

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA****CASE NO. IT-04-80-I**

**THE PROSECUTOR  
OF THE TRIBUNAL  
AGAINST  
ZDRAVKO TOLIMIR  
RADIVOJE MILETIC  
MILAN GVERO**

**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  
RADIVOJE MILETIC  
MILAN GVERO**

**with Murder, Persecutions, Inhumane Acts (Forcible Transfer), and Deportation as CRIMES AGAINST HUMANITY; and Murder as a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as set forth herein:**

**THE ACCUSED**

1. **ZDRAVKO TOLIMIR**, son of Stanko, was born on 27 November 1948
2. **RADIVOJE MILETIC**, son of Mitar, was born on 6 December 1947.
3. **MILAN GVERO**, son of \orde, was born on 4 December 1937.

**SUPERIOR AUTHORITY / POSITION OF THE ACCUSED****ZDRAVKO TOLIMIR**

4. 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 VRS.
5. In this position, **ZDRAVKO TOLIMIR** was one of seven Assistant Commanders who

reported directly to the Commander of the Main Staff, General Ratko Mladic. As Assistant Commander for Intelligence and Security, **ZDRAVKO TOLIMIR** had knowledge of the plan to force the Muslim population from the Srebrenica and Zepa enclaves and was involved in the execution of that plan, as set forth in this Indictment.

### **RADIVOJE MILETIC**

6. During the time period relevant to the events described in this Indictment, **RADIVOJE MILETIC** was Chief of Operations and Training and Deputy Chief of Staff or was Standing in for the Chief of Staff, of the Main Staff of the VRS.
7. As standing in for the Chief of Staff, he acted as principal adviser to the Commander and 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. In these positions, **RADIVOJE MILETIC** had knowledge of the plan to force the Muslim population from the Srebrenica and Zepa enclaves and was involved in the execution of that plan, as set forth in this Indictment.

### **MILAN GVERO**

8. 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.
9. In this position, **MILAN GVERO** was one of seven Assistant Commanders who reported directly to the Commander of the Main Staff, General Ratko Mladic. As Assistant Commander for Morale, Legal and Religious Affairs, **MILAN GVERO** had knowledge of the plan to force the Muslim population from the Srebrenica and Zepa enclaves and was involved in the execution of that plan, as set forth in this Indictment.

### **FACTUAL BACKGROUND**

10. On 12 May 1992, Mom~ilo Krajisnik, 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*

1. Establish State borders separating the Serbian people from the other two ethnic communities.
3. Establish a corridor in the Drina river valley, that is, eliminate the Drina as a border separating Serbian States...".
  1. 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, Gorazde, and Zepa.
  2. On 19 November 1992, General Ratko Mladic issued Operational Directive 04. 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 Bira~, Zepa and Gorazde areas together with the Bosnian Muslim population.

3. 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. On 6 May 1993, the Security Council adopted Resolution 824, which declared Srebrenica and Zepa "safe areas."
4. On 4 July 1994, Lieutenant Colonel Slavko Ognjenovic, 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."
5. On 8 March 1995, RS President Radovan Karadzic issued Operational Directive 7 from the Supreme Command of the VRS. Directive 7 was drafted by **RADIVOJE MILETIC**. This Directive ordered "complete the physical separation of the Srebrenica and Zepa 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 Zepa."

