors and decision-makers of the family, often working outside the home in factories, mines or farms. They dealt with public authorities on behalf of their families and managed the family finances.²⁴²⁸ Women were responsible for the home, children, and livestock.²⁴²⁹ The families of these communities described a life of plenty before the war. Many had livestock, land, and homes to which their identities and ways of life were closely linked.²⁴³⁰

840. Removing the men and simultaneously uprooting the women, children, and elderly has resulted in the complete destruction of the pre-war familial and community structure of the Srebrenica Muslims. Women are forced to fulfil not only their traditional roles, but also the economic, emotional and social roles of their missing husbands.²⁴³¹ This shift in familial and community roles disrupts long-term recovery and the formation of new social relationships.²⁴³²

841. An additional hindrance to recovery includes the particular bureaucratic and societal problems associated with the women’s indeterminate marital status. One witness recounted:

²⁴²² IBRAHIMEFENDIĆ, T.10088-10089, T.10100. On the other hand, there is also trauma inherent in the context of identifying the missing men’s remains and pronouncing the missing men officially dead. *See e.g.*, PARSONS, T.10474; [REDACTED – see Exh.P01936], PARSONS, T.33452-33456; IBRAHIMEFENDIĆ, T.10077-10078.

²⁴²³ AF594; Exh.P01817, IBRAHIMEFENDIĆ, T.5818.

²⁴²⁴ *See* IBRAHIMEFENDIĆ, T.10096.

²⁴²⁵ Exh.P01522, H.HAFIZOVIĆ, ERN:0100-3535; Exh.P01521, MALKIĆ, ERN:0100-3562.

²⁴²⁶ 68 women were reported missing from Srebrenica. *See* Exh.P01776, ERN:R066-0345; [REDACTED]. *See also* Exh.P01949, JOSEPH, T. 14153.

²⁴²⁷ Exh.P01817, IBRAHIMEFENDIĆ, T.5856; Exh.P01534, BEKTIĆ, ERN:0100-3518; Exh.P01533, H.MEHMEDOVIĆ, ERN:0100-3573.

²⁴²⁸ Exh.P01524, S.SALČINOVIĆ, ERN:0100-3590; Exh.P01522, H.HAFIZOVIĆ, ERN:0100-3534; Exh.P01521, MALKIĆ, ERN:0100-3562; Exh.P01527, S.HAFIZOVIĆ, ERN:0100-3527.

²⁴²⁹ Exh.P01524, SALČINOVIĆ, ERN:0100-3590; Exh.P01522, H.HAFIZOVIĆ, ERN:0100-3534.

²⁴³⁰ *See* Exhs.P01521-P01534, P01364.

²⁴³¹ AF588; *See* Exhs.P01521-P01534, P01364.

²⁴³² AF586; IBRAHIMEFENDIĆ, T.10080; Exh.P01817, IBRAHIMEFENDIĆ, T.5824-5826.

“I am married but I feel like a widow...I don't have any accurate information about what happened to my husband.”²⁴³³ Women whose husbands still have not been declared dead have a slow recovery and face constant regression and re-emergence of trauma symptoms.²⁴³⁴

842. Women also experience guilt over their inability to be fully engaged mothers in the midst of their own grief and uncertainty. Esma Palić testified:

My life was changed, and the lives of my children too. They didn't have the life that they would have had if their father hadn't died. I lived in agony for 14 years. I wanted to find his mortal remains. Now I'm trying to find those responsible for his murder. So basically ever since the war my life has consisted in the quest for justice, and that has also affected my health.²⁴³⁵

843. Many choose not to remarry because of the lack of similarly-aged men, the loss of a husband's pension upon remarriage, the social stigma of remarriage and feelings of guilt.²⁴³⁶ Consequently, the birth rate in the community appears to be decreasing.²⁴³⁷

844. Women who do seek remarriage face difficult bureaucratic hurdles. They first must somehow prove the existence of their first marriage, though many lost the necessary documentation while fleeing Srebrenica. This may require a complicated process which involves declaring their husbands dead before they can remarry.²⁴³⁸

845. Some women also feel a sense of loss that a family name may cease to exist because no male relatives remain to carry it forward. One woman described the enormity of the loss of the men of her community as follows:

It is no good talking about what it was like before the war ... all that before has gone. I lost my house, property, my husband and my son... I know they say I can go back to Srebrenica now, but how, why? ... They burned the house, there are no stables, nothing, not just my house but my neighbours, everything, there is nothing there... Even our family name is going ... the name, the family of Hafizović is ending, is gone. Of my father-in-law's family ... 18 male members are missing²⁴³⁹

Destruction through forcible transfer: poverty and failure to live normally

846. In contrast to their pre-war lives, survivors have been living in conditions of abject poverty, far below their quality of life prior to the fall of Srebrenica.²⁴⁴⁰ Many saw their

²⁴³³ Exh.P01524, SALČINOVIĆ, ERN:0100-3591.

²⁴³⁴ AF592; IBRAHIMEFENDIĆ, T.10078-10079, T.10088-10089; Exh.P01817, IBRAHIMEFENDIĆ, T.5817-5819.

²⁴³⁵ PALIĆ, T.13328.

²⁴³⁶ Exh.P01817, IBRAHIMEFENDIĆ, T.5833-5834, T.5841-5842, T.5848.

²⁴³⁷ Exh.P01817, IBRAHIMEFENDIĆ, T.5858-5859.

²⁴³⁸ Exh.P01817, IBRAHIMEFENDIĆ, T.5834; *See also* AF593.

²⁴³⁹ Exh.P01522, H.HAFIZOVIĆ, ERN:0100-3533.

²⁴⁴⁰ For examples of the striking contrast, *see* Exh.P01522, H.HAFIZOVIĆ, ERN:0100-3533; Exh.P01527, S.HAFIZOVIĆ, ERN:0100-3527; Exh.P01524, S.SALČINOVIĆ, ERN:0100-3589-0100-3590; Exh.P01521, MALKIĆ, ERN:0100-3561-0100-3562.

homes burned as they were being deported to other areas and others returned to find that none of their property remained.²⁴⁴¹

847. Many survivors continue to live in dire situations due to unemployment and insufficient income or aid to support themselves and their remaining family members.²⁴⁴² Several generations of one family were living in one or two rooms in collective refugee settlements owned by the State or in temporary housing.²⁴⁴³ Often these accommodations did not even offer basic necessities such as running water or toilet facilities.²⁴⁴⁴

848. Survivors, especially the elderly, also suffer a continuing sense of loss as many cannot or will not return to the sites of their former homes. Some worry that they cannot trust their neighbours in the old villages, while others simply cannot face the locations where the traumatic events occurred.²⁴⁴⁵ One witness asked, “How can I go back there when half of my family is not there?...I don’t want to go back to my village. I can’t take going back through Kravica because that’s where my son was killed. People tried to return but the Serbs stoned them.”²⁴⁴⁶ The young “dream of leaving Bosnia, of leaving it all behind.”²⁴⁴⁷

Conclusion

849. The traditional patriarchal societal structure of the Bosnian Muslims of Eastern Bosnia was well-known throughout the country. Many survivors attested to a pre-war relationship between Muslim and Bosnian Serb neighbours where frequent interaction was commonplace and where they understood the lifestyles of their neighbours.²⁴⁴⁸

850. Because of his own experience in Bosnia and the former Yugoslavia,²⁴⁴⁹ **TOLIMIR** was aware of the societal structure of the group and understood the essential role occupied by men in the Muslim family structure. By committing the criminal acts charged in the Indictment, **TOLIMIR** knew and intended the destruction of the group.

²⁴⁴¹ See e.g. Exh.P01522, H.HAFIZOVIĆ, ERN:0100-3533.

²⁴⁴² See e.g. Exh.P01522, H.HAFIZOVIĆ, ERN:0100-3534.

²⁴⁴³ AF587; See e.g. Exh.P02743, KRDŽIĆ, ERN:0100-3511; Exh.P01532, PAŠAGIĆ, ERN:0100-3489; Exh.P01534, BEKTIĆ, ERN:0100-3519.

²⁴⁴⁴ Exh.P01521, MALKIĆ, ERN:0100-3561-0100-3562; Exh.P01526, IBEŠEVIĆ, ERN:0100-3631.

²⁴⁴⁵ See e.g. M.MALAGIĆ, T.10039-10040; Exh.P01524, SALČINOVIĆ, ERN:0100-3591.

²⁴⁴⁶ Exh.P01521, MALKIĆ, ERN:0100-3562.

²⁴⁴⁷ Exh.P01817, IBRAHIMEFENDIĆ, T.5832.

²⁴⁴⁸ See e.g. Exh.P01531, S.MEHMEDOVIĆ, ERN:010-3500; Exh.P01530, A.MALAGIĆ, ERN:0100-3620; Exh.P02743, KRDŽIĆ, ERN:0100-3511; Exh.P01521, MALKIĆ, ERN:0100-3562; Exh.P01527, S.HAFIZOVIĆ, ERN:0100-3527; Exh.P01528, EFENDIĆ, ERN:0100-3640.

²⁴⁴⁹ Exh.P02234.

(C) RELIABILITY OF THE PROSECUTION'S EVIDENCE**(xlvi) Intercepts**

851. The detailed and credible testimony provided by 28 experienced intercept operators and supervisors from the PEB, ABiH 21st Division, SDB and the Croatian Army, as well as that of Stefanie Frease,²⁴⁵⁰ clearly establishes the authenticity, accuracy and reliability of the hundreds of intercepted communications.²⁴⁵¹

852. Established standards and protocols, necessary to implement critical strategic military decisions,²⁴⁵² governed the interception process.²⁴⁵³ With near uniformity,²⁴⁵⁴ operators followed the same general procedures. Intercepted communications were transcribed contemporaneously. Operators were not permitted to speculate about matters or add anything to intercepted material²⁴⁵⁵ and did not engage in analysis that in any way altered the nature of the intercepted conversations.²⁴⁵⁶ Once dispatched, transcribed intercepts could not be, and were not, revised.²⁴⁵⁷

(xlvii) The Zvornik Brigade Duty Operations Officer's Notebook

853. The Zvornik DO Notebook²⁴⁵⁸ is a reliable and authentic document.²⁴⁵⁹ It was relied upon by the Zvornik Brigade Command and used by the Duty Operations Officer in the period of the Indictment, from 29 May through 23 July 1995. The authenticity of the Notebook is supported by two former Zvornik Brigade DOOs, Milanko Jovičić and Ljubo Bojanović.²⁴⁶⁰

²⁴⁵⁰ See AF600-603. FREASE offered testimony presenting independent corroboration of the express or implied content of the intercepts, proving the accuracy and reliability of the information contained: FREASE, T.5027-5029, T.5033-5034; [REDACTED – see Exh.P00783], T.6090, T.6375, T.6384-6386, T.7759-7760, T.7840-7841. See also Exh.P00825; [REDACTED – see Exh.P00783], FREASE, T.7774-7775 (identifying approximately ten instances where independently recorded duplicate interceptions occurred).

²⁴⁵¹ See also Exh.P02880, p.84 (VRS also relied on radio reconnaissance for intelligence).

²⁴⁵² AF595; [PW-032], T.2168-2169, T.2191; FREASE, T.5229; [REDACTED – see Exh.P00783], FREASE, T.6393-6394.

²⁴⁵³ [PW-032], T.2163, T.2166, T.2169, T.2174-2175, T.2179-2181; see also testimony of [PW-024] and [REDACTED].

²⁴⁵⁴ AF596; See [PW-024] T. 2063-2064.

²⁴⁵⁵ AF597-599, AF604; [PW-032], T.2181, T.2175-2177, T.2169; [PW-024] T.2061-2062; [REDACTED – see Exh.P00503], [PW-050], T.8358; T.8410-8411; [PW-041], T.2653.

²⁴⁵⁶ [PW-032], T.2180-2181; [REDACTED – see Exh.P00783], FREASE, T. 8060.

²⁴⁵⁷ [REDACTED – see Exh.P00657], [PW-040], T.5761.

²⁴⁵⁸ Exh.P00014; Exh.P01459.

²⁴⁵⁹ [REDACTED].

²⁴⁶⁰ [REDACTED – see Exh.P01701], JOVIČIĆ, T.11487-11488; [REDACTED – see Exh.P00008a], BOJANOVIĆ, T.11760. See also Exhs.P01185-P01189, Barr concluded that the evidence strongly suggests that Drago NIKOLIĆ produced the 15 July 1995 entries in the Notebook, starting with “11:45 7thbp”, Exh.P01459, ERN:0293-5758; [REDACTED – see Exh.P01183], BARR, T.13184-13186. See also Exh.P01186, ERN:0606-4360-0606-4361. Barr also concluded there was strong evidence that Dragan Jokić had written the entries on 14 July 1995, Exh.P01459, ERN:0293-5744-0293-5753. See [REDACTED – see Exh.P01183], BARR, T.13181.

854. The nature of a DOO's responsibilities in addition to evidence from other witnesses and documentary evidence, further support the reliability of the Notebook.

855. The main role of a DOO was to ensure "continuous and secure functioning of the command in all conditions"²⁴⁶¹ – indeed, this is true for the DOOs operating at all levels of the VRS – and was therefore responsible for monitoring the course of combat and its developments in his and neighbouring brigades. Most importantly, the DOO kept his commander informed of any major developments; maintained communications with subordinate units, superior commands, the MUP and the Civil Defence; and received and dispatched orders and reports.²⁴⁶² [REDACTED].²⁴⁶³

856. In addition, several intercepts demonstrate the reliability and accuracy of the Notebook's entries. These intercepts identify the DOO by name and refer to facts or circumstances reflected in the Notebook and confirmed by other admitted evidence. [REDACTED].²⁴⁶⁴ [REDACTED].²⁴⁶⁵

857. Zvornik Brigade Regular Combat Reports from 12-15 July 1995 also corroborate the reliability of the Notebook. The reports are initialled by individuals who were DOOs at the Zvornik Brigade on the dates the reports were drafted.²⁴⁶⁶

(xlviii) Reliability of forensic, demographic and DNA methodology

858. Demographic evidence shows that a minimum of 7,692 persons went missing from Srebrenica following the enclave's fall in July 1995.²⁴⁶⁷ DNA evidence shows that as of February 2010, at least 6,556 persons reported missing from Srebrenica (approximately 66%), have been identified from Srebrenica and Žepa-related graves or surface remains.²⁴⁶⁸ DNA identifications continue to rise.²⁴⁶⁹

See also Exhs.P01187-P01189 and [REDACTED]. Barr concluded that the writing in the Notebook on 16 and most of 17 July 1995 belonged to one person, but was unable to determine the identity of the writer. Exh.P01186, ERN:0606-4367. *See also* Exh.P01185, ERN:0606-4345-0606-4346. The testimony of Milanko Jovičić, as well as documentary evidence, shows that the DOO on 16 and most of 17 July was Milorad TRBIĆ. [REDACTED – *see* Exh.P01701], JOVIČIĆ, T.11493. GALLAGHER, T.8938-8939, T.8941 (identifying the handwriting of two more Zvornik Brigade DOOs: Milan Marić and Sreten Milošević).

²⁴⁶¹ Exh.P00009, ERN:K011-1633.

²⁴⁶² BUTLER, T.16805-16806; Exh.P02472, ERN:0113-4264.

²⁴⁶³ [REDACTED] [REDACTED – *see* Exh.P01106], GALIĆ, T.10657-10658 (explaining Notebook entry ERN:0293-5743). [REDACTED].

²⁴⁶⁴ [REDACTED].

²⁴⁶⁵ [REDACTED].

²⁴⁶⁶ *See e.g.* Exh.P01122 (dated 12 July and initialled MM for Milan Marić); Exh.P01121 (dated 13 July, initialled SM for Sreten Milošević), Exh.P00010 and Exh.P00011 (dated 14 July, initialled DJ for Dragan Jokić), Exh.P01080 (dated 15 July, initialled ND for Drago NIKOLIĆ).

²⁴⁶⁷ BRUNBORG, T.9640-9642, [REDACTED]; Exh.P01776, ERN:R006-0533.

²⁴⁶⁸ Exh.P00170, ERN:X019-5976; [REDACTED]; TABEAU, T.11415-11416, Exh.P01776, ERN:R066-0535; JANC, T.1857.

²⁴⁶⁹ *See* Exh.P01779.

Demographic evidence: number of Srebrenica missing persons presumed dead

859. Comprehensive demographic analysis proves that at least **7,692** persons went missing or died after Srebrenica's fall in July 1995.²⁴⁷⁰ This figure should be considered a conservative minimum: ICMP's December 2010 update on Srebrenica identified reveals substantially more identifications (6,420) than its November 2008 update (5,555), used in the 2009 Integrated Report.²⁴⁷¹

860. The reliability of the demographic analysis of Srebrenica-related missing or dead persons is supported by the increasing overlap with the ICMP DNA-identification data.²⁴⁷² These results are also consistent with the ICMP's database of **7,905** registered Srebrenica-related victims, independently reported as missing by blood donors.²⁴⁷³

861. All available information and, in particular, the ICMP's DNA data, indicates that the people on the OTP Missing or Dead List are in fact dead.²⁴⁷⁴ Approximately 99.1% of the "missing presumed dead" are male.²⁴⁷⁵

862. Of the Srebrenica missing, 3,162 (or 41.1%) disappeared from Potočari and in the forest. Another 2,340 persons (30.4%) disappeared from three locations: Kravica, Konjević Polje and Kamenica.²⁴⁷⁶ At least 85.8% are of Muslim declared ethnicity.²⁴⁷⁷ They all lived in the Srebrenica area before 1995²⁴⁷⁸ and 99% of victims disappeared from only five municipalities: Srebrenica, Bratunac, Zvornik, Vlasenica and Rogatica.²⁴⁷⁹

²⁴⁷⁰ BRUNBORG, T.9641-9644; Exh.P01776, ERN:R066-0533. Cf. Exh.P01779 to observe the growth of total number of Srebrenica missing (OTP) over time. For the most current list of the missing, see [REDACTED]. See also Exh.P01776, ERN:R066-0528-R066-0530, ERN:R066-0591-R066-0593 (for a detailed discussion of methodology used to create the original list). The number is the product of integrating the 2005 OTP list of Srebrenica missing (Exh.P01794) and October 2008 ICRC list of Srebrenica missing: Exh.P01776, ERN:R066-0533. See also Exh.P10776, ERN:R066-0604-R066-0607 for an explanation of how the 2005 OTP List was matched with the October 2008 ICRC List.

²⁴⁷¹ TABEAU, T.11416, referring to [REDACTED]. Exh.P01776, ERN:R066-0555; Exh.P01779; Exh.P01775, BRUNBORG, T.6800.

²⁴⁷² BRUNBORG, T.9640-9644, Exh.P01779. See [REDACTED]. See also TABEAU, T.11410-11412, for an explanation of the matching process; [REDACTED]; Exh.P01775, BRUNBORG, T.6785-6786. The number of persons found on both the ICMP list and the OTP Missing and Dead list has grown steadily over time, from 66 in 2000, to 5,061 in 2009: Exh.P01779.

²⁴⁷³ [REDACTED – see Exh.P01936], PARSONS, T.33478-33479; BRUNBORG, T.9641; Exh.P01779; Exh.P01776, ERN:R066-0555-R066-0556; Exh.P01775, BRUNBORG, T.6800, T.11244; [REDACTED]; Exh.P01776, ERN:R060-0555-R066-0556 (stating that the number of missing and dead persons on the OTP lists has increased from 7,477 in 2000 to 7,905 in 2009, and that the ICMP estimate as of 30 November 2007 [REDACTED] of 8,100 is fully consistent with OTP results since 2000).

²⁴⁷⁴ BRUNBORG, T.9641-9642; Exh.P01776, ERN:R066-0537.

²⁴⁷⁵ Exh.P01776, ERN:R066-0545 (referring to ratio of men:women).

²⁴⁷⁶ Exh.P01776, ERN:R066-0543.

²⁴⁷⁷ Exh.P01776, ERN:R066-0545.

²⁴⁷⁸ Exh.P01787, ERN:0092-6382.

²⁴⁷⁹ Exh.P01776, ERN:R066-0557.

863. As detailed in *Appendix E*, in developing the Srebrenica Missing or Dead List, Prosecution experts used standard demographic matching procedures and multiple data sets obtained from independent and reliable sources,²⁴⁸⁰ such as the ICRC and PHR.²⁴⁸¹ To ensure neutrality, documents of the parties to the conflict were not used.²⁴⁸²

DNA evidence: Number of persons identified from graves and surface

864. Conservatively, ICMP DNA match reports identify **6,556** individuals from Srebrenica and Žepa-related mass graves or surface remains to date.²⁴⁸³ Not all remains have been examined, matched, or located.²⁴⁸⁴ Currently, 5,777 individuals exhumed from Srebrenica and Žepa-related mass graves have been DNA identified²⁴⁸⁵ and 703 have been similarly identified from surface remains.²⁴⁸⁶ However, surface remains continue to be recovered²⁴⁸⁷ and grave exhumations continue.²⁴⁸⁸

865. Relative to the results of DNA analysis, previous anthropological MNI calculations for the first 21 known Srebrenica-related graves have proven conservative. However, even DNA matching may not fully account for all Srebrenica missing as extraction of DNA from thousands of disarticulated body parts is not always possible.

866. ICMP data has confirmed 679 DNA connections between the Srebrenica primary mass graves and one or more secondary mass graves (as well as between secondary mass graves),²⁴⁸⁹ the result of victims' remains being split up during the reburial process. These

²⁴⁸⁰ Exh.P01776, Annex 3, ERN:R066-0562-R066-0590 for detailed explanation of sources used; BRUNBORG, T.9628-9629; Exh.P01775, BRUNBORG, T.11229, TABEAU, T.11406-11406, T.11410-11412.

²⁴⁸¹ BRUNBORG, T.9624-9627, TABEAU, T.11407-11410.

²⁴⁸² For example, demographers did not use the Bosnian Book of Death, the largest database on victims of war in Bosnia and Herzegovina from April 1992 to the end to 1995, compiled by a Bosnian Human Rights NGO: TABEAU, T.11422-11423, Exh.P01775, BRUNBORG, T.6799-6800. Additionally, because the primary sources used by the demographers were created at different times, by different organizations, for different purposes, this ensured a lack of bias. Exh.P01775, BRUNBORG, T.11191-11192.

²⁴⁸³ JANC, T.1857; PARSONS, T.10373-10387 (for a detailed explanation of ICMP's methodology); T.10421-10422 (clarifying how ICMP links missing persons to Srebrenica's fall, as well as ICMP's cross-referencing procedure); See Exh.P00170; Exh.P00170; [REDACTED]. The term "identification" is not used in a forensic sense, but describes each DNA profile, i.e. the main case of each ICMP DNA match report which represents one unique individual, regardless of whether the BiH authorities have officially pronounced such a case closed. See JANC, T.1779-1781, T.2007-2008; [REDACTED – see Exh.P01819], MANNING, T.19105; PARSONS, T.10473-10476, [REDACTED – see Exh.P01936], PARSONS, T.33419-33420; T.33453-33454 (explaining why the number of closed cases is smaller than the number of DNA match reports).

²⁴⁸⁴ Exh.P00170, ERN:X019-5976, JANC, T.1749-1751. [REDACTED].

²⁴⁸⁵ JANC, T.1779-1781; Exh.P00170, ERN:X019-5976. The number 5,777 represents the number of unique DNA profiles, including 292 unique DNA profiles (i.e., individuals) yet unmatched to any name.

²⁴⁸⁶ Exh.P00170, ERN:X019-5973; and Annex B, ERN:X019-6013-X019-6017.

²⁴⁸⁷ See Exh.P00170, ERN:X019-6014: with 929 surface remains cases collected between 1996 and 2007 and 32 "new" cases collected in 2008 and 2009.

