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28 MARCH 2002

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AT

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case Number IT-02-56-I
THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

MOMIR NIKOLIĆ

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:

MOMIR NIKOLIĆ

with GENOCIDE OR COMPLICITY IN GENOCIDE; Murder, Persecutions, Forcible Transfer and Inhumane Acts as CRIMES AGAINST HUMANITY; and Murder as a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as set forth herein:

THE ACCUSED

1. **MOMIR NIKOLIĆ**, son of Vaso, was born on 20 February 1955 in Bratunac. After finishing school for civil engineering, he attended the Faculty for Political Affairs in Sarajevo. By profession, **MOMIR NIKOLIĆ** is a teacher. He was mobilised into the army on 18 April 1992, at which time he was stationed at the Headquarters of the Territorial Defence as the Assistant Commander for Intelligence. In July 1995, he was assigned to the VRS First Light Infantry Brigade in Bratunac (Bratunac Brigade), where he held the rank of Captain First Class and served as the Assistant Commander for Security and Intelligence. His brigade, which was responsible for the security of the territory opposite the northern, eastern, and southern boundaries of the Srebrenica enclave, directly participated in the actual capture of the Srebrenica enclave.

SUPERIOR AUTHORITY / POSITION OF THE ACCUSED

2. During the VRS attack on the Srebrenica enclave and the subsequent killings and executions of Bosnian Muslim men, **MOMIR NIKOLIĆ** was a Captain First Class and served as the Assistant Commander (Chief) for Security and Intelligence of the Bratunac Brigade. He was present in the Bratunac Brigade zone of responsibility during the attack on the Srebrenica enclave from 4 July 1995 to 1 November 1995.

3. As Assistant Commander for Security and Intelligence, **MOMIR NIKOLIĆ'S** responsibilities, under the security aspect of his position, were to monitor enemy activities within and against Bratunac Brigade units and to propose measures to the brigade commander to counter security threats posed by the enemy. This included identifying traitors or other security threats inside Bratunac Brigade units, as well as dealing with enemy threats from outside, such as sabotage, surveillance, and intervention activities of the enemy. He was also responsible for managing the Bratunac Brigade Military Police Company, and proposing ways to utilise members of the Company. He was also responsible, in general, for co-ordinating with the bodies of the MUP in the brigade zone of responsibility. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, by virtue of the authority vested in him by his commander, Vidoje Blagojević, and as defined by the Yugoslav People's Army (JNA) regulations adopted by the VRS, **MOMIR NIKOLIĆ** had responsibility for dealing with captured Bosnian Muslim prisoners from Srebrenica from 11 July 1995 until at least 1 November 1995.

GENERAL ALLEGATIONS

4. At all times relevant to this Indictment, a state of armed conflict existed in the Republic of Bosnia and Herzegovina.
5. At all relevant times, the accused was required to abide by the laws and customs governing the conduct of war.
6. 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 its surroundings.

FACTUAL BACKGROUND

7. 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"; this Decision was published in the Official Gazette of the Republika Srpska on 26 November 1993:

"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."

8. 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 Zvornik, in the eastern part of the country and participated in an ethnic cleansing campaign which resulted in an exodus of Bosnian Muslim civilians to enclaves in Srebrenica, Gorazde and Žepa.
9. On 19 November 1992, General Ratko Mladić, the Commander of the VRS Main Staff, issued Operational Directive 04. This Directive, in part, ordered the Drina Corps to "...inflict the heaviest possible losses on the enemy, and force him to leave the Birać, Žepa and Gorazde areas together with the Bosnian Muslim population. First, offer the able-bodied and armed men to surrender, and if they refuse, destroy them."
10. On 16 April 1993, the Security Council of the United Nations, acting pursuant to Chapter VII of its 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.
11. On 4 July 1994, Lieutenant Colonel Slavko Ognjenović, then Commander of the Bratunac Brigade, 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."
12. On 8 March 1995, the Supreme Command of the Armed Forces of the Republika Srpska issued Operational Directive 07. In this Directive, Republika Srpska President Radovan Karadžić directed the VRS (specifically the VRS Drina Corps) to "...complete 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."
13. On 2 July 1995, in the Drina Corps operational order for the attack on the Srebrenica enclave, General Milenko Živanović ordered that the attack of the enclave should result in "reducing the enclave to its urban area". The size of the enclave on 2 July 1995 was approximately 58 square kilometres and the urban area of the enclave was about two (2) square kilometres. Large numbers of the Bosnian Muslim population of the enclave lived outside the urban area of Srebrenica prior to 2 July 1995.
14. On or about 6 July 1995, units of the Drina Corps shelled Srebrenica and attacked Dutch-manned United Nations observation posts which were located in the enclave. The Drina Corps attack on the Srebrenica enclave, including the shelling, continued through 11 July 1995, when forces from the Zvornik Brigade's Drina

Wolves, the Bratunac Brigade, the 10th Sabotage Detachment and other units of the VRS entered Srebrenica.

15. In the several days following this attack on Srebrenica, VRS forces captured, detained, summarily executed, and buried over 7000 Bosnian Muslim men and boys from the Srebrenica enclave, and forcibly transferred the Bosnian Muslim women and children of Srebrenica out of the enclave. The details of these events and the role of each accused therein are presented in the paragraphs below.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Direct Criminal Responsibility

16. Pursuant to Article 7(1) of the Statute of the Tribunal, **MOMIR NIKOLIĆ** is individually responsible for genocide or complicity in genocide, crimes against humanity (murder, persecutions, forcible transfer, and inhumane acts), and murder as a violation of the laws or customs of war. **MOMIR NIKOLIĆ** committed, planned, instigated, ordered, and otherwise aided and abetted in the planning, preparation, and execution of these charged crimes. By using the word "committed" in this Indictment, the Prosecutor does not intend to suggest that the accused necessarily physically and personally perpetrated any of the crimes charged. "Committing" the crimes can be accomplished by virtue of participation in the joint criminal enterprise.

