

IT-05-88/2-1
① 44-①6
28 August 2006

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

CASE NO. IT-05-88/2-I

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

ZDRAVKO TOLIMIR

INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal, charges:

ZDRAVKO TOLIMIR

with GENOCIDE, CONSPIRACY TO COMMIT GENOCIDE, CRIMES AGAINST HUMANITY and VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR, including: Extermination, Murder, Persecutions, Forcible Transfer and Deportation, as set forth herein.

THE ACCUSED

1. **ZDRAVKO TOLIMIR**, son of Stanko, was born on 27 November 1948 in the Glamoč Municipality, Bosnia and Hercegovina.

POSITION OF THE ACCUSED

ZDRAVKO TOLIMIR

2. During the time period relevant to the events described in this Indictment, **ZDRAVKO TOLIMIR** was the Assistant Commander for Intelligence and Security of the Main Staff of the Army of Republika Srpska (VRS). In this position, **ZDRAVKO TOLIMIR** was one of seven Assistant Commanders who reported directly to the Commander of the Main Staff, General Ratko Mladić. **ZDRAVKO TOLIMIR** was in charge of the Intelligence and Security branches of the VRS and in this capacity, *inter alia*, supervised the work of the 10th Sabotage Detachment of the VRS and the 65th Motorized Protection Regiment of the VRS.

BACKGROUND

3. On 12 May 1992, Momčilo Krajišnik, President of the RS National Assembly, executed the following "DECISION ON STRATEGIC OBJECTIVES OF THE SERBIAN PEOPLE IN BOSNIA AND HERZEGOVINA," which was published in the Official Gazette of the RS on 26 November 1993:

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

in relevant part

Establish State borders separating the Serbian people from the other two ethnic communities.

Establish a corridor in the Drina River valley, that is, eliminate the Drina as a border separating Serbian States."

4. After armed conflict erupted in the Republic of Bosnia and Herzegovina (BiH) in the spring of 1992, Bosnian Serb military and paramilitary forces attacked and occupied cities, towns and villages, including Bijeljina and Zvornik, in the eastern part of the country and participated in an ethnic cleansing campaign that resulted in an exodus of Bosnian Muslim civilians to enclaves in Srebrenica, Goražde, and Žepa.
5. On 19 November 1992, General Ratko Mladić issued Operational Directive 4. This Directive ordered the Drina Corps, one of the five VRS army corps, to "inflict the heaviest possible losses on the enemy, and force him to leave the Eastern Bosnia areas of Birač, Žepa and Goražde areas together with the Bosnian Muslim population."

6. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of the UN Charter, adopted Resolution 819, in which it demanded that all parties to the conflict in the Republic of Bosnia and Herzegovina treat Srebrenica and its surroundings as a “safe area,” which was to be free from any armed attack or any other hostile act. On 6 May 1993, the Security Council adopted Resolution 824, which declared Srebrenica and Žepa “safe areas.”
7. On 4 July 1994, Lieutenant Colonel Slavko Ognjenović, then Commander of the Bratunac Brigade of the Drina Corps, issued a report to all members of the Bratunac Brigade stating in relevant part: “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.”
8. On 8 March 1995, President Radovan Karadžić set out in Directive 7 the order to remove the Muslim population from the Srebrenica and Žepa enclaves. On 11 and 12 July 1995, the Srebrenica enclave was taken over by VRS and MUP troops and the plan to remove the Muslim population from Srebrenica was implemented, along with the plan to murder all the able-bodied men from Srebrenica.
9. By 1 November 1995, the entire Muslim population had been either removed or fled from Srebrenica and Žepa and over 7,000 Muslim men and boys from Srebrenica had been murdered by VRS and MUP forces.

**COUNT 1
(Genocide)**

By his acts and omissions described in the paragraphs below, **ZDRAVKO TOLIMIR** is responsible for:

10. Between 11 July 1995 and 1 November 1995, **ZDRAVKO TOLIMIR**, Vinko Pandurević, Ljubiša Beara, Vujadin Popović, Drago Nikolić, Milorad Trbić and Ljubomir Borovčanin, and others, including but not limited to those listed at Paragraphs 11 to 18 below, with intent to destroy a part of the Bosnian Muslim people as a national, ethnical, or religious group:
- a. killed members of the group by summary execution, including both planned and opportunistic summary executions, as described in this Indictment; and,
 - b. caused serious bodily or mental harm to both female and male members of the Bosnian Muslim populations of Srebrenica and Žepa, including but not limited to the separation of able-bodied men from their families and the forced movement of the population from their homes to areas outside the RS.

OTHER MEMBERS OF THE JOINT CRIMINAL ENTERPRISES TO MURDER THE ABLE-BODIED MUSLIM MEN AND TO FORCIBLY REMOVE AND DEPORT THE MUSLIM POPULATION FROM SREBRENICA AND ŽEPA

Radivoje Miletić

11. During the time period relevant to the events described in this Indictment, Radivoje Miletić was Chief of Operations and Training and was Standing in for the Chief of Staff of the Main Staff of the VRS. As standing in for the Chief of Staff, he acted as principal adviser to the Commander and, *inter alia*, was the primary facilitator through which the Commander's intent, orders and directives were organised and processed for execution by the Staff and subordinate units.

Milan Gvero

12. During the time period relevant to the events described in this Indictment, Milan Gvero was the Assistant Commander for Morale, Legal and Religious Affairs of the Main Staff of the VRS. In this position, Milan Gvero was one of seven Assistant Commanders who reported directly to the Commander of the Main Staff, General Ratko Mladić.

Vinko Pandurević

13. During the time period relevant to the events described in this Indictment, Vinko Pandurević was a Lt. Colonel in command and control of the Zvornik Brigade of the Drina Corps of the VRS. As a brigade commander he was, *inter alia*, responsible for planning and directing the activities of all the subordinate formations of his brigade, in accordance with the directives received from his higher command.

Ljubiša Beara

14. During the time period relevant to the events described in this Indictment, Ljubiša Beara was a Colonel and was the Chief of Security of the Main Staff of the VRS. As Chief of Security he reported to his superior, **ZDRAVKO TOLIMIR**. As part of his job he was, *inter alia*, responsible for managing the Main Staff units of the Military Police, including the 65th Motorized Protection Regiment, and proposing ways to utilise the Military Police. He was also responsible, in general, for co-ordinating with the bodies of the Ministry of the Interior (MUP) in the six VRS Corps zones of responsibility.

Vujadin Popović

15. During the time period relevant to the events described in this Indictment, Vujadin Popović was a Lieutenant Colonel and was the Chief of Security on the staff of the Drina Corps. As Chief of Security for the Drina Corps, he reported to his commander, the Commander of the Drina Corps. He was, *inter alia*, responsible for managing the units of the Drina Corps Military Police, and for proposing ways to utilise those units. He was also responsible, in general, for co-ordinating with the bodies of the MUP in the Drina Corps zone of responsibility.

Drago Nikolić

16. During the time period relevant to the events described in this Indictment, Drago Nikolić was a 2nd Lieutenant and served as Chief of Security for the Zvornik Brigade. As Chief of Security for the Zvornik Brigade, Drago Nikolić reported to his commander Vinko Pandurević. He was, *inter alia*, responsible for managing the Zvornik Brigade Military Police Company, and for proposing ways to utilise the Zvornik Brigade Military Police Company. He was also responsible, in general, for co-ordinating with the bodies of the MUP within the Zvornik Brigade zone of responsibility.

Ljubomir Borovčanin

17. During the time period relevant to the events described in this Indictment, Ljubomir Borovčanin was Deputy Commander of the Republika Srpska (RS) MUP Special Police Brigade. On 10 July 1995, he was appointed Commander of a joint force of MUP units, including elements of the 2nd Šekovići Detachment of the RS Special Police, elements of the 1st PJP (Posebne Jedinice Policije) Company of the Zvornik Municipality Police, and a unit of RS police officers from the Jahorina Training Facility. On 10 July 1995, Ljubomir Borovčanin was ordered to go to Bratunac to report on 11 July 1995 to General Radislav Krstić, then Chief of Staff of the Drina Corps of the VRS. From 11 July 1995 through about 18 July 1995, Ljubomir Borovčanin was under the command of the VRS and General Krstić in particular. From 11 July 1995 through about 18 July 1995, as the commander of the joint MUP forces, Ljubomir Borovčanin was, *inter alia*, responsible for planning and directing the activities of all the subordinate formations under his command, in accordance with the directives received from his higher command.

Note: MUP units acting under the command and control of Ljubomir Borovčanin are explicitly identified as doing so in the paragraphs below.

The Joint Criminal Enterprise to Murder the Able-Bodied Muslim Men

18. In the evening hours of 11 July and on the morning of 12 July 1995, at the same time the plan to forcibly transport the Muslim population from Potočari was developed, Ratko Mladić and others developed a plan to murder the hundreds of able-bodied men identified from the crowd of Muslims in Potočari. Ljubiša Beara, Chief of Security of the Main Staff of the VRS, was given authority for organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims. Ljubiša Beara was supervised in this task by **ZDRAVKO TOLIMIR**, Assistant Commander for Intelligence and Security of the Main Staff. Ljubiša Beara was assisted in these tasks by the respective Corps and Brigade security officers involved in these events, namely: Vujadin Popović, Drina Corps Chief of Security; Momir Nikolić, Bratunac Brigade Chief of Security; Drago Nikolić, Chief of Security for the Zvornik Brigade; and Milorad Trbić, security officer of the Zvornik Brigade. The above-named security officers relied upon commanders Ratko Mladić, Radislav Krstić, Vinko Pandurević, Ljubomir Borovčanin, Vidoje Blagojević and others for the men, materials, directions and orders to carry out the JCE to murder the able-bodied Muslim men.

19. The execution of the plan to murder the able-bodied men from Srebrenica began on the afternoon of 12 July with the forcible separation of the able-bodied men in Potočari from their families. From the afternoon of 12 July through the entire day of 13 July, over 1,000 Muslim able-bodied men were separated from their friends and families and transported to Bratunac, and held temporarily in buildings and vehicles through 14 and 15 July.

20. On the morning of 13 July and continuing all that day, over 6,000 able-bodied Muslim men surrendered to or were captured by Bosnian Serb forces stationed along the road between Bratunac, Konjević Polje and Milići. The majority of those prisoners were transported to Bratunac or Kravica where they were temporarily detained in buildings and vehicles, along with the Muslim men who had been separated in Potočari. The plan to murder the able-bodied Muslim men from Srebrenica encompassed the murder of this group of over 6,000 men.

21. The large-scale and systematic murder of Muslim men from Srebrenica began on the morning of 13 July at approximately 1100 hours and continued through July 1995 as set forth in specific detail below:
 - 21.1 **Bratunac Brigade HQ:** On 13 July 1995, six Bosnian Muslim men from Srebrenica were captured by MUP forces. Under the orders of Ljubiša Beara, these six prisoners were turned over to and interrogated by security personnel from the Bratunac Brigade at the Bratunac Brigade Headquarters. They were then placed among the other Muslim prisoners in Bratunac, and thereafter summarily executed by unknown persons. The identification details for these six Bosnian Muslim men are as follows:
 - a. Zazif AVDIĆ, son of Ramo, date of birth: 15 September 1954.
 - b. Munib DEDIĆ, son of Emin, date of birth: 26 April 1956.
 - c. Aziz HUSIĆ, son of Osman, date of birth: 8 April 1966.