#### The Fall of Srebrenica

6. 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 Zivanovic ordered the attack on the Srebrenica enclave with the purpose to separate the Srebrenica and Zepa enclaves and reduce 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 require its departure from the area.
7. On or about 6 July 1995, pursuant to General Zivanovic's order of 2 July 1995, units of the Drina Corps shelled Srebrenica and attacked OPs manned by the UN Dutch battalion (Dutchbat), which were located in the enclave. On 9 July 1995, President Karadzic modified the original order and approved the takeover of the Srebrenica enclave. The order was transmitted by General **ZDRAVKO TOLIMIR** to General Radislav Krstic 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, continued through 11 July 1995, when forces from the Zvornik Brigade, the Bratunac Brigade, the 10<sup>th</sup> 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.
8. Immediately after the fall of Srebrenica on 11 July 1995, in the late afternoon, senior VRS officers including Ratko Mladic and General Radislav Krstic entered the town. At this time, Ratko Mladic announced over public television that "the moment has finally come for us to take revenge upon the Turks here."
9. On 10 and 11 July thousands of Bosnian Muslims from the enclave, including women, children, and some men, fled to the UN Compound in Poto~ari, where they sought the protection of the 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 [usnjari and Jaglici 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.
10. 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 Poto~ari took place at the Hotel Fontana in Bratunac. At the first meeting, held at approximately 2000 hours on 11 July, Ratko Mladic,

and a Main Staff Intelligence officer, Colonel Radoslav Jankovic met with other members of the VRS and with the Dutchbat command. Ratko Mladic intimidated and threatened the Dutchbat commander.

11. Ratko Mladic, Radislav Krstic, Radoslav Jankovic 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 Poto~ari attended the meeting. At this second meeting, Ratko Mladic warned the Bosnian Muslim representative that his people could either "survive or disappear."
12. Ratko Mladic, Radislav Krstic, Radoslav Jankovic 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, Ratko Mladic explained that he would supervise the "evacuation" of refugees from Poto~ari and that he wanted to screen men between the ages of 16 and 60 to determine whether there were any war criminals among them. During the evening of 11 July 1995 and into the early morning of 12 July 1995, the plan to transport the civilian refugee population from Poto~ari was developed.
13. This Bosnian Muslim refugee population remained in and around Poto~ari from 11 July until 13 July 1995. Throughout this time, members of the VRS and the RS Ministry of Internal Affairs (MUP) terrorised them.
14. Sometime in the afternoon of 12 July 1995, in the presence of Ratko Mladic, Radislav Krstic, and others, approximately 50 to 60 buses and trucks arrived near the UN military compound in Poto~ari. Shortly after the arrival of these vehicles, the transportation of the 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.
15. Between 12 July 1995 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 in the Nova Kasaba, Konjevic Polje, and Kravica areas. 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 Poto~ari. 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, ultimately, execution.
16. Beginning around 12 July 1995 and continuing through about 16 July 1995, members of the VRS and the MUP 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 Poto~ari, at various points of capture and collection of men from the column along the Bratunac/Milici road, and at various execution sites. In addition, the prisoners in Poto~ari 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, the Muslim prisoners held in Poto~ari and Bratunac were frequently beaten by their captors.

#### The Fall of Zepa

17. At the same time as it was attacking Srebrenica, the VRS also intended to force the Muslim population from the Zepa enclave. The VRS began firing on UN positions around Zepa on 7 July 1995. They fired directly on a UN checkpoint on 9 July 1995 and on the town of Zepa on 10 July 1995. On 11 July 1995, the VRS shelled a village at Zepa.
18. Three separate negotiations took place between the VRS and Bosnian Muslim representatives of the Zepa enclave, where 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 Kusic, accompanied by General **ZDRAVKO TOLIMIR** and local Bosnian authorities, met at the established

Ukrainian UNPROFOR checkpoint overlooking Zepa. The Bosnian Serbs said that "Srebrenica had fallen and so now it was [Zepa's] turn."