Joint Criminal Enterprise

17. **MOMIR NIKOLIĆ**, together with other VRS and MUP officers and units as identified in this Indictment, was a member of and knowingly participated in a Joint Criminal Enterprise, the common purpose of which was: to forcibly transfer the women and children from the Srebrenica enclave to Kladanj, on 12 July and 13 July 1995; and to capture, detain, summarily execute by firing squad, bury, and rebury thousands of Bosnian Muslim men and boys aged 16 to 60 from the Srebrenica enclave from 12 July 1995 until and 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 1000 Bosnian Muslim men and boys, aged 16-60, who were separated from the group of Bosnian Muslims in Potočari on 12 and 13 July. On 12 July, this plan was broadened to include the summary execution of over 6000 men and boys, aged 16 to 60, who were captured from the column of Bosnian Muslim men escaping the Srebrenica enclave on 12 July through about 19 July 1995. Most of these men and boys from the column were captured along the Bratunac/Milići road on 13 July 1995. While the Joint Criminal Enterprise contemplated organised and systematic executions, it was foreseeable to **MOMIR NIKOLIĆ** that opportunistic criminal acts, such as those described in 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 7000 Bosnian Muslim men and boys from the Srebrenica enclave.

18. **MOMIR NIKOLIĆ** possessed the criminal intent and state of mind required to commit the individual crimes charged in the Indictment, and his acts significantly assisted and facilitated the commission of the crimes. The participation of the accused in the Joint Criminal Enterprise and the specific acts and responsibilities described in this Indictment satisfy the elements required for a finding that, pursuant to the meaning of Article 7(1) of the Statute of the Tribunal, **MOMIR NIKOLIĆ** “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. These specific acts and responsibilities of **MOMIR NIKOLIĆ** pursuant to this Joint Criminal Enterprise are described in the Indictment in paragraphs 17, 22, 25-27, 29, and 30-36.
19. The Joint Criminal Enterprise, of which **MOMIR NIKOLIĆ** was a member and a key participant, was conceived and designed by General Ratko Mladić and others on 11 and 12 July 1995, and administered and carried out by members of the VRS and MUP forces through the time period and by the means alleged in this Indictment.
20. Members of this Joint Criminal Enterprise included: 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; Colonel Vidoje Blagojević, Commander of the Bratunac Brigade; Colonel Vinko Pandurević, Commander of the Zvornik Brigade; Lieutenant Colonel Dragan Obrenović, Deputy Commander and Chief of Staff of the Zvornik Brigade; **MOMIR NIKOLIĆ**, Assistant Commander for Security and Intelligence of the Bratunac Brigade; Dragan Jokić, Chief of Engineering of the Zvornik Brigade; and various other individuals and military and police units, including but not limited to the following:

Drina Corps Units

Elements of the Bratunac Brigade
 Elements of the Zvornik Brigade
 Elements of the Vlasenica Brigade
 Elements of the 5th Engineering Battalion

Main Staff Units

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

MUP Units

Elements of the Republika Srpska “Special Police”
 Elements of the Bratunac Municipal Police
 Elements of the Milići Municipal Police
 Elements of the Zvornik Municipal Police

As Assistant Commander (Chief) for Security and Intelligence of the Bratunac Brigade, **MOMIR NIKOLIĆ** was directly subordinate to Colonel Vidoje Blagojević, Commander of the Bratunac Brigade, who in turn was directly subordinate to General Radislav Krstić, Commander of the Drina Corps. A detailed summary of the military structure of the VRS is affixed to this Indictment as Annex A.

On 11 July, 1995, four units of the Ministry of the Interior (MUP) were placed under the command of the VRS.

21. These allegations concerning individual criminal responsibility, including those cited in the Joint Criminal Enterprise paragraphs, are realleged and incorporated into each of the charges set forth below.

CHARGES

COUNTS 1A-1B (Genocide) (Complicity to Commit Genocide)

By his acts and omissions described in the paragraphs below, **MOMIR NIKOLIĆ** committed:

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

Or, in the alternative,

COUNT 1B: Complicity to commit genocide, punishable under Articles 4(3)(e) and 7(1) of the Statute of the Tribunal.

22. Between 11 July 1995 and 1 November 1995, **MOMIR NIKOLIĆ**, 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 as described in paragraphs 17, 22, 25-27, 29, and 30-36; and,
 - (b) caused serious bodily or mental harm to members of the group.
23. Immediately after the fall of Srebrenica on 11 July 1995, senior VRS officers including Ratko Mladić and Radislav Krstić surveyed the town. At this time, Ratko Mladić announced that "the moment has finally come for us to take revenge upon the Turks here."
24. Thousands of Bosnian Muslims from the enclave, including women, children, and some men, fled to the UN Compound in Potočari on 11 July 1995, where they sought the protection of the Dutch battalion. Meanwhile, approximately 15,000 Bosnian Muslim men from the enclave, with some women and children, gathered at the villages of Šušnjari and Jagličići during the evening of 11 July 1995 and fled,

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.