- d. Rešid SINANOVIĆ, son of Rahman, date of birth: 15 October 1949.
 - e. Mujo HUSIĆ, son of Osman, date of birth: 27 August 1961.
 - f. Hasib IBIŠEVIĆ, son of Ibrahim, date of birth: 27 February 1964.
- 21.2 **Jadar River:** At approximately 1100 hours on 13 July 1995, working with individuals and units of the VRS and/or MUP, a small squad of soldiers consisting of at least one Bratunac police officer (Bratunac MUP) captured approximately 16 Bosnian Muslim men from the column of men retreating from the Srebrenica enclave, transported them from Konjević Polje to an isolated area on the bank of the Jadar River, and summarily executed 15 of them. One individual was wounded and managed to escape. Ljubiša Beara was given authority for organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at Jadar River (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović. Ljubiša Beara and Vujadin Popović supervised, facilitated and oversaw the Jadar River executions.
- 21.3 **Cerska Valley:** On 13 July 1995, in the early afternoon hours, VRS and/or MUP soldiers transported about 150 Bosnian Muslim men to an area along a dirt road in the Cerska Valley about three (3) kilometres from Konjević Polje, summarily executed them and, using heavy equipment, covered them with dirt. Ljubiša Beara was given authority for organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at Cerska Valley (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović. Ljubiša Beara and Vujadin Popović supervised, facilitated and oversaw the Cerska Valley executions.
- 21.3.1 **Nova Kasaba:** On 13 July 1995, in the early afternoon hours, VRS and/or MUP soldiers, supported by approximately 4 APCs, escorted approximately 100 Bosnian Muslim men to a location on a hill near the road between Konjević Polje and Nova Kasaba, lined up the prisoners in several ranks and executed them with heavy machine guns. A short time later, a second group of approximately 30 prisoners arrived, were lined up, and also executed. A third group arrived soon thereafter and was similarly executed. Ljubiša Beara was given authority for organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered near Nova Kasaba (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović. Ljubiša Beara and Vujadin Popović supervised, facilitated and oversaw the Nova Kasaba executions.
- 21.4 **Kravica Warehouse:** On 13 July 1995, MUP Special Police Forces under the command and control of Ljubomir Borovčanin, including elements of the 2nd Šekovići Detachment of the RS Special Police, elements of the 1st PJP Company of the Zvornik Municipality Police and a unit of RS police officers from the Jahorina Training Facility, captured hundreds of Muslim men from Srebrenica and placed them in a large warehouse in the village of Kravica and guarded them there. In the early evening hours, VRS and/or

MUP Special Police Forces under the command and control of Ljubomir Borovčanin, including elements of the 2nd Šekovići Detachment of the RS Special Police and others, summarily executed over 1,000 Bosnian Muslim men detained in the large warehouse in the village of Kravica. He was personally present at the warehouse when hundreds of Muslim prisoners were in the process of being summarily executed by those forces. The MUP officers and/or soldiers used automatic weapons, hand grenades, and other weaponry to kill the Bosnian Muslims inside the warehouse. On 14 July 1995, under the supervision of Ljubiša Beara, heavy equipment arrived and removed the victims' bodies to two large mass graves located in the nearby villages of Glogova and Ravnice. Ljubiša Beara was given authority for organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at the Kravica Warehouse (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović. Ljubiša Beara and Vujadin Popović supervised, facilitated and oversaw the Kravica Warehouse executions.

21.4.1 **Sandići Meadow:** Throughout the day of 13 July 1995, Bosnian Muslim prisoners were captured and detained by MUP forces, listed above in paragraph 21.4, under the command and control of Ljubomir Borovčanin. The prisoners were held at Sandići Meadow, approximately 18 kilometres west of Bratunac along the Bratunac-Konjević Polje road, until the late afternoon or early evening, when they were taken from the meadow to other locations, including schools in the Bratunac area and the Kravica Warehouse. By dark, there were approximately 10-15 prisoners remaining at the meadow. A deputy platoon commander from the Jahorina Training Facility of the Special Police Brigade, under the command and control of Ljubomir Borovčanin, issued an order to "eliminate" the remaining prisoners, who were subsequently summarily executed by members of a unit of RS police officers from the Jahorina Training Facility in an area near Sandići. Ljubiša Beara was given authority for organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at Sandići Meadow (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović. Ljubiša Beara and Vujadin Popović supervised, facilitated and oversaw the Sandići Meadow executions.

21.5 **Luke School near Tišća:** Throughout the day on 13 July 1995, VRS and/or MUP soldiers, under the supervision of Vujadin Popović and others, transported Bosnian Muslim women and children who had been separated from male members of their families in Potočari to an area near the Luke School near Tišća village. VRS soldiers from the Vlasenica Brigade of the Drina Corps identified and separated some remaining Bosnian Muslim men and boys and some of the Bosnian Muslim women from this group at Luke School, while the rest of the group had to walk to Bosnian Muslim territory. Throughout the day on 13 July 1995, VRS soldiers forced the selected Bosnian Muslim men and women to walk to the nearby school, where they were abused and assaulted. On or about the evening of 13 July and the day of 14 July 1995, VRS and/or MUP soldiers loaded 25 Bosnian Muslim men from the school onto a truck, drove them to an isolated pasture nearby, and summarily executed them with

automatic weapons. Ljubiša Beara was given authority for organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered near the Luke School (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović. Ljubiša Beara and Vujadin Popović supervised, facilitated and oversaw the Luke School executions.

Note: The sites described below in paragraphs 21.6 through 21.15 were located within the Zvornik Brigade's zone of responsibility.

21.6 Orahovac near Lažete: In the late evening hours of 13 July and during the day of 14 July 1995, Drago Nikolić and Milorad Trbić, working together with personnel from the Military Police Company of the Zvornik Brigade and Military Police Platoon of the Bratunac Brigade, under the supervision of Vujadin Popović and Ljubiša Beara and under orders from their superior command, including Deputy Commander of the Zvornik Brigade, Dragan Obrenović, organised and facilitated the transportation of hundreds of Bosnian Muslim males from in and around Bratunac to the Grbavci School in Orahovac, with knowledge that those prisoners were to be collected and summarily executed. On 14 July 1995, VRS personnel, including members of the Military Police Company of the Zvornik Brigade, guarded and blindfolded the Bosnian Muslim males detained at the school. Drago Nikolić and Milorad Trbić were present at the Grbavci School in Orahovac and personally supervised the Zvornik Brigade Military Police in the guarding of the Muslims at the Grbavci School. In the late morning to early afternoon, Zvornik Brigade Military Police officers, with the knowledge and authorization of Milorad Trbić and in his presence, removed at least two Muslim prisoners and summarily executed them by automatic rifle fire. In the early afternoon of 14 July 1995, Zvornik Brigade personnel under the supervision of Drago Nikolić and Milorad Trbić transported the Bosnian Muslim males from the Grbavci School in Orahovac to a nearby field, where personnel, including members of the 4th Battalion of the Zvornik Brigade, ordered the prisoners off the trucks and summarily executed them with automatic weapons. Drago Nikolić accompanied the trucks to and from the execution field on several occasions. Milorad Trbić personally executed several of the Muslim victims at the execution field. Approximately 1,000 Bosnian Muslim males were killed. On 14 and 15 July 1995, members of the Zvornik Brigade Engineering Company used heavy equipment to bury the victims in mass graves at the execution site. On the evening of 14 July, lights from the engineering machinery illuminated the execution and burial sites during the executions. At all times on 14 July in Orahovac, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević. Ljubiša Beara was given authority for organising, co-ordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at Orahovac (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović, Drago Nikolić and Milorad Trbić. Ljubiša Beara, Vujadin Popović, Drago Nikolić and Milorad Trbić supervised, facilitated and oversaw the Orahovac executions.

- 21.7 **The Petkovci School:** On 14 July 1995, VRS and/or MUP personnel, under the supervision of Vujadin Popović and Ljubiša Beara, transported approximately 1,000 Bosnian Muslim males from detention sites in and around Bratunac. On 14 July and during the early morning hours of 15 July 1995, VRS and/or MUP personnel struck, beat and assaulted Bosnian Muslim males detained at the Petkovci School. On 14 July, Drago Nikolić was present at the Petkovci School, where he was involved in arranging security for the site and directing and overseeing the VRS and/or MUP personnel guarding the prisoners. Ljubiša Beara was given authority for organising, coordinating and facilitating the transportation and detention of the Muslim victims at the Petkovci School (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović, Drago Nikolić and Milorad Trbić. Ljubiša Beara, Vujadin Popović, Drago Nikolić and Milorad Trbić supervised, facilitated and oversaw the detention of the Muslim victims at the Petkovci School. At all times on 14 and 15 July, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević.
- 21.8 **The Dam near Petkovci:** On or about the evening of 14 July and the early morning hours of 15 July 1995, VRS personnel from the Zvornik Brigade, under the command and control of Vinko Pandurević, including drivers and trucks from the 6th Infantry Battalion, transported the surviving members of the group of approximately 1,000 Bosnian Muslim males from the school at Petkovci (see Para. 21.7) to an area below the Dam near Petkovci. VRS and/or MUP soldiers assembled them below the Dam and summarily executed them with automatic weapons. In the morning of 15 July 1995, working together with other individuals and units, VRS personnel from the Engineering Company of the Zvornik Brigade used excavators and other heavy equipment to bury the victims while the executions continued. Ljubiša Beara was given authority for organising, coordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at the Dam near Petkovci (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović, Drago Nikolić and Milorad Trbić. Ljubiša Beara, Vujadin Popović, Drago Nikolić and Milorad Trbić supervised, facilitated and oversaw the executions at the Dam near Petkovci. At all times on 14 and 15 July, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević.
- 21.8.1 **Ročević School:** On or about 14/15 July 1995, VRS and/or MUP soldiers detained approximately 500 Muslim males in the Ročević School, near Zvornik. Vujadin Popović and Drago Nikolić were active in efforts to assemble an execution squad to murder the prisoners. On 14/15 July, Drago Nikolić and Milorad Trbić travelled to the Ročević School to supervise the VRS personnel guarding the prisoners. Several corpses were scattered around the Ročević School on this day. Vujadin Popović was present at the Ročević School at one point, at which time he asked for advice on suitable sites to execute the prisoners. On 14/15 July, the majority of the prisoners were removed from the Ročević School and executed at a site on the bank of the Drina River, near Kozluk. There are

no known survivors. Ljubiša Beara was given authority for organising, coordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims detained at the Ročević School and murdered near Kozluk (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović, Drago Nikolić and Milorad Trbić. Ljubiša Beara, Vujadin Popović, Drago Nikolić and Milorad Trbić supervised, facilitated and oversaw the Ročević School/Kozluk executions. At all times on 14/15 July, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević.