19. **ZDRAVKO TOLIMIR** offered the Bosnian Muslim representatives of Zepa 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 Zepa enclave. In the evening of 14 July 1995, Bosnian Serbs entered the pocket from the north-west and retook some land and burned villages.
20. On 19 July 1995, the Serb shelling and firing on Zepa stopped. Ratko Mladic met with UNPROFOR General Rupert Smith at Han-Kram. **ZDRAVKO TOLIMIR** and VRS Colonel Indjic accompanied General Mladic. At the meeting, they discussed Srebrenica, including the withdrawal of Dutchbat, the situation at Zepa, and the freedom of movement for UNPROFOR and UNHCR. General Mladic asserted, incorrectly, that Zepa had fallen at 1330 hours that day.
21. 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 Mladic and **ZDRAVKO TOLIMIR** met with three members of the Bosnian Muslim local civil authority. The VRS position required that the Bosnian Muslims were to surrender their arms under the control of the UNPROFOR, and their names would be registered. They were to be held by the Serbs as prisoners of war, until exchanged within 5 to 15 days. General Mladic gave a guarantee of their safety. When the parties reached no agreement, the VRS resumed its attack on Zepa on 21 July 1995.
22. The third set of negotiations took place on 24 July 1995. A Bosnian Muslim representative of the Zepa enclave, Hamdija Torlak, was present, as were General Mladic, Rajko Kusic, the commanding Officer of the Rogatica Brigade, and **ZDRAVKO TOLIMIR**. At around 1830 hours on 24 July 1995, an agreement was reached regarding Zepa.
23. The transportation of the women and children of Zepa 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.

## INDIVIDUAL CRIMINAL RESPONSIBILITY

### Direct Criminal Responsibility

24. Pursuant to Article 7(1) of the Statute of the Tribunal, **ZDRAVKO TOLIMIR**, **RADIVOJE MILETIC**, and **MILAN GVERO** are individually responsible for the crimes charged against them in this Indictment. **ZDRAVKO TOLIMIR**, **RADIVOJE MILETIC**, and **MILAN GVERO** 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 a Joint Criminal Enterprise and/or co-perpetration in a criminal Operation. The terms Joint Criminal Enterprise and Operation are used in this Indictment to identify the two forms of criminal liability relied upon by the Prosecution in this Indictment under "committed" as set forth in Article 7(1). The term Joint Criminal Enterprise represents criminal liability through Joint Criminal Enterprise jurisprudence and the term "Operation" represents criminal liability through "co-perpetration" jurisprudence. Both terms, while representing separate forms of criminal liability, identify the same set of facts, that is the military operation to force the Muslim population from the Zepa and Srebrenica enclaves as described in the Indictment.

### Joint Criminal Enterprise and Operation

35. **ZDRAVKO TOLIMIR, RADIVOJE MILETIC, and MILAN GVERO**, together with other VRS and MUP officers and units and RS officials, as identified in this Indictment, were members of and knowingly participated in a Joint Criminal Enterprise and Operation, the common purpose of which was to force the Muslim population out of the Srebrenica and Zepa enclaves to areas outside the control of the RS from 11 March 1995 through the end of August 1995.
36. The execution of the Joint Criminal Enterprise and Operation to force the Muslim population out of the areas of Srebrenica and Zepa began in 1992 when VRS and RS forces began attacking towns and villages in eastern Bosnia such as Bijeljina and Zvornik and forcing the Muslim population to move southward towards the areas of Srebrenica and Zepa. The Joint Criminal Enterprise and Operation to force the Muslims from the areas of Srebrenica and Zepa continued despite the formation by the United Nations of the Srebrenica and Zepa enclaves on 6 May 1993, Resolution Number 824. Throughout 1993, 1994, and 1995, the authorities of the RS continued to press for the departure of the Muslims from Srebrenica and Zepa.
37. The charges that are the subject of this Indictment focus on the Joint Criminal Enterprise and Operation which continued from 11 March 1995, when the policy to remove the Muslim population from Srebrenica and Zepa was formally enunciated by President Radovan Karadzic in Directive 7, through the end of August 1995, when all the Muslims from Srebrenica and Zepa had been forced from their homes in the enclaves to the territory of Bosnia and Herzegovina and the Federal Republic of Yugoslavia.
38. In order to achieve the goal of the Joint Criminal Enterprise and Operation, as expressed in Directive 7, to force the Muslim populations of Srebrenica and Zepa 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 people out of the enclaves.
39. Members of the Joint Criminal Enterprise and Operation made life unbearable for the inhabitants of the enclave by:
  - a. Shelling civilian targets in Srebrenica and Zepa.
  - b. Restricting humanitarian aid, such as convoys of food, medicine and medical assistance, despite dire shortages in the enclaves.
40. It was foreseeable to **ZDRAVKO TOLIMIR, RADIVOJE MILETIC, and MILAN GVERO** that individual criminal acts, such as individual killings described in this Indictment in Paragraphs 52 and 53, and acts of persecution described in Paragraphs 54 (b) and (c) of the Indictment, would be carried out by Serb forces during the Joint Criminal Enterprise and Operation to forcibly transfer and deport the populations of the Srebrenica and Zepa enclaves.
41. **ZDRAVKO TOLIMIR, RADIVOJE MILETIC, and MILAN GVERO** possessed the criminal intent and state of mind required to commit the individual crimes charged in the Indictment, and their acts substantially assisted and facilitated the commission of the crimes.
42. The participation of the accused in the Joint Criminal Enterprise and Operation set forth above 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, RADIVOJE MILETIC, and MILAN GVERO** "committed," "planned," "instigated," "ordered," and otherwise "aided and abetted" crimes against humanity (including