25. On the evening of 11 July and the morning of 12 July, Ratko Mladić and other VRS officers convened three critical meetings at the Hotel Fontana in Bratunac concerning the fate of the refugees who had fled to Potočari. At the first meeting, held at approximately 2000 hours on 11 July, Ratko Mladić met with other members of the VRS, including **MOMIR NIKOLIĆ**, and with the Dutchbat command. At this first meeting Ratko Mladić intimidated and threatened the Dutchbat commander. The second meeting was convened by Ratko Mladić, Radislav Krstić, **MOMIR NIKOLIĆ**, and other members of the VRS at approximately 2300 hours on 11 July, and was attended by members of the Dutchbat command and representatives of the Bosnian Muslim refugees at Potočari. At this second meeting, Ratko Mladić warned the Bosnian Muslim representatives that their people could either “survive or disappear.” At the third meeting, convened at about 1000 hours on 12 July 1995 by Ratko Mladić, Radislav Krstić, and other VRS and Bosnian Serb civilian representatives, and attended by Dutchbat officers and representatives of the Bosnian Muslim refugees, Ratko Mladić explained that he would supervise the “evacuation” of refugees from Potočari and that he wanted to see all military-aged Bosnian Muslim men so that they could be screened as possible war criminals. During the meetings at the Hotel Fontana from the evening of 11 July to the early morning of 12 July 1995, the plan to transport the civilian refugee population from Potočari was developed. By his presence in these meetings and his subsequent actions in Potočari, **MOMIR NIKOLIĆ** took part in the planning and implementation of the forcible transfer of civilians from Potočari. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, and by virtue of the authority vested in him by his commander, **MOMIR NIKOLIĆ** was responsible for the handling of prisoners in Potočari.
26. The Bosnian Muslim refugee population remained in and around Potočari from 11 July until 13 July 1995, during which time they were terrorised by members of the VRS and the MUP. The separations of men took place in the presence of **MOMIR NIKOLIĆ**. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, and by virtue of the authority vested in him by his commander, **MOMIR NIKOLIĆ** shared responsibility with other members of the Joint Criminal Enterprise for the separations of men and transportation of the Bosnian Muslim civilian population in Potočari.
27. On or about 12 July 1995, in the presence of Ratko Mladić, Radislav Krstić, **MOMIR NIKOLIĆ**, and others, approximately 50 to 60 buses and trucks arrived near the UN military compound in Potočari. Shortly after the arrival of these vehicles, the forcible transfer process of Bosnian Muslim women and children began. As the Bosnian Muslim women, children, and men started to board the buses and trucks, VRS and/or MUP soldiers separated over 1000 Bosnian Muslim men from the women and children and transported these men to temporary detention sites in Bratunac on 12 and 13 July 1995. **MOMIR NIKOLIĆ** was present and on duty in Potočari during this period, and he participated in the separation and transportation of the Bosnian Muslim population.

28. Beginning around 12 July 1995 and continuing throughout the period of organised executions, personal property and effects belonging to the Bosnian Muslim male prisoners, including their identification documents and valuables, were confiscated and destroyed by members of the VRS and the MUP. This confiscation and destruction of personal property and effects occurred while **MOMIR NIKOLIĆ** was present in Potočari, at various points of capture and collection along the Bratunac/Milići road, and at various execution sites. 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.
29. VRS and MUP officers and soldiers committed a number of opportunistic killings of the Bosnian Muslims in Potočari on 12 and 13 July 1995. Such opportunistic killings occurred as a natural and foreseeable consequence of the unfolding Joint Criminal Enterprise. These Bosnian Muslims were taken prisoner in Potočari before being killed. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, and by virtue of the authority vested in him by his commander, **MOMIR NIKOLIĆ** supervised the handling of prisoners in Potočari and was responsible for the prisoners. **MOMIR NIKOLIĆ** was present and on duty in Potočari during this period, along with members of the Drina Corps, the Drina Wolves, the Bratunac Brigade, the Zvornik Brigade, and the MUP. The opportunistic killings in Potočari resulted in the following:
- 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.
30. Between 12 July and about 17 July 1995, approximately 6000 Bosnian Muslim men from the column of men escaping the Srebrenica enclave were captured by, or surrendered to, VRS and MUP forces. **MOMIR NIKOLIĆ** was present along the Bratunac/Milići road on 13 July 1995 and was involved in the capture and detention of Bosnian Muslim prisoners in that area. Apart from those transported directly to execution sites, the prisoners captured from the column on 13 July 1995 were taken to the same temporary detention sites in and around Bratunac as those men separated from Potočari.
31. VRS and MUP officers and soldiers committed a number of opportunistic killings of Bosnian Muslim prisoners temporarily detained in Bratunac in schools, buildings, and vehicles parked along the road. Such opportunistic killings occurred as a natural and foreseeable consequence of the Joint Criminal

Enterprise. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, and by virtue of the authority vested in him by his commander, **MOMIR NIKOLIĆ** had responsibility for these Bosnian Muslim prisoners. These opportunistic killings occurred between 12 July and about 15 July 1995 in several different locations in Bratunac, namely:

- 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) On 13 July, during the day, one Bosnian Muslim man was beaten about the head with a rifle at the Vuk Karadžić School and was subsequently taken away and summarily executed. Numerous other Bosnian Muslim men detained at the Vuk Karadžić elementary school were also summarily executed during the day of 13 July.
- e) On the evening of 13 July, four young Bosnian Muslim males were taken from the area of the Vuk Karadžić School and were summarily executed.
- f) Between the evening of 13 July and the morning of 15 July, Bosnian Muslim males were frequently and consistently taken from the Vuk Karadžić elementary school and summarily executed.

Those Bosnian Muslim prisoners who survived their temporary detention in Bratunac were transported to the Zvornik area between 13 and 15 July 1995 for further detention and execution.