- 21.9 **Kula School near Pilica:** On or about 14 and 15 July 1995, VRS and/or MUP personnel, under the supervision of Vujadin Popović and Ljubiša Beara, transported approximately 1,200 Bosnian Muslim males from detention sites in Bratunac to the Kula School near Pilica. On or about 14 and 15 July 1995, VRS military personnel with automatic weapons summarily executed many of the Bosnian Muslim males who were being detained at the Kula School. On or about 14 and 15 July, Drago Nikolić was present at the Kula School, where he was involved in arranging security for the site and directing and overseeing the Zvornik Brigade military police personnel guarding the prisoners. On 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade, under the command and control of Vinko Pandurević, retrieved the bodies of the victims from the Kula School and transported them to the Branjevo Military Farm. On 17 July 1995, the Engineering Company of the Zvornik Brigade, under the command and control of Vinko Pandurević, buried the victims of the Kula School executions in a mass grave at the Branjevo Military Farm. Ljubiša Beara was given authority for organising, coordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at the Kula School (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović, Drago Nikolić and Milorad Trbić. Ljubiša Beara, Vujadin Popović, Drago Nikolić and Milorad Trbić supervised, facilitated and oversaw the Kula School executions. At all times on 14 and 15 July, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević.
- 21.10 **Kozluk:** On 15 July 1995, working together with other individuals and units, VRS and/or MUP personnel, under the supervision of Vujadin Popović and Ljubiša Beara, transported to an isolated place near Kozluk and summarily executed with automatic weapons about 500 Bosnian Muslim males who had been captured from the column of men retreating from the Srebrenica enclave or had been separated in Potočari. On 16 July 1995, working together with other individuals and units, VRS soldiers from the Engineering Company of the Zvornik Brigade, under the command and control of Vinko Pandurević, buried the victims of the executions in a mass grave nearby. Ljubiša Beara was given authority for organising, coordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered near Kozluk (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović, Drago Nikolić and Milorad Trbić. Ljubiša

Beara, Vujadin Popović, Drago Nikolić and Milorad Trbić supervised, facilitated and oversaw the Kozluk executions. At all times on 15 and 16 July, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević.

- 21.11 **Branjevo Military Farm:** On the morning of 16 July 1995, VRS personnel, under the supervision of Vujadin Popović and Ljubiša Beara, transported from the Kula School by bus to the Branjevo Military Farm, a Zvornik Brigade military facility, the remaining members of the group of approximately 1,200 Bosnian Muslim males who had surrendered or been captured from the column of men retreating from the Srebrenica enclave or had been separated in Potočari. After the Bosnian Muslim males arrived at the Branjevo Military Farm, members of the 10th Sabotage Detachment, working together with other soldiers, summarily executed them by automatic weapon fire. On 17 July 1995, VRS personnel from the Engineering Company of the Zvornik Brigade, under the command and control of Vinko Pandurević, buried hundreds of victims in a nearby mass grave. Ljubiša Beara was given authority for organising, coordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at the Branjevo Military Farm (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović, Drago Nikolić and Milorad Trbić. Ljubiša Beara, Vujadin Popović, Drago Nikolić and Milorad Trbić supervised, facilitated and oversaw the Branjevo Military Farm executions. At all times on 16 and 17 July, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević.
- 21.12 **Pilica Cultural Centre:** On 16 July 1995, VRS personnel who had participated in the executions at the Branjevo Military Farm travelled a short distance to the village of Pilica and worked with other VRS and/or MUP personnel, under the supervision of Vujadin Popović and Ljubiša Beara, in summarily executing, with automatic weapons, approximately 500 men inside the Pilica Cultural Centre who had surrendered or been captured from the column of men retreating from the Srebrenica enclave or had been separated in Potočari. On 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade, under the command and control of Vinko Pandurević, retrieved the bodies of the victims from the Pilica Cultural Centre and transported them to the Branjevo Military Farm. On 17 July 1995, the Engineering Company of the Zvornik Brigade buried the victims of the Pilica Cultural Centre executions in a mass grave at the Branjevo Military Farm. Ljubiša Beara was given authority for organising, coordinating and facilitating the detention, transportation, summary execution and burial of the Muslim victims murdered at the Pilica Cultural Centre (see Paras. 18-20). Ljubiša Beara was assisted in this task by, among others, Vujadin Popović, Drago Nikolić and Milorad Trbić. Ljubiša Beara, Vujadin Popović, Drago Nikolić and Milorad Trbić supervised, facilitated and oversaw the Pilica Cultural Centre executions. At all times on 16 and 17 July, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević.

- 21.13 **Executions near Nezuk:** On 19 July 1995, VRS personnel from the 16th Brigade of the 1st Krajina Corps, re-subordinated to the command of the Zvornik Brigade, under the command and control of Vinko Pandurević, captured approximately ten Bosnian Muslim males from Srebrenica near the town of Nezuk. Shortly after their capture, all but two of the victims were summarily executed by their captors.
- 21.14 **Execution of four Branjevo Military Farm Survivors:** On or about 19 July 1995, four Bosnian Muslim men who had survived the Branjevo Military Farm execution were captured by VRS and/or MUP forces in the Zvornik Brigade zone of responsibility and turned over to Zvornik Brigade Security personnel under the supervision of Drago Nikolić. The four Muslims were interrogated on 22 July 1995 by Zvornik Brigade personnel regarding assistance they had received from Zvornik Brigade soldiers after their escape from the Branjevo Military Farm executions. The Muslims were kept in custody for a few days and were then summarily executed by Zvornik Brigade personnel. These summary executions were carried out with the knowledge and authorization of Vinko Pandurević and with the knowledge and assistance of Drago Nikolić. The Muslim victims were identified as:
- (1) Sakib KIVIRIĆ, son of Salko, date of birth: 24 June 1964;
 - (2) Emin MUSTAFIĆ, son of Rifet, date of birth: 7 October 1969;
 - (3) Fuad ĐJOZIĆ, son of Senusija, date of birth: 2 May 1965; and,
 - (4) Almir HALILOVIĆ, son of Suljo, date of birth: 25 August 1980.
- 21.15 **Execution of injured Muslims from the Milići Hospital:** On approximately 13 July 1995, 19 Muslim men from Srebrenica were wounded as they tried to escape from the Srebrenica enclave. These men surrendered or were captured on about 13 or 14 July and were admitted to the Milići Hospital and treated. On about 14 July, 11 of the wounded Muslim prisoners from Srebrenica were transferred from the Milići Hospital to the Zvornik Hospital on orders from the VRS Main Staff. A few days later, those Muslim prisoners were transferred from the Zvornik Hospital to the infirmary of the Zvornik Brigade. On or shortly after 20 July, those 11 Muslim men were removed from the Zvornik Brigade Headquarters and summarily executed by the VRS. At this time, it is not known which unit or units of the VRS conducted the execution of these 11 Muslim men. The removal of those prisoners and summary executions were done with the knowledge and under the authority of Vinko Pandurević and knowledge and assistance of Vujadin Popović and Drago Nikolić. Vujadin Popović conveyed the order to execute the prisoners to Drago Nikolić, and the prisoners were then removed and executed by VRS members. Vujadin Popović and Drago Nikolić supervised, facilitated and oversaw the removal and execution of the 11 prisoners from the Milići Hospital. The victims were identified as:
- (1) Aziz BEĆIROVIĆ, son of Nezir, born 16 September 1973 in Opetci, Srebrenica Municipality;
 - (2) Mensur SALKIĆ, son of Šukrija, born 25 December 1970 in Osati, Srebrenica Municipality;

- (3) Behaija KURTIĆ, son of Ahmet, born 18 January 1964 in Joševa, Bratunac Municipality;
- (4) Izet HALILOVIĆ, son of Ramo, born 1951 in Srebrenica, Srebrenica Municipality;
- (5) Behudin LOLIĆ, son of Ramiz, born 4 January 1967 in Donji Potočari, Srebrenica Municipality;
- (6) Huso SALIHOVIĆ, son of Mešan, born 10 May 1974 in Skugrići, Vlasenica Municipality;
- (7) Vahdet SULJIĆ, son of Alija, born 3 June 1968 in Pasmulići, Srebrenica Municipality;
- (8) Remzija IBIŠEVIĆ, son of Ibrahim, born 20 July 1943 in Glogova, Bratunac Municipality;
- (9) Mujo BEČIĆ, son of Hakija, born 26 February 1970 in Srebrenica, Srebrenica Municipality;
- (10) Sulejman BEGOVIĆ, son of Mustafa, born 3 March 1970 in Bukovica, Vlasenica Municipality; and,
- (11) Mehmedalija HAMZABEGOVIĆ, son of Ibrahim, born 15 February 1957 in Glodi, Zvornik Municipality.

21.15.1 Executions near Snagovo: On or about 22 July 1995, approximately six Bosnian Muslim men who had become separated from the column of men retreating from the Srebrenica enclave were captured and executed by MUP forces in the woods near the town of Snagovo, located in the zone of responsibility of the Zvornik Brigade.

21.16 Execution of six Muslim men and boys near the town of Trnovo: Sometime in July or August 1995, after the fall of the Srebrenica enclave, a Serbian MUP unit called the Scorpions, working with the VRS and/or RS MUP, summarily executed six Muslims from Srebrenica near the town of Trnovo in Bosnia and Hercegovina including:

- (1) Azmir ALISPAHIĆ, son of Alija, born 2 October 1978 in Srebrenica, Srebrenica Municipality; and,
- (2) Safet FEJZIĆ, son of Sakib, born 3 January 1978, in Srebrenica, Srebrenica Municipality.

Opportunistic Killings

22. During and after the campaign of forcible transfer and organised executions, the opportunistic killing of captured Bosnian Muslim men from the Srebrenica enclave by VRS and/or MUP personnel continued through July and August 1995. These opportunistic killings were the natural and foreseeable consequence of the Joint Criminal Enterprise to forcibly transfer the population of Srebrenica. They were also the natural and foreseeable consequence of the Joint Criminal Enterprise to murder all the able-bodied Muslim men from Srebrenica:

22.1 Potočari:

- a. On 12 July, the bodies of nine Bosnian Muslim men who had been shot were found in the woods near the UN Compound on the Budak side of the main road.
- b. On 12 July, the bodies of nine or ten Bosnian Muslim males were found about seven hundred metres from the UN Compound behind the "White House" in a creek.
- c. On the morning of the 13 July, the bodies of six Bosnian Muslim women and five Bosnian Muslim men were found in a stream near the UN Compound in Potočari.
- d. On 13 July, one Bosnian Muslim man was taken behind a building near the "White House" and summarily executed.