murder, persecutions, inhumane acts (forcible transfer), and deportations) and a violation of the laws or customs of war (murder).

43. The members of this Joint Criminal Enterprise and Operation described above included: RS President Radovan Karadzic; General Ratko Mladic, the Commander of the VRS and others identified in *Attachment A* of this Indictment.
44. **ZDRAVKO TOLIMIR**, acting individually or in concert with other members of the Joint Criminal Enterprise and Operation to forcibly transfer and deport the populations of Srebrenica and Zepa and knowing that forcing the Muslims out of the enclaves was unlawful, committed acts in furtherance of the Joint Criminal Enterprise and Operation including but not limited to the following:
  - a. Defeating the Muslim forces militarily:
    - i. He communicated with the Drina Corps Forward Command Post and RS President Radovan Karadzic about combat operations around Srebrenica and the decision to take over Srebrenica.
  - b. Disabling the local UN forces militarily:
    - i. He assisted in disabling the UNPROFOR in the attack on Srebrenica through his communications with UNPROFOR, specifically by lying to UNPROFOR, and coordinating lies with subordinate units.
  - c. Preventing and controlling outside international protection of the enclaves, including air strikes and international monitoring:
    - i. He led the psychological and propaganda activities related to the operations in Zepa and Srebrenica.
  - d. Controlling the movement of people out of the enclaves:
    - i. He gave orders related to and coordinated the forcible transfer of men, including civilians, from the Srebrenica and Zepa enclaves.
    - ii. He helped to coordinate the detention of prisoners from Srebrenica.
    - iii. He took part in negotiations with Muslim representatives at Zepa and gave them the choice between "evacuation" or VRS "military action."
    - iv. He helped to organise and oversee the transportation of the population of Zepa, including by assembling the buses and loading people onto the buses.
45. **RADIVOJE MILETIC**, acting individually or in concert with other members of the Joint Criminal Enterprise and Operation to forcibly transfer and deport the populations of Srebrenica and Zepa and knowing that forcing the Muslims out of the enclaves was unlawful, committed acts in furtherance of the Joint Criminal Enterprise and Operation including but not limited to the following:
  - a. Making life unbearable for the inhabitants of the enclave:
    - i. He drafted Directive 7, which was signed by President Karadzic on March 21, 1995 and called for the VRS to *inter alia* "create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants of Srebrenica and Zepa" and ordered that; "The relevant State and military organs responsible for work with UNPROFOR and humanitarian organisations shall, through the planned and unobtrusively restrictive issuing of permits, reduce and limit the logistics support of UNPROFOR to the enclaves and the supply of material resources to the Muslim population, making them dependent on our good will while at the same time avoiding condemnation by the international community and international public opinion.
    - ii. He took part in and helped implement the policy set out in Directive 7 to restrict humanitarian aid to the Muslim populations of Srebrenica and Zepa.
  - b. Defeating the Muslim forces militarily:
    - i. He monitored and kept his superiors, including President Karadzic, and subordinate

units, informed of the state of the Muslim forces before, during and after the attacks on Srebrenica and Zepa.