32. VRS and MUP forces participated in a planned and organised mass execution and burial of thousands of captured Bosnian Muslim men from the Srebrenica enclave. This joint criminal enterprise took place over a seven day period from 12 July until about 19 July 1995. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, and by virtue of the authority vested in him by his commander, **MOMIR NIKOLIĆ** had responsibility for all of the Bosnian Muslim prisoners captured or killed in the Bratunac Brigade zone, as well as for all those prisoners captured in the Bratunac Brigade zone and later transported with his knowledge to be executed in the Zvornik Brigade zone. Specifically, the military police and MUP forces under the direction of **MOMIR NIKOLIĆ** organised the detention and transportation of thousands of prisoners to execution sites around Zvornik, including Orahovac, Petkovci, Pilica, and Kozluk. This wide-scale and organised killing of Bosnian Muslim men occurred in several

different locations in and around Srebrenica, Bratunac, and Zvornik, and are as follows:

- 32.1 **Potočari:** On 12 July 1995, in between the Zinc Factory and "Alija's" house, VRS and/or MUP soldiers summarily executed by decapitation approximately eighty to one hundred Bosnian Muslim men. The bodies were then taken away on a truck. **MOMIR NIKOLIĆ** was present in Potočari not far from Alija's house on 12 July 1995.
- 32.2 **Jadar River:** At approximately 1100 hours on 13 July 1995, a small squad of soldiers consisting of at least one Bratunac police officer (Bratunac MUP), working with individuals and units of the VRS and/or 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.
- 32.3 **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.
- 32.4 **Kravica Warehouse:** On 13 July 1995, in the early evening hours, VRS and/or MUP soldiers summarily executed over 1000 Bosnian Muslim men detained in a large warehouse in the village of Kravica. The soldiers used automatic weapons, hand grenades, and other weaponry to kill the Bosnian Muslims inside the warehouse. On 14 July 1995, heavy equipment arrived and removed the victims' bodies to two large mass graves located in the nearby villages of Glogova and Ravnice.
- 32.5 **Tišća:** Throughout the day on 13 July 1995, VRS and/or MUP soldiers transported Bosnian Muslim women and children who had been separated from male members of their families in Potočari, to an area 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 Tišća, while the rest of the group was forcibly transferred to Bosnian Muslim territory. Throughout the day on 13 July 1995, VRS soldiers forced the selected Bosnian Muslim men and women to walk to a nearby school, where they were abused and assaulted. On or about the evening of 13 July 1995 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.
- 32.6 **Orahovac (near Lažete):** In the late evening hours of 13 July and during the day of 14 July 1995, personnel from the Military Police Company of the Bratunac Brigade working together with other individuals and units transported hundreds of Bosnian Muslim males from in and around Bratunac to the Grbavci School in the village of Orahovac. These Bosnian

Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potočari. 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 Grbavci School. In the early afternoon of 14 July 1995, VRS personnel transported these Bosnian Muslim males from the school at Grbavci 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. Approximately 1000 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, while the executions continued. On the evening of 14 July, lights from the engineering machinery illuminated the execution and burial sites during the executions.

- 32.7 **The Petkovci School:** On 14 July 1995, VRS and/or MUP personnel transported approximately 1000 Bosnian Muslim males from detention sites in and around Bratunac to the school at Petkovci. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potočari. On 14 July and the early morning hours of 15 July 1995, VRS and/or MUP personnel struck, beat, assaulted and shot with automatic weapons Bosnian Muslim males being detained at the school.
- 32.8 **The "Dam" near Petkovci:** On or about the evening of 14 July 1995 and the early morning hours of 15 July 1995, VRS personnel from the Zvornik Brigade including drivers and trucks from the 6th Infantry Battalion and the Zvornik Brigade transported the surviving members of the group of approximately 1000 Bosnian Muslim males from the school at Petkovci to an area below the Dam near Petkovci. They were assembled below the Dam and summarily executed by VRS or MUP soldiers with automatic weapons. In the morning of 15 July 1995, VRS personnel from the Engineering Company of the Zvornik Brigade, working together with other individuals and units, used excavators and other heavy equipment to bury the victims while the executions continued.
- 32.9 **Pilica School:** On or about 14 and 15 July 1995, VRS and/or MUP personnel transported approximately 1200 Bosnian Muslim males from detention sites in Bratunac to the school at Pilica. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potočari. On or about 14 and 15 July 1995, VRS military personnel with automatic weapons summarily executed many of the Bosnian Muslim males who had arrived, or were being detained, at the school. On 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade retrieved the bodies of the victims from the Pilica School 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 School executions in a mass grave at the Branjevo Military Farm.

- 32.10 **Branjevo Military Farm:** On the morning of 16 July 1995, VRS personnel transported the remaining members of the group of approximately 1200 Bosnian Muslim males from the Pilica school by bus to the Branjevo Military Farm. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potočari. After the Bosnian Muslim males arrived at the Branjevo Military Farm, they were summarily executed by automatic weapon fire from members of the 10th Sabotage Detachment and the Bratunac Brigade, working together with other individuals and units. On 17 July 1995, VRS personnel from the Engineering Company of the Zvornik Brigade, working together with other individuals and units, buried hundreds of victims in a nearby mass grave.
- 32.11 **Pilica Cultural Centre:** On 16 July 1995, VRS personnel from the Bratunac Brigade travelled a short distance to the village of Pilica and worked with other VRS and/or MUP personnel to summarily execute, with automatic weapons, approximately 500 men inside the Pilica Cultural Centre. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potočari. On 17 July 1995, VRS personnel from the "R" Battalion of the Zvornik Brigade 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 School executions in a mass grave at the Branjevo Military Farm.
- 32.12 **Kozluk:** On or before 16 July 1995, VRS and/or MUP soldiers, working together with other individuals and units, transported about 500 Bosnian Muslim males to an isolated place near Kozluk, in the Zvornik Brigade zone of responsibility, and summarily executed them with automatic weapons. These Bosnian Muslim men had been captured from the column of men retreating from the Srebrenica enclave or separated in Potočari. On 16 July 1995, VRS soldiers from the Engineering Company of the Zvornik Brigade, working together with other individuals and units, buried the victims of the executions in a mass grave nearby.
33. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, and by virtue of the authority vested in him by his commander, **MOMIR NIKOLIĆ** had responsibility for all of the Bosnian Muslim prisoners captured or killed in the Bratunac Brigade zone, as well as all prisoners captured in the Bratunac Brigade zone and later transported with his knowledge to be executed in the Zvornik Brigade zone. For instance, on 14 and 15 July 1995, **MOMIR NIKOLIĆ** co-ordinated with the Bratunac Brigade Military Police Company regarding issues relating to transportation, detention, and execution of prisoners.
34. During and after the campaign of organised executions, the opportunistic killing of captured Bosnian Muslim men from the Srebrenica enclave by VRS and MUP personnel continued to occur through about 1 November 1995. These opportunistic killings, which were a natural and foreseeable consequence of the Joint Criminal Enterprise, occurred in the zones of responsibility of both the Bratunac Brigade and the Zvornik Brigade. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, and by virtue of the authority vested in