22.2 **Bratunac town:**

- a. On 12 July, beginning at approximately 2200 hours and continuing through 13 July, more than 50 Bosnian Muslim men were taken from a hangar behind the Vuk Karadžić elementary school in Bratunac and summarily executed.
- b. On 13 July, at approximately 2130 hours, two Bosnian Muslim men were taken off a truck in Bratunac town, taken to a nearby garage, and summarily executed.
- c. On 13 July, in the evening, a Bosnian Muslim man who was mentally retarded was taken off a bus parked in front of the Vuk Karadžić elementary school in Bratunac and summarily executed.
- d. Between the evening of 13 July and the morning of 15 July, Bosnian Muslim males were continuously killed, both inside and outside the Vuk Karadžić elementary school, by VRS and/or MUP personnel.
- e. The detention of the prisoners at the Vuk Karadžić school and in various trucks and buses in Bratunac on 13 and 14 July was supervised and coordinated by Ljubiša Beara and Vujadin Popović.

22.3 **Kravica Supermarket:** During the night between 13 July and 14 July near the Kravica Supermarket, a VRS or MUP soldier placed his rifle barrel into the mouth of a Bosnian Muslim prisoner and summarily executed the man. Also during this period, VRS and/or MUP soldiers struck, beat with rifle butts and summarily executed Bosnian Muslim prisoners who had surrendered or been captured from the column of men retreating from the Srebrenica enclave or had been separated at Potočari and were detained on trucks near the Kravica Supermarket. The detention of the prisoners at the Kravica Supermarket on 13 and 14 July was supervised and coordinated by Ljubiša Beara and Vujadin Popović.

22.4 **Petkovci School:** On 14 and in the early morning hours of 15 July, VRS and/or MUP personnel beat, abused and killed many Bosnian Muslim men being detained in the Petkovci School, just prior to the surviving prisoners being transported to the Dam near Petkovci for summary execution. The detention of the prisoners at the Petkovci School on 14 and 15 July was supervised and coordinated by Ljubiša Beara, Vujadin Popović, Drago

Nikolić and Milorad Trbić. At all times on 14 and 15 July, Drago Nikolić, Milorad Trbić and all other Zvornik Brigade personnel were under the command and control of their commander Vinko Pandurević.

Reburial of Victims

23. From about 1 August 1995 through about 1 November 1995, VRS and MUP personnel participated in an organised and comprehensive effort to conceal the killings and executions in the Zvornik and Bratunac Brigade zones of responsibility by reburying bodies exhumed from initial mass graves at the following locations: Branjevo Military Farm, Kozluk, the Dam near Petkovci, Orahovac and Glogova; and transferring them to secondary graves at: twelve sites along the Čančari Road (containing bodies from Branjevo Military Farm and Kozluk), four sites near Liplje (containing bodies from the Dam near Petkovci), seven sites near Hodžići (containing bodies from Orahovac) and seven sites near Zeleni Jadar (containing bodies from Glogova). This reburial operation was a natural and foreseeable consequence of the execution and original burial plan conceived by the Joint Criminal Enterprise and was done on orders from Ratko Mladić with the knowledge and assistance of Vujadin Popović, Vinko Pandurević, Drago Nikolić and Milorad Trbić. The reburial operation was a major undertaking and a huge logistical challenge. Vujadin Popović, Vinko Pandurević, Drago Nikolić and Milorad Trbić assisted in this massive effort at concealment by supervising, facilitating and overseeing all aspects of the reburial operation.

The Destruction of the Women and Children

24. The forcible transfer of the women and children from Srebrenica and Žepa as described in this Indictment created conditions known to **ZDRAVKO TOLIMIR** that would contribute to the destruction of the entire Muslim population of Eastern Bosnia, including but not limited to the failure of the population to live and reproduce normally.

COUNT 1: Genocide, punishable under Articles 4(3)(a) and 7(1) of the Statute of the Tribunal.

COUNT 2
(Conspiracy to Commit Genocide)

By his acts and omissions described in the paragraphs below, **ZDRAVKO TOLIMIR** is responsible for:

25. **ZDRAVKO TOLIMIR**, Vinko Pandurević, Ljubiša Beara, Vujadin Popović, Drago Nikolić, Milorad Trbić and Ljubomir Borovčanin entered an agreement with several others, including General Ratko Mladić, the Commander of the VRS; General Milenko Živanović, Commander of the Drina Corps through about 2000 hours on 13 July 1995; General Radislav Krstić, Chief of Staff/Deputy Commander through about 2000 hours on 13 July 1995 and, thereafter, Commander of the Drina Corps; and others (see *Attachment A* for a list of the members of the Conspiracy) to kill the able-bodied Muslim men from Srebrenica who were captured or surrendered after the fall of Srebrenica on 11 July 1995, and to remove the remaining Muslim population of Srebrenica and Žepa from the Republika Srpska, with the intent to destroy those Muslims. The underlying facts and agreement of the Conspiracy to commit genocide are identical to the facts and agreement identified in the Joint Criminal Enterprise mentioned in this Indictment.
26. **ZDRAVKO TOLIMIR**, Vinko Pandurević, Ljubiša Beara, Vujadin Popović, Drago Nikolić, Milorad Trbić and Ljubomir Borovčanin entered this agreement with the intent to kill the Muslim men from Srebrenica and to cause serious bodily or mental harm to the Muslims of Srebrenica, and in furtherance of the intent to destroy, in part, a national, ethnical, racial, or religious group, as such.

The Conspiracy and Joint Criminal Enterprise to Murder all the Able-bodied Muslim Men from Srebrenica

27. On or about 12 July 1995, the Conspiracy and Joint Criminal Enterprise were implemented. **ZDRAVKO TOLIMIR**, Vinko Pandurević, Ljubiša Beara, Vujadin Popović, Drago Nikolić, Milorad Trbić and Ljubomir Borovčanin, together with other VRS and MUP officers and units as identified in this Indictment in *Attachment A*, were members of and knowingly participated in a Conspiracy and Joint Criminal Enterprise, the common purpose of which was to summarily execute and bury thousands of Bosnian Muslim men and boys aged 16 to 60 captured from the Srebrenica enclave from 12 July 1995 until about 19 July 1995. The last known primary burial of Srebrenica victims occurred on or about 19 July 1995 in Glogova. The initial plan was to summarily execute more than 1,000 Bosnian Muslim men and boys, aged 16 to 60, who were separated from the group of Bosnian Muslims in Potočari on 12 and 13 July. On 12 or 13 July, this plan also encompassed the summary execution of over 6,000 men and boys, aged 16 to 60, who were captured from the column of Bosnian Muslim men escaping the Srebrenica enclave from 12 July through about 1 November 1995. (For the actual execution of the Conspiracy and Joint Criminal Enterprise, including involvement of **ZDRAVKO TOLIMIR**, see paragraphs 18 to 26 of this Indictment).

28. Although the Conspiracy and Joint Criminal Enterprise contemplated organised and systematic executions, it was foreseeable to **ZDRAVKO TOLIMIR**, Vinko Pandurević, Ljubiša Beara, Vujadin Popović, Drago Nikolić, Milorad Trbić and Ljubomir Borovčanin that individual opportunistic killings and persecutory acts, such as those described in paragraphs 22 and 48-50 of this Indictment, would be carried out by VRS and MUP forces during and after the Joint Criminal Enterprise. VRS and MUP forces carried out such opportunistic criminal acts from 12 July 1995 to about 1 November 1995. The implementation of this Joint Criminal Enterprise resulted in the summary execution of over 7,000 Bosnian Muslim men and boys from the Srebrenica enclave.

ROLE AND ACTIONS OF ZDRAVKO TOLIMIR IN FURTHERANCE OF THE JOINT CRIMINAL ENTERPRISE AND CONSPIRACY TO SUMMARILY EXECUTE AND BURY THE ABLE-BODIED MUSLIM MEN FROM SREBRENICA

29. **ZDRAVKO TOLIMIR**, acting individually or in concert with other members of the Joint Criminal Enterprise and Conspiracy to summarily execute and bury the able-bodied Muslim men from Srebrenica, committed acts in furtherance of the Joint Criminal Enterprise and Conspiracy as described in paragraphs 25-28 of this Indictment and below:
- a. With full knowledge of the plan to summarily execute the able-bodied men from Srebrenica, he assisted in and facilitated the forcible transfer and deportation of the Muslim population of Srebrenica, as described in paragraphs 61 to 64 of this Indictment.
 - b. On 13 July 1995, he assisted in the JCE to detain and execute the able-bodied men from Srebrenica by proposing to his commander Ratko Mladić that the hundreds of Muslim prisoners being detained along the Konjević Polje-Bratunac road be secreted from international forces by being placed in buildings so they could not be viewed from the air.
 - c. He supervised the 10th Sabotage Detachment on 16 July 1995 when elements of this unit summarily executed more than 1,700 Muslim men and boys at the Branjevo Military Farm and the Pilica Cultural Centre.
 - d. As Assistant Commander for Intelligence and Security of the Main Staff, and by virtue of the authority vested in him by his commander, Ratko Mladić, he had responsibility for the handling of all of the Bosnian Muslim prisoners taken after the fall of the Srebrenica enclave and to ensure their safety and welfare. He failed to do so.

COUNT 2: Conspiracy to commit genocide, punishable under Articles 4(3)(b) and 7(1) of the Statute of the Tribunal.

COUNT 3
(Extermination)

By his acts and omissions described in the preceding paragraphs, **ZDRAVKO TOLIMIR** is responsible for:

30. As described in this Indictment, the crime of Extermination was perpetrated, executed, and carried out by and through the following means:
31. The involvement of **ZDRAVKO TOLIMIR** as described in detail in paragraphs 21 to 22 of this Indictment in the murder of thousands of Bosnian Muslim men and boys from the Srebrenica enclave.

COUNT 3: Extermination, a CRIME AGAINST HUMANITY, punishable under Articles 5(b) and 7(1) of the Statute of the Tribunal.

COUNTS 4 - 5
(Murder)

By his acts and omissions described in the preceding paragraphs, **ZDRAVKO TOLIMIR** is responsible for:

32. Under Count 4, the crime of Murder as a Crime Against Humanity was perpetrated, executed, and carried out by and through the means identified in paragraphs 21 to 22 of this Indictment.
33. Under Count 5, the crime of Murder as a Violation of the Laws or Customs of War was perpetrated, executed, and carried out by and through the means identified in paragraphs 21 to 22 of this Indictment.

COUNT 4: Murder, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(a) and 7(1) of the Statute of the Tribunal.

and

COUNT 5: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

COUNT 6
(Persecutions)

By his acts and omissions alleged in the preceding paragraphs, **ZDRAVKO TOLIMIR** is responsible for:

34. As described in paragraphs 18 to 22, 25 to 28 and 36-54 of this Indictment, the crime of Persecutions was perpetrated, executed and carried out by and through the following means:
- a. the murder of thousands of Bosnian Muslim civilians, including men, women, children and elderly persons, as described in paragraphs 21 to 22 of this Indictment;
 - b. the cruel and inhumane treatment of Bosnian Muslim civilians, including murder and severe beatings at Potočari and in detention facilities in Bratunac and Zvornik;
 - c. the terrorising of Bosnian Muslim civilians in Srebrenica and at Potočari;
 - d. the destruction of personal property and effects belonging to the Bosnian Muslims; and
 - e. the forcible transfer of Bosnian Muslims from Srebrenica and Žepa by means of the forced bussing of the women and children to Bosnian Muslim-controlled territory and the forced bussing of the men, separated at Potočari or captured or having surrendered from the column, up to the Zvornik area, where they were ultimately executed, and the deportation of the Bosnian Muslim men from Žepa who were forced to flee from their homes in Žepa to Serbia.