²⁴⁸⁸ JANC, T.1726-1728, T.1748-1749; Čančari Road 1 for example, was exhumed in 2009, JANC, T.1795; Exh.P00170, ERN:X019-5986.

²⁴⁸⁹ JANC, T.1841-1843; Exh.P00170, Annexes A and C, starting at ERN:X019-5978. The counting of such DNA connections is wholly separate from the counting of the total number of Srebrenica-related victims found

findings corroborate the forensic evidence connecting primary and secondary graves,²⁴⁹⁰ as well as aerial imagery.

867. As detailed in *Appendix E*, the ICMP's DNA identification and matching process is reliable to a reasonable degree of scientific certainty²⁴⁹¹ and is in full accord with scientific norms and industry standards.

Forensic Evidence: Mass Executions of Srebrenica Muslims

868. Forensic evidence acquired during the exhumations conclusively demonstrates that graves were "robbed" (*i.e.*, dug-up) and bodies were reburied in secondary graves; human remains found in the graves were those of missing Srebrenica Muslims; bodies found in the graves were of individuals who died shortly after Srebrenica's fall; the cause of death for the vast majority of dead was gunshot wounds; and victims were executed, not battle casualties. Witness testimony corroborates these forensic conclusions.²⁴⁹²

Reburials

869. Investigators and forensic experts conclude that the mass graves were disturbed and links existed between certain graves,²⁴⁹³ based on an analysis of shell casings,²⁴⁹⁴ other materials found inside the graves and aerial imagery.²⁴⁹⁵ Forensic evidence shows two types of mass graves: "primary", in which individuals may have been executed or placed soon after their deaths, and "secondary," into which individuals were reburied.²⁴⁹⁶ The longest distance

in graves, since only the "Main Case" and not the "Reassociation" for each individual was counted; JANC, T.1760-1761; PARSONS, T.10398, [REDACTED]; JANC, T.1786-1788; [REDACTED].

²⁴⁹⁰ Exh.P00170, Annex C, ERN:X019-6045-X019-6050; Exh.P00212; JANC, T.1841-1845, T.1848-1853 (regarding Annex C – DNA Connections).

²⁴⁹¹ PARSONS, T.10493-10494; [REDACTED – see Exh.P01936], PARSONS, T.20879-20880, T.33403, T.33405-33406. There are fundamentally no problems or issues concerning the reliability or validity of ICMP match/identification data. Exh.P00211: the ICMP insists on a final quality control and consistency check between the DNA match report and the non-DNA evidence regarding the anthropological, pathological and circumstantial evidence.

²⁴⁹² See AF195, AF197-201.

²⁴⁹³ AF358. See *e.g.*, Exh.P00881; Exh.P01825, ERN:0095-0904-0095-0905, ERN:0095-0925. MANNING, T.10164-10165; [REDACTED – see Exh.P01819], MANNING, T.18953-18954. See Exh.P00871, ERN:0091-2182 (showing tooth marks of excavation machinery); Exh.P01908 (photograph of bodies in Kozluk with excavation tooth marks); Exh.P01072, ERN:0149-1639 and ERN:0149-1705. See 817-828.

²⁴⁹⁴ MANNING, T.10164-10167.

²⁴⁹⁵ Aerial images showed disturbed earth in areas removed from the primary graves, appearing simultaneously with disturbances of the primary graves, leading the investigators to discover some secondary graves. See Exh.P01062; Exhs.P01832-P01835, MANNING, T.10175-10178 and Exh.P01820 (Glogova); Exh.P01851, Exhs.P01852-P01853 (Orahovac); Exhs.P01855, P01856 (Petkovci Dam); Exhs.P01858, P01859 (Kozluk); Exh.P00094, pp.213-224, Exh.P01921, Exh.P01931 (Branjevo Farm); Exhs.P01839-P01849 (Zeleni Jadar); Exhs.P01862- P01873 (Hodžići road); Exh.P01874, Exh.P01875 (Liplje) and Exhs.P01881, P01882, and Exhs.P01902- P01907 (Čančari road).

²⁴⁹⁶ AF369. See also JANC, T.1783-1786, T.1789; Exh.P00170, Annex A, ERN:C019-5978-X019-6012. For a full summary of the forensic evidence linking the primary and secondary mass graves and corroborating DNA connection evidence, see Exh.P00170, Annex C, ERN:X019-6018-X019-6050; [REDACTED].

between primary and secondary gravesites (Branjevo Farm to Čančari Road) is 40km.²⁴⁹⁷ This disturbance of graves seriously hampered the investigations into the executions.²⁴⁹⁸

870. The victims in the graves were Srebrenica Muslims. Forensic evidence establishes that the bodies found in the graves were those of missing Srebrenica Muslims.²⁴⁹⁹ Muslim religious artefacts, including prayer beads and excerpts from the Koran,²⁵⁰⁰ identity documents, personal belongings of reported Srebrenica missing,²⁵⁰¹ ration packs and Dutch newspapers related to the Dutch Peacekeepers stationed in Srebrenica and Potočari, all prove victim-group identity.²⁵⁰² The gender and age distribution of Srebrenica missing further correlates with the bodies exhumed from the graves.²⁵⁰³

871. The victims in the graves were killed in the summer of 1995. The evidence that Srebrenica Muslims were in the mass graves along with the testimony of survivors, VRS witnesses (such as Dražen Erdemović²⁵⁰⁴), aerial imagery, and observations by forensic experts,²⁵⁰⁵ all support the conclusion that the individuals in the mass graves died in July 1995 and in certain cases, were reburied in late September/early October 1995.²⁵⁰⁶

872. The majority of the victims died of gunshot wounds. Although the degree of decomposition, skeletonization and disarticulation of the bodies exhumed from mass graves

²⁴⁹⁷ AF373.

²⁴⁹⁸ [REDACTED – see Exh.P01819], MANNING, T.18952, T.18931-18932. The damage to the bodies and the distribution of artefacts and identification materials made it difficult to determine the cause of death, the number and the identity of victims. [REDACTED – see Exh.P01819], MANNING, T.18954-18956.

²⁴⁹⁹ AF31.

²⁵⁰⁰ AF361; Exh.P01776, ERN:R066-0545; MANNING, T.10325-10329, referring to prayer beads found with a body in Čerska 1, and the report at Exh.P01825, ERN:0095-0998; Exh.P01072, ERN:0149-1706; [REDACTED – see Exh.P01819], MANNING, T.18958, T.18959.

²⁵⁰¹ AF359, AF360, AF394, AF398. There were very few true identifications of individuals prior to DNA identifications by ICMP (see e.g., BRUNBORG, T. 9646:19-25) due to “breaking up of the bodies and the deterioration of the clothing and the physical artefact.” [REDACTED – see Exh.P01819], MANNING, T.18960-18962. Before DNA, locating IDs was a “guide to try to identify the individuals from the physical characteristics at that stage.” [REDACTED – see Exh.P01819], MANNING, T.18959-18960.

²⁵⁰² Exh.P00170. MANNING, T.10163-10164; [REDACTED – see Exh.P01819], MANNING, T.18957-18958.

²⁵⁰³ AF362, AF363, AF364, AF378, AF392, AF396, AF398.

²⁵⁰⁴ ERDEMOVIĆ, T.1769-1859.

²⁵⁰⁵ MANNING, T.10167. *See, e.g.*, Exh P01072, ERN:0149-1643, noting of Lažete 2, that “[b]ased on the presence of fall leaves in the test unit, it was inferred that the disturbance had occurred after leaves were shed, probably during or after late September or October of the previous year (1995).” *See also* Exh.P00871, ERN:0091-2183 (photos of dead plants preserved under Kozluk bodies reveal seed and flower development consistent with mid-summer 1995 executions); AF419; Exh.P00872, ERN:0084-8241-0084-8244 (an analysis of 10 self-winding watches found at different exhumation sites indicates 14 July 1995 was date of death); Exh.P01060, ERN:0091-1875-0091-1883; Exh.P01067, BARAYBAR, T.3831-3832, T.3843.

²⁵⁰⁶ [REDACTED – see Exh.P01819], MANNING, T.18957-18959.

impeded determinations as to the causes of death,²⁵⁰⁷ pathological analysis shows that the overwhelming majority of exhumed individuals died of gunshot wounds.²⁵⁰⁸

873. The victims in the graves were not battle, suicide or mine casualties. The evidence, corroborated by witness testimony,²⁵⁰⁹ proves that execution victims and not battle casualties were in the graves.²⁵¹⁰ First, at least 448 blindfolds and 423 ligatures were located on or close to the bodies,²⁵¹¹ signifying that the victims were shot after having been blindfolded and/or with their hands tied behind their backs.²⁵¹² Second, some of the victims were severely handicapped,²⁵¹³ suffering in some cases from physical deformities or illness, indicating that they were physically unable to contribute to the war effort.²⁵¹⁴ Third, the recovery of military clothing or weapons on victims was infrequent.²⁵¹⁵ Fourth, evidence such as shell casings found beneath the bodies of victims in the graves, with matching shell casings found outside the graves shows that the executions took place *in situ*.²⁵¹⁶ Fifth, the

²⁵⁰⁷ Exh.P00894, ERN:0090-8185-0090-8187; Exh.P00920, LAWRENCE, T.7532-7533.

²⁵⁰⁸ AF367, AF379-380, AF389, AF396, AF404, AF410, AF415, AF423, AF428, AF430. CLARK, T.5887-5888, based on evidence gathered during the exhumations conducted in 2000 by the ICTY, at least 1,620 of the 2,028 individuals exhumed died of gunshot wounds. *See* Exh.P00937, ERN:X006-5661; LAWRENCE, T.7377-7378; Exh.P00920, LAWRENCE, T.7527, T.7530-7531 (indicating only some traces of shrapnel). The results of ongoing Srebrenica-related exhumations conducted through 2008 continue to reflect this pattern. *See e.g.*, Exh.P00163, pp.48, 50; Exhs.P00165-P00166, P00176, P00199-P00205.

²⁵⁰⁹ Civilians were shot at detention locations and later found in mass graves. *See, e.g.*, [PW-023]'s testimony about Hamed Efendić's murder at the Hangar in Bratunac, whose remains were discovered in Zeleni Jadar 5; [PW-023], T.748; [REDACTED – see Exh.P00060], [PW-023], T.17321, T.17388; [REDACTED].

²⁵¹⁰ CLARK, T.5899-5901, MANNING, T.10186-10187.

²⁵¹¹ AF365-366; AF379, AF385; AF389; AF390; AF393; AF397; AF399; AF401, AF411, AF417, AF424, AF429. Exh.P01916, ERN:X016-7710, ERN:X016-7719; Exhs.P01911-P01914. Blindfolds and ligatures have also been found in post-2001 exhumations, including at Bišina, the Čančari secondary mass graves (excepting Čančari 4) and the Hodžići Road mass graves, bringing their number to at least 1,000. *See, e.g.*, Exh.P02050, ERN:X019-4309, para.5; Exh.P02051; Exhs.P00172, P00174; Exhs.P00173, P00175; Exh.P00163.

²⁵¹² MANNING, T.10186; [REDACTED – see Exh.P01819], MANNING, T.18973; HAGLUND, T.9112-9113 (re: Čerska grave); Exh.P01359, HAGLUND, T.3764-3765; Exh.P00897; CLARK, T.5889-5890; Exh.P00920, LAWRENCE, T.7542.

²⁵¹³ AF368.

²⁵¹⁴ AF207, AF416; Branjevo Farm yielded a victim with a prosthetic leg and his hands tied behind his back. (Exh.P01334). Čančari 3 yielded an individual with a fused spine, indicating severe disability and very limited movement. Another individual suffered from a deformed forearm, indicating significant movement problems (Exh.P00925 at ERN:X003-8183-X003-8184; Exh.P00931, LAWRENCE, T.3987-3989). Kozluk yielded the following disabilities or deformities of individuals: an individual with a fused elbow incapable of bending; an individual with a fused knee restricting the ability to walk; an individual with a steel plate in his skull; an individual with a glass eye; and an individual who had had open-heart surgery (Exhs.P00899-P00900; Exh.P00897, CLARK, T.3912-3913, Exh.P01825, Annex A, ERN:0095-0973-0095-0974. In one grave, 4% of the people had significant disabilities (CLARK, T.5900-5901; Exh.P00897 CLARK, T.3939-3940). There was also evidence that some of the individuals in graves were wounded and/or carrying stretchers when they died (Exh.P01067, BARAYBAR, T.3816, T.3858-3859).

²⁵¹⁵ AF390; AF425; Exh.P01067, BARAYBAR, T.3882-3883; CLARK, T.5900; Exh.P00892, CLARK, T.7342-7344; [REDACTED – see Exh.P01819], MANNING, T.18962 (except for a loaded pistol in Glogova, and a grenade located in a sleeve); Exh.P00920, LAWRENCE, T.7521-7522; Exh.P00874, WRIGHT, T.3690-3691; AF425.

²⁵¹⁶ [REDACTED – see Exh.P01819], MANNING, T.18949-18950, T.18951, T.18974-18976 (evidence of shell casings located within the grave, matching shell casings on the surface, the roadway and other side of the roadway); Exh.P01067, BARAYBAR, T.3821. A photograph of a ligatured individual grabbing a root in the

pathologists who conducted the autopsies determined that the gunshot wounds were inconsistent with combat,²⁵¹⁷ instead showing “an overall pattern of execution-type injuries.”²⁵¹⁸ Finally, the very fact that reburials took place shows that the graves did not contain combat casualties.²⁵¹⁹

874. Forensic analysis does not support any reasonable inference that Srebrenica-related graves contain combat casualties as a result of their proximity to the column route. The evidence shows that approximately two-thirds of the men in the column were cut off and left behind in the Pobude area,²⁵²⁰ where the largest groups of Bosnian Muslim men were captured.²⁵²¹ There is no evidence of fighting taking place deep in the rear of the Zvornik Brigade’s zone of responsibility where the Branjevo Farm, Kozluk, Petkovci Dam and Orahovac mass graves are located.

875. As detailed in *Appendix E*, forensic experts observed generally-accepted procedures in the course of exhumations and analysis of remains.²⁵²²

Kozluk grave provides another indication that individuals were alive before their execution *in situ*. See Exh.P00871, ERN:0091-2184; Exh.P01909.

²⁵¹⁷ CLARK, T.5887-5888 (86% of individuals in gravesites killed by gun-shot wounds). According to Dr. Clark, the “commonest types of injuries in battle casualties are shrapnel injuries, bombs and other projectiles,” whereas injuries predominantly found in the Srebrenica graves were caused by bullets. Exh.P00897, CLARK, T.3939-3941. Clark also stated that combat results in far more wounded people than killed people (Exh.P00892, CLARK, T.7343-7344, T.7360). See also Exh.P00920, LAWRENCE, T.7542-7543 (“In modern combat [...] you would expect the majority of people to have shrapnel injuries in a conflict, not gun-shot wounds [...] the high number of gun-shot wounds would be odd in those circumstances.”).

²⁵¹⁸ Exh.P00897 CLARK, T.3970. See also Exh.P01359, HAGLUND, T.3769; CLARK, T.5903-5904, both rejecting suicide as a prominent cause of death.

²⁵¹⁹ Exh.P00920, LAWRENCE, T.7543. See also *Krstić* TJ, para.78 (“Such extreme measures would not have been necessary had the majority of the bodies in these graves been combat victims.”).

²⁵²⁰ AF533; Exh.P00170, Annex B, ERN:X019-6014-X019-6015, defining the Pobude area as stretching south of Bratunac-Konjević Polje road.

²⁵²¹ AF540.

²⁵²² [REDACTED – see Exh.P01819,] MANNING, T.18906-18908, T.18910-18911.

LEGAL ANALYSIS

(A) TOLIMIR COMMITTED DEPORTATION AND FORCIBLE TRANSFER (JCE TO FORCIBLY REMOVE THE BOSNIAN MUSLIM POPULATION FROM SREBRENICA AND ŽEPA) (JCE I)

876. **TOLIMIR** is liable under the first category of joint criminal enterprise liability for committing the crimes of forcible transfer and deportation. **TOLIMIR** shared the intent with other JCE members to forcibly transfer and/or deport the Bosnian Muslim populations from Srebrenica and Žepa and he significantly contributed to achieving the common plan of the JCE members.

(i) From around 8 March 1995, TOLIMIR and others shared a common plan to forcibly transfer or deport the Bosnian Muslim populations from Srebrenica and Žepa

877. The RS political and military leadership shared a long-standing goal to establish a Serbian state, by eliminating the Drina as a border between Serbia and Republika Srpska. This goal was set out in the Strategic Objectives of the Serbian People, discussed at the 16th RS Assembly session on 12 May 1992²⁵²³ with **TOLIMIR** in attendance.²⁵²⁴ “[E]very individual member of the VRS”²⁵²⁵ understood ethnic separation from the Muslims to be a key wartime goal.²⁵²⁶

878. Directive 4 (19 November 1992) called for the DK to “force [the enemy] to leave the Birač, Žepa and Goražde areas together with the Muslim population.”²⁵²⁷ Directive 7 (8 March 1995) tasked the DK with “creat[ing] an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa”²⁵²⁸ and directed that State and military organs:

[...] shall, through the planned and unobtrusively restrictive issuing of permits, reduce and limit the logistics support of UNPROFOR to the enclaves and the supply of material resources to the Muslim population, making them dependent on our good will while at the same time avoiding condemnation by the international community and international public opinion.²⁵²⁹

879. From around 8 March 1995 (*i.e.*, the issuance of Directive 7), there was a common plan to forcibly remove the Muslim populations of Srebrenica and Žepa. The evidence proves that Karadžić, Mladić, **TOLIMIR**, Miletić, Gvero, BEARA and others shared this

²⁵²³ Exh.P02477, pp.13-14.

²⁵²⁴ MILOVANOVIĆ, T.14184, T.14186-14187.

²⁵²⁵ Exh.P02733, LAZIĆ, T.21835.

²⁵²⁶ See para.111.

²⁵²⁷ Exh.P02495, p.5, item(d); see DK Order 2-126, Exh.P02434, p.1 (“and force the Muslim local population to abandon the area of Cerska, Žepa, Srebrenica and Goražde.”).

²⁵²⁸ Exh.P01214, p.10. Any purported legitimate military aim of Directive 7, to neutralise the ABiH presence in the enclaves, did not negate or extinguish the clearly illegal goals of the JCE members which drove the VRS attacks in July 1995. See *Đorđević* TJ, para.2003, 2008; *Milutinović* TJ, Vol.III, para.95; *Martić* TJ, para.442.

²⁵²⁹ Exh.P01214, p.14.

common plan. Once Karadžić had issued Directive 7, the VRS Main Staff, including **TOLIMIR**, worked to implement it through restrictions on humanitarian convoys, UNPROFOR supplies and leave rotations, sniping, shelling and terror attacks on the enclaves. VRS operations then expanded to include taking over the enclaves. During the course of this implementation, others joined the common plan and took part in it, including many of **TOLIMIR**'s subordinates, *i.e.*, JANKOVIĆ, PEĆANAC, POPOVIĆ, KOSORIĆ, GOLIĆ, Momir NIKOLIĆ, Drago NIKOLIĆ, TRBIĆ and ČARKIĆ. These subordinates were either JCE members or used as “tools” by at least one of the JCE members in furtherance of the common criminal plan.

880. **TOLIMIR**'s role in formulating and drafting Directives 4²⁵³⁰ and 7²⁵³¹—working as a team²⁵³² with the other VRS Main Staff Generals including Mladić, Milovanović, Gvero and Miletić—was significant. **TOLIMIR** helped shape both Directives by providing the necessary expertise to draft and implement the “intelligence and security support,”²⁵³³ as well as other relevant intelligence and security issues incorporated therein.²⁵³⁴

881. **TOLIMIR**'s JCE membership is further evidenced by his actions, including: (1) participating in planning and decision-making on restrictions of humanitarian convoys to the enclaves in Eastern Bosnia, UNPROFOR supplies and leave; (2) providing intelligence and security support for the military operations against Srebrenica and Žepa; (3) lying to and manipulating UNPROFOR in order to ensure the secrecy and success of those operations and their illegal objectives; and (4) personally overseeing all aspects of the Žepa forcible-removal operation.

(ii) The crimes were committed

882. JCE members, including **TOLIMIR**, forcibly removed the Muslim population of Srebrenica and Žepa using VRS and MUP personnel and assets. **TOLIMIR** personally oversaw the removal operation in the centre of Žepa²⁵³⁵ and participated in all stages of the

²⁵³⁰ Exh.P02495.

²⁵³¹ Exh.P01214.

²⁵³² OBRADOVIĆ, T.11943, T.11992-11994, T.12019; *see* para.30, 101, 163-164, 200.

²⁵³³ *See* para.11; Exh.P02495, p.7; Exh.P01214, p.14 (“In the implementation of other forms of support for combat operations, all measures are to be taken according to Directive Op no.6”). *See* Exh.D00300, pp.6-7.

²⁵³⁴ *See also* Exh.P01199, p.2 (referring to Directive 7 and VRS Main Staff intelligence reports as both containing details of the “intentions and possibilities of enemy forces,” indicating the importance of intelligence in military decision-making and the drafting of Directives); OBRADOVIĆ, T.11993 (“So, the part that pertains to the enemy is the part that is processed and then proposed as the finalized product by the intelligence organ”).

²⁵³⁵ *See* paras.432-459.

forcible-removal process starting with his involvement in formulating and drafting Directive 7.²⁵³⁶

883. By the end of the forcible-removal operation, the JCE members had driven tens of thousands of Muslims from their homes in Srebrenica and Žepa. The JCE members forcibly removed these people as follows:

- Srebrenica Muslims were forced to abandon their homes and go to Potočari, where: (1) women, children and elderly were transferred on buses and trucks to other Muslim-held areas in BiH and (2) men were separated, detained, transferred on buses and trucks to Bratunac and then Zvornik sites for execution by VRS and MUP forces;²⁵³⁷
- Srebrenica Muslim men and boys were forced to abandon their homes and flee on foot in the column, either: (1) to other Muslim-held areas in BiH or (2) into the hands of the VRS and MUP;²⁵³⁸
- Žepa Muslims were forced to abandon their homes and leave: (1) on buses and trucks to other Muslim-held areas in BiH²⁵³⁹ or (2) by fleeing on foot to Serbia (deportation).²⁵⁴⁰

884. These actions were not a legitimate evacuation.²⁵⁴¹ The movement of the populations from Srebrenica and Žepa was not necessary (in each case, taking place at the end or after the military attack, rather than during it).²⁵⁴² The displacements were not short-term,²⁵⁴³ and no steps were taken for the return of the people.²⁵⁴⁴ The populations were not removed using humanitarian means but were driven out by terror and the creation of a humanitarian crisis.²⁵⁴⁵ The long-standing plans of the RS political and military leadership to cleanse Eastern Bosnia of its Muslim population²⁵⁴⁶ further belie any claim of legitimacy. The evidence proves that the Srebrenica and Žepa Muslims left because the RS and VRS leadership pursued a long-term campaign to force them out—ultimately exploiting a military

²⁵³⁶ See paras.11, 163-164, 197-485.

²⁵³⁷ See paras.343-377.

²⁵³⁸ See paras.534-536.

²⁵³⁹ See paras.433-454.

²⁵⁴⁰ See paras.461.

²⁵⁴¹ See Defence PTB, Part 4, pp.88-96; see paras.468-469.

²⁵⁴² For Srebrenica see paras.261, 321-322, 343; for Žepa see paras.404-406, 413, 419, 426-432.

²⁵⁴³ See paras.829-830, 454-455, 470-471.

²⁵⁴⁴ See paras.430-431.

²⁵⁴⁵ Regarding Žepa see paras.464-469; regarding Srebrenica see paras.261-274, 295, 325-326; regarding restriction of humanitarian convoys see paras.201-234.