him by his commander, **MOMIR NIKOLIĆ** had responsibility for all of the Bosnian Muslim prisoners captured or killed in the Bratunac Brigade zone, as well as all prisoners captured in the Bratunac Brigade zone and later transported with his knowledge to be executed in the Zvornik Brigade zone. Such opportunistic killings are as follows:

Bratunac Brigade Zone

- 34.1 **Nova Kasaba:** At sometime from 13 July through 27 July 1995 VRS and/or MUP personnel captured and executed 33 Bosnian Muslim men from the column fleeing the Srebrenica enclave. At least 26 of the victims were summarily executed after having been placed in two recently dug graves. Twenty-seven of the 33 men had their hands tied behind their backs when they were executed. These graves were located near the village of Nova Kasaba.
- 34.2 **Konjević Polje:** At sometime from 13 July through 27 July 1995, VRS and/or MUP soldiers captured two Bosnian Muslim men from the column, placed them in a pit near the village of Konjević Polje, and summarily executed and buried them.
- 34.3 **Glogova:** At sometime from 17 July through 27 July 1995, VRS and/or MUP soldiers captured 12 Bosnian Muslim men from the column, tied them together in six pairs, shot each of them in the head, and buried them in a mass grave near the village of Glogova.
- 34.4 **Kravica Market:** During the night between 13 July and 14 July near a supermarket in Kravica, 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 were detained on trucks near the supermarket. All of these prisoners had been captured from the column of men retreating from the Srebrenica enclave or separated at Potočari.
- 34.5 **Bratunac Brigade:** At sometime from 12 July through 1 November 1995, six Bosnian Muslim men from Srebrenica were captured by MUP forces, turned over to and interrogated by security personnel from the Bratunac Brigade under the command and control of **MOMIR NIKOLIĆ**, and thereafter summarily executed by unknown persons. One of these persons (Rešid Sinanović) was captured by a MUP soldiers from the Republika Srpska (RS) and turned over personally to **MOMIR NIKOLIĆ** before being executed. 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: 08 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.

Zvornik Brigade Zone

34.6 **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, captured approximately 10 Bosnian Muslim males from the column and with automatic weapons, summarily executed them at a place near Nezuk.

34.7 **Zvornik Brigade:** On or about 19 July 1995, the following four Bosnian Muslim men were captured from the column by VRS and/or MUP forces in the Zvornik Brigade zone of responsibility and turned over to Zvornik Brigade Security personnel:

- (a) Sakib KIVIRIĆ, son of Salko, date of birth: 24 June 1964.
- (b) Emin MUSTAFIĆ, son of Rifet, date of birth: 7 October 1969.
- (c) Fuad ĐJOZIĆ, son of Senusija, date of birth: 2 May 1965.
- (d) Almir HALILOVIĆ, son of Suljo, date of birth: 25 August 1980.

On or about 22 July 1995, these men were interrogated by Zvornik Brigade personnel, and were summarily executed sometime thereafter by unknown persons working together with the Zvornik Brigade Security personnel.

34.8 **Zvornik Brigade:** On 20 August 1995, Džemail SALIHOVIĆ, a Bosnian Muslim from Srebrenica, was captured by forces of the Zvornik Brigade near Kalesija while attempting to cross over to Muslim-held territory. Mr. Salihović was interrogated by personnel from the Zvornik Brigade and was summarily executed sometime thereafter by unknown persons.

35. From about 18 July through about 1 November, additional members of the Bosnian Muslim column were captured or killed in the Bratunac and Zvornik Brigade zone by VRS and MUP forces. As Assistant Commander for Security and Intelligence of the Bratunac Brigade, and by virtue of the authority vested in him by his commander, **MOMIR NIKOLIĆ** had responsibility for all of the Bosnian Muslim prisoners captured or killed in the Bratunac Brigade zone, as well as all prisoners captured in the Bratunac Brigade zone and later transported with his knowledge to be executed in the Zvornik Brigade zone.

36. 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. On 16 October 1995, **MOMIR NIKOLIĆ** was involved in the exhumation and reburial of the execution victims.

37. The conduct of **MOMIR NIKOLIĆ** met the requisite four elements of Genocide, namely that:
- a) The accused killed one or more persons;
 - b) Such persons belonged to a particular national, ethnical, racial, or religious group;
 - c) The accused intended to kill the persons; and
 - d) The accused killed the persons in furtherance of the intent to destroy, in whole or in part, that national, ethnical, racial, or religious group, as such.

Or,

38. In the alternative, the conduct of **MOMIR NIKOLIĆ** met the requisite three elements of Complicity in Genocide, namely that:
- a) The accused was an accomplice in the commission of a crime;
 - b) The crime was committed; and
 - c) The accused knew that the crime was being committed in furtherance of the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such.