COUNT 6: Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, including Murder, Cruel and Inhumane Treatment, Terrorising the Civilian Population, Destruction of Personal Property and Forcible Transfer, punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal.

COUNT 7
(Forcible Transfer)

By his acts and omissions described in the preceding paragraphs, **ZDRAVKO TOLIMIR** is responsible for:

35. **ZDRAVKO TOLIMIR**, Radivoje Miletić, Milan Gvero, Vinko Pandurević, Ljubiša Beara, Vujadin Popović, Drago Nikolić, Milorad Trbić and Ljubomir Borovčanin, together with other VRS and MUP officers and units and RS officials, as identified in this Indictment in *Attachment A*, were members of and knowingly participated in a Joint Criminal Enterprise, the common purpose of which was to force the Muslim population out of the Srebrenica and Žepa enclaves to areas outside the control of the RS from about 8 March 1995 through the end of August 1995.

The Joint Criminal Enterprise to Forcibly Remove the Muslim Population from Srebrenica and Žepa

36. On 8 March 1995, RS President Radovan Karadžić issued Operational Directive 7 from the Supreme Command of the VRS. Directive 7 was drafted by Radivoje Miletić. This Directive ordered as follows: “(C)omplete the physical separation of the Srebrenica and Žepa enclaves as soon as possible, preventing even communication between individuals between 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 or Žepa.” (See *Attachment B* to this Indictment for a detailed outline of the structure of the RS Armed Forces relevant to these facts.)
37. Continuing in March 1995 through July 1995, the VRS deliberately restricted humanitarian aid and relief supplies to the Muslim inhabitants of Srebrenica and Žepa as part of the organised effort to make life impossible for the Muslims and remove them. Radivoje Miletić, under the command of Ratko Mladić, played a central role in organising and facilitating the effort to restrict aid and supplies to the Srebrenica and Žepa enclaves.
38. Continuing in March 1995 through the fall of the enclaves in July 1995, the VRS shelled and sniped various civilian targets in the Srebrenica and Žepa enclaves, as part of the effort to make life for the Muslims in the enclave impossible and remove them. For example, on 25 May 1995, on orders from the Main Staff and the Drina Corps, the Bratunac Brigade deliberately targeted civilian areas of the Srebrenica enclave with artillery fire, destroying a home in Bucinovići village on the outskirts of Srebrenica, killing a nine year old girl and seriously injuring her sister.
39. On 3 June 1995, VRS forces attacked United Nations observation post (OP) Echo as a prelude to the major attack on the enclave. On 2 July 1995, Drina Corps Commander General Milenko Živanović ordered the attack on the Srebrenica enclave with the purpose of separating the Srebrenica and Žepa enclaves and reducing the Srebrenica enclave to its urban area. The purpose of reducing the enclave to its urban area was to force the Muslim population into the small town of Srebrenica and thereby create conditions where it would be impossible for the

entire Muslim population to sustain itself, and that would require its departure from the area.

40. On or about 6 July 1995, pursuant to General Živanović's order of 2 July 1995, units of the Drina Corps shelled Srebrenica and attacked OPs manned by DutchBat, which were located in the enclave. Among the Drina Corps units engaged in the attack were elements of the Zvornik Brigade commanded personally by Vinko Pandurević. On 9 July 1995, President Karadžić modified the original order and approved the takeover of the Srebrenica enclave. The order was transmitted by General **ZDRAVKO TOLIMIR** to General Radislav Krstić and General Milan Gvero at the Drina Corps Forward Command Post. The Drina Corps attack on the Srebrenica enclave, including the shelling, and attacks on other UN OPs and Muslim civilian targets in Srebrenica continued through 11 July 1995, when forces from the Zvornik Brigade, the Bratunac Brigade, the 10th Sabotage Detachment and other units of the VRS entered Srebrenica. On 11 July 1995, NATO planes dropped bombs in an attempt to stop the VRS. Despite these efforts, Srebrenica fell to the VRS on 11 July 1995.
41. Immediately after the fall of Srebrenica on 11 July 1995, in the late afternoon, senior VRS officers including Ratko Mladić, Milenko Živanović, Radislav Krstić, Vinko Pandurević and Vujadin Popović entered the town.
42. On 10 and 11 July 1995, thousands of Bosnian Muslims from the enclave, including women, children and some men, fled to the UN Compound in Potočari, where they sought the protection of DutchBat. Meanwhile, at the same time, approximately 15,000 Bosnian Muslim men from the enclave, with some women and children, gathered at the villages of Šušnjari and Jagličići and fled on 11 July in a huge column through the woods towards Tuzla. Approximately one third of this group consisted of armed Bosnian Muslim military personnel. The rest were civilians and unarmed military personnel.
43. On the evening of 11 July 1995 and the morning of 12 July 1995, three critical meetings concerning the fate of the refugees who had fled to Potočari took place at the Hotel Fontana in Bratunac. At the first meeting, held at approximately 2000 hours on 11 July, Ratko Mladić and a Main Staff Intelligence Officer, Colonel Radoslav Janković, met with other members of the VRS and with the DutchBat command. Ratko Mladić intimidated and threatened the DutchBat commander.
44. Ratko Mladić, Radislav Krstić, Radoslav Janković and other members of the VRS convened the second meeting at approximately 2300 hours on 11 July 1995. Members of the DutchBat command and a representative of the Bosnian Muslim refugees at Potočari attended the meeting. At this second meeting, Ratko Mladić intimidated and threatened the Bosnian Muslim representative. During the evening of 11 July 1995 and into the early morning of 12 July 1995, the plan to transport the Srebrenica Muslims from Potočari was developed by General Mladić and others.
45. Ratko Mladić, Radislav Krstić, Radoslav Janković, Vujadin Popović and other VRS and Bosnian Serb civilian representatives convened a third meeting at about 1000 hours on 12 July 1995. DutchBat officers and representatives of the Bosnian Muslim refugees also attended this meeting. At this meeting, it was explained that the VRS would supervise the "evacuation" of refugees from Potočari and that

Ratko Mladić wanted to screen men between the ages of 16 and 60 to determine whether there were any war criminals among them.

46. The Bosnian Muslim refugee population remained in and around Potočari from 11 July until 13 July 1995. Throughout this time, members of the VRS and the RS MUP, including elements of the 2nd Šekovići Detachment of the RS Special Police, elements of the 1st PJP Company of the Zvornik Municipality Police, and a unit of RS police officers from the Jahorina Training Facility, under the command and control of Ljubomir Borovčanin, terrorised them.

The Forcible Removal of the Muslim Population from Srebrenica

47. In the afternoon of 12 July 1995, in the presence of Ratko Mladić, Radislav Krstić, Vujadin Popović, Ljubomir Borovčanin and others, approximately 50 to 60 buses and trucks arrived near the UN military compound in Potočari. At this time and continuing throughout the entire day of 13 July, thousands of Bosnian women, children and elderly men were loaded on buses and trucks and transported by the Bosnian Serb forces from Potočari to the confrontation line near Kladanj, where they were released and walked the approximately 5 kilometres to BiH Army-held lines outside Kladanj. MUP Special Police forces under the command and control of Ljubomir Borovčanin, including elements of the 2nd Šekovići Detachment of the RS Special Police, elements of the 1st PJP Company of the Zvornik Municipality Police and a unit of RS police officers from the Jahorina Training Facility, worked together with elements of the Bratunac Brigade and other VRS units in moving the Srebrenica population out of the enclave.
48. On the afternoon of 12 July, as the Bosnian Muslim women, children, and men started to board the buses and trucks, MUP Special Police forces under the command and control of Ljubomir Borovčanin, including elements of the 2nd Šekovići Detachment of the RS Special Police, elements of the 1st PJP Company of the Zvornik Municipality Police and a unit of RS police officers from the Jahorina Training Facility, and VRS soldiers separated over 1,000 able-bodied Bosnian Muslim men from the women and children and transported these men to temporary detention sites in Bratunac. The separation of able-bodied men from the crowd in Potočari continued all day on 12 and 13 July, until the entire Muslim population had been removed from the area of Potočari. Ljubomir Borovčanin was present in Potočari on 12 and 13 July during the separation and transportation of Muslim men, as were officers and men under his command and control, including (on 12 July) Duško Jević, the commander of the Jahorina Training Facility and (on 12 and 13 July) Mendeljev Đurić, a subordinate commander of the Jahorina Training Facility.
49. On 13 July 1995, approximately 5,000 to 6,000 Bosnian Muslim men from the column of men escaping from the Srebrenica enclave were captured by or surrendered to MUP and VRS forces along the Bratunac-Konjević Polje-Milići Road in the areas of Kravica, Sandići, Konjević Polje and Milići. Among this group of prisoners, approximately 3,000 to 4,000 were captured by or surrendered to MUP officers from the following units who were stationed along the road from Kravica to Konjević Polje: elements of the 2nd Šekovići Detachment of the RS Special Police, elements of the 1st PJP Company of the Zvornik Municipality Police and elements from a unit of RS police officers from the Jahorina Training Facility. All three units were under the command and control of Ljubomir

Borovčanin, who was present in the areas along the road from Kravica to Konjević Polje on 13 July commanding, supervising and co-ordinating the capture, surrender and detention of Muslim men in those areas, including the summary executions of Muslim men at the Kravica Warehouse and 15 to 16 men in the area of Sandići in the early evening hours. Vujadin Popović was also present along the road from Kravica to Konjević Polje on 13 July, supervising and coordinating the capture, surrender and detention of Muslim men in the area, including the summary execution of men at sites at Jadar River, Cerska Valley, Nova Kasaba and the Kravica Warehouse. The remaining approximately 1,000 to 2,000 prisoners were captured by or surrendered to officers and soldiers of various MUP and VRS units stationed along the road from Konjević Polje to Milići. These units included elements of the MUP's 6th PJP Company of the Zvornik Municipality Police, under the command and control of the VRS; elements of the 5th Engineering Company of the Drina Corps, under the command and control of the Drina Corps; elements of the Milići Brigade, under the command and control of Milomir Nastić, the Commander of the Milići Brigade; and elements of the Military Police company of the 65th Motorized Protection Regiment of the Main Staff, stationed in Nova Kasaba, under the command and control of their commander Zoran Malinić and supervised by Ljubiša Beara. On 13 July, Ljubiša Beara was present in the area of Nova Kasaba co-ordinating and supervising the capture, surrender and detention of Muslim men in the areas of Kravica, Sandići, Konjević Polje and Milići, including the summary execution of men at sites at Jadar River, Cerska Valley, Nova Kasaba and the Kravica Warehouse.