²⁵⁴⁶ See paras.94-122 and 197-200.

opportunity illegally to carry out RS strategic goals. The UN Secretary-General's Report on the Fall of Srebrenica explains:

[A] central objective of the conflict was the use of military means to terrorize civilian populations, often with the goal of forcing their flight in a process that came to be known as "ethnic cleansing" [...] [A]lthough several hundred thousand men were engaged for three and a half years, and although several tens of thousands of combatants were killed, *the conflict was more often one of attrition, terror, gangsterism and negotiation than it was of high-intensity warfare.*²⁵⁴⁷

885. **TOLIMIR** and his fellow JCE members were experts at using all means available—including military force, humanitarian pressure, propaganda, terror and forced negotiations—to achieve their criminal goals. Although they took precautions to conceal these ambitions, the evidence proves that both their means and ends were criminal.²⁵⁴⁸

(iii) TOLIMIR significantly contributed to the common criminal plan

886. **TOLIMIR** played a central role in the forcible-transfer operations against the enclaves, from the drafting of Directive 7 in March 1995 aimed at driving the Bosnian Muslim population out through to his direct control and orders to complete the Žepa forcible-transfer operation at the end of July 1995.

TOLIMIR restricted UNPROFOR and humanitarian aid convoys

887. From the issuance of Directive 7 until the attacks on the Srebrenica and Žepa enclaves, **TOLIMIR** implemented the VRS/RS policy to restrict UNPROFOR and humanitarian aid convoys.²⁵⁴⁹ The aim was to make life unsustainable in the enclaves as well as undermine their defence by UNPROFOR and the ABiH, to facilitate future attacks on the enclave.

888. Directive 7 called for these debilitating convoy and personnel-movement restrictions to be implemented surreptitiously.²⁵⁵⁰ **TOLIMIR** and other VRS Main Staff officers therefore allowed the passage of some convoys and occasional personnel movement requests while refusing others, allowing them to conceal their wrongdoing while working to achieve their illegal goals.

TOLIMIR provided intelligence and security support for the VRS's efforts to forcibly remove the Bosnian Muslim population from Srebrenica and Žepa pursuant to Directive 7

889. Intelligence was of obvious importance to the planning of military operations, including the operations to drive the Muslim populations out of Srebrenica and Žepa.²⁵⁵¹

²⁵⁴⁷ Exh.D00122, p.9 (emphasis added).

²⁵⁴⁸ See paras.197-485.

²⁵⁴⁹ See paras.201-234.

²⁵⁵⁰ Exh.P01214, p.14.

²⁵⁵¹ See paras.58-64, 880.

TOLIMIR's subordinate intelligence officers, acting pursuant to his authority and under his direction, control and guidance, played a key role in keeping the VRS Main Staff and DK Command informed about developments which could affect the planning and implementation of the forcible-removal operations. Throughout the lead-up in March-July 1995, **TOLIMIR** and his subordinates including SALAPURA and PEĆANAC provided regular intelligence reports about Srebrenica and Žepa to support the forthcoming attacks.²⁵⁵²

TOLIMIR approved the engagement of the 10th Sabotage Detachment to carry out acts of terror against Srebrenica civilians in an effort to make life in the enclave unbearable

890. **TOLIMIR** was on duty and passed on the order for the 10th Sabotage Detachment's 23 June 1995 "tunnel attack" on Srebrenica. This attack involved firing on civilians in the town as part of the campaign to spread terror among the population. Given the indiscriminate nature of the tunnel attack, it could only have been intended to instil fear among the Srebrenica Muslim population, thus directly contributing to their ultimate expulsion only a few weeks later.²⁵⁵³

TOLIMIR participated in co-ordinating, overseeing and supporting the *Krivaja-95* attack on Srebrenica

891. **TOLIMIR** performed key liaison oversight and co-ordination tasks during the period of the Srebrenica attack.²⁵⁵⁴ In addition, several of his immediate and professional subordinates were deployed in support of the operation as **TOLIMIR**'s eyes and ears on the ground, including, at various times, BEARA, JANKOVIĆ, PEĆANAC, POPOVIĆ and Momir NIKOLIĆ as well as elements of the 10th Sabotage Detachment, 65thZMTP, DK MPs and Bratunac Brigade MPs.²⁵⁵⁵ **TOLIMIR** gathered information from these sources as well as from the command staff in the field, including Krstić, to provide a 'battlefield picture' necessary for the VRS Main Staff and DK to carry out the attack and the subsequent handling of the Srebrenica civilian population.²⁵⁵⁶

892. On 9 July, **TOLIMIR** passed on Karadžić's authorisation of the VRS Main Staff's proposal to capture Srebrenica town, which was beyond any legitimate military objective. **TOLIMIR** sent this communication from the VRS Main Staff to the Pribićevec IKM,

²⁵⁵² Exh.D00510, p.1; Exh.D00237, p.2; Exh.D00178, p.3; Exh.D00516; Exh.D00517, p.2; Exh.P02140; Exh.P02212; Exh.D00241; Exh.D00246, p.2; Exh.D00145, p.1; Exh.P02512, pp.1, 4; Exh.D00238, p.5; Exh.P02432 (This order begins with the words, "According to the information gathered..." and goes on to set out details of the state of the Muslim forces in Srebrenica and Žepa and the likely nature of an anticipated Muslim attack).

²⁵⁵³ See paras.236-238.

²⁵⁵⁴ See paras.261-320.

²⁵⁵⁵ See paras.321-342; Exh.P02529.

²⁵⁵⁶ See, e.g., Exh.D00208; Exh.P02518.

addressed to Gvero and Krstić personally.²⁵⁵⁷ This communication demonstrates **TOLIMIR**'s participation in co-ordinating the Srebrenica attack and confirms his knowledge of the expanded attack to take over the Srebrenica enclave, which directly contributed to the forcible removal of the population.

893. In addition, **TOLIMIR**, in co-ordination in particular with Gvero, lied to, stalled and manipulated UNPROFOR during the Srebrenica operation to facilitate the VRS's take-over of the enclaves and subsequent forcible removal of the population. **TOLIMIR**'s lies, stalling and manipulation neutralised UNPROFOR troops during the key final stages of the Srebrenica operation such that UNPROFOR were unable to block the VRS's attack to defend the enclave.²⁵⁵⁸ In **TOLIMIR**'s own words—as stated in his telegram to Krstić on the evening of 9 July—his purpose was to allow Krstić “to continue to work according to plan.”²⁵⁵⁹ **TOLIMIR** continued with such actions towards UNPROFOR during the Žepa operation, with the same effect²⁵⁶⁰—all in facilitation of the goal of the JCE to forcibly remove the Muslim population of Srebrenica.

TOLIMIR supervised, directed and controlled his subordinates during the forcible transfer from Potočari on 12-13 July

894. **TOLIMIR** supervised, directed and controlled his subordinates, including JANKOVIĆ, POPOVIĆ and Momir NIKOLIĆ, as well as Bratunac Brigade and DK MPs as they managed the forcible removal from Potočari on 12-13 July,²⁵⁶¹ knowing full well the illegal objective of their work.

TOLIMIR oversaw and supervised the VRS's attack on Žepa in co-ordination with Mladić and Krstić from 13 July onwards

895. **TOLIMIR** was present in the Žepa/Rogatica area from 13 July onwards to provide VRS Main Staff oversight and supervision of the Žepa attack.²⁵⁶² **TOLIMIR** worked closely with Mladić and Krstić to ensure the forcible removal of Žepa's Muslim population. Notably:

- On 13 July, **TOLIMIR** presented the Žepa Muslims with an illegal ultimatum—the population must leave the enclave or face military action (which constitutes physical

²⁵⁵⁷ See para.286; Exh.D00041.

²⁵⁵⁸ See paras.267-320.

²⁵⁵⁹ Exh.D00085.

²⁵⁶⁰ See para.407.

²⁵⁶¹ See paras.343-366, 371, 374, 378.

²⁵⁶² See paras.402-485.

perpetration of the *actus reus* of forcible transfer as a threat of force which led to displacement);²⁵⁶³

- On 21 July, **TOLIMIR** proposed shelling groups of fleeing refugees, including civilians,²⁵⁶⁴ and using tear gas and aerosol bombs against the Muslim soldiers in Žepa;²⁵⁶⁵
- On 24 July, Mladić put **TOLIMIR** in charge of the operation to forcibly transfer the Žepa population. **TOLIMIR** remained in the Žepa/Rogatica area until 29 July to personally direct the operation until the entire population had been removed.²⁵⁶⁶ **TOLIMIR**'s direct control and physical participation in the forcible transfer included his intervention and removal of Žepa men from a convoy who were then transferred to Rogatica prison.²⁵⁶⁷

896. As with Srebrenica, in Žepa **TOLIMIR** sought to manipulate and control UNPROFOR's actions. He explained this in a 14 July 1995 report to the Main Staff, the DK Command including to Krstić personally, and to the Command of the 65thZMTP. The report, entitled, "Placing the UNPROFOR checkpoints under control," states:²⁵⁶⁸

...For the time being we have taken full control over the checkpoint number 2 at Bokšanića where the Command of the UNPROFOR forces is located. We have wire connection with it. The checkpoint will remain functioning as if it is not blocked and surrounded by our forces.

We plan to direct the work of other UN checkpoints through this checkpoint.

We have instructed the UNPROFOR Command to issue instructions to their checkpoints not to open fire on VRS units and to instead simulate the action by shooting in the air if forced to do so by the Muslims.

All checkpoints have received the task to remain at their current locations even after the VRS units have passed and to report only to their Commander who is at the checkpoint number 2 under our control. They will report to us on activities of the Muslims.

TOLIMIR ends the report requesting "that you please inform us whether you agree with our proposal with regards to work with UNPROFOR." **TOLIMIR**'s participation in the Main Staff's oversight and organisation of the Žepa operation here is clear. He addresses the key concern of how to neutralise UNPROFOR to allow the continuation of the VRS's attack.

²⁵⁶³ Also charged as physical perpetration, Indictment para.60(d)(iii) and Prosecution PTB paras.245, 408. *See also* para.405.

²⁵⁶⁴ [REDACTED – see Exh.P02418], SAVČIĆ, T.15373.

²⁵⁶⁵ *See* paras.422-423.

²⁵⁶⁶ *See* paras.432-459.

²⁵⁶⁷ Also charged as individual physical perpetration, Indictment para.60(d)(iv), *see also* Prosecution PTB, paras.245, 254, 408.

²⁵⁶⁸ Exh.P00129.

(iv) TOLIMIR shared the intent to deport and/or forcibly transfer the Bosnian Muslim population from Srebrenica and Žepa

897. **TOLIMIR** was an active and valued member of the VRS Main Staff from its inception in 1992. From the outset, he contributed to the VRS Main Staff's implementation of the Strategic Objectives and helped to shape the Directives to give them effect, including Directives 4, 7 and 7/1.²⁵⁶⁹ These Directives set out the criminal aim of the RS and VRS leadership to ethnically cleanse Serb-claimed areas of BiH, including the eastern enclaves.²⁵⁷⁰ **TOLIMIR**'s knowledge of, contribution to, implementation and enforcement of this aim establishes his intent. **TOLIMIR** shared this intent with JCE members Mladić, Gvero, Miletić, BEARA, POPOVIĆ and others, whose own actions prove their intent.²⁵⁷¹

898. **TOLIMIR**'s conduct during the Srebrenica and Žepa operations further confirms this intent. **TOLIMIR** played a key role in restricting convoys to the enclaves as well as overseeing terror activities against Srebrenica, in furtherance of Directive 7's objective to "create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Žepa."²⁵⁷² His Sector supported the *Krivaja-95* (Srebrenica) and *Stupčanica-95*²⁵⁷³ (Žepa) attacks by providing and overseeing the requisite security and intelligence assets. He was directly involved in and responsible for the forcible-removal operations, along with his security and intelligence subordinates; and he was personally responsible for overseeing the Žepa forcible-removal operation, issuing threats of force to get the population to leave and directly controlling and physically participating in the forcible transfer itself.

899. Finally, **TOLIMIR**'s own communications reveal his intent. On 13 July 1995, **TOLIMIR** informed Krstić of his ultimatum for the Žepa population (including civilians) to leave the enclave or otherwise face military action.²⁵⁷⁴ On 21 July 1995, **TOLIMIR** proposed the use of ²⁵⁷⁵ tear gas and aerosol bombs against the ABiH Žepa Brigade against the rules of the VRS and to fire on groups of fleeing Muslim civilian refugees,²⁵⁷⁶ underscoring his clear intention to apply whatever force necessary to ensure the removal of the Muslim population. **TOLIMIR** used fear and intimidation strategically, in pursuit of a

²⁵⁶⁹ See paras.94-122, 163-165, 197-200. Both Directives 7 and 7/1 exhibit the use of intelligence information in their drafting: Exh.P01199, pp.1-2 (at p.2: "Other details of the intentions and possibilities of enemy forces are in Directive No.7 and daily intelligence reports of the VRS Main Staff").

²⁵⁷⁰ See paras.106-108 and 197-200.

²⁵⁷¹ See paras.197-485.

²⁵⁷² Exh.P01214, p.10.

²⁵⁷³ Exh.P01225; BUTLER, T.16708.

²⁵⁷⁴ See para.405; Exh.P00491, p.2.

²⁵⁷⁵ KESEROVIĆ, T.14163-14171; OBRADOVIĆ, T.12059-12060; Exh. P02225, p.13.

²⁵⁷⁶ See paras.422-423; Exh.P00488.

criminal objective that he shared with the other JCE members: to forcibly remove a defenceless population legitimately present on Bosnian Serb-claimed territory; he was not the good-faith negotiator.²⁵⁷⁷

(B) TOLIMIR COMMITTED OPPORTUNISTIC KILLINGS, TARGETTED KILLINGS AND PERSECUTIONS (JCE III)

900. The charged opportunistic killings,²⁵⁷⁸ foreseeable targeted killings²⁵⁷⁹ and persecutory acts²⁵⁸⁰ have been proven beyond reasonable doubt.²⁵⁸¹ **TOLIMIR** is criminally responsible for these killings and persecutory acts because: (1) they were the natural and foreseeable consequences of carrying out the forcible-removal JCE; and (2) **TOLIMIR** willingly took the risk that such crimes might occur as a consequence of the JCE.

901. In general, acts of serious violence committed against the Srebrenica and Žepa Muslims were natural and foreseeable consequences of the policy to ethnically cleanse Bosnian Serb-claimed territory, including the Drina River valley. Such acts had been committed in and around the Srebrenica and Žepa enclaves as well as throughout Bosnia from the start of the war.²⁵⁸² Furthermore, the Srebrenica and Žepa forcible-removal operations by their very nature involved fatal violence or the possibility of fatal violence at all stages. The use of such violence was inherent to the implementation of Directive 7. The VRS subjected the enclaves to shelling, sniping and terror attacks starting in March 1995 or in the months that followed the issuance of Directive 7, culminating in the full-scale assaults on Srebrenica from 6-11 July and on Žepa from 14-24 July, which involved indiscriminate shelling. With the heavy Bosnian Serb military presence in Potočari on 12-13 July and in Žepa on 24-29 July, the Srebrenica and Žepa Muslim populations were at the mercy of the VRS, whose soldiers had lost their comrades and family members during the war and were predictably angry and in search of revenge.

(v) TOLIMIR committed opportunistic killings

902. **TOLIMIR** is liable for the charged opportunistic killings as a natural and foreseeable consequence of the JCE to forcibly displace. The opportunistic killings were foreseeable to **TOLIMIR** personally. As VRS Main Staff Assistant Commander for Intelligence and Security Affairs throughout the war, **TOLIMIR** had full knowledge of the

²⁵⁷⁷ See paras.405-406.

²⁵⁷⁸ Indictment para.22.

²⁵⁷⁹ Indictment para.23.1.

²⁵⁸⁰ Indictment para.34.

²⁵⁸¹ See paras.352, 369-375, 377-396, 462-463, 470-485 and 846 and generally, the forcible removal and murder JCE sections of this Brief.

²⁵⁸² See paras.93-123.

historical context, the build-up of ethnic hatred, and the policy of ethnic cleansing pursued by the RS prior to July 1995. As a result of **TOLIMIR**'s high-level of involvement, his broad overview of the Srebrenica operation, and his knowledge of the events as they unfolded, he could foresee—as could have anyone in his position—that serious violence, including killings, might result.

903. Indeed, **TOLIMIR** not only knew that fatal violence might occur during and in the aftermath of ethnic-cleansing operations such as those that took place against Srebrenica and Žepa—he personally proposed the use of violence in the course of such operations. On 12 July, **TOLIMIR** sent instructions to Krstić, POPOVIĆ and other DK security and intelligence subordinates, stating “it is very important to arrest as many members of the shattered Muslim units as possible, *or liquidate them if they resist* [...]”.²⁵⁸³ Further, in his 21 July 1995 report on the situation in Žepa, sent personally to Miletić, **TOLIMIR** proposed “that we could force Muslims to surrender sooner if we destroyed groups of Muslim refugees fleeing [...]”.²⁵⁸⁴ Given **TOLIMIR**'s own disregard for the lives of Bosnian Muslims, he could expect that other members of the VRS, including his own subordinates, would exhibit a similar propensity to use fatal violence.

(vi) **TOLIMIR committed foreseeable targeted killings**

904. **TOLIMIR** is liable for the targeted killings of Mehmed Hajrić, Amir Imamović and Avdo Palić as natural and foreseeable consequences of the common plan to forcibly remove the Bosnian Muslim populations from Srebrenica and Žepa.

905. Given the notorious prisoner abuses which occurred during the war, it was natural and foreseeable that extreme violence might be used against individuals such as Hajrić, Imamović and Palić, who were detained by the VRS during the forcible removal process.²⁵⁸⁵ Further, the evidence shows that these men in particular were targeted because they formed a core part of the Žepa leadership. Their murders were consistent with the pattern of targeting prominent enemy leaders throughout the war. In particular, Muslim religious leaders were killed during or after other VRS operations, alongside the widespread destruction of Muslim cultural sites such as mosques.²⁵⁸⁶ The purpose of this targeting and destruction was to eliminate the Žepa Muslims' ability to sustain their community in the territory from which they were being cleansed and to facilitate their expulsion.

²⁵⁸³ Exh.D00064, p.2. (emphasis added).

²⁵⁸⁴ Exh.P00488.

²⁵⁸⁵ DUMANJIĆ, T.17940, T.17943; Exh.P02486; Exh.P02257.

²⁵⁸⁶ See paras.377, 470-473, 481-484.

906. **TOLIMIR** knew that the three Žepa leaders were at risk of being killed following their capture during the forcible removal operation, based on: (1) his involvement in their capture and detention whilst he supervised the Žepa forcible-removal operation;²⁵⁸⁷ (2) his knowledge of violence used during other VRS ethnic-cleansing operations and specifically, the knowledge of violence used against captives in VRS custody he gained from his high-level position throughout the war;²⁵⁸⁸ (3) his subordinate security and intelligence officers and MPs having custody of the three Žepa leaders during their detention;²⁵⁸⁹ and (4) the disregard for life which **TOLIMIR** himself exhibited during the Srebrenica and Žepa operations (such as his 21 July proposal to use chemical weapons and aerosol weapons against the ABiH Žepa Brigade and to destroy fleeing groups of Muslim refugees). He could expect other VRS members, including his own subordinates, to share in this attitude.

(vii) TOLIMIR committed persecutions that were a natural and foreseeable consequence of the JCE to forcibly displace

907. All of the charged persecutory crimes have been proven beyond reasonable doubt.²⁵⁹⁰ The underlying *actus reus* of the persecutions charged at Indictment paragraphs 34(c) and (e)—terrorisation, forcible transfer, deportation—were constituent elements of the forcible-removal operation for which **TOLIMIR** is criminally liable under JCE I. The possibility that these acts might be carried out with discriminatory intent (*i.e.*, were persecutory acts) was a natural and foreseeable consequence of the forcible-removal JCE, given the JCE members' execution of an ethnically motivated campaign throughout the war and, in particular, from March 1995 onwards.

908. For the same reasons as explained immediately above concerning the foreseeability of the opportunistic and targeted killings, it was a natural and foreseeable consequence, and foreseeable to **TOLIMIR**, that the other persecutory acts charged at Indictment paragraph 34 were possible consequences of the forcible-removal operation. Specifically, given the animosity and hatred which had developed during the course of the war,²⁵⁹¹ it was foreseeable to **TOLIMIR** that other JCE members and the VRS and MUP troops participating in the JCE's implementation might engage in murder, beating and the

²⁵⁸⁷ See paras.455-457, 474-484.

²⁵⁸⁸ See paras.32-37.

²⁵⁸⁹ ČARKIĆ and the Rogatica Brigade's MPs directly supervised Hajrić's and Imamović's custody. Palić's imprisonment was directly supervised by at least four of **TOLIMIR**'s subordinates, BEARA, PEĆANAC, TODOROVIĆ and ČARKIĆ, two of whom – namely, BEARA and PEĆANAC – **TOLIMIR** knew to have been fully engaged in the Srebrenica murder operation.

²⁵⁹⁰ See paras.352, 369-375, 377-396, 462-463, 470-485 and 846 and generally, the forcible removal and murder JCE sections of this Brief.

²⁵⁹¹ See, *e.g.*, PETROVIĆ, T.14442-14443; Exh.P01247, pp.1-2; Exh.P02880, p.7; Exh.P02798, transcript pp.11, 147.

destruction of personal property and effects, all with discriminatory intent against the Bosnian Muslim victims of the forcible-removal operation. Further, given the persecutory nature of the forcible-transfer operation,²⁵⁹² it was foreseeable that related acts might be committed by the same participants as a consequence of that criminal operation, with persecutory intent.

(C) TOLIMIR ALSO COMMITTED, PLANNED, INSTIGATED, ORDERED AND/OR AIDED AND ABETTED FORCIBLE TRANSFER AND DEPORTATION

909. Alternatively or additionally, **TOLIMIR** is also criminally liable for the crimes committed as part of the forcible removal operation based on other modes of liability under Article 7(1) of the Statute, namely planning, instigating, ordering, and aiding and abetting.

(viii) Planning

910. **TOLIMIR** was involved in the long-term planning and organising of the forcible-removal operation pursuant to Directive 7.²⁵⁹³ The Directive was the basis upon which subsequent attacks on the Srebrenica and Žepa enclaves took form and which framed the operations and policies requisite to achieving the criminal objectives of the RS and VRS leadership.²⁵⁹⁴ This operation required the engagement of officers and units under **TOLIMIR**'s supervision and control to carry out specialist tasks within the competences of his Sector. The involvement of security and intelligence officers as well as specialist subordinate units (10th Sabotage Detachment, 410thObC and MP units) pursuant to the Directive 7 was necessary to support the attacks against Srebrenica and Žepa and to ensure the smooth running of the subsequent operation to remove the civilian population from the enclaves. The evidence proves that **TOLIMIR** acted with the direct intent and in awareness of the substantial likelihood that crimes would be committed pursuant to the planned forcible-removal operation in several ways:

- **TOLIMIR** participated in the planning and shaping of Directive 7 and its implementation;²⁵⁹⁵
- **TOLIMIR** participated in the planning, decision-making and VRS's handling of UNPROFOR and humanitarian aid convoy restrictions, including by deploying

²⁵⁹² See paras.197-485. *Milošević* AJ, para.268; *Kordić* AJ, para.26.

²⁵⁹³ See paras.163-164, 200, 212, 218, 234, 237.

²⁵⁹⁴ *Kordić* AJ, para.26; *Nahimana* AJ, para.479; BUTLER, T.16480-16481.