And,

COUNT 2
(Extermination)

By his acts and omissions described in the preceding paragraphs, **MOMIR NIKOLIĆ** committed:

COUNT 2: Extermination, a **CRIME AGAINST HUMANITY**, punishable under Articles 5(b) and 7(1) of the Statute of the Tribunal.

39. The conduct of **MOMIR NIKOLIĆ** met the requisite four elements of Extermination as a Crime Against Humanity, namely that:
- a) There was an armed conflict;
 - b) In a manner relating to a widespread or systematic attack directed against a civilian population, an act or omission of the accused or a subordinate caused the death of the victim;
 - c) The act or omission was unlawful and intentional, reckless, or grossly negligent; and
 - d) The accused had knowledge of the wider context in which his conduct occurred.

And,

**COUNT 3-4
(Murder)**

By his acts and omissions described in the preceding paragraphs, **MOMIR NIKOLIĆ** committed:

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

40. The conduct of **MOMIR NIKOLIĆ** met the requisite four elements of Murder as a Crime Against Humanity, namely that:
- a) There was an armed conflict;
 - b) In a manner related to a widespread or systematic attack directed against a civilian population, the accused caused the death of one or more persons;
 - c) By such conduct, the accused intended to kill or to inflict serious injury in reckless disregard of human life; and
 - d) The accused had knowledge of the wider context in which his conduct occurred.

And,

COUNT 4: Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

41. The conduct of **MOMIR NIKOLIĆ** met the requisite four elements of Murder as a Violation of the Laws or Customs of War, namely that:
- a) There was a nexus between the murder and an armed conflict;
 - b) The conduct of the accused caused the death of one or more persons;
 - c) By such conduct, the accused intended to kill or to inflict serious injury in reckless disregard of human life; and
 - d) The victim or victims were persons taking no active part in the hostilities.

And,

**COUNT 5
(Persecutions)**

By his acts and omissions alleged in the preceding paragraphs, **MOMIR NIKOLIĆ** committed:

COUNT 5: 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.

42. The conduct of **MOMIR NIKOLIĆ** met the requisite four elements of Persecutions as a Crime against humanity, namely that:
- a) There was an armed conflict;
 - b) In a manner related to a widespread or systematic attack directed against a civilian population, the accused committed acts or omissions against a victim or victim population violating a basic or fundamental human right;
 - c) The accused's conduct was committed on political, racial, or religious grounds, and was committed with requisite discriminatory intent; and
 - d) The accused had knowledge of the wider context in which his conduct occurred.
43. As described in 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;
 - b) the cruel and inhumane treatment of Bosnian Muslim civilians, including 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 the Srebrenica enclave.

And,

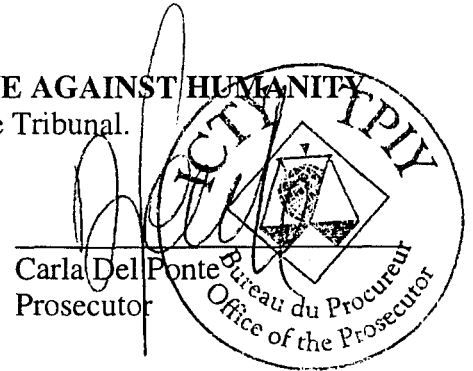
COUNT 6
(Forcible Transfer)

By his acts and omissions described in the preceding paragraphs, **MOMIR NIKOLIĆ** committed:

COUNT 6: Inhumane acts (Forcible Transfer), a **CRIME AGAINST HUMANITY** punishable under Articles 5(i) and 7(1) of the Statute of the Tribunal.

Dated this 26th day of March 2002
The Hague,
The Netherlands

Carla Del Ponte
Prosecutor



ANNEX A.MILITARY STRUCTURE OF THE ARMY OF THE REPUBLIKA SRPSKA
("VRS")

1. 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.
2. In July 1995, the Armed Forces of the Republika Srpska were under the command and control of the Commander-in-Chief, Radovan Karadžić. His headquarters was in Pale.
3. Within the framework of the VRS, immediately subordinate to the Commander-in-Chief, 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 Commander-in-Chief, and to discharge the command duties delegated to him by the Commander-in-Chief. The Main Staff of the VRS consisted of staff officers and staff support personnel, as well as some specialised military units such as: the 65th 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.
4. 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 Commander-in-Chief, 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.
5. Each of the above six Corps had their own individual commander and command staff, all of whom were directly subordinate to General Mladić in the VRS chain of command.
6. 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 Krstić. General Radislav 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 Radislav Krstić was Chief of Staff/Deputy Commander of the Drina Corps, a position he had held since October 1994.
7. The position of Chief of Staff/Deputy Commander of the 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.

8. 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 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.
9. 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 Skelani Separate Infantry Battalion.
10. Each of the brigades, regiments and battalions mentioned in the preceding paragraph had their 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 StaffSubordinate 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

11. 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.
12. 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.
13. 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 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 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)
14. All of the entities referred to in the preceding five paragraphs were units of the VRS or units of 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.

15. The geographic area of the Srebrenica enclave fell entirely within the area of responsibility of the VRS Drina Corps. (See Attachments A and B). 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.