50. Beginning around 12 July 1995 and continuing through about 16 July 1995, VRS and MUP soldiers confiscated and destroyed personal property and effects belonging to the Bosnian Muslim male prisoners, including their identification documents and valuables. This confiscation and destruction of personal property and effects occurred in Potočari, at various points of capture and collection of men from the column along the Bratunac-Konjević Polje-Milići road, and at various execution sites. On 13 July, in particular, men within the units under the command and control of Ljubomir Borovčanin, listed above in paragraph 60, stationed along the road between Kravica and Konjević Polje, took part in the confiscation and destruction of property belonging to the Muslim prisoners detained in this area. In addition, the prisoners in Potočari and in Bratunac were not provided with food or medical treatment, nor with any meaningful rations of water, during their days in detention pending execution. During this time, Muslim prisoners held in Potočari, Bratunac and along the Bratunac-Konjević Polje road were frequently beaten by their captors.

The Forcible Removal of the Muslim Population from Žepa

51. In early July 1995, at the same time as it was attacking Srebrenica, the VRS made preparations to attack the Žepa enclave and force the Muslim population from the enclave. The VRS fired on UN positions around Žepa on 7 July 1995. They fired directly on a UN checkpoint on 9 July 1995 and on the town of Žepa on 10 July 1995. On 11 July 1995, the VRS shelled a village at Žepa.
52. Three separate negotiations took place between the VRS and Bosnian Muslim representatives of the Žepa enclave, during which VRS representatives sought to force the population to leave the enclave under threat of military attack. The first set of negotiations took place on 13 July 1995. At this meeting, the Rogatica

Brigade Commander, Colonel Rajko Kušić, accompanied by General **ZDRAVKO TOLIMIR** and local Bosnian authorities, met at the established Ukrainian UNPROFOR checkpoint overlooking Žepa. The Bosnian Serbs said that “Srebrenica had fallen and so now it was [Žepa’s] turn.”

53. **ZDRAVKO TOLIMIR** offered the Bosnian Muslim representatives of Žepa two alternatives: either the entire population could be “evacuated” in the same manner as Srebrenica or the Bosnian Serbs would take military action. The Bosnian Muslim representatives decided to reject the Serb proposal as it stood. In the early morning of 14 July 1995, the VRS command launched a full scale attack on the Žepa enclave. This attack was commanded by Drina Corps Commander Radislav Krstić and included elements of various Drina Corps brigades, including elements of the Zvornik Brigade commanded personally by Vinko Pandurević. In the evening of 14 July 1995, Bosnian Serbs entered the pocket from the north-west and retook some land and burned villages. On the morning of 15 July 1995, Vinko Pandurević and his troops were withdrawn from the Žepa operation and sent back to the Zvornik area to assist in the defence of Zvornik, which had been threatened by the advance of the Muslim men from Srebrenica.
54. On 19 July 1995, the Serb shelling and firing on Žepa stopped. Ratko Mladić met with UNPROFOR General Rupert Smith at Han-Kram. **ZDRAVKO TOLIMIR** and VRS Colonel Indjić accompanied General Mladić. At the meeting, they discussed Srebrenica, including the withdrawal of DutchBat, the situation at Žepa, and the freedom of movement for UNPROFOR and UNHCR. General Mladić asserted, incorrectly, that Žepa had fallen at 1330 hours that day.
55. The second round of negotiations between the VRS and the Bosnian Muslim representatives of the enclave occurred on the afternoon of 19 July 1995 at the Ukrainian checkpoint. General Mladić and **ZDRAVKO TOLIMIR** met with three members of the Bosnian Muslim local civil authority. The VRS position required that the Bosnian Muslims surrender their arms to UNPROFOR, and that their names would be registered. They were to be held by the Serbs as prisoners of war, until exchanged within five to 15 days. General Mladić gave a guarantee of their safety. When the parties reached no agreement, the VRS resumed its attack on Žepa on 21 July 1995.
56. The third set of negotiations took place on 24 July 1995. A Bosnian Muslim representative of the Žepa enclave, Hamdija Torlak, was present, as were General Mladić, Rajko Kušić, the Commanding Officer of the Rogatica Brigade, and **ZDRAVKO TOLIMIR**. At around 1830 hours on 24 July 1995, an agreement was reached regarding Žepa.
57. The transportation of the women and children of Žepa began on 25 July 1995. On or about the same day, hundreds of mostly able-bodied Muslim men began to flee across the Drina River to Serbia where many of them were registered by the International Committee for the Red Cross (ICRC) and eventually released. The Muslim men fled to Serbia because they feared they would be harmed or killed if they surrendered to the VRS.

ROLE AND ACTIONS OF ZDRAVKO TOLIMIR IN FURTHERANCE OF THE JOINT CRIMINAL ENTERPRISE TO FORCIBLY TRANSFER AND DEPORT THE SREBRENICA AND ŽEPA MUSLIM POPULATION

58. In order to achieve the goal of the Joint Criminal Enterprise, as expressed in Directive 7, to force the Muslim populations of Srebrenica and Žepa to leave the area, several actions were carried out, including but not limited to the following:
- a. Making life unbearable for the inhabitants of the enclave;
 - b. Defeating the Muslim forces militarily;
 - c. Disabling the local UN forces militarily;
 - d. Preventing and controlling outside international protection of the enclaves, including air strikes and international monitoring; and
 - e. Controlling the movement of the Muslim population out of the enclaves.
59. Members of the Joint Criminal Enterprise made life unbearable for the inhabitants of the enclave by:
- a. Shelling civilian targets in Srebrenica and Žepa; and,
 - b. Controlling the movement of the Muslim population out of the enclaves.
60. **ZDRAVKO TOLIMIR**, acting individually or in concert with other members of the Joint Criminal Enterprise to forcibly transfer and deport the populations of Srebrenica and Žepa and knowing that forcing the Muslims out of the enclaves was unlawful, committed acts in furtherance of the Joint Criminal Enterprise as described in paragraphs 34 to 57 of this Indictment and below:
- a. Making life unbearable for the inhabitants of the Žepa enclave:
 - i. in July 1995 he proposed to General Radivoje Miletić that the refugee columns comprised of the Muslim population from Žepa be attacked.
 - b. Defeating the Muslim forces militarily:
 - i. he communicated with the Drina Corps Forward Command Post and RS President Radovan Karadžić about combat operations around Srebrenica and the decision to take over Srebrenica; and,
 - ii. in July 1995 he proposed to General Radivoje Miletić to destroy the remaining Muslim army from Žepa by using chemical weapons.
 - c. Disabling the local UN forces militarily:
 - i. he assisted in disabling UNPROFOR in the attack on Srebrenica through his communications with UNPROFOR, specifically by lying to UNPROFOR, and coordinating lies with subordinate units.
 - d. Preventing and controlling outside international protection of the enclaves, including air strikes and international monitoring:
 - i. he organised and led the psychological and propaganda activities related to the operations in Žepa and Srebrenica.

- e. Controlling the movement of the Muslim population out of the enclaves:
 - i. he gave orders related to and coordinated the forcible transfer of men, including civilians, from the Srebrenica and Žepa enclaves;
 - ii. he helped to coordinate the detention of prisoners from Srebrenica;
 - iii. he took part in negotiations with Muslim representatives at Žepa and gave them the choice between “evacuation” or VRS “military action”; and,
 - iv. he helped to organise and oversee the transportation of the population of Žepa, including by assembling the buses and loading people onto the buses.

Joint Criminal Enterprise III (Extended Format)

61. It was foreseeable to **ZDRAVKO TOLIMIR**, Radivoje Miletić, Milan Gvero, Vinko Pandurević, Ljubiša Beara, Vujadin Popović, Drago Nikolić, Milorad Trbić and Ljubomir Borovčanin that individual criminal acts, such as individual opportunistic killings and persecutory acts as described in paragraphs 22, 40 and 48-50 of this Indictment, would be carried out by Serb forces during the Joint Criminal Enterprise to forcibly transfer and deport the populations of the Srebrenica and Žepa enclaves. The term “opportunistic” is used in this Indictment to describe killings and other criminal acts carried out by individual soldiers, acting on their own, likely without orders from superior officers.

COUNT 7: Inhumane Acts (Forcible Transfer), a CRIME AGAINST HUMANITY, punishable under Articles 5(i) and 7(1) of the Statute of the Tribunal.

**COUNT 8
(Deportation)**

By his acts and omissions described in the preceding paragraphs, **ZDRAVKO TOLIMIR** is responsible for:

62. The crime of Deportation was perpetrated, executed and carried out by and through the following means:
- a. the forced movement of Bosnian Muslim men from Žepa, across the Drina River to Serbia, by means of making life unbearable in the enclave by restricting aid to the enclave and instilling fear and terror in the population by shelling civilian areas and attacking the enclave, as described in paragraph 51-52 of this Indictment.

COUNT 8: Deportation, a **CRIME AGAINST HUMANITY**, punishable under Articles, 5(d) and 7(1) of the Statute of the Tribunal.

GENERAL ALLEGATIONS

63. At all times relevant to this Amended Indictment, a state of armed conflict existed in the Republic of Bosnia and Herzegovina.
64. At all relevant times, **ZDRAVKO TOLIMIR** was required to abide by the laws and customs governing the conduct of war.
65. All acts and omissions charged as crimes against humanity were part of a widespread or systematic attack directed against the Bosnian Muslim civilian population of Srebrenica and Žepa and their surroundings.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Article 7(1) Criminal Responsibility

66. Pursuant to Article 7(1) of the Statute of the Tribunal, **ZDRAVKO TOLIMIR** is individually responsible for the crimes charged against him in this Indictment. He committed, planned, instigated, ordered and otherwise aided and abetted in the planning, preparation and execution of these charged crimes, as set out in detail in this Indictment. The term “committed” as it is used herein, includes a form of co-perpetration called Joint Criminal Enterprise (“JCE”). As described in this Indictment, JCE includes membership of at least two persons in a criminal enterprise with an agreement to achieve the criminal objective.
67. In this Indictment, Joint Criminal Enterprise identifies the criminal endeavour to force the Muslim population from the Srebrenica and Žepa enclaves and murder all the able-bodied men captured from the Srebrenica enclave, as described in the Indictment.
68. **ZDRAVKO TOLIMIR** had knowledge of the plan to murder the able-bodied Muslim men from Srebrenica and was involved in the execution of that plan. **ZDRAVKO TOLIMIR** possessed the criminal intent and state of mind required to commit the individual crimes charged (See *Attachment C* to this Indictment

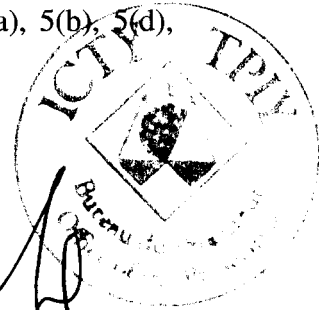
for the required *mens rea* for each crime) in the Indictment related to this plan, and their acts significantly assisted and facilitated the commission of the crimes. The participation of **ZDRAVKO TOLIMIR** in the Joint Criminal Enterprise to murder the able-bodied Muslim men from Srebrenica and the specific acts and responsibilities described in this Indictment satisfy the elements required for a finding that, pursuant to Article 7(1) of the Statute of the Tribunal, **ZDRAVKO TOLIMIR** “committed,” “planned,” “instigated,” “ordered” and otherwise “aided and abetted” genocide, crimes against humanity (including murder, persecutions, forcible transfer and inhumane acts) and murder as a violation of the laws or customs of war.