- ii. He monitored and kept his superiors, including President Karadzic, and subordinate units, informed of the surrender of Muslim forces after the fall of Srebrenica and Zepa.
- iii. He monitored and kept his superiors, including President Karadzic, and subordinate units, informed of the activities of VRS units in the Srebrenica and Zepa areas.

a. Controlling the movement of people out of the enclaves:

- i. He monitored and kept his superiors, including President Karadzic, and subordinate units, informed of the progress of the transfer of the civilians of Srebrenica and Zepa.
- ii. He monitored and kept his superiors, including President Karadzic, and subordinate units, informed of efforts to search and clear Zepa of any remaining Muslims.
- iii. He was kept informed of the flight of the Muslim men from Zepa to Serbia.

46. **MILAN GVERO**, acting individually or in concert with other members of the Joint Criminal Enterprise and Operation to forcibly transfer and deport the populations of Srebrenica and Zepa and knowing that forcing the Muslims out of the enclaves was unlawful, committed acts in furtherance of the Joint Criminal Enterprise and Operation including but not limited to the following:

a. Defeating the Muslim forces militarily:

- i. He released to the public media a false statement concerning the attacks on the enclaves in order to assist in the take-down of the Srebrenica enclave.
- ii. He assisted in the attack on the Srebrenica enclave from the Drina Corps Forward Command Post on 9 July 1995 and advised General Krstic on the ongoing operation.

a. Disabling the local UN forces militarily:

- i. He assisted in the attack on Srebrenica knowing that one of the main objectives was to force the Muslim population to leave Srebrenica by lying to UNPROFOR about Muslim attacks, in particular on UN observation points, and VRS intentions and actions with respect to the enclave.
- ii. He kept RS President Radovan Karadzic informed of his communication with the international forces.

a. Preventing and controlling outside international protection of the enclaves, including air strikes and international monitoring:

- i. He threatened and pressured an UNPROFOR commander in an attempt to stop air strikes.
- ii. After the fall of the Srebrenica enclave, he lied to international representatives in order to block the UN's and other international organisations' access to Srebrenica.

a. Controlling the movement of people out of the enclaves:

- i. He helped to organise and coordinate the capture and detention of Muslim men from Srebrenica.
- ii. He facilitated and oversaw the movement of wounded Muslims from Srebrenica.

46. Each of the individual actions set forth in Paragraphs 44-46 provided substantial assistance in the furtherance of the execution of the plan and operation to force the Muslim population from

the Zepa and Srebrenica enclaves.

## **CHARGES**

### **GENERAL ALLEGATIONS**

48. At all times relevant to this Indictment, a state of armed conflict existed in the Republic of Bosnia and Herzegovina.
49. At all relevant times, the accused were required to abide by the laws and customs governing the conduct of war.
50. 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 Zepa and their surroundings.

### **COUNTS 1-2**

#### **(Murder)**

51. It was foreseeable to **ZDRAVKO TOLIMIR, RADIVOJE MILETIC, and MILAN GVERO** that individual killings would occur as a result of the Joint Criminal Enterprise and Operation to forcibly transfer and deport the populations of Srebrenica and Zepa, as described in this Indictment in Paragraphs 52 and 53 below.
52. Serb forces committed a number of individual killings of the Bosnian Muslims in Poto~ari on 12 and 13 July 1995. Such individual killings occurred as a natural and foreseeable consequence of the unfolding Joint Criminal Enterprise and Operation to force the Muslim population to leave the Srebrenica and Zepa enclaves. The individual killings in Poto~ari 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 12 July 1995, in between the Zinc Factory and "Alija's" house, VRS and/or MUP soldiers summarily executed approximately 80 to 100 Bosnian Muslim men. The bodies were then taken away on a truck.
  - d. 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 Poto~ari.
  - e. On 13 July, one Bosnian Muslim man was taken behind a building near the "White House" and summarily executed.
53. Serb forces committed a number of individual killings of Bosnian Muslim prisoners temporarily detained in Bratunac in schools, buildings, and vehicles parked along the road. Such killings occurred as a natural and foreseeable consequence of the Joint Criminal Enterprise and Operation to force the Muslim population to leave the Srebrenica and Zepa enclaves. These 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 Karadzic 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 Karadzic elementary school in Bratunac and summarily

executed.