ATTACHMENT A

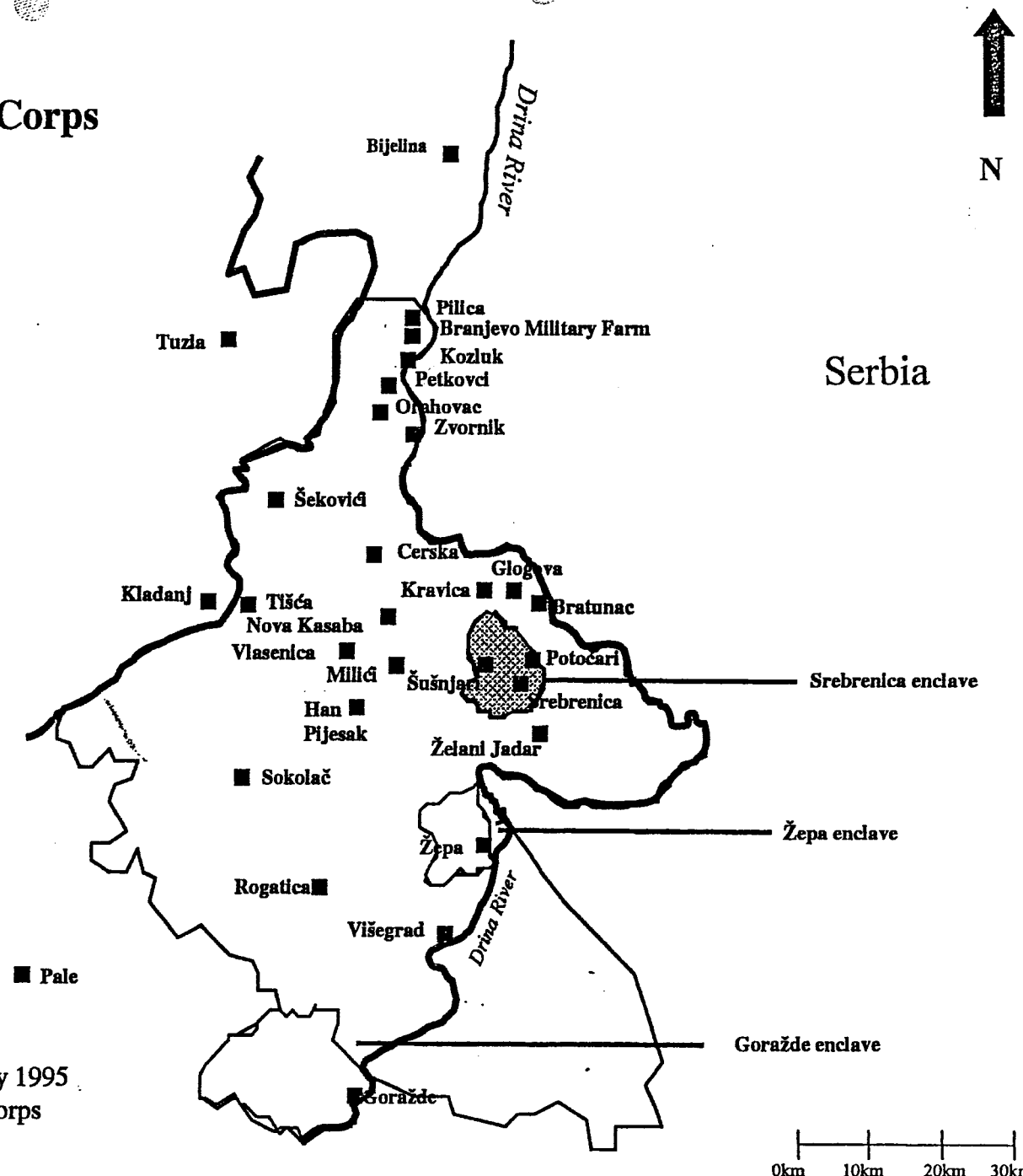
**Map of the Drina Corps
Area of Responsibility
11 July 1995**



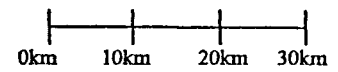
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ATTACHMENT B

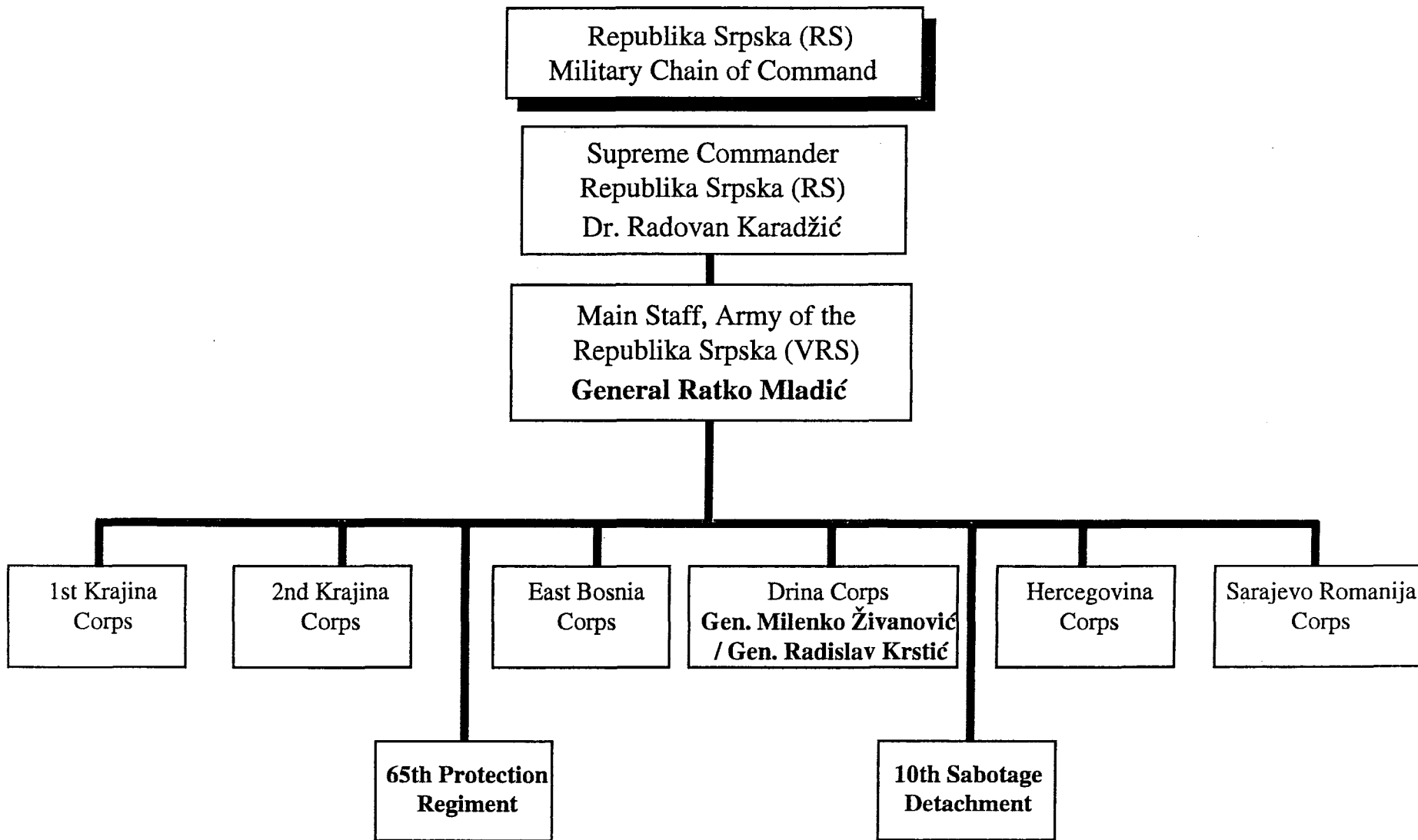
Close-up Map of the Drina Corps Area of Responsibility 11 July 1995