²⁵⁹⁵ See paras.197-200 and generally, paras.197-485.

security officers such as Momir NIKOLIĆ and MPs to ensure compliance with RS and VRS decisions on these matters;²⁵⁹⁶

- **TOLIMIR** planned and/or approved plans for the engagement of the 10th Sabotage Detachment in the 23 June 1995 tunnel attack on Srebrenica;²⁵⁹⁷
- **TOLIMIR** planned, oversaw and/or organised intelligence and security support for the attacks on Srebrenica and Žepa, including the deployment of security and intelligence officers during both the attacks and the ensuing forcible removal operation;²⁵⁹⁸
- **TOLIMIR** planned and organised the VRS's response to UNPROFOR during the Srebrenica and Žepa operations to obstruct UNPROFOR and prevent their intervention in order to allow for the takeover of the enclaves. In particular concerning Srebrenica, **TOLIMIR's** and Gvero's strategic-level involvement in handling UNPROFOR was the result of advance planning and also required further adaptation and responsive planning during the course of the operation (*e.g.*, **TOLIMIR** had to organise the provision of regular combat updates from Krstić in order to respond to Nicolai's questioning about the progress of the VRS's attack).²⁵⁹⁹

(ix) **Ordering**

911. **TOLIMIR** was in a position of authority, both as a general and as the VRS Main Staff's Assistant Commander for Intelligence and Security Affairs.²⁶⁰⁰ **TOLIMIR** commanded his Sector's staff and had control over all other professional subordinates, VRS MP units and other units attached to the Main Staff. Irrespective of this formal relationship,²⁶⁰¹ given his authority over these elements of the VRS, his instructions and guidance to his subordinates, both immediate and professional, constituted "ordering".²⁶⁰² These instructions and this guidance carried with them the implicit understanding and expectation that they would be followed.²⁶⁰³ Such orders need not have been express,²⁶⁰⁴ in any particular form,²⁶⁰⁵ or necessarily have originated with **TOLIMIR** (i.e., he could have

²⁵⁹⁶ See paras.201-234.

²⁵⁹⁷ See paras.236-238.

²⁵⁹⁸ See paras.197-485.

²⁵⁹⁹ See paras.261-320, 407-408, 596-602.

²⁶⁰⁰ *Karera* AJ, para.211; *Semanza* AJ, para.361.

²⁶⁰¹ *Kordić* AJ, para.28.

²⁶⁰² *Karera* AJ, para.211; *Semanza* AJ, para.361.

²⁶⁰³ See paras.39, 58, 60-63, 74-75, 130, 132, 133; see also P.ŠKRBIĆ, T.18793; KESEROVIĆ, T.14001-14002.

²⁶⁰⁴ *Naletilić* TJ, para.61.

²⁶⁰⁵ *Milutinović* TJ (Vol. 1), para.87; *Akayesu* TJ, para.483; *Blaškić* TJ, para.281; *Galić* TJ, para.168; *Kordić* TJ, para.388; *Krstić* TJ, para.601.

passed them on).²⁶⁰⁶ The pervasive involvement of the VRS's security, intelligence and MP assets in the forcible removal operation proves that **TOLIMIR** actively issued and/or passed on orders permitting and/or mandating their participation in the crimes.²⁶⁰⁷ Furthermore, as concerns **Žepa**, **TOLIMIR**'s responsibilities and conduct prove that he gave orders implementing the plan to forcibly remove the Muslim population. Examples of **TOLIMIR**'s express orders include those concerning practical measures for the population to be removed and directing the movement of the population out of **Žepa** on 25-28 July.²⁶⁰⁸

(x) Aiding and abetting

912. All of **TOLIMIR**'s acts described above concerning the forcible-removal JCE prove his liability for aiding and abetting. **TOLIMIR**'s conduct encouraged²⁶⁰⁹ and gave practical support to perpetrators.²⁶¹⁰ As set out above in the JCE section, the conduct which comprised his contributions individually and cumulatively were not only significant, but had a substantial effect on the commission of the crimes.²⁶¹¹ **TOLIMIR** knew that his acts assisted in the commission of the crimes being committed against the populations of Srebrenica and **Žepa**.²⁶¹²

(D) TOLIMIR COMMITTED GENOCIDE, EXTERMINATION, MURDER, PERSECUTIONS (JCE TO MURDER)

(xi) From around 12 July there was a common criminal plan to murder the able-bodied Muslim men from Srebrenica

913. The evidence establishes beyond reasonable doubt that by 12 July, a common plan existed to destroy the Bosnian Muslims of Srebrenica. This plan, shared by **TOLIMIR** and others, included the crimes of genocide, extermination, murder and persecutions, and was to be implemented through: (i) the murder of the able-bodied Muslim men separated in Potočari or captured from the column fleeing from Srebrenica; (ii) the separation and forced movement of the population; (iii) cruel and inhumane treatment; (iv) terrorising the population, and other persecutions. The existence of the common plan from 12 July is proven by the following:

²⁶⁰⁶ *Milutinović* TJ (Vol. 1), para.87; *Kupreškić* TJ, para.862; *Kupreškić* AJ, para.450-451.

²⁶⁰⁷ *Milošević* AJ, para.290; *Kordić* AJ, para.28.

²⁶⁰⁸ See paras.412, 432, 436-437, 439, 442, 446, 453.

²⁶⁰⁹ *Milutinović* TJ (Vol. 1), paras.89-90; *Tadić* TJ, paras.689-692 and 678-687. See also *Boškoski* TJ, para.402: Such encouragement may consist of a tacit approval of a person in a position of authority and physically present at the crime scene, even where he had no duty to act.

²⁶¹⁰ *Blaškić* AJ, para.46; *Furundžija* TJ, paras.205-209, 232-235.

²⁶¹¹ *Blaškić* AJ, para.46; *Čelebići* TJ, para.326 (footnotes omitted); *Tadić* TJ, paras.689-692.

²⁶¹² *Blagojević and Jokić* AJ, para.127.

- Momir NIKOLIĆ gave credible evidence that POPOVIĆ told him about the plan to murder the able-bodied men just before the third Hotel Fontana meeting on the morning of 12 July;²⁶¹³
- Mladić announced at the 12 July Third Hotel Fontana Meeting that all the Bosnian Muslim men in Potočari were to be separated and screened for war crimes;²⁶¹⁴
- Extensive organisation was required to separate and detain the Muslim men in the crowd at Potočari (and—for those who had managed to board buses towards Kladanj —at Luke), transport them to Bratunac, guard them there and simultaneously carry out the forcible transfer of the women, children and elderly; and
- Once those men had been detained, their fate was indicated by the fact that the VRS made no lists of their names,²⁶¹⁵ did not screen them, stripped them of their personal belongings including identity documents (which in some cases were destroyed), deprived them of food, water and medical treatment, and subjected them, with the assistance of the MUP, to serious physical violence.

914. On 12 July, the common plan was shared by VRS officers including Mladić, POPOVIĆ, KOSORIĆ and Momir NIKOLIĆ, as well as others including Karadžić. This group expanded as the murder operation got underway.

915. Evidence from 13 July and onwards further confirms the existence of the common criminal plan. Throughout 13 July, the VRS and re-subordinated RS MUP units captured thousands more Muslim men along the Bratunac-Konjević Polje-Milići road,²⁶¹⁶ working under the supervision and control of JCE members including Mladić, BEARA, Borovčanin, Momir NIKOLIĆ and Malinić.²⁶¹⁷ The organised murders are first known to have begun in the morning of 13 July when 15 Muslims were summarily executed on the banks of the Jadar River. By the day's end, large numbers of Muslims had already been killed and preparations were in motion to murder thousands more. Those killings continued on a massive scale until 16 July. Further smaller-scale mass executions took place after that. The geographic scope of the crimes—covering a large area of Eastern Bosnia, and for the Scorpions' victims in Trnovo, within the Sarajevo-Romanija Corps' area of responsibility—the consistent *modus operandi* and enormous logistical support required to carry out the crimes demonstrates

²⁶¹³ See paras.496-500.

²⁶¹⁴ Meaning the separation of men destined for another fate.

²⁶¹⁵ Apart from at Nova Kasaba (where for a brief period men were being listed: see [PW-016], T.9401; MALINIĆ, T.15376-15379, T.15389, T.15397; KESEROVIĆ, T.13966-13968; T.14081, T.14100-14101.

²⁶¹⁶ See paras.534-560.

²⁶¹⁷ See paras.539-541, 551, 555-556, 567-569, 587-592.

centralised Main Staff co-ordination.²⁶¹⁸ Thus, the effort required to covertly capture, transport, detain, murder and bury those thousands of prisoners proves the existence of the common criminal plan.

(xii) The crimes of genocide, extermination, murder and persecutions were committed

916. During the murder operation, at least 7,000 Bosnian Muslim men and boys from Srebrenica were executed. The vast majority were murdered between 13 and 16 July 1995.²⁶¹⁹ Meanwhile, the remaining population from Srebrenica and Žepa was expelled from Republika Srpska. Taken alone, or combined with the forcible removal, the murders destroyed the Muslim population of Eastern Bosnia, amounting to genocide.²⁶²⁰

917. The murders were supervised, organised and directed by JCE members, who—as shown on the marked map at *Appendix G*—were present at the key crime sites. The guards, drivers, executioners, gravediggers and other personnel who supported the operation were VRS and MUP soldiers and members of units commanded and/or controlled by JCE members, who used these troops to commit the crimes within the common criminal plan.

(xiii) TOLIMIR knew of the common plan to murder the able-bodied Muslim men from Srebrenica at the latest on the morning of 13 July

918. **TOLIMIR** returned *via* Vlasenica to Crna Rijeka from Bijeljina on the evening of 12 July.²⁶²¹ As one of Mladić's closest advisors and trusted confidants, he learned of the plan to kill the captured Muslim men that night, or sometime during the early hours of 13 July at the latest. All of **TOLIMIR**'s subordinates involved in the murder operation on 12 July, including BEARA, JANKOVIĆ, POPOVIĆ and KOSORIĆ, were duty-bound to inform him. Further, **TOLIMIR** had to know about the plan, given his responsibility for security and intelligence matters, his particular responsibility for prisoner-related issues and the need for his oversight control over the security of the operation. It is clear that following his 12 July communication to POPOVIĆ and Krstić proposing that the VRS make lists of the captured men, **TOLIMIR** was promptly informed of the plan to murder them. **TOLIMIR**'s orders and proposals in relation to the prisoners on 13 July demonstrate his knowledge of their fate. Further, his cancellation of his previous order to TODOROVIĆ to prepare to receive 1,000-

²⁶¹⁸ [REDACTED],

²⁶¹⁹ See paras.858, 860, 864.

²⁶²⁰ See paras.197-850 and, in particular, 829-850, 858, 860, 864.

²⁶²¹ See para.512; MIČIĆ, T.16000 (**TOLIMIR**'s driver, Mičić, was clear about the date on which he drove **TOLIMIR** to Bijeljina and then returned via Vlasenica as 12 July is Mičić's 'name day'), T.16001, T.16003; Exh.D00296, pp.5-6, 9, 27-28.

1,200 Srebrenica men at Batković prison camp, where they would be registered and held for exchange—saying “we gave up on that idea”—clearly demonstrates his knowledge.

919. The alternative conclusion—that **TOLIMIR** was, or even could have been, kept in the dark about the plan to murder the thousands of able-bodied Muslim men from Srebrenica—is, on the evidence in this case, simply incredible and not founded in reason.

(xiv) TOLIMIR was a member of the JCE

920. **TOLIMIR**’s conduct from 13 July onwards proves that he became a member of the JCE and shared the common criminal plan. This is the only reasonable conclusion based on the evidence that he:

- never withdrew his subordinate security and intelligence officers from the murder operation. The evidence proves that **TOLIMIR**’s subordinates could not have been so extensively involved in planning and executing the crimes without his knowledge, supervision and authorisation;²⁶²²
- did not act to protect the prisoners by giving orders to deploy troops such as the 10th Sabotage Detachment, the 65th ZMTP MP battalion or other MP units;²⁶²³ and
- did not seek to impede the progress of the murder operation by informing UNPROFOR, the ICRC, the news media or anyone else.²⁶²⁴

To the contrary, **TOLIMIR** affirmatively:

- cancelled arrangements at the Batković Camp for the arrival of captured Srebrenica Muslim men;²⁶²⁵
- provided guidance, direction, instructions and authorisation for his subordinates’ participation in the murder operation; and
- proposed means by which to achieve the aims of the JCE and thus participated in its decision-making. Namely, he made proposals concerning the disposition and concealment of captured Srebrenica Muslim men, proposals that were consistent with the concealed detention and transport of those men to sites from which they could be taken for execution. Unlike his 12 July direction for Batković Camp to be prepared for prisoners, these proposals were inconsistent with their detention at

²⁶²² See paras.486-850.

²⁶²³ See paras.486-850.

²⁶²⁴ See paras.486-850.

²⁶²⁵ See paras.519-533.

recognised detention facilities at which they could be registered with the ICRC and held as valuable intelligence sources and for eventual exchange with the ABiH.²⁶²⁶

(xv) **TOLIMIR significantly contributed to the common criminal plan**

921. Both individually and collectively, **TOLIMIR**'s acts and omissions significantly contributed to the crimes charged.

TOLIMIR's actions

922. **TOLIMIR**'s immediate and professional subordinates managed and implemented the murder operation. **TOLIMIR**'s most significant contribution to the murder JCE was his command, supervision, organisation, co-ordination, direction and control²⁶²⁷ of the work his subordinates—JCE members BEARA, SALAPURA, JANKOVIĆ, KESEROVIĆ—and his supervision of POPOVIĆ, Drago NIKOLIĆ, Momir NIKOLIĆ and the MP²⁶²⁸ and others, during their participation in the crimes. **TOLIMIR** was fully informed about his subordinates' work and he had the authority and duty to supervise and manage them.²⁶²⁹ In addition, **TOLIMIR** issued proposals and instructions during the course of the murder operation which significantly contributed to the JCE members' efforts to conceal the crimes being committed.

*From the moment **TOLIMIR** joined the murder JCE, he commanded, supervised, directed and controlled his subordinates' participation in the crimes*

923. **TOLIMIR**'s subordinate security and intelligence officers participated in the murder operation from its inception on 12 July, throughout July when mass executions and burials were taking place, and then in September and October when the reburials occurred.²⁶³⁰ **TOLIMIR** was the professional superior of VRS intelligence and security officers;²⁶³¹ in addition, he commanded all VRS Main Staff security and intelligence officers including BEARA, SALAPURA, KESEROVIĆ and PEĆANAC.²⁶³² **TOLIMIR** supervised, directed and controlled his subordinates during their participation in the crimes.²⁶³³ Furthermore, **TOLIMIR** supervised the 10th Sabotage Detachment, through SALAPURA

²⁶²⁶ See paras.537-549, 579-585, 596-603, 749-758.

²⁶²⁷ See paras.19-32, 37-54, 74-77, 89-92; Exh.D00203, ERN:0092-0108, Ch.II, para.18 and ERN:0092-0121-0092-0122, Ch.VI, para.57.

²⁶²⁸ See paras.55-71, 89-92; Exh.D00203, ERN:0092-0105, Ch.I, para.6(g) and ERN:0092-0109, Ch.II, para.23.

²⁶²⁹ See paras.25-29, 37-41,55-71, 74-77.

²⁶³⁰ See paras.486-850 and *Appendix G*.

²⁶³¹ See paras.55-63.

²⁶³² See paras.37-41.

²⁶³³ See, e.g., paras.537-549, 579-585, 596-603, 692, 697, 710-713, 742-758, 769-775.

and the Intelligence Administration, throughout this unit's involvement in the murder operation, including in the killings at Branjevo and Bišina.²⁶³⁴

TOLIMIR maintained the secrecy of the operation in order to facilitate the killings

924. **TOLIMIR's** actions in concealing the murder operation were essential for its success. If any aspect of the crime had been exposed before or during its completion, it would have led to an immediate condemnation and possible intervention by the international community and have been fatal to the RS's international standing and the war effort as a whole in furtherance of the RS's strategic objectives and the genocidal plan being implemented. Furthermore, the fact that **TOLIMIR** undertook to keep the criminal plan and its execution secret underscores his criminal intent and his consciousness of guilt.

925. By virtue of his position, **TOLIMIR** was acutely aware of the need to maintain the operational secrecy of such an important and manifestly illegal operation. Therefore, **TOLIMIR**:

- Sought to conceal the captured Srebrenica Muslims in locations where they would not be detected and which could serve as secure staging-posts for the men on their way to execution;
- Sought to conceal the captured Muslims and ongoing executions by ordering the destruction of a NATO drone flying over the crime scene area;
- Acted to ensure that crimes were not committed where there was close international scrutiny of the VRS's conduct. Thus, he approved the transfer of the highly-visible MSF volunteers, whose detention or disappearance surely would have raised international concern, garnered condemnation and potentially uncovered the murder operation; and,
- By his conduct, gave confidence to the other JCE members that they could continue committing the crimes knowing that **TOLIMIR** would maintain their secrecy, despite his contrary duty to detect and expose such crimes.²⁶³⁵

Hiding the prisoners – 13 July first proposal (Nova Kasaba)

926. In response to the growing numbers of Srebrenica Muslim men being captured or surrendering along the Bratunac-Konjević Polje-Milići road on 13 July, **TOLIMIR** proposed measures designed to maintain the secrecy of their detention, transportation and eventual

²⁶³⁴ See paras.69-71 and 697, 717-719, 724-726,770-775.

²⁶³⁵ Exh.D00203, ERN:0092-0119, Ch.V, para.52.

execution.²⁶³⁶ **TOLIMIR** communicated these proposals to the VRS Main Staff, giving them immediate effect. Thus, pursuant to **TOLIMIR**'s proposals, Savčić ordered 65thZMTP MP Battalion Commander Malinić to: "take measures to remove war prisoners from the main Milići-Zvornik road, place them somewhere indoors or in an area protected from observation from the ground or the air" and to "contact General Miletić and receive from him additional orders and verify if the proposal has been approved by the Commander of the GŠ VRS."²⁶³⁷ These proposals directed and implemented a strategy designed to ensure that the early stages of the murder operation were carried out undetected. They also demonstrate **TOLIMIR**'s direct participation in the decision-making process and his intent to advance the operation.

Hiding the prisoners –13 July second proposal (Sjemeč)

927. **TOLIMIR** proposed that 800 prisoners be transported at night to a farm at Sjemeč.²⁶³⁸ As with **TOLIMIR**'s proposal contained in Savčić's 13 July order,²⁶³⁹ his Sjemeč proposal is inconsistent with the legitimate processing of prisoners: registration, detention, and exchange. Sjemeč was a wholly unsuitable location to detain prisoners and **TOLIMIR** knew his proposal that "The 1st plbr [Rogatica Brigade] can guard them with its own forces, and would use them for agricultural work, maintaining the horse, pig and sheep farm [...]" was duplicitous. When **TOLIMIR** instructed ČARKIĆ to draft the Sjemeč proposal,²⁶⁴⁰ ČARKIĆ knew and would have been obligated to tell him: (1) that the Rogatica Brigade lacked the resources adequately to guard such a large number of prisoners;²⁶⁴¹ (2) there was no work for prisoners to do at Sjemeč in the summer of 1995;²⁶⁴² and (3) the Sjemeč farm buildings comprised barns and stables for animals which in fact were wholly unsuited for accommodating prisoners in humane conditions.²⁶⁴³

928. **TOLIMIR**'s 13 July Sjemeč proposal contrasts starkly with his directions for TODORVIĆ to prepare Batković Camp to receive prisoners. Those instructions were consistent with the legitimate detention of PoWs. It was a location where prisoners had been detained previously, where sufficient guards were already present, and where the ICRC would be allowed to visit.²⁶⁴⁴ In contrast, **TOLIMIR**'s Sjemeč proposal involved accommodating 800 prisoners at a location where prisoners had never previously been

²⁶³⁶ See paras.537-549.

²⁶³⁷ Exh.P00125.

²⁶³⁸ Exh.D00049; see paras.579-581.

²⁶³⁹ Exh. P00125.

²⁶⁴⁰ ČARKIĆ, T.12723-12725.

²⁶⁴¹ ČARKIĆ, T.12728; see para.584.

²⁶⁴² See para.585.

²⁶⁴³ GOJKOVIĆ, T.2858; [REDACTED]; Exh.P00035, pp.7-9; see para.583.

²⁶⁴⁴ See, e.g., Exh.P00037, DERONJIĆ, T.117-118; see para.583.

detained, where no suitable accommodation was available, where there was no guard system in place and at which insufficient local VRS troops were available to mount a guard, where VRS troops were needed to support the planned attack against Žepa, and where there was no scope to employ any prisoners for agricultural work. Finally, it involved moving those prisoners under the cover of darkness.

929. In making the Sjemeč proposal, **TOLIMIR** contributed to the JCE by, among other things, proposing a location which clearly cannot have been intended for the long-term accommodation of 800 prisoners, but rather, was best suited for their temporary detention prior to their execution. Similar to the locations used for detention and execution in the Zvornik area, **TOLIMIR**'s proposal to use Sjemeč offered relief to the pressures associated with securing the thousands of prisoners in VRS custody in Bratunac on the night of 13 July. By removing 800 prisoners from Bratunac to Sjemeč, the burden of securing the larger group in Bratunac would have been substantially reduced, facilitating the detention of all prisoners as their planned execution continued to be organised.²⁶⁴⁵ The proposal thus contributed to the urgent planning and organisation being carried out overnight by Karadžić, Deronjić and **TOLIMIR** and his security and intelligence subordinates, including BEARA, POPOVIĆ, Momir NIKOLIĆ, Drago NIKOLIĆ and others.

Hiding the prisoners, burials and other activities related to the murder operation - 14 July unmanned aircraft warning

930. On 14 July, **TOLIMIR** issued a warning to the DK Command which was passed on to DK subordinate units about a drone flying over the Srebrenica, Žepa and Goražde enclaves.²⁶⁴⁶ In the area at this time, the murders at the Kravica Warehouse had not been cleaned up and the excavation of the large burial pits at Glogova was underway.²⁶⁴⁷ **TOLIMIR**'s warning regarding the risk of observation by the ABiH or by UNPROFOR to units which he knew were involved in the detention, transport, execution and burial of prisoners allowed them to continue the murder operation while undertaking the necessary measures of concealment.

²⁶⁴⁵ See paras.586-588; [REDACTED]; [REDACTED – see Exh.P01536], [PW-031], T.5298; Exh.P00035, pp7-9; Exh.P00037, DERONJIĆ, T.114-118.

²⁶⁴⁶ Exhs.P00121, P00124, P00128, P00146, P00147 and P00148 – see paras.596-603.

²⁶⁴⁷ See paras.587, 601, 604, 818-820.

To maintain the secrecy of the murder operation, TOLIMIR authorised the release of the local MSF volunteers from Srebrenica whose detention or disappearance would draw attention to the crimes being committed

931. **TOLIMIR**'s involvement in the decision with Mladić to release or detain the Bosnian Muslim local staff of MSF in Srebrenica,²⁶⁴⁸ provides clear evidence that **TOLIMIR** had authority during the course of the murder operation to decide on the fate of Srebrenica Muslims, notably, sensitive groups such as MSF's local staff whose detention or disappearance might have international ramifications and expose the crimes. In this instance, when the interests of the JCE or achieving its common criminal purpose were at stake, **TOLIMIR** used his authority to allow this small and select group of Srebrenica Muslim men to go. This avoided further scrutiny of VRS actions, which might have exposed—and ended—the ongoing murder operation. Thus, by releasing a few highly visible Muslim men, **TOLIMIR** maintained the secrecy of the operation.