69. **ZDRAVKO TOLIMIR** had knowledge of and was involved in the implementation of the plan to make life unbearable for the Muslim population of Srebrenica and Žepa and to forcibly remove them from the enclaves to areas outside the RS. **ZDRAVKO TOLIMIR** possessed the criminal intent and state of mind required to commit the individual crimes charged in the Indictment related to this plan, and their acts significantly assisted and facilitated the commission of the crimes. The participation of **ZDRAVKO TOLIMIR** in the Joint Criminal Enterprise to remove the Muslim population and the specific acts and responsibilities described in this Indictment satisfy the elements required for a finding that, pursuant to Article 7(1) of the Statute of the Tribunal, **ZDRAVKO TOLIMIR** “committed,” “planned,” “instigated,” “ordered” and otherwise “aided and abetted” crimes against humanity (including murder, persecutions, forcible transfer and inhumane acts) and murder as a violation of the laws or customs of war.

All of the foregoing occurred in violation of Articles 3, 4(3), 4(3)(b), 5(a), 5(b), 5(d), 5(h), 5(i), 7(1) and 7(3) of the Statute of the Tribunal.

Dated this 28th day of August 2006
The Hague, The Netherlands


Carla Del Ponte
Prosecutor



MEMBERS OF THE JOINT CRIMINAL ENTERPRISES TO:

(1) FORCIBLY TRANSFER OR DEPORT THE BOSNIAN MUSLIM POPULATIONS FROM SREBRENICA AND ŽEPA AND

(2) MURDER THE ABLE-BODIED MUSLIM MEN FROM SREBRENICA:

70. The JCE to forcibly transfer or deport the Muslim populations of Srebrenica and Žepa and the JCE to murder the able-bodied Muslim men from Srebrenica have been identified in this Indictment as two Joint Criminal Enterprises. However, the officers within these Joint Criminal Enterprises are the same and include but are not limited to the following:

71. Radovan Karadžić, President of the RS; General Ratko Mladić, the Commander of the VRS; General Milenko Živanović, Commander of the Drina Corps; General Radislav Krstić, Chief of Staff/Deputy Commander and Commander of the Drina Corps; General **ZDRAVKO TOLIMIR**, Assistant Commander for Intelligence and Security, Main Staff; General Radivoje Miletić, Main Staff Chief of Operations and Training and Standing in for the Chief of Staff; General Milan Gvero, Assistant Commander for Morale, Religious and Legal Affairs; Colonel Petar Salapura, Chief of Intelligence of the Main Staff; Colonel Ljubiša Beara, Chief of Security of the Main Staff; Colonel Radoslav Janković, Intelligence Officer of the Main Staff; Major Dragomir Pećanac, Security Officer of the Main Staff; Lt. Colonel Vujadin Popović, Chief of Security, Drina Corps; Lieutenant Colonel Rajko Krsmanović, Drina Corps Chief of Transportation Services; Colonel Lazar Aćamović, Drina Corps Assistant Commander for Rear Services; Colonel Vidoje Blagojević, Commander of the Bratunac Brigade; Captain Momir Nikolić, Chief of Security and Intelligence, Bratunac Brigade; Colonel Vinko Pandurević, Commander of the Zvornik Brigade; Lieutenant Colonel Dragan Obrenović, Deputy Commander and Chief of Staff of the Zvornik Brigade; Lieutenant Drago Nikolić, Chief of Security, Zvornik Brigade; Captain Milorad Trbić, Security Officer, Zvornik Brigade; and Ljubomir Borovčanin, Deputy Commander of the RS Ministry of Interior Special Police Brigade.

72. Various other individuals and military and police units participated in the implementation of the JCE to forcibly transfer and deport the Muslim populations of Srebrenica and Žepa, and the JCE to murder the able-bodied men of Srebrenica, including but not limited to the following:

Drina Corps Units

Elements of the Drina Corps Military Police
Elements of the 5th Engineering Battalion
Elements of the Bratunac Brigade
Elements of the Zvornik Brigade
Elements of the Milići Brigade
Elements of the Vlasenica Brigade
Elements of the Višegrad-Goražde Brigade
Elements of the Rogatica Brigade
Elements of the Birač Brigade

Elements of the 1st Skelani Separate Infantry Battalion

Main Staff Units

Elements of the 10th Sabotage Detachment
Elements of the 65th Motorized Protection Regiment

MUP Units

Elements of the RS "Special Police" Brigade
Elements of the Bratunac Municipal Police
Elements of the Zvornik Municipal Police
Elements of the Serbian MUP "Scorpions" Unit

Military Structure of the Army of the Republika Srpska (VRS)

73. The armed forces of the Republika Srpska consisted of the Army of the Republika Srpska, and the units of the Ministry of Interior of the Republika Srpska.
74. In July 1995, the armed forces of the Republika Srpska were under the command and control of the Supreme Commander, Radovan Karadžić. His headquarters were in Pale.
75. Within the framework of the VRS, immediately subordinate to the Supreme Commander was the Main Staff of the VRS, headquartered in Han Pijesak and commanded by General Ratko Mladić. It was the responsibility of the Commander of the Main Staff to issue regulations, orders and instructions regarding the implementation of orders by the Supreme Commander, and to discharge the command duties delegated to him by the Supreme Commander. The Main Staff of the VRS consisted of senior staff officers, including the Chief of Staff/Deputy Commander; Chief of Operations and Training/Standing in for the Chief of Staff; several Assistant Commanders (including the Assistant Commander for Morale, Legal and Religious Affairs and the Assistant Commander for Intelligence and Security); staff officers and staff-support personnel; as well as some specialised military units such as the 65th Motorized Protection Regiment, designed to provide protection and combat services for the Main Staff; and the 10th Sabotage Detachment, a unit trained for operations behind enemy lines and other special combat assignments.
76. The vast majority of the fighting force of the VRS itself was divided into six geographically-based Corps, all subordinate to, and under the command of, General Mladić and, in turn, the Supreme Commander, Radovan Karadžić. In July 1995, the six Corps were the Drina Corps, the 1st Krajina Corps, the 2nd Krajina Corps, the Sarajevo-Romanija Corps, the Hercegovina Corps and the East Bosnia Corps.
77. Each of the above six Corps had its own individual commander and command staff, all of whom were directly subordinate to General Mladić in the VRS chain of command.
78. Milenko Živanović was appointed the first commander of the Drina Corps when it was formed on 1 November 1992 and served as the Drina Corps Commander until about 2000 hours on 13 July 1995 when he was replaced by General Radislav Krstić. General Krstić was the Commander of the Drina Corps from about 2000 hours on 13 July 1995 through to the end of the war. Prior to his promotion to Commander, General Krstić was Chief of Staff/Deputy Commander of the Drina Corps, a position he had held since October 1994.
79. The position of Chief of Staff/Deputy Commander of the Main Staff, Drina Corps or any Drina Corps brigade, was a concurrent position. In the event that the Commander was absent, incapacitated, or otherwise unavailable to exercise his command functions, the Chief of Staff/Deputy Commander was empowered automatically and without further authorisation to assume and to exercise command authority over subordinate units, within the framework of the Commander's overall intent. In such circumstances, the position of Chief of

Staff/Deputy Commander is a position of superior responsibility within the meaning of Article 7(3) of the Tribunal Statute and, in addition, a person holding this position may be criminally liable under Article 7(1) of the Tribunal Statute.

80. The Drina Corps staff was headed by the Chief of Staff, as described in the preceding paragraph. The command staff, headquartered in Vlasenica, had three specialised branch bodies, each headed by Assistant Commanders. Those specialised branches were the Corps Security Affairs Branch, the Corps Morale, Legal and Religious Affairs Branch and the Corps Rear Services (or Logistics) Branch. Along with the specialised branches named above, the Corps staff had approximately ten operative branches responsible for the day-to-day planning, operations and combat functions of the Corps. Those branches included the Operations and Training Department; the Intelligence Department; the Armour and Mechanised Forces Department; the Nuclear, Chemical and Biological Defence Department; the Engineering Department; the Artillery and Missile Department; the Communications Department; the Anti-Aircraft Defence Department; the Personnel Administration Department and the Electronic Security Department.

81. The Drina Corps consisted of approximately 15,000 soldiers organised into thirteen geographically-based subordinate units, which included the 1st Zvornik Infantry Brigade, the 1st Vlasenica Light Infantry Brigade, the 1st Birač Light Infantry Brigade, the 1st Milići Light Infantry Brigade, the 1st Bratunac Light Infantry Brigade, the 2nd Romanija Motorised Brigade, the 1st Podrinje Light Infantry Brigade, the 5th Podrinje Light Infantry Brigade, the 5th Mixed Artillery Regiment, the 5th Military Police Battalion, the 5th Engineer Battalion, the 5th Communications Battalion, and the 1st Skelani Separate Infantry Battalion.

82. Each of the brigades, regiments and battalions mentioned in the preceding paragraph had its own command staff and numerous subordinate units designated as battalions, companies and platoons. The command and troops of the Bratunac and Zvornik Brigades of the Drina Corps played significant roles in the crimes charged herein. The command structure of those brigades is set forth below:

A. 1st Bratunac Light Infantry Brigade

Command Staff

Subordinate Units

- 1st Infantry Battalion
- 2nd Infantry Battalion
- 3rd Infantry Battalion
- 4th Infantry Battalion
- Reserve Battalion
- Mixed Artillery Battery

- Engineer Platoon
- Military Police Platoon
- Intervention Platoon (“Red Berets”)

B. 1st Zvornik Infantry Brigade

Command Staff

Subordinate Units

1st Infantry Battalion
 2nd Infantry Battalion
 3rd Infantry Battalion
 4th Infantry Battalion
 5th Infantry Battalion
 6th Infantry Battalion
 7th Infantry Battalion
 8th Infantry Battalion
 Reserve Battalion
 Rear Battalion
 Mixed Artillery Battalion
 Armour-Mechanised Company
 Military Police Company
 Light Anti-Aircraft Company
 Engineering Company
 Podrinje Detachment (“Drina Wolves”)
 Signal Platoon