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



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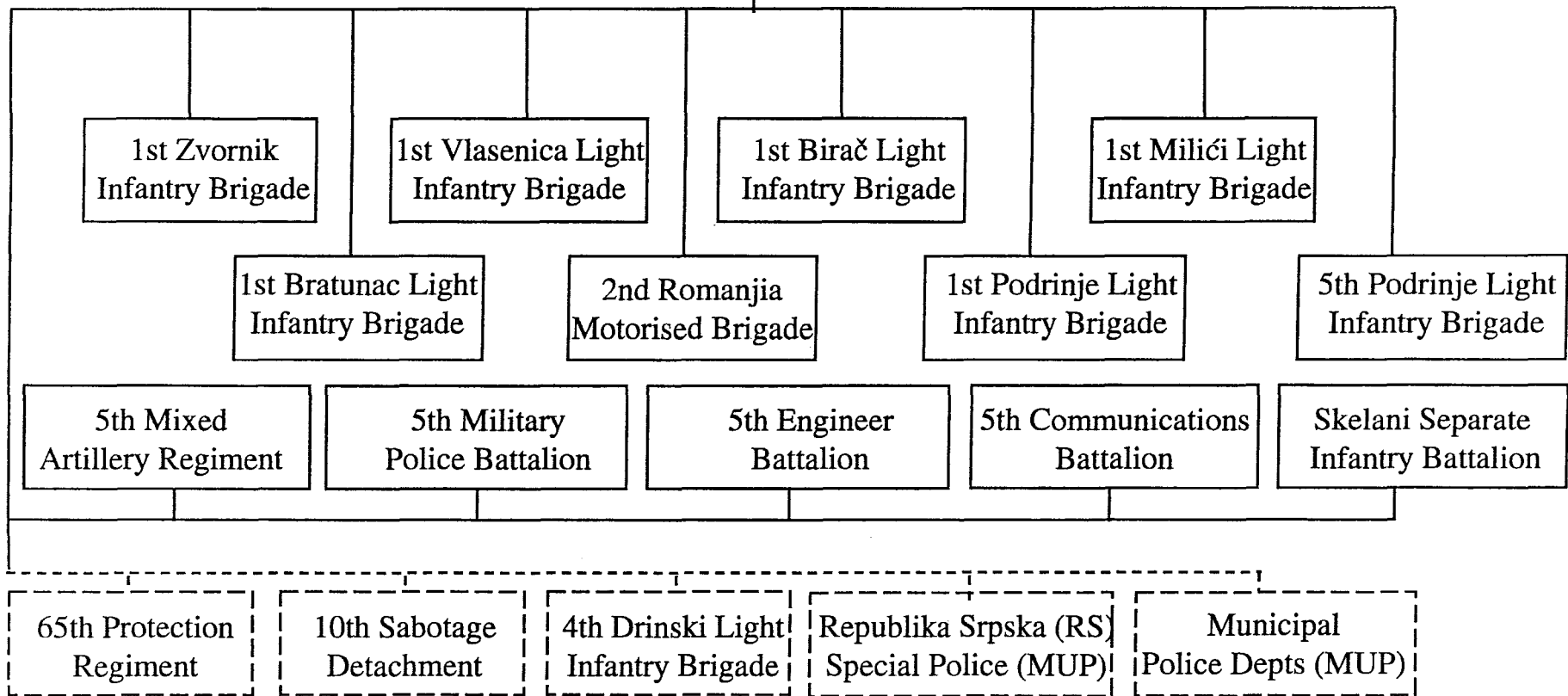


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**Drina Corps Subordinate Units
July 1995**

**Commander of the Drina Corps
Gen. Milenko Živanović
Gen. Radislav Krstić**

Corps Command Staff



Legend

- Drina Corps Units
- - - Other Units in Drina Corps sector, July 1995

IT-02-56-1

SREBRENICA July 1995