Authorising the killing of the three Žepa leaders identified at Indictment paragraph 23.1

932. The three Žepa leaders identified at Indictment paragraph 23.1 were last in the custody and control of **TOLIMIR**'s subordinates before their disappearance and deaths.²⁶⁴⁹ **TOLIMIR** was directly involved in the capture and detention of these men, all three of whom were prominent in Žepa and were obviously high-value intelligence sources who could be used effectively to negotiate the exchange of VRS prisoners held by the ABiH.²⁶⁵⁰ Given **TOLIMIR**'s responsibilities for intelligence affairs and prisoner-related matters, including exchanges,²⁶⁵¹ these three men could not have been so much as transported or interrogated without **TOLIMIR**'s knowledge and approval, let alone murdered in VRS custody as they were. The order to murder these men must have come from Mladić and likely Karadžić—this murder order would have gone through **TOLIMIR** and passed on to his subordinates to oversee and implement the actual murder and secret burial. The evidence establishes beyond a reasonable doubt that **TOLIMIR** authorised or approved the killing of Mehmed Hajrić, Amir Imamović and Avdo Palić.

TOLIMIR's omissions

933. **TOLIMIR**'s omissions contributed significantly to the common plan to murder the able-bodied Muslim men from Srebrenica:

²⁶⁴⁸ See paras.742-758.

²⁶⁴⁹ See paras.474-480.

²⁶⁵⁰ See paras.445, 450-451, 455-457, 474-484.

²⁶⁵¹ See paras.32-36.

- His failure to discharge his duty as an agent of the Detaining Power and corresponding duty under international law to protect prisoners in VRS custody and particularly, those prisoners within the custody of officers and units over which he had control, namely security, intelligence and MP, which was criminal in itself; and
- His failure to discharge his duty under the military regulations and rules governing his conduct as a VRS officer and specifically, as a security and intelligence officer advanced the commission of the crimes.

934. **TOLIMIR** had a clear responsibility for the safety of all of the Bosnian Muslim prisoners taken after the fall of Srebrenica and Žepa. This included protecting them from foreseeable harm. **TOLIMIR** had the ability to act in accordance with these duties and could have followed various courses of action in order to fulfil them. He did not. **TOLIMIR** did nothing to protect the prisoners. Instead, he commanded and authorised his subordinates to organise and oversee their detention, transportation, mistreatment and murder. **TOLIMIR**'s intentional failure to fulfil his duties amounts to a significant contribution to the common criminal plan.

935. Duty under international law as an Agent of a Detaining Power. All agents of a Detaining Power having custody of prisoners have a duty to ensure their humane treatment.²⁶⁵² In the present case, the Detaining Power was the RS and **TOLIMIR** was its agent by virtue of his appointment to the VRS Main Staff.²⁶⁵³

936. Prisoners must be treated humanely, must be protected from harm, and certainly must be protected from murder.²⁶⁵⁴ This fundamental duty is part of customary international law²⁶⁵⁵ and applies in respect of both civilian and military prisoners,²⁶⁵⁶ during international and non-international armed conflicts alike.²⁶⁵⁷ This duty also applies as a matter of treaty law. The parties to the conflict in BiH agreed to be bound by treaties governing international armed conflicts,²⁶⁵⁸ thereby making those treaties' provisions regarding treatment of

²⁶⁵² See *Mrkšić* AJ, para.73.

²⁶⁵³ See paras.16-17, 37, 39.

²⁶⁵⁴ See *Mrkšić* AJ, paras.70-71.

²⁶⁵⁵ GCIII, Art.13 (applicable to military prisoners); GCIV, Art.27 and 32 (applicable to civilian prisoners); GC's Common Art.3(1)(a) (applicable to both); API, Art.75(1), 75(2)(a) (applicable to both); APII, Art. 4(1), 4(2)(a), 5(2)(e) (applicable to both) – and breaches of this duty are crimes.

²⁶⁵⁶ *Mrkšić* AJ, para.71 (military prisoners); *Blaškić* AJ, paras.652, 659, 663, 668 (civilian prisoners). See also GCIII, Art.13 (military); GCIV, Arts.27, 32 (civilian).

²⁶⁵⁷ See *Mrkšić* AJ, para.70. See also GC's, Common Art. 3; APII, Arts.4(1), 4(2)(a), 5(2)(e).

²⁶⁵⁸ See Exh.D00021, p.1.

prisoners binding.²⁶⁵⁹ Further, BiH succeeded to the GCs and APs in 1992, following earlier ratification by Yugoslavia.²⁶⁶⁰ Moreover, SFRY regulations which were applicable to the armed forces of the RS required the humane treatment of both PoWs and detained civilians²⁶⁶¹ and **TOLIMIR** would have been familiar with these regulations. In the context of the murder operation, **TOLIMIR**'s exhortations to his subordinates to respect the GC²⁶⁶² were merely a pretext, as shown by his later orders not to register PoWs.²⁶⁶³ Nevertheless, they confirm his awareness of his GC duties.

937. Individuals have the duty to protect detainees.²⁶⁶⁴ Such individuals include those who have direct custody over the prisoners²⁶⁶⁵ and those who supervise the persons with control over the prisoners.²⁶⁶⁶ **TOLIMIR** had such a duty because he supervised, directed and controlled his subordinates who organised and managed the transport, detention and execution of the prisoners.²⁶⁶⁷ Specifically, he commanded BEARA, PEĆANAC and his other Main Staff subordinates and professionally supervised and controlled the work of POPOVIĆ and all other security and intelligence officers in the VRS who personally supervised the detention, transportation and execution of the prisoners.

938. An agent of the Detaining Power should, if possible, order the perpetrators to stop their crimes. Even if there is a question as to the extent of his authority over the perpetrators, he is required to go beyond the scope of his *de jure* authority to try to prevent the crimes.²⁶⁶⁸ Apart from dealing directly with the perpetrators, an agent may be required to report to his chain of command so that a higher authority can address the crimes.²⁶⁶⁹ The agent may also need to intervene with the perpetrators' superiors to urge them to prevent the crimes.²⁶⁷⁰

²⁶⁵⁹ GCIII, Art.2; GCIV, Art.2; API, Art.1(3). See *Mrkšić* AJ, para.69. But see also *Galić* AJ, para.85 (noting that in practice the Tribunal applies treaty provisions only when they are declaratory of customary international law).

²⁶⁶⁰ *Čelebići* AJ, paras.110-111; *Kunarac* TJ, para.408, fn.1073.

²⁶⁶¹ Under RS law **TOLIMIR** had an affirmative obligation to intercede to prevent serious harm from coming to the prisoners. See Exh.P02482, ERN: 0080-7747, art.210 ("Prisoners of war shall be treated humanely. In particular, they must be protected against violence, insults and intimidation."); ERN: 0080-7758, art.253 ("[Civilians in the hands of a party to a conflict] must be accorded humane treatment at all times. Violence and intimidation of any kind are in particular prohibited.").

²⁶⁶² See para.286.

²⁶⁶³ Exh.P00122, p.2; Exh.P02875; see paras.34, 459.

²⁶⁶⁴ See *Mrkšić* AJ, para.72.

²⁶⁶⁵ See *Mrkšić* AJ, para.73 (noting example of prisoner of war who surrenders to state agent); *Orić* TJ, para.304, fn.860, para.490.

²⁶⁶⁶ *Blaškić* AJ, para.663.

²⁶⁶⁷ See paras.32-77.

²⁶⁶⁸ *Mrkšić* AJ, para.94.

²⁶⁶⁹ See *Mrkšić* AJ, para.98.

²⁶⁷⁰ See *Mrkšić* AJ, para.98.

Finally, there are situations where an officer may be obligated to use force to prevent the commission of war crimes.²⁶⁷¹

939. Duty under applicable RS military regulations, laws and rules. Although separately applicable, **TOLIMIR**'s duties under RS laws, military regulations and rules also required him to protect prisoners. These duties required him:

- To detect and prevent activities carried out *in* or against the armed forces, aimed at subverting or disrupting the RS constitutional order,²⁶⁷² namely acts undermining the “guarantee and protection of human freedom and rights with respect to *international standards*, ensuring [...] national equality [and] protection of rights of ethnic groups and other minorities;” as well as the inviolability of life; and protection from cruel and inhuman treatment);²⁶⁷³ and
- discovering, preventing, reporting, arresting and investigating the perpetrators and accomplices of the commission of crimes against humanity and international law.²⁶⁷⁴

940. **TOLIMIR**'s failure to discharge his responsibilities under international law (and under national laws) directly contributed to the commission of the crimes. As a senior VRS security officer, **TOLIMIR** was obliged to act “when there is knowledge that such an activity is being prepared or carried out by individuals, groups or organisations in the armed forces [...] or that a crime has been attempted or committed in the execution of such an activity, and also for the purposes of detecting the instigators, accomplices, organisers and perpetrators of these activities or acts.”²⁶⁷⁵ Aware of his immediate and professional subordinates' pervasive and continuing involvement in the murder operation, **TOLIMIR** was obliged to act:

- (a) **TOLIMIR** exercised command authority over the VRS Main Staff Sector for Intelligence and Security Affairs, including BEARA, SALAPURA, JANKOVIĆ, KESEROVIĆ and PEĆANAC. He exercised professional authority and control over VRS DK and other subordinate security and intelligence officers including POPOVIĆ, KOSORIĆ, GOLIĆ, Momir NIKOLIĆ, Drago NIKOLIĆ, TRBIĆ and ČARKIĆ. Further, he exercised the exclusive responsibility to monitor the legality of all security and intelligence

²⁶⁷¹ See *Hadžihasanović* AJ, para.228.

²⁶⁷² Exh.D00203, ERN:0092-0104-0092-0105, Ch.I, paras.1,4.

²⁶⁷³ Exh.P02215, pp.2-3, Art.5 (emphasis added), 10, 11, 14; SALAPURA, T.13723, T.13848-13850; Exh.D00202, ERN:0091-0023, Art.29, item 2.

²⁶⁷⁴ Exh.P02478, ERN:0081-4383-0081-4385, Item 3.

²⁶⁷⁵ D00203, ERN:0092-0104-0092-0105, Ch.I, para.4.

officers' work.²⁶⁷⁶ He exercised professional authority and control over the 10th Sabotage Detachment (through the Intelligence Administration) and the 65th ZMTP MP battalion (through the Security Administration). He exercised professional control over all VRS MP units. **TOLIMIR** exercised command and/or professional control over elements of VRS forces that perpetrated the crimes. He could have halted their continuing participation and he could have protected the prisoners.

- (b) **TOLIMIR** could influence the highest levels of the VRS command structure and the RS political leadership. He was one of the of the few individuals who could influence and persuade Mladić, to whom he could have reported these crimes and proposed protecting the prisoners;
- (c) **TOLIMIR** could have reported the crimes to the VRS Military Prosecutor,²⁶⁷⁷ in accordance with his duties;
- (d) **TOLIMIR** could have informed his high-level contacts at UNPROFOR, the news media, the ICRC or UNHCR of the plan and crimes;
- (e) **TOLIMIR** could have reported the crimes to the ICTY.

941. **TOLIMIR** did not do anything at any point to protect the prisoners from the abuses and harm they suffered between 13-16 July and beyond. On 22 July with knowledge of the nature and extent of POPOVIĆ's involvement throughout the murder operation, **TOLIMIR** told POPOVIĆ to get on with his work.²⁶⁷⁸ The next day POPOVIĆ did his job, and another 39 Srebrenica Muslim men were murdered at Bišina by the 10th Sabotage Detachment and DK MPs, under his direction. **TOLIMIR** was aware of the work POPOVIĆ had done beginning 13 July and was aware of the significant number of remaining Srebrenica Muslims in VRS custody and POPOVIĆ's responsibility to finish the job he had. [REDACTED].²⁶⁷⁹ **TOLIMIR** did nothing to stop POPOVIĆ or to protect any of these prisoners. **TOLIMIR** took no steps to protect Hajrić, Imamović or Palić. The scale of the involvement of **TOLIMIR**'s subordinates in all of these crimes is set out graphically on the marked *Appendix G*.

²⁶⁷⁶ Exh.P01112, p.3 (item 7).

²⁶⁷⁷ Exh.P02256 (showing **TOLIMIR**'s and BEARA's recourse to the VRS Military Prosecutor's office in order to bring charges against Žepa Muslims for war crimes).

²⁶⁷⁸ Exh.P00765; Exhs.P00773a-c; Exhs.P00369a-b.

²⁶⁷⁹ [REDACTED].

942. The failure to act must be sufficiently connected to the resulting crime.²⁶⁸⁰ The level of causation required depends on the form of responsibility (e.g., for JCE liability, the omission must significantly contribute to the crime). **TOLIMIR**'s failures to act significantly and substantially contributed to the killings of the thousands of Bosnian Muslims whose capture, transportation, detention and murder was organised and assisted by **TOLIMIR**'s VRS security and intelligence officers and MPs. **TOLIMIR** could have impeded the murder operation by taking any of the steps set out above.²⁶⁸¹ **TOLIMIR** had the practical means to intervene, either by using the VRS communications system in the Žepa/Rogatica area, or by travelling in person to Crna Rijeka, or to the Srebrenica, Bratunac or Zvornik areas.

(xvi) TOLIMIR shared the intent to commit genocide, extermination, murder and persecution

943. **TOLIMIR**'s shared intent²⁶⁸² can be inferred from the combination of his knowledge of and participation in the murder operation, the forcible transfer operation, the persecutory crimes and the underlying acts,²⁶⁸³ his failure to take any steps to prevent these crimes from occurring,²⁶⁸⁴ and his fostering and toleration of a culture whereby security and intelligence officers could freely refer to and treat Bosnian Muslims in a derogatory and dehumanising way, as demonstrated in their reports and other professional documents.²⁶⁸⁵

944. **TOLIMIR** acted to conceal the crimes, by: (1) lying to his subordinates by telling them that insufficient numbers of ABiH soldiers had been captured during summer 1995 to allow for prisoner exchanges, which served to signal to the subordinates to maintain silence about the murders of the thousands of prisoners captured from Srebrenica;²⁶⁸⁶ (2) assenting to or failing to prevent his subordinates' involvement in the reburial operation in September-October 1995;²⁶⁸⁷ (3) failing to investigate or punish the perpetrators of the crimes he knew to have been committed;²⁶⁸⁸ and (4) proposing that no response should be given to a 1997 Dutch

²⁶⁸⁰ *Brdanin* AJ, para. 274, fn. 557; *Mpambara* TJ, para.27.

²⁶⁸¹ See para.940.

²⁶⁸² The intent of other JCE members can be inferred from their acts and conduct as detailed throughout this Brief. See also, in particular, para.521-522—when **TOLIMIR** called-off the plans for Srebrenica prisoners to go to Batković Camp, he told **TODOROVIĆ** “we are halting the task.”

²⁶⁸³ Regarding murder operation, see generally paras.486-828. Persecutory crimes and forcible transfer see paras.197-215, 226-233 (convoys); paras.235-241, 256-326 (attack on Srebrenica); 338-377 (forcible transfer); 378-396 (opportunistic killings).

²⁶⁸⁴ See para.940.

²⁶⁸⁵ See paras.78-80.

²⁶⁸⁶ See paras.480, 815.

²⁶⁸⁷ See paras.802-812.

²⁶⁸⁸ See paras.44-48, 813-816.

request concerning a list of refugees believed to have gone missing from Potočari, in order to impede investigations into the crimes committed after the fall of Srebrenica.²⁶⁸⁹

945. The evidence proves beyond a reasonable doubt that **TOLIMIR** possessed the requisite special intent to commit genocide. From the moment **TOLIMIR** joined the murder JCE, his acts and omissions were calculated and intended to achieve destruction. **TOLIMIR**'s involvement at the highest levels of the VRS Main Staff and his position as Assistant Commander for Intelligence and Security Affairs ensured that he was aware of the destructive consequences for the Muslims of Eastern Bosnia of the murders thousands of men and boys and the forcibly removal of the remaining civilian population. **TOLIMIR** knew of the vast scale and scope of these crimes, which were carried out principally through the pervasive involvement of his immediate and professional subordinates. **TOLIMIR** commanded or controlled these elements of the VRS which were at the heart of the operation's implementation and achievement. His command and oversight of the VRS security and intelligence apparatus in particular, was critical to overcoming obstacles to the implementation of these operations, the commission of these crimes and to covering them up.

946. Furthermore, **TOLIMIR** co-ordinated the flow of information within the army, disseminated it and restricted it. He was never out of the loop during the murder and forcible transfer operations and had a full overview of the genocidal aims. **TOLIMIR**'s proposals and orders to ensure that more than 7,000 men and boys could be detained and exterminated in secret underscore his intent to destroy and his aim to achieve the genocidal common criminal purpose.²⁶⁹⁰

947. The facts proving **TOLIMIR**'s genocidal intent also prove his intent to commit persecutions, murder as a crime against humanity and as a violation of the laws or customs of war and extermination.

(E) TOLIMIR'S LIABILITY UNDER JCE III

(xvii) For opportunistic killings and foreseeable targeted killings as a consequence of the JCE to kill (Indictment paras.22 and 23.1)

948. The charged opportunistic killings²⁶⁹¹ and the foreseeable targeted killings²⁶⁹² were foreseeable consequences of the forcible removal JCE²⁶⁹³ and the murder JCE. The

²⁶⁸⁹ Exh.P02433; para.816.

²⁶⁹⁰ See, e.g., paras. 537-549, 579-585, 596-603, 710-711, 742-758; 779, 924-932; Exh.P00765; Exhs.P00773a-[REDACTED]; Exhs.P00369a-[REDACTED] (telling POPOVIĆ to do his job).

²⁶⁹¹ See Indictment, para.22.

²⁶⁹² See Indictment, para.23.1.

opportunistic killings took place after the murder JCE had commenced on the night of 11 July/morning of 12 July. In the context of a genocidal killing operation, random acts of murder were natural and foreseeable consequences, and foreseeable to **TOLIMIR**, given his knowledge and roles in both the forcible-removal operation and the murder operation. Similarly, the killings of the Žepa Muslim leaders were natural and foreseeable consequences of the murder operation and foreseeable to **TOLIMIR**. The VRS's pursuit of Žepa's military-aged Muslim men naturally followed a different course from the Srebrenica operation, given that news of the Srebrenica massacres reached both the Žepa Muslims and the international community including UNPROFOR before the VRS took over the enclave. While the full-scale massacre of the Žepa men was no longer possible in these circumstances, it was foreseeable—both objectively, and personally to **TOLIMIR**—that individuals might be targeted. In fact, **TOLIMIR** was involved in the capture and detention of the three Žepa leaders.²⁶⁹⁴

(F) TOLIMIR CONSPIRED TO COMMIT GENOCIDE

949. There was an agreement to commit genocide as of 12 July 1995 between, among others, Mladić, Krstić, BEARA, Radoslav JANKOVIĆ, POPOVIĆ, Momir NIKOLIĆ and Drago NIKOLIĆ.²⁶⁹⁵ **TOLIMIR**'s entry into a conspiracy to commit genocide can be inferred from the same evidence discussed throughout this Final Brief that demonstrates his participation in the murder JCE and his contributions to that JCE. **TOLIMIR**'s specific genocidal intent can similarly be inferred the fact that he was already a member of the forcible removal JCE at the time he learned of and joined the murder JCE and that he knew that murdering the Srebrenica men, either alone or combined with expelling the civilian population, would destroy part of the Bosnian Muslim population. In agreeing to participate in both JCEs, **TOLIMIR** shared the intent for the outcome of genocide.

(G) TOLIMIR ALSO COMMITTED, PLANNED, INSTIGATED, ORDERED AND/OR AIDED AND ABETTED GENOCIDE, EXTERMINATION, MURDER AND PERSECUTION

950. In the alternative or additionally, **TOLIMIR** is also criminally liable for the crimes committed as part of the murder operation based on other modes of liability prescribed by Article 7(1) of the Statute, namely, committing, planning, instigation, ordering and aiding and

²⁶⁹³ See paras.378-396, 474-484.

²⁶⁹⁴ See paras.445, 450-451, 455-457, 474-484.

²⁶⁹⁵ See paras.495-511.

abetting the execution of the Bosnian Muslim men from Srebrenica and the forcible transfer of the Bosnian Muslim populations from Srebrenica and Žepa.

Commission by Omission

951. **TOLIMIR**'s intentional failure to discharge his international legal duties towards the Srebrenica Muslim PoWs,²⁶⁹⁶ amounts to commission by omission.²⁶⁹⁷ The evidence of **TOLIMIR**'s intent for the charged crimes is set out above.²⁶⁹⁸

(xviii) Planning

952. **TOLIMIR** took part in planning the murder operation, as **TODOROVIĆ**'s evidence proves. When **TODOROVIĆ** called **TOLIMIR** to find out why prisoners had not arrived at Batković Camp, **TOLIMIR** told him “[d]rop all further preparations. We gave up on that idea”, “We are halting the task.”²⁶⁹⁹ **TOLIMIR** also planned and organised the operational secrecy of the murder operation, as evidenced by numerous acts, including his 13 and 14 July proposals, in relation to the concealment and disposition of the captured Muslim men and boys.²⁷⁰⁰

953. **TOLIMIR** was aware of and involved in commanding **KESEROVIĆ** in the implementation of Mladić's order to capture and kill Muslims still in the terrain between Bratunac and Milići. His involvement at Crna Rijeka on the evening of 16 July proves this.²⁷⁰¹ **TOLIMIR** planned murder, extermination, persecutions and genocide.

(xix) Ordering

954. **TOLIMIR**'s instructions, directions and guidance to his subordinates constituted “ordering”. The only reasonable conclusion, based on the evidence of the pervasive involvement of the VRS's security, intelligence and MP assets in the murder operation is that **TOLIMIR**, who was in a position of authority, gave instructions which permitted or mandated their participation in the crimes.

955. Specifically in relation to the targetted killings of Muslim leaders under Indictment paragraph 23.1, the only reasonable conclusion, based on (1) **TOLIMIR**'s involvement in their capture and subsequent detention, and (2) his responsibilities for prisoner exchanges²⁷⁰²

²⁶⁹⁶ See paras.933-942.

²⁶⁹⁷ See Indictment, para.29(d).

²⁶⁹⁸ See paras.943-947.

²⁶⁹⁹ M.TODOROVIĆ, T.12942 (emphasis added).

²⁷⁰⁰ See paras.537-549, 579-585, 596-603, 742-758.

²⁷⁰¹ See paras.742-743.

²⁷⁰² See paras.32-36

and (3) **TOLIMIR**'s and his subordinates' knowledge of the high value of those prisoners²⁷⁰³ is that **TOLIMIR** authorised those killings.

(xx) **Instigating**

956. The conduct underlying **TOLIMIR**'s ordering also prompted the criminal conduct of the physical perpetrators of murder, extermination, persecution and genocide. His conduct during the course of the murder operation emboldened his subordinate security and intelligence officers' commission of the crimes.

(xxi) **Aiding and abetting**

957. All of **TOLIMIR**'s acts and omissions described above concerning the murder JCE prove his liability for aiding and abetting murder, extermination, persecutions and genocide. These acts and omissions not only significantly contributed to the common criminal purpose; also, they substantially assisted the crimes. **TOLIMIR** also substantially assisted in covering-up the crimes. Given **TOLIMIR**'s professional role in the VRS, from the time that he joined the JCE at the latest on 13 July, the other JCE members could expect that **TOLIMIR** would work to maintain operational secrecy thereafter and he tacitly gave them that assurance, intending to assist the crimes and which substantially affected their commission. This is borne out by the evidence of the steps he took to conceal the operation during July 1995.²⁷⁰⁴

958. Specifically in relation to the killings detailed at Indictment paragraph 23.1, the evidence referenced above concerning **TOLIMIR**'s involvement in the leaders' capture and subsequent detention—including the decision not to register Avdo Palić with the ICRC—prove that he aided and abetted those crimes.

959. **TOLIMIR** knew that his acts assisted in the commission of these crimes.²⁷⁰⁵

²⁷⁰³ See paras.32, 480, 932.

²⁷⁰⁴ See paras. 537-549, 579-585, 596-602, 744-758.

²⁷⁰⁵ *Blagojević* AJ, para.127.