83. Each brigade staff was headed by the Brigade Chief of Staff/Deputy Commander. The structure and function of the brigade staff was basically the same as the Corps staff, but operated on a smaller scale.
84. With respect to these brigade staffs, one significant difference pertains to the role of the security branch. In a light infantry brigade structure, the role of the Assistant Commander for Security Affairs and Intelligence is combined. In a regular infantry brigade structure, the position of Assistant Commander for Security Affairs and the Chief of Intelligence are separate.
85. In addition to the Bratunac, Zvornik and Vlasenica Brigades, units from the VRS Main Staff, other VRS Corps units, and RS Ministry of Interior “Special Police” and regular municipal police forces (PJP) were present in the area of responsibility of the Drina Corps during the time frame set forth in the indictment. These units specifically were:
- (1) Elements of the 65th Motorized Protection Regiment (Main Staff VRS)
 - (2) Elements of the 10th Sabotage Detachment (Main Staff VRS)
 - (3) Elements of the RS “Special Police” (Ministry of the Interior)
 - (4) Zvornik Police (Ministry of Interior)
 - (5) Vlasenica Police (Ministry of Interior)
 - (6) Milići Police (Ministry of Interior)
 - (7) Bratunac Police (Ministry of Interior)
 - (8) Skelani Police (Ministry of Interior)
 - (9) Višegrad Police (Ministry of Interior)
 - (10) Rogatica Police (Ministry of Interior)
 - (11) Elements of the 5th Engineering Battalion of the Drina Corps

(12) Elements of the Serbian MUP "Scorpions" unit

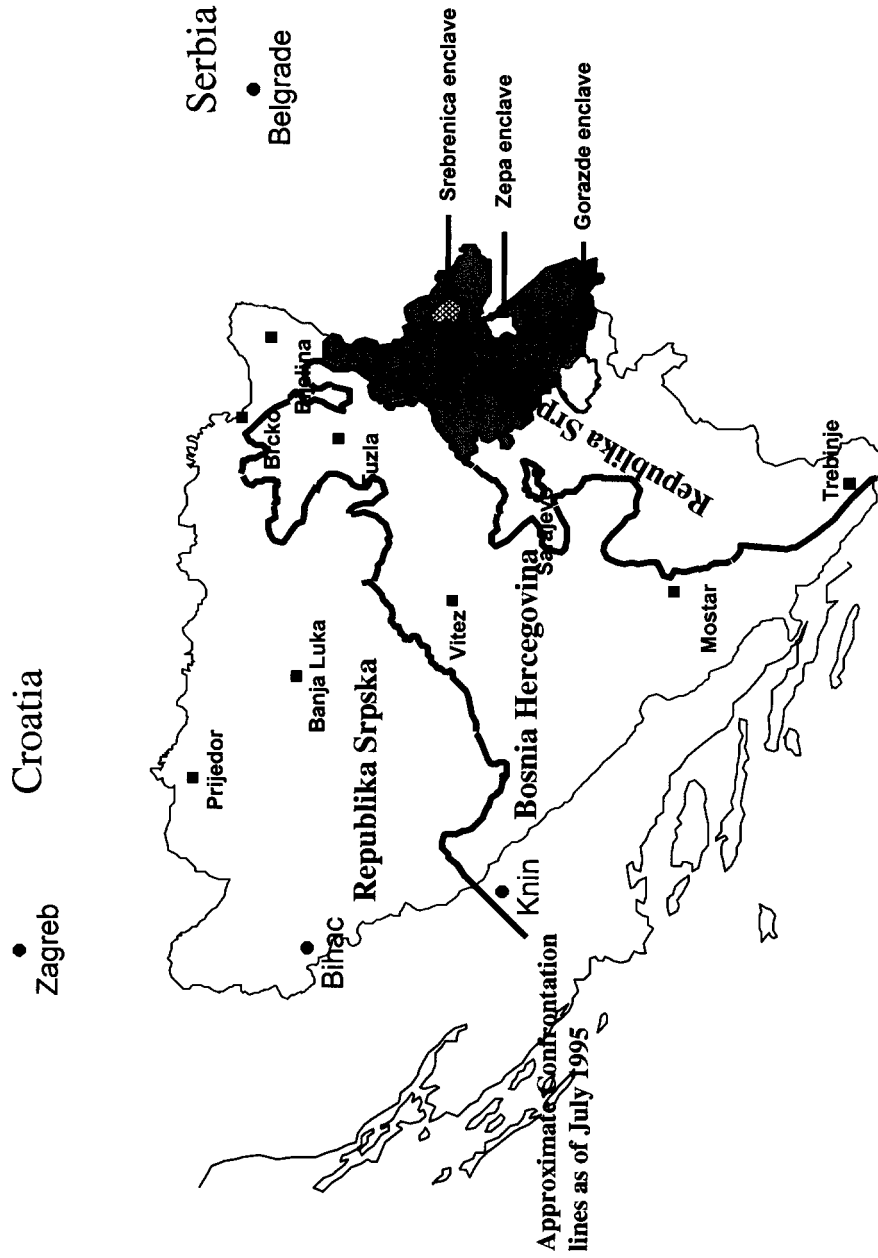
86. All of the entities referred to in the preceding five paragraphs, except Number 12, the "Scorpions" unit, were units of the VRS or the RS Ministry of Interior, all legally organised and existing under the relevant laws of the RS, and under the command of individuals lawfully appointed under the relevant laws of the RS.
87. The geographic area of the Srebrenica enclave fell entirely within the area of responsibility of the VRS Drina Corps. (See Attachments D and E). Specifically, the Srebrenica enclave was in the territory under the responsibility of the 1st Bratunac Light Infantry Brigade, the 1st Milići Light Infantry Brigade and the Skelani Separate Battalion. Further, all of the criminal acts charged occurred within the area of responsibility of the Drina Corps, principally in the areas of responsibility of the 1st Zvornik Brigade, the 1st Milići Light Infantry Brigade and the 1st Bratunac Light Infantry Brigade. The geographic area of the Žepa enclave also fell within the zone of responsibility of the Drina Corps. The Žepa enclave was in territory under the responsibility of the 1st Podrinje Light Infantry Brigade ("1st Rogatica Brigade"), the 5th Podrinje Light Infantry Brigade ("5th Višegrad-Goražde Brigade") and the 1st Skelani Separate Infantry Battalion.

Mens Rea of Crimes Charged

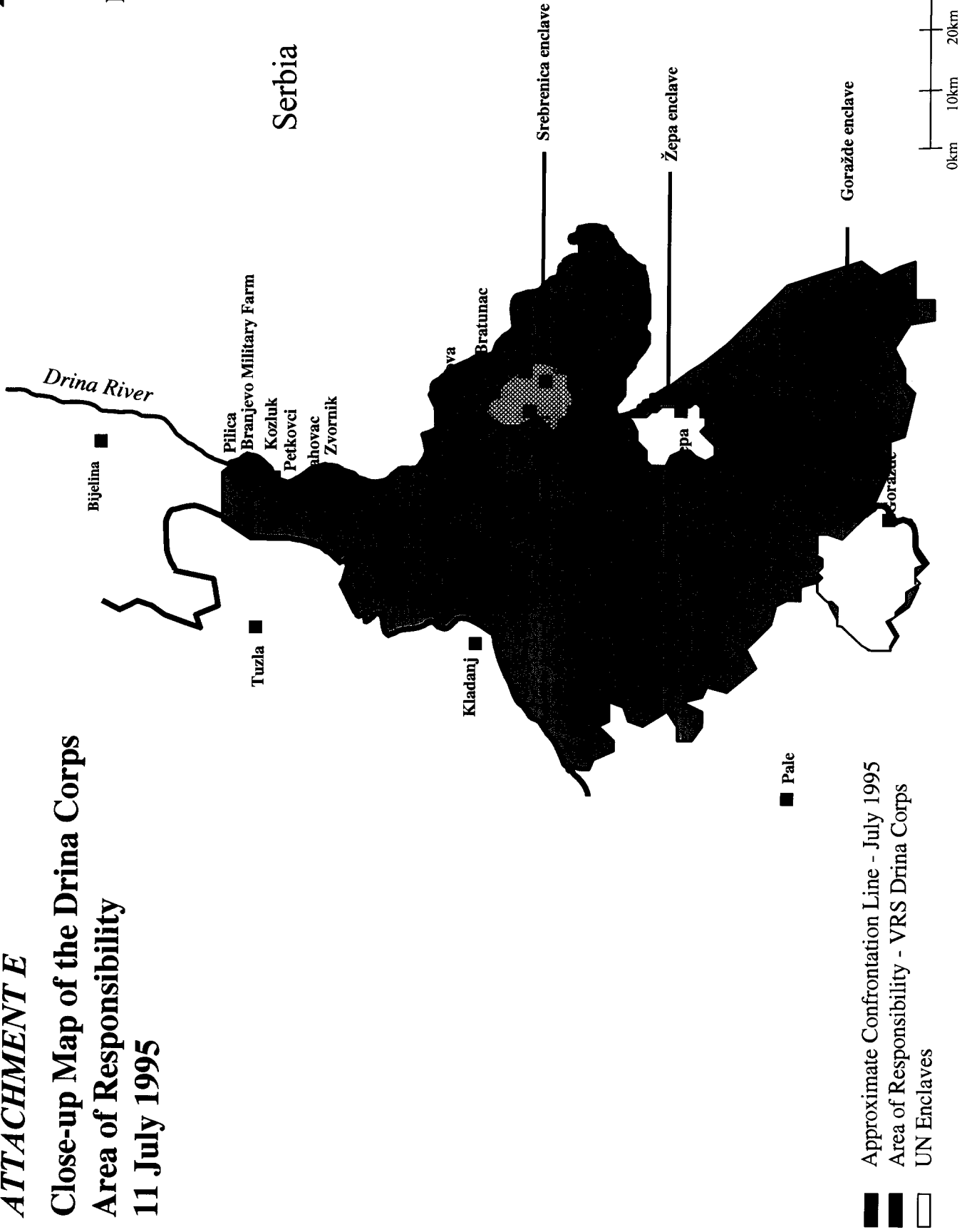
88. **Genocide:** Article 4(3)(a), the accused and/or perpetrator acted with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.
89. **Conspiracy to Commit Genocide:** Article 4(3)(b), two or more accused and/or perpetrators entered into an agreement with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.
90. **Extermination:** Article 5(b), the accused and/or perpetrator acted with the discriminatory intent, with the intention to discriminate on national, political, ethnic, racial or religious grounds.
91. **Murder:** Articles 5(a) and 3, the accused and/or perpetrator acted with the intent to kill or to inflict grievous bodily harm or serious injury, in the reasonable knowledge that such act or omission was likely to cause death or to wilfully act in furtherance of a murder, knowing such act(s) would substantially assist in or result in, the murder of an individual or individuals.
92. **Persecutions:** Article 5(h), the accused and/or perpetrator acted with discriminatory intent, with the intention to discriminate on national, political, ethnic, racial or religious grounds.
93. **Forcible Transfer:** Article 5(i), the accused and/or perpetrator acted with the intent that the removal of the person or persons be permanent.
94. **Deportation:** Article 5(d), the accused and/or perpetrator acted with the intent that the removal of the person or persons be permanent.

ATTACHMENT D

**Map of the Drina Corps
Area of Responsibility
11 July 1995**



ATTACHMENT E
Close-up Map of the Drina Corps
Area of Responsibility
11 July 1995



- Pale
- Approximate Confrontation Line - July 1995
- Area of Responsibility - VRS Drina Corps
- UN Enclaves