SENTENCING

960. Zdravko **TOLIMIR** is guilty of a genocide that included more than 7,000 murders of men [REDACTED] and boys [REDACTED],²⁷⁰⁶ the violent expulsion of 25,000-35,000 people from their homes in Srebrenica and Žepa and the destruction of the Bosnian Muslim population of Eastern Bosnia. **TOLIMIR** has never shown a shred of remorse for these crimes. He has never co-operated with the Tribunal and hid as a fugitive after the Indictment against him was made public. A life sentence is the only reasonable punishment for **TOLIMIR** in view of the extremely serious nature of each of the crimes charged.

961. Penalties and sentencing factors are addressed in Article 24 of the Statute of the Tribunal and Rule 101 of the Rules. The factors to be considered by a Trial Chamber in determining a sentence include the gravity of the crimes committed,²⁷⁰⁷ the individual circumstances of the convicted person;²⁷⁰⁸ aggravating and mitigating circumstances;²⁷⁰⁹ and the general sentencing practice of the former Yugoslavia.²⁷¹⁰ Prior sentencing practice of the ICTY may also be considered where the same offence is committed in substantially similar circumstances.²⁷¹¹

962. These crimes were vast and grave. They involved tens of thousands of victims who were particularly vulnerable. The survivors and their families continue to suffer from **TOLIMIR**'s crimes.

963. **TOLIMIR** was a senior general within the VRS Main Staff who abused his authority despite his obligation to protect captives in the custody of the VRS. He willingly participated in the crimes and worked hard to cover them up. His role was essential to the destruction of the Bosnian Muslim population of Eastern Bosnia through the crimes committed against the populations of Srebrenica and Žepa. No mitigating factors can discount the life sentence demanded by the gravity of the crimes and **TOLIMIR**'s role in their execution.

²⁷⁰⁶ [REDACTED]

²⁷⁰⁷ ICTY Statute, Art.24(2).

²⁷⁰⁸ ICTY Statute, Art.24(2).

²⁷⁰⁹ Rules of Procedure and Evidence, Rule 101(B)(i) and (ii). *See also Blagojević* AJ, para. 320; *Čelebići* AJ, paras 429, 716; *Krstić* AJ, para.267.

²⁷¹⁰ Rules of Procedure and Evidence, Rule 101(B)(iii); ICTY Statute, Article 24(1).

²⁷¹¹ *Jelišić* AJ, para. 101; *Čelebići* AJ, paras.756-57.

Appendix A

Glossary

Appendix A

Glossary

Pleadings, Orders, Decisions, etc. from Prosecutor v. Zdravko Tolimir., Case No. IT-05-88/2-T

Abbreviation used in Prosecution Final Trial Brief	Full citation
Trial Chamber	Trial Chamber in <i>Prosecutor v. Zdravko Tolimir</i> , Case No. IT-05-88/2-T
Indictment	<i>Prosecutor v. Zdravko Tolimir</i> , Case No. IT-05-88/2-PT, Third Amended Indictment, 4 November 2009
Prosecution PTB	<i>Prosecutor v. Zdravko Tolimir</i> , Case No. IT-05-88/2-PT, Prosecution Filing of Pre-Trial Brief Pursuant to Rule 65ter (E), 28 November 2008
Defence PTB	<i>Prosecutor v. Zdravko Tolimir</i> , Case No. IT-05-88/2-PT, Zdravko Tolimir's Submission with a Pre-Trial Brief Pursuant to Rule 65 ter (F) and Notification of the Defence of Alibi in Respect of Some Charges, filed in English on 28 October 2009
AF	<i>Prosecutor v. Zdravko Tolimir</i> , Case No. IT-05-88/2-PT, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B), 17 December 2009

Other ICTY authorities

Abbreviation used in Final Trial Brief	Full citation
<i>Aleksovski</i> AJ	<i>Prosecutor v. Zlatko Aleksovski</i> , Case No. IT-95-14/1-A, App.Ch., Judgement, 24 March 2000
<i>Blaškić</i> AJ	<i>Prosecutor v. Tihomir Blaškić</i> , Case No. IT-95-14-A, App.Ch., Judgement, 29 July 2004
<i>Blaškić</i> TJ	<i>Prosecutor v. Tihomir Blaškić</i> , Case No. IT-95-14-T, T. Ch., Judgement, 3 March 2000
<i>Blagojević</i> AJ	<i>Prosecutor v. Vidoje Blagojević & Dragan Jokić</i> , Case No. IT-02-60-A, App.Ch., Judgement, 9 May 2007
<i>Blagojević</i> TJ	<i>Prosecutor v. Vidoje Blagojević & Dragan Jokić</i> , Case No. IT-02-60-T, T.Ch., Trial Judgement, 17 January 2005
<i>Boškoski</i> TJ	<i>Prosecutor v. Ljube Boškoski & Johan Tarčulovski</i> , Case No. IT-04-82-PT, T.Ch., Judgement, 10 July 2008
<i>Čelebići</i> AJ	<i>Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. "Pavo", Hazim Delić & Esad Landžo, a.k.a. "Zenga"</i> , Case No. IT-96-21-A, App.Ch., Judgement, 20 February 2001
<i>Čelebići</i> TJ	<i>Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. "Pavo", Hazim Delić & Esad Landžo, a.k.a. "Zenga"</i> , Case No. IT-96-21-T, T.Ch., Judgement, 16 November 1998
<i>Dorđević</i> TJ	<i>Prosecutor v. Vlastimir Dorđević</i> , Case No. IT-05-87/1-T, T.Ch., Judgement, 23 February 2011
<i>Furundžija</i> AJ	<i>Prosecutor v. Anto Furundžija</i> , Case No. IT-95-17/1-A, App.Ch., Judgement, 21 July 2000

Abbreviation used in Final Trial Brief	Full citation
<i>Furundžija</i> TJ	<i>Prosecutor v. Anto Furundžija</i> , Case No. IT-95-17/1-T, T.Ch., Judgement, 10 December 1998
<i>Galić</i> TJ	<i>Prosecutor v. Stanislav Galić</i> , Case No. IT-98-29-T, T.Ch., Judgement, 5 December 2003
<i>Hadžihasanović</i> AJ	<i>Prosecutor v. Enver Hadžihasanovic & Amir Kubura</i> , Case No. IT-01-47-A, App.Ch. Judgement, 22 April 2008
<i>Jelisić</i> AJ	<i>Prosecutor v. Goran Jelisić</i> , Case No. IT-95-10-A, App.Ch., Judgement, 5 July 2001
<i>Kordić</i> AJ	<i>Prosecutor v. Dario Kordić & Mario Čerkez</i> , Case No. IT-95-14/2-A, App.Ch., Judgement, 17 December 2004
<i>Kordić</i> TJ	<i>Prosecutor v. Dario Kordić & Mario Čerkez</i> , Case No. IT-95-14/2-T, T.Ch., Judgement, 26 February 2001
<i>Krnojelac</i> AJ	<i>Prosecutor v. Milorad Krnojelac</i> , Case No. IT-97-25-A, App.Ch., Judgement, 17 September 2003
<i>Krstić</i> AJ	<i>Prosecutor v. Radislav Krstić</i> , Case No. IT-98-33-A, App.Ch., Judgement, 19 April 2004
<i>Krstić</i> TJ	<i>Prosecutor v. Radislav Krstić</i> , Case No. IT-98-33-T, T.Ch., Judgement, 2 August 2001
<i>Kunarac</i> TJ	<i>Prosecutor v. Dragoljub Kunarac, Radomir Kovač & Zoran Vuković</i> , Case No. IT-96-23 & IT-96-23/1-T, T.Ch., Judgement, 22 February 2001
<i>Kupreškić</i> AJ	<i>Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović & Vladimir Šantić</i> , Case No. IT-95-16-A, App.Ch., Judgement, 23 October 2001
<i>Kupreškić</i> TJ	<i>Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Dragan Papić & Vladimir Šantić, a.k.a. "Vlado"</i> , Case No. IT-95-16-T, T.Ch., Judgement, 14 January 2000
<i>Martić</i> TJ	<i>Prosecutor v. Milan Martić</i> , Case No. IT-95-11-T, T.Ch., Judgement, 12 June 2007
<i>Milošević</i> AJ	<i>Prosecutor v. Dragomir Milošević</i> , Case No. IT-98-29/1-A, App.Ch., Judgement, 12 December 2009
<i>Milutinović</i> TJ	<i>Prosecutor v. Milan Milutinović et al</i> , Case No. IT-05-87-T, T.Ch. Judgment, 29 February 2009
<i>Mrksić</i> AJ	<i>Prosecutor v. Mile Mrksić & Veselin Šljivančanin</i> , Case No. IT-95-13/1-A, App.Ch., Judgement, 5 May 2009
<i>Naletilić</i> TJ	<i>Prosecutor v. Mladen Naletilić & Vinko Martinović</i> , Case No. IT-98-34-T, T.Ch., Judgement, 31 March 2003
<i>Orić</i> TJ	<i>Prosecutor v. Naser Orić</i> , Case No. IT-03-68-T, T.Ch., Judgement, 30 June 2006
<i>Simić</i> AJ	<i>Prosecutor v. Blagoje Simić</i> , Case No. IT-95-9-A, App.Ch., Judgement, 28 November 2006
<i>Simić</i> TJ	<i>Prosecutor v. Blagoje Simić, Miroslav Tadić, Simo Zarić</i> , Case No. IT-95-9-T, T.Ch., Judgement, 17 October 2003
<i>Stakić</i> AJ	<i>Prosecutor v. Milomir Stakić</i> , Case No. IT-97-24-A, App.Ch. Judgement, 22 March 2006
<i>Tadić</i> 1997 SJ	<i>Prosecutor v. Duško Tadić a/k/a "Dule"</i> , Case No. IT-94-1-T, T.Ch., Sentencing Judgement, 14 July 1997
<i>Tadić</i> 1999 SJ	<i>Prosecutor v. Duško Tadić a/k/a "Dule"</i> , Case No. IT-94-1-Tbis-

Abbreviation used in Final Trial Brief	Full citation
	R117, T.Ch., Sentencing Judgement, 11 November 1999
<i>Tadić</i> AJ	<i>Prosecutor v. Duško Tadić a/k/a “Dule”</i> , Case No. IT-94-1-A, App.Ch., Judgement, 15 July 1999
<i>Tadić</i> TJ	<i>Prosecutor v. Duško Tadić a/k/a “Dule”</i> , Case No. IT-94-1-T, T.Ch., Opinion and Judgement, 7 May 1997

ICTR authorities

Abbreviation used in Final Trial Brief	Full citation
<i>Akayesu</i> TJ	<i>Prosecutor v. Jean-Paul Akayesu</i> , Case No. ICTR-96-4-T, T.Ch., Judgement, 2 September 1998
<i>Karera</i> AJ	<i>Prosecutor v. François Karera</i> , Case No. ICTR-01-74-A, App.Ch., Judgement, 2 February 2009
<i>Mpambara</i> TJ	<i>Prosecutor v. Jean Mpambara</i> , Case No. ICTR-01-65-T, T.Ch., Judgement, 11 September 2006
<i>Nahimana</i> AJ	<i>Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza & Hassan Ngeze</i> , Case No. ICTR-99-52-A, App.Ch., Judgement, 28 November 2007
<i>Semanza</i> AJ	<i>Prosecutor v. Laurent Semanza</i> , Case No. ICTR-97-20-A, App.Ch., Judgement, 20 May 2003

Pleadings from other cases

Abbreviation used in Final Trial Brief	Full citation

General Sources

Abbreviation used in Final Trial Brief	Full citation
API	Additional Protocol I to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977
APII	Additional Protocol II to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol I) of 8 June 1977
GCIII	Third Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949
GCIV	Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949

Other Abbreviations

Abbreviation used in Final Trial Brief	Full citation
410 th ObC	410 th Intelligence Centre
65 th ZMTP	65 th Motorised Protection Regiment
ABiH	Army of the Republic of Bosnia and Herzegovina
APC	Armoured Personnel Carrier
Art.	Article
Arts.	Articles
BiH	Bosnia and Herzegovina
CJB	Regional police station
Col.	Colonel
DK	Drina Corps
DOO	Duty Operations Officer
DutchBat	Dutch Battalion III, UNPROFOR
Exh.	Exhibit
Exhs.	Exhibits
fn.	Footnote
fns.	Footnotes
GC's	Geneva Conventions I to IV of 12 August 1949
Gen.	General
Gen. Maj.	General Major
GS	Main Staff
HQ	Headquarters
HVO	Croatian Defence Council
IBK	East Bosnian Corps
ICMP	International Commission on Missing Persons

Abbreviation used in Final Trial Brief	Full citation
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
IKM	Forward Command Post
JCO	Joint Commission Observer
JNA	Yugoslav People's Army (Army of the Socialist Federal Republic of Yugoslavia)
KOG	Counter-Intelligence Group
Kula School	Nikola Tesla primary school, Kula, Pilica
Lt. Col.	Lieutenant Colonel
Milići Hospital	Sveti Nikola War Hospital, Milići
MP	Military Police
MSF	Médécins sans Frontières
MUP	Ministry of the Interior Police
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
OP	Observation Post
para.	paragraph
paras.	paragraphs
p.	page
PHR	Physicians for Human Rights
PJP	Regular police unit
PoWs	prisoners of war
pp.	pages
PTT Building	Sector Sarajevo Headquarters
RBiH	Republic of Bosnia and Herzegovina
RS	Republika Srpska

Abbreviation used in Final Trial Brief	Full citation
Rules of Procedure and Evidence	Rules of Procedure and Evidence of the International Criminal Tribunal for the Former Yugoslavia
SDA	Party of Democratic Action
SDS	Serbian Democratic Party of Bosnia and Herzegovina
SFRY	<i>Former:</i> Socialist Federal Republic of Yugoslavia
SG	Secretary General of the United Nations
SJB	Municipal police station
SRK	Sarajevo-Romanija Corps
SRSG	Special Representative to the Secretary General of the United Nations
State Committee	Republika Srpska State Committee for Co-operation with United Nations and International Humanitarian Organisations
ICTY Statute	Statute of the International Criminal Tribunal for the Former Yugoslavia established by the Security Council Resolution 827 (1993)
UKRCOY	Ukrainian Company, UNPROFOR
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNPROFOR	United Nations Protection Forces
VRS	Army of Republika Srpska
Zvornik DO Notebook	Zvornik Brigade Duty Operations Officer's Notebook

Appendix B

Excerpt from P01970

Appendix B

“All prisoners, members of the enemy are to be handcuffed or their hands tied with anything available immediately after their capture. They are to be searched and all items are to be seized apart from their clothing and footwear. An official record is to be compiled. After the search, they are to be blindfolded at the place of detention prior to being lead away in order to prevent them from observing anything.

All commands – from battalion level upwards are to determine places behind the frontline at which captured members of the enemy army are to be collected. This place must not be in the area of the command post, nor in the area of the communications centre, artillery weapons or significant elements of logistics support. The location where POWs are collected must be such that the prisoners are fully secured, as well as the people from the security organ, from the intelligence organ and the military police organ that engages in the interrogation and guards POWs.

POWs will be taken from the collection point around the frontline to the prison or the POW camp in such a manner as to prevent the escape of prisoners and to prevent them from observing anything during their transport. This means that the prisoners’ hands must be tied and they must be blindfolded. It is up to the patrol leader who transports the prisoners to estimate whether it is necessary for the prisoners’ legs to be tied as well.”²⁷¹²

²⁷¹² Exh.P01970, p.2.

Appendix C

Illustrations of Convoy Approval/Denial Practice

Appendix C

Illustrative examples of how the Main Staff notification of convoy approvals/denials worked in practice include:

(i) a March 1995 Main Staff notification of convoy approvals/denials, providing “We hereby inform you that we agree to the implementation of the UNHCR Belgrade weekly plan for which Approval no. 0468-HCR-288 was given. The plan will be implemented as follows [...] in addition to the quantities of beef given for Goražde/ handwritten: Srebrenica and/ Žepa which have been reduced fourfold, the transport of the following has not been approved: oxygen in bottles, matches and plywood panels for Srebrenica 21 March, matches and motor oil for Žepa 22 March and oxygen bottles for Goražde 23 March 1995”;²⁷¹³

(ii) a 10 March 1995 Main Staff notification of convoy approvals/denials, denying, among other things, spare parts for Žepa; various foodstuffs for Goražde; diesel, dry rations, frozen and cold food, water trailer, prefab huts, spare parts and work clothes for Srebrenica; and with instructions in the last paragraph: “Discuss the information on unapproved convoys with check points, do not tell third persons and do not give any explanations to UNPROFOR representatives (pretend you did not get them). If a convoy shows up at a crossing point, return it to the place of departure”;²⁷¹⁴

(iii) a 7 April 1995 Main Staff notification of convoy approvals/denials, specifying convoys and humanitarian aid items it did not approve, including beds, food, clothes, medicines, school supplies, hospital beds, an x-ray machine, light fittings, nails, water trailer and cleaning goods;²⁷¹⁵

(iv) a 2 June 1995 Main Staff notification of convoy approvals/denials, stating that “we did not approve one truck with school supplies” headed for Srebrenica, that “we did not approve 60 litres of oil for saws” destined for Žepa, and “we did not approve the Swedish construction project for Srebrenica”;²⁷¹⁶

(v) a 12 June 1995 Main Staff notification of convoy approvals/denials, remarking that “we did not permit 60 l. of oil for saws to be transported” and “[w]e did not approve one truck with school supplies for Srebrenica on 13 June 1995”;²⁷¹⁷

²⁷¹³ Exh.P02861.

²⁷¹⁴ Exh.P02089.

²⁷¹⁵ Exh.P02503. *See also* Exh.P02411 (denying beef, salt, oil and clapboards for Srebrenica on 8, 9, 10, 11,12 and 13 April 1995 and approving heating oil only if Serbs got theirs).

²⁷¹⁶ Exh.P02567.

²⁷¹⁷ Exh.P02568.

(vi) another 12 June 1995 Main Staff notification of convoy approvals/denials, including the specific instruction “the requests contain data on unauthorised rotation of personnel, only the exit of following persons from the cited enclaves is authorised [...] In other words, no foreign MSF officials shall be allowed to enter the enclaves”;²⁷¹⁸ and

(vii) a 30 June 1995 Main Staff notification of convoy approvals/denials, stating that “we agree with the following authorisation issued by the Co-ordinating Body for HP RS /?Republika Srpska Humanitarian Aid/” but noting that “We did not authorise another truck carrying school equipment to be part of the convoy”, and that “the following convoys have not been authorised in the weekly plan: 1 July to Goražde and Srebrenica, 2 July to Goražde, 5 July to Srebrenica and 6 July to Goražde”.²⁷¹⁹

²⁷¹⁸ Exh.P02569.

²⁷¹⁹ Exh.P02410.

Appendix D

Forensic Connections

Appendix D

I. Forensic connections between Glogova 1 and 2 primary mass graves (Kravica Warehouse executions) and the Zeleni Jadar, Budak and Blječeva secondary mass graves

Aerial imagery

- (i) Aerial images taken on 17 July 1995 show disturbed soil on both sides of the road separating the Glogova 1 and 2 graves.²⁷²⁰
- (ii) A split aerial image shows a further disturbance at the Glogova 1 grave between 27 July and 20 October 1995.²⁷²¹
- (iii) By 30 October 1995, the Glogova 1 grave was refilled, while ongoing excavation by a front loader continued in the Glogova 2 area.²⁷²²
- (iv) Aerial images of the Zeleni Jadar secondary gravesites show that they were excavated between 24 August and 12 October 1995 (with 5 excavations completed by 2 October 1995), and were refilled between 2 and 23 October 1995.²⁷²³

Soil and pollen

- (i) An analysis of soil and pollen samples show that the Glogova 2 primary mass grave and the Zeleni Jadar 5 secondary mass grave are linked.²⁷²⁴

Artefacts

- (i) Artefacts, including distinctive debris such as broken pieces of the wall and door, barbed wire, bricks, tiles, china and hay, some of which originated from the Kravica Warehouse, were found at the Glogova (except in subgrave L).²⁷²⁵
- (ii) Similar artefacts were found in the Glogova 1 and 2 primary graves and Zeleni Jadar 5 and 6 secondary mass graves.²⁷²⁶

²⁷²⁰ Exh.P01825, ERN:0095-0979-0095-0980. However, subgraves E and L in Glogova 1 were not created until sometime between 17 and 27 July 1995. *See* Exh.P00937, ERN:X006-5671. *See also* Exh.P01014, ERN:X005-6754; Exh.P00873.

²⁷²¹ Exh.P01833; MANNING, T.10175-10177. While all other subgraves in Glogova 1 were disturbed by the end of October 1995, subgraves E and L remained untouched, showing that they were dug after Kravica Warehouse bodies had been buried. *See* Exh.P00937, ERN:X006-5671; Exh.P01014, ERN:X005-6754; Exh.P00873, ERN:X006-4506.

²⁷²² AF371, AF387; Exh.P01834; MANNING, T.10177-10178. *See also* Exh.P01825, ERN:0095-0980, ERN:0095-0984; [REDACTED – *see* Exh.P01819], MANNING, T.19149-19150.

²⁷²³ For an overview of the area containing the Zeleni Jadar secondary mass graves, *see* Exh.P01839; Exh.P01840; Exh.P01841; Exh.P01842; Exh.P01843; Exh.P01844; Exh.P01845; Exh.P01846; Exh.P01847; Exh.P01848 and Exh.P01849, for an indication of when each of these secondary mass graves was opened and closed. *See also* MANNING, T.10178-10181; [REDACTED – *see* Exh.P01819], MANNING, T.18939-18942.

²⁷²⁴ Exh.P01822, ERN:0090-2579; Exh.P01825, ERN:0095-0979-0095-0984; Exh.P00170, ERN:X019-6048.

²⁷²⁵ AF381; Exh.P00869, WRIGHT, T.7440-7441; Exh.P00937, ERN:X006-5670; Exh.P00873, ERN:X006-4498; Exh.P01014, ERN:X005-6747; Exh.P02591; Exh.P01825, ERN:0095-0984.

(iii) Forensic evidence, such as building materials, shows that bodies from Kravica Warehouse were also buried in the Ravnice primary undisturbed mass grave.²⁷²⁷

Fragments of grenades and shrapnel

- (i) Glogova 1 and Zeleni Jadar 6 contained fragments of grenades and shrapnel.²⁷²⁸
- (ii) A comparison of shell cases establishes a link between the Zeleni Jadar 5 secondary mass grave and the Kravica Warehouse execution point.²⁷²⁹

Nature of injuries

- (i) The individuals found in these graves died as a result of gunshot wounds, as well as high impact blast injuries.²⁷³⁰

DNA

- (i) An analysis of DNA matching reports issued by ICMP shows that multiple DNA connections exist between the Glogova primary mass graves, between the Glogova primary mass graves and the Budak / Blječeva / Zeleni Jadar secondary mass graves, as well as between some of the secondary mass.²⁷³¹
- (ii) A direct DNA connection has conclusively been established between the Kravica Warehouse execution site and the Zeleni Jadar 2 secondary mass grave, with DNA from a tooth found at the westernmost entrance doorway of the Kravica Warehouse²⁷³² matching the DNA extracted from a left femur and left humerus found in Zeleni Jadar 2 secondary grave.²⁷³³
- (iii) The current total of **1,334** DNA identified persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Ravnice, Glogova, Zeleni Jadar, Budak and Blječeva graves, consists of:

²⁷²⁶ Exh.P01825, ERN:0095-0984; Exh.P01916, ERN:X016-7712; MANNING, T.10169-10170; [REDACTED – see Exh.P01819], MANNING, T.18980-18982, T.19114; Exh.P00869, WRIGHT, T.7440-7442; Exh.P02591.

²⁷²⁷ Though designated “Ravnice 1” and “Ravnice 2”, the Ravnice primary mass grave is a single grave.

²⁷²⁸ AF382; RUEZ, T.971-973; Exh.P00873, ERN:X006-4482, ERN:X006-4496; Exh.P01823; Exh.P01828. See also Exh.P01080, MANNING, T.18978-18980; Exh.P01916, ERN:X016-7713 and Exh.P00937 ERN:X006-5670.

²⁷²⁹ Exh.P01827; Exh.P01825, ERN:0095-0982, ERN:0095-0986; Exh.P00170, ERN:X019-6048.

²⁷³⁰ See AF379-380, AF382, AF389. See also Exh.P00929; Exh.P00937, ERN:X006-5671-X006-5672. See also Exh.P00894, ERN, ERN:0090-8203-0090-8206; Exh.P00896, ERN:0200-5392-0200-5394; Exh.P00919.

²⁷³¹ Exh.P00170: for Primary to secondary grave DNA connections exist between GL-1 and: Blječeva 3, both Budak graves, and all the Zeleni Jadar (“ZJ”) graves; as well as between GL-2 and Blječeva 1 and 2, and ZJ5 (ERN:X019-6020) and secondary to secondary grave DNA connections also exist: (ERN:X019-6020-X019-6021); see also ERN:X019-6048 and [REDACTED]. There are also 6 connections between the primary graves GL-1 and GL-2: Exh.P00170, ERN:X019-6020, ERN:X019-6048.

²⁷³² See e.g., Exh.P02591; Exh.P00896, ERN:0200-5398.

²⁷³³ [REDACTED]; Exh.P00170, ERN:X019-5998.

- a. 203 individuals identified from the Ravnice undisturbed primary mass grave,
- b. 393 individuals identified from Glogova 1 and Glogova 2 disturbed primary mass graves,²⁷³⁴ and
- c. 738 individuals identified from secondary mass graves associated with Glogova.²⁷³⁵

II. Lažete 1 and 2 primary mass graves (Orahovac executions) are connected to the Hodžići Road secondary mass graves

Aerial imagery

- (i) Aerial images show that an initial disturbance of the earth at Lažete 1 and 2 occurred between 5 and 27 July 1995.²⁷³⁶
- (ii) A further disturbance to Lažete 1 and 2 occurred between 7 and 27 September 1995.²⁷³⁷
- (iii) Aerial images of creation and disturbance dates show that the Hodžići Road secondary mass graves were created by 2 October 1995.²⁷³⁸

Blindfolds

- (i) Strips of cloth were found at both Lažete 2 and the Hodžići 3, 4 and 5 secondary graves.²⁷³⁹
- (ii) A total of 594 blindfolds were found at the Orahovac School and in and around Orahovac-related graves.²⁷⁴⁰

²⁷³⁴ See also AF384.

²⁷³⁵ For a breakdown of the most current numbers of bodies identified via DNA from each of the above primary and secondary mass graves, see Exh.P00170, ERN:X019-5974-X019-5976 and Annex A from ERN:X019-5978. [REDACTED].

²⁷³⁶ Exh.P01851.

²⁷³⁷ AF400; Exh.P01852; Exh.P01853; [REDACTED – see Exh.P01819], MANNING, T.18938-18939.

²⁷³⁸ AF400. See Exh.P01864; Exh.P01865; Exh.P01866; Exh.P01868; Exh.P01869; Exh.P01870; Exh.P01871; Exh.P01872 and Exh.P01873. See also [REDACTED – see Exh.P01819], MANNING, T.18943-18944.

²⁷³⁹ AF393, AF397, AF399, AF401; Exh.P01826.

²⁷⁴⁰ Exh.P01825 (shows that 107 blindfolds were recovered from Orahovac 2 and 102 probable blindfolds next to Orahovac 2 (ERN:0095-0952); 16 blindfolds from Hodžići Road (ERN:0095-0956); 40 blindfolds from Hodžići Road 4 (ERN:0095-0963); and 34 blindfolds from Hodžići Road 5 (ERN:0095-0960). See also Exh.P00937, (shows that 138 blindfolds were recovered from Orahovac 1 (ERN:X006-5664), 117 blindfolds at the School (ERN:X006-5664), and an additional 40 blindfolds in Orahovac 2 (ERN:X006-5667). A photograph of some of the blindfolds found can be seen in Exh.P00094, pp.136-137.

Soil and pollen

(i) A forensic connection based on soil and pollen samples was established between the Lažete 2 primary mass grave and the Hodžići Road secondary mass graves.²⁷⁴¹

Shell cases

(i) A forensic connection based on matched shell cases was established between the Lažete 2 primary mass grave and three Hodžići Road secondary mass graves (3, 4 and 5).²⁷⁴²

Nature of injuries

(i) The overwhelming majority of individuals located in the Orahovac-related graves died of gunshot wounds.²⁷⁴³

DNA

(i) An analysis of DNA matching reports issued by ICMP shows that multiple DNA connections exist between the Lažete 1 primary mass grave and the Hodžići Road 5 secondary mass grave, as well as between the Lažete 2 primary mass grave and Hodžići Road 1, 2, 3, 4, 6, and 7 secondary mass graves.²⁷⁴⁴ DNA connections were also found between the Hodžići Road secondary graves.²⁷⁴⁵

(ii) The current total of **830** DNA identified persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from Lažete 1 and 2 and Hodžići Road 1-7 graves, consists of

- a. 300 individuals identified from the Lažete 1 and 2 primary mass graves, and
- b. 530 individuals identified from the associated secondary mass graves.²⁷⁴⁶

III. The Petkovci Dam primary mass grave is connected to the Liplje secondary mass graves

Aerial imagery

(i) Aerial imagery indicates that the primary grave at the Dam was first dug between 5 and 27 July 1995.²⁷⁴⁷

²⁷⁴¹ Exh.P01821; Exh.P01825, ERN:0095-0950-0095-0964; Exh.P00937, ERN:X006-5663-X006-5667.

²⁷⁴² Exh.P01827; Exh.P01825, ERN:0095-0950-0095-0964; Exh.P00937, ERN:X006-5663-X006-5667.

²⁷⁴³ AF396, AF401. Exhs.P00926-P00928. *See also* Exhs.P01072, P01316-P01319.

²⁷⁴⁴ *See e.g.* Exh.P00170, ERN:X019-6019; [REDACTED].

²⁷⁴⁵ Exh.P00170, ERN:X019-6019 and ERN:X019-6047.

²⁷⁴⁶ Exh.P00170, ERN:X019-5980-X019-5981, ERN:X019-5991-X019-5994, ERN:X019-6012. [REDACTED].

²⁷⁴⁷ AF402; Exh.P01855.

(ii) Aerial images also establish that the Dam gravesite was again disturbed between 7 and 27 September 1995.²⁷⁴⁸

(iii) Aerial images show that the associated secondary sites of Liplje 1-4 were created by 2 October 1995.²⁷⁴⁹

Ligatures

(i) One twine ligature was found at the primary Dam gravesite and 23 twine ligatures at the secondary Liplje 2 gravesite.²⁷⁵⁰

Artefacts

(i) Unweathered blocks of limestone from the retaining structure of the Dam were found at Liplje 2.²⁷⁵¹

Shell cases

(i) At least 750 shell cases were recovered from the surface of the Dam site during the exhumation.²⁷⁵²

Nature of injuries

(i) The shape of 464 skull fragments were found to be consistent with gunshot wounds.²⁷⁵³

(ii) Similar characteristics of the bodies, such as decomposition, weathering and post mortem damage and angular stones embedded in the bones, link the Dam primary gravesite and Liplje 2 secondary grave.²⁷⁵⁴

DNA

(i) DNA connections have been found to exist between the Dam primary site and the five Liplje graves and between the Liplje secondary grave sites.²⁷⁵⁵

²⁷⁴⁸ AF402; Exh.P01856; [REDACTED – see Exh.P01819], MANNING, T.18934-18935.

²⁷⁴⁹ Exh.P01875; Exh.P01876; Exh.P01877; Exh.P01878; Exh.P01879. *See also* Exh.P01917. *See* AF406-408.

²⁷⁵⁰ AF411; Exh.P01825, ERN:0095-0967, ERN:0095-0971; ERN:0095-1024-0095-1025; [REDACTED – see Exh.P01819], MANNING, T.18943-18944. *See also* Exh.P00923; Exh.P00930.

²⁷⁵¹ Exh.P00872, ERN:0084-8234, ERN:0084-8237-A; MANNING, T.10173.

²⁷⁵² Exh.P01825, ERN:0095-0913-0095-0966; *see also* MANNING, T.10174.

²⁷⁵³ AF410. Exh.P01825, ERN:0095-0966-0095-0967.

²⁷⁵⁴ Exh.P00930, ERN:X003-8096.

²⁷⁵⁵ For a list of DNA connections between the Dam primary site and Liplje 1, 2, 3, 4 and 7, *see* Exh.P00170, Annex A, ERN:X019-5981-X019-5982, ERN:X019-6012 and Annex C; [REDACTED]. For secondary to secondary DNA connections between the Liplje graves, *see* Exh.P00170, Annex C ERN:X019-6019-X019-6020 and ERN:X019-6047. [REDACTED].

(ii) The current total of **809** DNA identified persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Dam and Liplje 1-4 and 7 graves, consists of:

- a. 18 individuals identified from the Petkovci Dam primary mass grave, and
- b. 791 individuals identified from the associated secondary mass graves.²⁷⁵⁶

IV. Kozluk primary mass graves are connected to the Čančari Road secondary mass graves

Aerial imagery

(i) Aerial imagery indicates that the Kozluk mass grave was created between 5 and 17 July 1995.²⁷⁵⁷

(ii) Aerial imagery shows that there was further disturbance to the site between 7 and 27 September 1995.²⁷⁵⁸

(iii) Aerial imagery establishes that these related secondary mass graves were created between 7 September and 2 October 1995.²⁷⁵⁹

Blindfolds and ligatures

(i) Blindfolds and ligatures were also found at the Kozluk primary mass grave and the associated secondary graves.²⁷⁶⁰

Artefacts

(i) Bottle labels and glass originating from the Vitinka bottling factory near the Kozluk mass grave were found at Čančari Road 1 and 3.²⁷⁶¹

²⁷⁵⁶ For a breakdown of numbers of bodies identified *via* DNA from the primary and secondary mass graves linked to the Petkovci Dam execution, see Exh.P00170, ERN:X019-5974-X019-5976 and ERN:X019-6012. [REDACTED]; AF409.

²⁷⁵⁷ Exh.P01858.

²⁷⁵⁸ AF418; Exh.P01859; [REDACTED – see Exh.P01819], MANNING, T.18933-18934.

²⁷⁵⁹ For an overview of the area containing the Čančari secondary mass graves, Exh.P01882; Exh.P01917, ERN:0619-8500. Note that Čančari Road secondary mass graves 1-7 and 13 are clustered on the East part of the road, while the Čančari Road graves 8 through 12 are clustered on the West part of the road. Having concluded that Kozluk was the primary grave for Čančari 3, Wright concluded that "by implication, the same applies for the probed grave CR1." See Exh.P00871, ERN:0091-2170. See also Exh.P01885; Exh.P01886; Exh.P01887; Exh.P01888; Exh.P01889; Exh.P01893; Exh.P01894. See also [REDACTED – see Exh.P01819], MANNING, T.18943-18944.

²⁷⁶⁰ AF417, AF424; Exh.P01825, ERN:0095-0974; Exh.P01819, MANNING, T.18971 (referring to Exh.P01911, ERN:0091-2184

²⁷⁶¹ AF422. See Exh.P00872 ERN:0084-8235-0084-8236; see also Exh.P00170, ERN:X019-6046; Exh.P01825, ERN:0095-0972.

Soil and pollen

- (i) A connection between the Kozluk mass grave and Čančari Road 3 based on soil and pollen samples has been established.²⁷⁶²

Shell cases

- (i) Shell cases from Kozluk primary mass grave matched shell casings found at the Čančari Road 3 secondary grave.²⁷⁶³

Nature of the injuries

- (i) Gunshot wounds accounted for the deaths of the victims in these graves.²⁷⁶⁴

DNA

- (i) DNA evidence establishes that the Kozluk primary mass grave is linked with the secondary mass graves of Čančari Road 2, 3, 7 and 13.²⁷⁶⁵

(ii) The current total of **761** DNA identified persons who were reported missing after the fall of Srebrenica in July 1995, and whose remains were exhumed from the Kozluk primary grave and its related Čančari Road secondary mass graves (Čančari Road 2, 3, 7 and 13), consists of:

- a. 332 individuals identified from the Kozluk primary mass grave,²⁷⁶⁶ and
- b. 425 individuals identified *via* DNA analysis from the associated secondary mass graves.²⁷⁶⁷

V. Branjevo Farm primary mass graves are connected to the Čančari Road secondary mass graves

Aerial imagery

- (i) Aerial images taken of the Branjevo Farm on 17 July 1995 show a large number of bodies lying in a field near the farm, as well as an excavator engaged in the digging of a large pit.²⁷⁶⁸

²⁷⁶² AF422; Exh.P01821.

²⁷⁶³ AF 422; Exh.P01827; Exh.P00871; Exh.P01825, ERN:0095-0916.

²⁷⁶⁴ AF415, AF423. Exh.P00925; Exh.P00894.

²⁷⁶⁵ See Exh.P00170, ERN:X019-6012. For a list of DNA connections between the Kozluk primary site and the Čančari Road secondary sites and for secondary to secondary DNA connections between the Čančari Road graves related to Kozluk, see Exh.P00170, ERN:X019-6019-X019-6020 and ERN:X019-6046. [REDACTED].

²⁷⁶⁶ AF414.

²⁷⁶⁷ For a breakdown of the most current numbers of bodies identified *via* DNA from each of the above primary and secondary mass graves, see Exh.P00170, ERN:X019-5974-X019-5975 and Annex A ERN:X019-6012-R067-1628. [REDACTED].

²⁷⁶⁸ AF426; Exh.P00216; Exh.P01921. See also paras.XX.

(ii) Further images dated 27 September 1995 show the disturbance of this primary mass grave, including a newly excavated trench at the site.²⁷⁶⁹ A backhoe and a front loader can be seen parked at the farm.

(iii) Aerial imagery also establishes that four of the related secondary mass graves were created between 27 September and 2 October 1995 (with Čančari 8 created between 7 September and 2 October 1995).²⁷⁷⁰

Ligatures

(i) Eighty-three ligatures were discovered at the Branjevo Farm primary gravesite and 16 ligatures at the Čančari Road 12 secondary mass grave.²⁷⁷¹ These ligatures had similar characteristics.²⁷⁷²

(ii) Eighteen cloth and string ligatures were recovered at the Čančari Road 8 secondary mass grave and were consistent in terms of material, colour and make with the Branjevo Farm ligatures.²⁷⁷³

Soil and pollen

(i) Soil and pollen samples indicate that the Čančari Road 12 is a secondary mass grave to the Branjevo Farm primary mass grave.²⁷⁷⁴

Shell cases and bullets

(i) Significant numbers of bullets and shell cases were collected during the exhumation and autopsy processes.²⁷⁷⁵

Nature of injuries

(i) Gunshot wounds accounted for the death of the victims in these graves.²⁷⁷⁶

DNA

(i) Although no DNA identification from the 20 October to 19 November 2008 exhumation of the Čančari Road 8 grave appeared on the ICMP February 2010 Update, a

²⁷⁶⁹ Exh.P00094, p.224 and Exh.P01645. [REDACTED – see Exh.P01819], MANNING, T.18935-18937 and 19147-19149.

²⁷⁷⁰ Exh.P01895; Exh.P01896; Exh.P01897; Exh.P01898; Exh.P01899; Exh.P01900; Exh.P01901; Exh.P01902; Exh.P01903; Exh.P01904; Exh.P01905; Exh.P01906; Exh.P01907. [REDACTED – see Exh.P01819], MANNING, T.19147-19149; AF421.

²⁷⁷¹ Exh.P01825, ERN:0095-0944, ERN:0095-0948 and ERN:0095-0922; Exh.P01826.

²⁷⁷² Exh.P01825, ERN:0095-0921.

²⁷⁷³ Exh.P02051, ERN:X019-3663, paras.38, 39. *See also* Exh.P02051, ERN:X019-3673 for a photographic comparison of ligatures found in Branjevo Farm and Čančari 8 secondary mass grave.

²⁷⁷⁴ *See also* Exh.P01821, ERN:0070-7663; Exh.P01825, ERN:0095-0947.

²⁷⁷⁵ Exh.P01825, ERN:0095-0944 and ERN:0095-0948-0095-0949.

²⁷⁷⁶ AF428, AF430; Exh.P01073; Exh.P00924.

drivers licence was found on one of the bodies exhumed from the Čančari Road 8 grave whose remains had already been identified *via* DNA matching in the Branjevo Farm primary mass grave.²⁷⁷⁷

(ii) DNA connections have been established between Branjevo Farm and the Čančari 4, 9, 11 and 12 secondary mass graves, as well as between the Čančari 5, 6 and 10.²⁷⁷⁸

(iii) The total of **1656** DNA identified persons who were reported missing after the fall of Srebrenica in July 1995 and whose remains were exhumed from the Branjevo Farm and associated Čančari Road 4, 5, 6, 9, 10, 11 and 12 secondary mass graves, consists of:

- a. 137 individuals identified from the Branjevo Farm primary mass grave, and
- b. 1519 individuals identified from the Čančari Road 4, 5, 6, 9 10, 11 and 12 secondary mass graves.²⁷⁷⁹

²⁷⁷⁷ See Exh.P00170, ERN:X019-5989, concerning the identification document and driving license of Esad (Adil) BEKTIĆ found in the Čančari Road 8 grave attached to a body without a right and left ulna, designated with Case ID KAM08ZVO065T. Mr. Bektić was identified *via* DNA analysis in the Branjevo Farm mass grave under the Case ID PLC-(i)-MXT. [REDACTED]. See also Exh.P00174, ERN:X019-3598 (BCS). JANC, T.1852.

²⁷⁷⁸ For a list of DNA connections between the Branjevo Farm/Pilica primary mass grave and Čančari Road 4, 9, 11 and 12 and secondary to secondary DNA connections between the Čančari Road mass graves related to Branjevo Farm, see Exh.P00170, ERN:X019-6019-X019-6020 and [REDACTED].

²⁷⁷⁹ Exh.P00170, ERN:X019-6012; [REDACTED]. A tentative preliminary MNI figure of 84 individuals has been calculated from a total of 340 cases of human remains recovered at Čančari 8. See Exh.P02051, ERN:X019-3663, para.35. There may still be graves which have not yet been discovered.

Appendix E

Summary of Demographic Evidence

Appendix E

I. Demographic evidence: number of Srebrenica missing persons presumed dead Methodology and Protocols

- (i) Prosecution demographers cross-referenced the data they used with:
- a. the 1991 Population Census for Bosnia and Herzegovina to establish the existence of the reported missing,
 - b. the Voters' Registers for the 1997, 1998 and 2000 Bosnian elections to rule out survivors among the missing,
 - c. the Register of Displaced Persons and Refugees 2000 to rule out survivors among the missing,²⁷⁸⁰ and
 - d. army records.²⁷⁸¹
- (ii) This process involved on-going quality control measures.²⁷⁸²

II. DNA evidence: number of persons identified from graves and surface Methodology and Protocols

- (i) The nuclear STR typing used by the ICMP meets the present industry standards and is used widely in the US and UK.²⁷⁸³
- (ii) Testing is carried out in accordance with documented standard operating procedures, regulating testing protocols²⁷⁸⁴ and techniques.²⁷⁸⁵
- (iii) The ICMP DNA laboratory system is internationally accredited, which calls for quality control, oversight, and standard operating procedures for the training processes and methodology used.²⁷⁸⁶ The laboratory is formally reviewed as a part of the accreditation process.²⁷⁸⁷

²⁷⁸⁰ BRUNBORG, T.9628-9632, TABEAU, T.11408-11409; Exh.P01776, ERN:R066-0528-R066-0530; Exh.P01793, ERN 0501-6184-0501-6192 for a more detailed explanation of data sources. The demographers also conducted visual checking of all data to control for spelling mistakes or inconsistencies due to grammatical case changes.

²⁷⁸¹ TABEAU, T.11424-11434; Exh.P02082; Exh.P01776, ERN:R066-0624, Table (6.4)2; Exh.P02083; Exh.P02084.

²⁷⁸² Exh.P01775, BRUNBORG, T.11232-11233.

²⁷⁸³ [REDACTED]; [REDACTED – see Exh.P01936], PARSONS, T.20868-20869, T.20882, T.33409. *See also* PARSONS, T.10378-10383.

²⁷⁸⁴ PARSONS, T.10489; [REDACTED – see Exh.P01936], PARSONS, T.20869; Exh.D00170.

²⁷⁸⁵ [REDACTED – see Exh.P01936], PARSONS, T.20910, T.20910 (“The fundamental science they represent is extremely widely used around the world and publications and shared SOPs from other laboratories are widely used in the generation of –of the SOP’s that we have at the ICMP”); Exhs.P02007- P02047.

²⁷⁸⁶ PARSONS, T.10489, [REDACTED – see Exh.P01936], PARSONS, T.20892, T.20911.

²⁷⁸⁷ PARSONS, T.10392-10394, referencing [REDACTED]; [REDACTED – see Exh.P01936], PARSONS, T.33400. Annual technical audits are carried out concerning methods used, results obtained and processes in which ICMP is involved, PARSONS, T.10489; [REDACTED – see Exh.P01936], PARSONS, T.20893.

- (iv) The matching process itself is documented and regulated.²⁷⁸⁸
- (v) The ICMP processes are reviewed by a scientific advisory board of many prominent world scientists.²⁷⁸⁹
- (vi) Since 2009, the ICMP has updated its instrumentation.
- (vii) The ICMP has also developed a new DNA extraction method from bone samples that provides a greater likelihood of successfully obtaining a DNA profile. This method has been validated, implemented and published on.²⁷⁹⁰

III. Forensic evidence: mass executions of Srebrenica Muslims Protocols and Methodology

- (i) A written protocol in line with accepted practices in the field was established by the chief archaeologist before exhumations commenced, and was followed by the team and investigators during every step of the investigation, including the handling of a body and related artefacts exhumed and examined at the morgue, to the sealing of a body bag and the final closing of a case.²⁷⁹¹
- (ii) A written protocol was also established with respect to autopsies.²⁷⁹²
- (iii) The forensic experts scrupulously followed established protocols.²⁷⁹³

²⁷⁸⁸ [REDACTED – see Exh.P01936], PARSONS, T.33435-33436. A highly conservative approach is taken where any inconsistency in determining a genetic profile arises. [REDACTED – see Exh.P01936], PARSONS, T.33440-33442.

²⁷⁸⁹ PARSONS, T.10371, T.10380-10382, T.10469-10470, T.10485-10486; [REDACTED – see Exh.P01936], PARSONS, T.33410; [REDACTED – see Exh.P02071], TABEAU, T.21053.

²⁷⁹⁰ PARSONS, T.10365-10366.

²⁷⁹¹ *See e.g.*, protocols established by Wright as set out in his reports, including: Exh.P00872, ERN:0084-8225-0084-8231 (1998 exhumations); Exh.P00871, ERN:0091-2161-0091-2164 (1999 exhumations at Kozluk); Exh.P00873, ERN:X006-4490-X006-4493 (for 2000 exhumations at Glogova). Peccerelli adopted Wright's procedures in exhuming Lažete 1, PECCERELLI, T.8497-8498; Exh.P00935, ERN:X006-4007-X006-4009; reports by Haglund: Exhs.P01312-P01315, P01071, ERN:0149-3701-0149-3703 (Cerska); Exh.P01316-P01319, P01072, ERN:0149-1644-0149-1646 (Lažete 2) (Exh.P01072, ERN:0149-1671-0149-1679 for an example of autopsy procedures); Exh.P01320, ERN:0149-2660-0149-2661 (Nova Kasaba); Exhs.P01321-P01323, P01073 (Branjevo Farm/Pilica); Baraybar's procedures at Exh.P01059. *See also* [REDACTED – see Exh.P01819], MANNING, T.18908-18909. Protocols would on occasion change to streamline the procedures. [REDACTED – see Exh.P01819], MANNING, T.18909, T.18910.

²⁷⁹² Exh.P00920, LAWRENCE, T.7534-7537; Exh.P00931, T.3981-4018 (concerning the procedure used and summarizing results from Čančari 3). All Lawrence's reports contain the autopsy procedures. *See* Exhs.P00922-P00930; CLARK's reports: Exh.P00894, ERN:0090-8184; Exh.P00896, ERN:0200-5376; Exh.P00919, ERN:0293-0842-0293-0843.

²⁷⁹³ HAGLUND, T.9115 (Lazete 2B); Haglund's testimony concerning security issues and downpours making exhumations difficult. Exh.P01306, HAGLUND T.8911-8912, referring to Exh.P01072, ERN:0149-1661.

Appendix F

Alphabetical List of Persons Mentioned in Final Brief

Appendix F

Alphabetical list identifying certain individuals named in the Final Brief, with position and rank, July 1995

LAST NAME	RANK/FIRST NAME	POSITION/ORGANISATION
AČAMOVIĆ	Col Lazar	Assistant Commander, Rear Services (Logistics), Drina Corps
AĆIMOVIĆ	Srećko	Commander, 2nd Battalion, Zvornik Brigade
AKASHI	Yashushi	Special Representative, UN Secretary-General
ANDRIĆ	Lt Col Svetozar	Chief of Staff/Deputy Commander, Drina Corps (Appointed 13 July 1995)
ARAPOVIĆ	Miško	Military Police, Zvornik Brigade
AŠĆERIĆ	Dragan	Military Police, Zvornik Brigade
BABIĆ	Rajko	Assistant Commander, Moral Guidance, Zvornik Brigade
BANBURY	Tony	UNPROFOR Officer
BAXTER	Lt Col James	Military Assistant to Lt Gen Smith, UNPROFOR
BEARA	Col Ljubiša	Chief of Security Administration, VRS Main Staff
BEGOVIĆ	Dr. Zoran	Chief of Medical Centre, Zvornik Brigade
BIRČAKOVIĆ	Milorad	Military Police, Zvornik Brigade
BIRČAKOVIĆ	Stanoje	Military Police, Zvornik Brigade
BLAGOJEVIĆ	Col Vidoje	Commander, Bratunac Brigade
BLISS (NOW SALE-SAYER)	Capt Emma	Aide and interpreter to Gen Smith, UNPROFOR
BOERING	Maj Pieter	Staff officer, DutchBat
BOGDANOVIĆ	Goran	Military Police, Zvornik Brigade
BOGDANOVIĆ	Jevto	1st Battalion, Zvornik Brigade
BOGIČEVIĆ	Slavko	Deputy Commander, Engineering Company, Zvornik Brigade
BOJANOVIĆ	Ljubo	Officer, Zvornik Brigade
BOROVČANIN	Ljubomir	Deputy Commander, RS MUP Special Police Brigade
BOŠKOVIĆ	Rade	ULT-220 (engineering machinery) driver
ČARKIĆ	Capt Zoran	Chief of Intelligence and Security, Rogatica Brigade
ČELANOVIĆ	Zlatan	Desk Officer for Moral, Legal and Religious Affairs, Bratunac Brigade
ČELIĆ	Predrag	2nd Šekovići Detachment, Special Police Brigade, RS MUP
CEROVIĆ	Col Slobodan	Assistant Commander, Moral, Legal and Religious Affairs, Drina Corps

LAST NAME	RANK/FIRST NAME	POSITION/ORGANISATION
ČUTURIĆ	Rade	Deputy Commander, 2nd Šekovići Detachment
[REDACTED]	[REDACTED]	[REDACTED]
DAVIDOVIĆ	Dr. Radomir	Director, Milići Hospital
DERONJIĆ	Miroslav	President, Bratunac SDS
DERONJIĆ	Nenad	MUP PJP Company
DIBB	Capt Tomas	Liaison Officer, UNPROFOR
ĐOKIĆ	Neško	Zvornik Brigade
ĐOKIĆ	Slobodan	Zvornik Brigade
DORST	Raymond	DutchBat
DUDNJIK	Col Sejmon	Commander, UKRCOY, Žepa
ĐUKIĆ	Lt Col Gen Đorđe	Assistant Commander, Rear Services, VRS Main Staff
ĐURĐIĆ	Col Miloš	Chief of Section for Communication with Foreign Military Representatives, VRS Main Staff
ĐURIĆ	Mendeljev	Commander, 1st Company, RS MUP Special Police Brigade Training Centre, Jahorina
EGBERS	Lt Vincentius	Commander, 3rd Platoon, DutchBat
ERDEMOVIĆ	Dražen	10th Sabotage Detachment, VRS Main Staff
FORTIN	Maj Louis	Military Assistant to Gen Gobillard (Commander, UNPROFOR, Sarajevo Sector)
FRANKEN	Maj Robert	Deputy Commander, DutchBat
FURTULA	Maj Radomir	Commander, Višegrad Brigade
GALIĆ	Maj Mihajlo	Assistant Chief of Staff, Reinforcement and Personnel Affairs, Zvornik Brigade
GAVRIĆ	Miće	Artillery Chief, Bratunac Brigade
GAVRIĆ	Dr. Jugoslav	Director, Zvornik Hospital, Zvornik Brigade
GOBILLARD	Gen Herve	Commander, UNPROFOR, Sarajevo Sector
GOJKOVIĆ	Danko	Communications specialist, Rogatica Brigade
GOJKOVIĆ	Brano	10th Sabotage Detachment, VRS Main Staff
GOLIĆ	Maj Pavle	Assistant Chief, Intelligence, Drina Corps
[REDACTED]	[REDACTED]	[REDACTED]
GROEN	Maj	Commander, Bravo Company, DutchBat
GROENEWEGEN	Paul	DutchBat
GVERO	Lt Col Gen Milan	Assistant Commander, Moral, Legal and Religious Affairs, VRS Main Staff
HALILOVIĆ	Gen Safer	Commander, ABiH
HARLAND	David	Civil Affairs Officer, UNPROFOR
IKONIĆ	Nedo	Commander, 2nd Company, RS MUP Special Police Brigade Training Centre, Jahorina

LAST NAME	RANK/FIRST NAME	POSITION/ORGANISATION
ILIĆ	Milisav	Policeman, RS MUP
[REDACTED]	[REDACTED]	[REDACTED]
INĐIĆ	Col Milenko	Liaison Officer, Sarajevo-Romanija Corps
IVANOVIĆ	Dragoje	Military Police, Zvornik Brigade
IVANOVIĆ	Veljko	Driver, 2nd Battalion, Zvornik Brigade
JAKOVLJEVIĆ	Col Pero	Head, Counter Intelligence Group (KOG), Security Administration, VRS Main Staff
JANJIĆ	Mile	Military Police, Bratunac Brigade
JANKOVIĆ	Col Radoslav	Officer, Intelligence Administration, VRS Main Staff
JANKOVIĆ	Sgt Mirko	Commander, Military Police Platoon, Bratunac Brigade
JANVIER	Lt Gen Bernard	Theatre Force Commander, UNPROFOR
JASIKOVAC	Lt Miomir	Commander, Military Police Company, Zvornik Brigade
JAZIĆ	Lt Col Jovo	Deputy Commander and Chief of Staff, 65th ZMTP, VRS Main Staff
[REDACTED]	[REDACTED]	[REDACTED]
JEKIĆ	Radivoje	2nd Battalion, Zvornik Brigade
JEREMIĆ	Nebojša	Military Police, Zvornik Brigade
JEVĐEVIĆ	Maj Milenko	Chief, Communications Battalion, Drina Corps
JEVIĆ	Duško	Assistant Commander, Operations and Training, RS MUP Special Police Brigade
JOKIĆ	Maj Dragan	Chief of Staff, Engineering Company, Zvornik Brigade
JOKIĆ	Sladan	Military Police, Zvornik Brigade
JOSEPH	Edward	Civil Affairs Officer, UNPROFOR
JOSIĆ	Vlado	Driver for Ostoja Stanišić (Commander of 6th Battalion, Zvornik Brigade)
JOVIĆ	Čedo	Military Police, Zvornik Brigade
JOVIĆ	Dragan	Driver for Srećko Aćimović (Commander, 2nd Battalion, Zvornik Brigade)
JOVIČIĆ	Milanko	Chief of Communications, Zvornik Brigade
KARADŽIĆ	Radovan	RS President
KARANOVIĆ	Lt Col Jovica	Chief of Section, Operations and Analytical Affairs, Intelligence Administration, VRS Main Staff
KARREMANS	Lt Col Thomas	Commander, DutchBat
KEKIĆ	Dragan	President, Co-ordinating Board for Humanitarian Aid, RS
KESEROVIĆ	Lt Col Dragomir	Chief of Police Section, Security Administration, VRS Main Staff
KINGORI	Maj Joseph	UNMO, Srebrenica

LAST NAME	RANK/FIRST NAME	POSITION/ORGANISATION
KNEŽEVIĆ	Lt Col Čedo	Head, 410 th Intelligence Centre, Intelligence Administration, VRS Main Staff
KOLJEVIĆ	Nikola	RS Deputy President, Head of Committee, Co-operation with the UN and International Organisations
KOS	Lt Franc	Bijeljina Platoon Commander, 10th Sabotage Detachment, VRS Main Staff
KOSORIĆ	Lt Col Svetozar	Chief of Intelligence, Drina Corps
KOSTER	Lt Eelco	Logistics Officer, DutchBat
KOVAČ	Tomo	RS Deputy Minister of the Interior
KOVAČEVIĆ	Veljko	Driver, Zvornik Brigade
KRAJIŠNIK	Momčilo	President, RS Assembly
KRALJ	Slavko	Deputy Chief of Section, Communication with Foreign Military Representatives, VRS Main Staff
KRSTIĆ	Gen Maj Radislav	Commander, Drina Corps (Appointed 13 July 1995)
[REDACTED]	[REDACTED]	[REDACTED]
KULIĆ	Dragan	Commander, Ugljevik Police Station (SJB)
KULOVAC	Dr. Benjamin	Žepa War Presidency
KUŠIĆ	Lt Col Rajko	Commander, Rogatica Brigade
LAKIĆ	Capt Radivoje	Platoon Commander, 1st Battalion, Zvornik Brigade
LAZAREVIĆ	Damjan	Engineering Company, Zvornik Brigade
LAZAREVIĆ	Mitar	2nd Battalion, Zvornik Brigade
LAZIĆ	Col Milenko	Operations and Training Section, Drina Corps
LUČIĆ	Aleksandar	Deputy Commander, Military Police Battalion, 65th ZMTP, VRS Main Staff
MALINIĆ	Cpt Maj Zoran	Commander, Military Police Battalion, 65th ZMTP, VRS Main Staff
MAMLIĆ	Lt Col Slobodan	Chief, Electronic Reconnaissance, Intelligence Administration, VRS Main Staff
MANDŽIĆ	Nesib	Srebrenica Muslim Civilian Representative, Hotel Fontana Meetings
MARIĆ	Lt Col Milorad	Chief, Counter Intelligence, Security Administration, VRS Main Staff
MARIĆ	Gen Jovo	Assistant Commander, Air Force and Air Defence, VRS Main Staff
MARIĆ	Milan	Officer, Zvornik Brigade
MATIĆ	Vojo	2nd Company, 4th Battalion, Zvornik Brigade
MIČIĆ	Mile	Driver for General TOLIMIR

LAST NAME	RANK/FIRST NAME	POSITION/ORGANISATION
MILADINOVIĆ	Milovan	Engineering Company, Zvornik Brigade
MILETIĆ	Gen Maj Radivoje	Chief of Operations and Training and Assistant Chief of Staff, VRS Main Staff
MILOŠEVIĆ	Capt 1st Class Sreten	Assistant Commander, Logistics, Zvornik Brigade
MILOŠEVIĆ	Marko	Deputy Commander, 6th Battalion, Zvornik Brigade
MILOVANOVIĆ	Lt Col Gen Manojlo	Deputy Commander and Chief of Staff, VRS Main Staff
MILUTINOVIĆ	Lt Col Milovan	Chief, VRS Main Staff Press Center
[REDACTED]	[REDACTED]	[REDACTED]
MIRKOVIĆ	Miće	Excavator Operator, Engineering Company, Zvornik Brigade
MITROVIĆ	Col Mikajlo	Chief of Intelligence and Security Affairs, 2nd Krajina Corps
MITROVIĆ	Lt Col Ljubomir	Security Officer, East Bosnia Corps President, Commission for Exchange of Prisoners, Bijeljina
MITROVIĆ	Miloš	Excavator Operator, Engineering Company, Zvornik Brigade
MLADIĆ	Lt Col Gen Ratko	Commander of the VRS Main Staff
MOMČILOVIĆ	Sgt Božo	1st Battalion, Bratunac Brigade
MORILLON	Gen Phillipe	Commander, UNPROFOR (in 1993)
NASTIĆ	Lt Col Milomir	Commander, Milići Brigade
NICOLAI	Brig Gen Cornelis	Chief of Staff to Lt Gen Smith, UNPROFOR
NIKOLIĆ	Maj Momir	Chief of Intelligence and Security, Bratunac Brigade
NIKOLIĆ	2nd Lt Drago	Assistant Commander for Security, Zvornik Brigade
[REDACTED]	[REDACTED]	[REDACTED]
NIKOLIĆ	Đoko	2nd Battalion, Zvornik Brigade
NOVAKOVIĆ	Capt Slavko	Officer, Logistics Sector, Drina Corps
OBRADOVIĆ	Col Ljubomir	Assistant Chief of Section, Operations Affairs, VRS Main Staff
OBRENOVIĆ	Maj Dragan	Deputy Commander and Chief of Staff, Zvornik Brigade
OGNJENOVIĆ	Col Slavko	Operations and Training Section, Drina Corps
OSTOJIĆ	Lazar	Commander, 1st Battalion, Bratunac Brigade
PALIĆ	Col Avdo	Žepa Brigade Commander, ABiH
PANTIĆ	Radomir	Commander, 1st Zvornik PJP Company
PANTIĆ	Dragan	Assistant Commander, Moral and Information, 1 st Battalion, Zvornik Brigade
PANTIĆ	Radislav	Head, Logistic Transport Service, Zvornik

LAST NAME	RANK/FIRST NAME	POSITION/ORGANISATION
		Brigade
PEĆANAC	Capt 1 st Class Dragomir	Officer, Sector for Intelligence and Security Affairs, VRS Main Staff
PELEMIŠ	Lt Milorad	Commander, 10th Sabotage Detachment, VRS Main Staff
PEPIĆ	Milenko	2nd Šekovići Detachment, Special Police Brigade, RS MUP
PERIĆ	Slavko	Chief of Security, 1st Battalion, Zvornik Brigade
PETROVIĆ	Radika	Commander, 4th Battalion, Bratunac Brigade
PETROVIĆ	Mile	Deputy Commander, Military Police Platoon, Bratunac Brigade
PETROVIĆ	Zoran	Journalist
POPOVIĆ	Lt Col Vujadin	Chief of Security, Drina Corps
[REDACTED]	[REDACTED]	[REDACTED]
RAVE	Sgt Maj Evert	Liaison Officer and Advisor of Field Security, DutchBat
RAZDOLJAC	2nt Lt Djoko	Assistant Commander, Logistics, Rogatica Brigade
RIKANOVIĆ	Nikola	Engineering Company, Zvornik Brigade
RISTANOVIĆ	Cvijetin	Excavator Operator, Zvornik Brigade
RISTANOVIĆ	Ljubo	Zvornik Brigade
RISTIĆ	Lazar	Deputy Commander, 4th Battalion, Zvornik Brigade
RISTIĆ	Mirko	Military Police, Zvornik Brigade
RISTIĆ	Predrag	Military Police, Zvornik Brigade
RUTTEN	Lt Johannes	Patrol Co-ordinator and Intelligence Officer, DutchBat
SALAPURA	Col Petar	Chief of Intelligence Administration, VRS Main Staff
SARIĆ	Goran	Commander, RS MUP Special Police Brigade
SAVČIĆ	Col Milomir	Commander, 65th ZMTP, VRS Main Staff
SIMANIĆ	Maj Mile	Deputy Commander, 5th Engineering Battalion, Drina Corps
SIMIĆ	Gen Maj Novica	Commander, East Bosnia Corps
SIMIĆ	Milomir	Military Police, Zvornik Brigade
SIMIĆ	Gojko	2nd Company, 4th Battalion, Zvornik Brigade
ŠKRBIĆ	Gen Maj Petar	Assistant Commander, Organisation, Mobilisation, and Personnel Affairs, VRS Main Staff
SMITH	Lt Gen Rupert	Commander, UNPROFOR, Bosnia and Herzegovina

LAST NAME	RANK/FIRST NAME	POSITION/ORGANISATION
STANIĆ	Miće	2nd Battalion, Zvornik Brigade
STANIŠIĆ	Ostoja	Commander, 6th Battalion, Zvornik Brigade
STANOJEVIĆ	Dobrišlav	1st Zvornik PJP Company
STEVANOVIĆ	Željko	Military Police, Zvornik Brigade
STOJANOVIĆ	Nada	Military Police, Zvornik Brigade
STOJKOVIĆ	Slobodan	Scorpions Unit, Serbian MUP Special Unit
ŠTUPAR	Miloš	Commander, 2nd Šekovići Detachment, Special Police Brigade, RS MUP
TANIĆ	Tanacko	Command staff, Zvornik Brigade
TETTEH	Maj David	UNMO, Srebrenica
TODOROVIĆ	Milenko	Chief of Intelligence and Security, East Bosnia Corps
TODOROVIĆ	Dragan	10th Sabotage Detachment, VRS Main Staff
TOMIĆ	Milenko	Driver, R Battalion, Zvornik Brigade
TOPALOVIĆ	Dragan	Driver, 6th Battalion, Zvornik Brigade
TORLAK	Hamdija	President of Žepa Executive Board and Member of War Presidency
TRBIĆ	Capt Milorad	Security Officer, Zvornik Brigade
TRIFKOVIĆ	Risto	2nd Company, 4th Battalion, Zvornik Brigade
TRIŠIĆ	Dragoslav	Assistant Commander, Rear Services, Bratunac Brigade
TRIVIĆ	Col Mirko	Commander, 2nd Romanija Motorized Brigade
TRKULJA	Col Nedjeljko	Chief, Armoured Mechanized Services, VRS Main Staff
VAN DUIJN	Lt Leendert	DutchBat
VAN RENSSSEN	Raviv	DutchBat
VAN SCHAIK	Sgt Maj	DutchBat
VERSTEEG	Lt Michel	DutchBat
[REDACTED]	[REDACTED]	[REDACTED]
VUJOVIĆ	Lt Ratko	Military Police, Drina Corps
VULIN	Dragiša	Commander, Military Police, East Bosnia Corps
WOOD	David	JCO Commander, UNPROFOR, Bosnia and Herzegovina
[REDACTED]	[REDACTED]	[REDACTED]
ŽIVANOVIĆ	Gen Maj Milenko	Commander, Drina Corps (Relieved on 13 July 1995)
ŽIŽOVIĆ	Desimir	Communications specialist, Rogatica Brigade
ZOLJIĆ	Danilo	Commander, Zvornik CJB Company, MUP

Appendix G

Presence of TOLIMIR and his Subordinates at Crime Scenes

Appendix G

Presence of TOLIMIR and his Subordinates at Crime Scenes

LOCATION	INDIVIDUAL: CITATION
Bijeljina - Vaneko Mlin Prison (Avdo Palić)	<ul style="list-style-type: none"> • D. Pećanac: para.478 • M. Todorović: paras.478 • Z. Čarkić: para.476
Pilica-Branjevo	<ul style="list-style-type: none"> • V. Popović: paras.716, 730-733 • S. Perić: para.699 • M. Jasikovac: para.704 • 10th Sabotage: paras. 717-719, 724-726 • Drina Corps MPs: paras. 717, 724
Ročević	<ul style="list-style-type: none"> • V. Popović: para.677 • D. Nikolić: para.681 • M. Trbić: para.681 • M. Jasikovac: para.680 • M. Janković: para.676 • Zvornik Brigade MPs: paras.679-680 • Bratunac Brigade MPs: para.676
Kozluk	<ul style="list-style-type: none"> • VRS MPs: para.684
Petkovci	<ul style="list-style-type: none"> • L. Beara: paras.652-653, 660 • D. Nikolić: paras.652-653 • VRS MPs: para.653
Orahovac	<ul style="list-style-type: none"> • V. Popović: para.620 • D. Nikolić: paras.595, 609, 620, 624, 628, 630-640 • M. Trbić: para.630 • M. Jasikovac: paras.595, 609, 628 • M. Janković: para.611 • Zvornik Brigade MPs: paras.595, 609-611
Zvornik (Milići patients)	<ul style="list-style-type: none"> • V. Popović: paras.782-784 • D. Nikolić: [REDACTED]
Bišina	<ul style="list-style-type: none"> • V. Popović: paras.770-774 • 10th Sabotage: paras.772-773 • Drina Corps MP: paras.771-773
Konjević Polje	<ul style="list-style-type: none"> • M. Nikolić: para.564 • VRS MPs: para.560
Nova Kasaba	<ul style="list-style-type: none"> • L. Beara: Exh.P01142, EGBERS, T.2776 • P. Salapura: para.535 • Z. Malinić: paras.535, 539, 555 • 65th ZMTP MPs: paras.538, 555
Bratunac	<ul style="list-style-type: none"> • L. Beara: para.587 • P. Salapura: SALAPURA, T.13583

LOCATION	INDIVIDUAL: CITATION
	<ul style="list-style-type: none"> • R. Janković: paras.327, 329, 334, 354-355, 493, 495 • D. Pećanac: PEĆANAC, T.18110, T.18129-18131, T.18138-18141 • V. Popović: paras. 334, 495-498, 607-608 • S. Kosorić: paras. 327, 329, 334, 337, 495-498 • M. Nikolić: paras.327, 329, 337, 354-355, 496-500 • M. Janković: paras.607-608 • Bratunac Brigade MPs: paras.391-392, 607-608
Potočari	<ul style="list-style-type: none"> • P. Salapura: SALAPURA, T.13583, T.13586 • R. Janković: paras.342, 354-355, 366, 371 • V. Popović: para.357; Exh.P02798; Exh.P02799, p.61 • S. Kosorić: paras.345, 357; Exh.P02798; Exh.P02799, p.65 • M. Nikolić: paras.349, 354-356 • 10th Sabotage: para.356 • 65th ZMTP MPs: para.356 • Drina Corps MPs: para.356 • Bratunac Brigade MPs: paras.356, 366
Srebrenica	<ul style="list-style-type: none"> • P. Salapura: Exh.P02798; Exh.P02799, p.87 • V. Popović: Exh.P02798; Exh.P02799, p.29 • 10th Sabotage: Exh.P02798; Exh.P02799, p.24
Žepa	<ul style="list-style-type: none"> • TOLIMIR: paras.397-459 • L. Beara: ČARKIĆ, T.12883, 12886 • D. Pećanac: para.441; ČARKIĆ, T.12886 • S. Kosorić: para.415 • Z. Čarkić: paras.439, 580, 584; ČARKIĆ, T.12883, 12886, [REDACTED] • 10th Sabotage: D.TODOROVIĆ, T.17541-17548 • VRS MPs: D.TODOROVIĆ, T.17547
Rogatica + Rasadnik prison (Žepa leaders)	<ul style="list-style-type: none"> • TOLIMIR: para.476 • L. Beara: [REDACTED] • Z. Čarkić: paras.476, 484-485 • Rogatica Brigade MPs: paras. 476, 485

Presence of TOLIMIR and his Subordinates at Crime Scenes

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