- d. Between the evening of 13 July and the morning of 15 July, approximately 50 Bosnian Muslim males were summarily executed both inside and outside the Vuk Karadzic school.

By their acts and omissions alleged in this Indictment, **ZDRAVKO TOLIMIR, RADIVOJE MILETIC, and MILAN GVERO** committed, planned, instigated, ordered, and otherwise aided and abetted in the planning, preparation, and execution of these charged crimes:

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

**COUNT 2:** Murder, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3 and 7(1) of the Statute of the Tribunal.

### COUNT 3

#### (Persecutions)

54. 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 the men killed in individual killings in Poto~ari and Bratunac, as described above, were foreseeable consequences of the execution of the Joint Criminal Enterprise and plan to force the Muslim population from the Srebrenica and Zepa enclaves as described in this Indictment.
  - b. The cruel and inhumane treatment of Bosnian Muslim civilians, including severe beatings at Poto~ari and in detention facilities in Bratunac and Zvornik, as described this Indictment;
  - c. The destruction and theft of personal property and effects belonging to the Bosnian Muslims in Srebrenica and Zepa, as described in this Indictment;
  - d. The forced movement of Bosnian Muslims from Srebrenica 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, the forced bussing of the women and children to Bosnian Muslim-controlled territory and the forced bussing of the men separated at Poto~ari or captured or having surrendered from the column up to the Zvornik area, where they were ultimately executed, as described in this Indictment;
  - e. The forced movement of Bosnian Muslims from Zepa 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, the forced bussing of the women and children to Bosnian Muslim-controlled territory, as described in this Indictment; and
  - f. The deportation of the Bosnian Muslim men from Zepa who fled across the Drina River to Serbia, as described in this Indictment.

By their acts and omissions alleged in this Indictment, **ZDRAVKO TOLIMIR, RADIVOJE MILETIC, and MILAN GVERO** committed, planned, instigated, ordered, and otherwise aided and abetted in the planning, preparation, and execution of these charged crimes.

**COUNT 3:** Persecutions on political, racial and religious grounds, a **CRIME AGAINST HUMANITY**, including Murder, Cruel and Inhumane Treatment, Destruction of Personal Property, Forcible Transfer, and Deportation punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal.

## COUNT 4

### Inhumane Acts (Forcible Transfer)

55. The crime of Forcible Transfer was perpetrated, executed, and carried out by and through the following means:
- a. The forced movement of Bosnian Muslims from Srebrenica 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, defeating the Muslim forces militarily, disabling the local UN forces militarily, preventing and controlling outside international protection of the enclaves, including air strikes and international monitoring, controlling the movement of the Muslim out of the enclave by the forced bussing of the women and children to Bosnian Muslim-controlled territory and the forced bussing of the men separated at Poto~ari or captured or having surrendered from the column up to the Zvornik area, where they were ultimately executed, as described in this Indictment;
  - b. The forced movement of Bosnian Muslims from Zepa by making life unbearable in the enclave by restricting aid to the enclave and instilling fear and terror in the population by shelling civilian areas, by defeating the Muslim forces militarily, by disabling the local UN forces militarily, preventing and controlling outside international protection of the enclaves, control the movement of women and children to Bosnian Muslim controlled territory by the forced bussing of the women and children to Bosnian Muslim-controlled territory, as described in this Indictment;

By their acts and omissions alleged in this Indictment, **ZDRAVKO TOLIMIR, RADIVOJE MILETIC**, and **MILAN GVERO** committed, planned, instigated, ordered, and otherwise aided and abetted in the planning, preparation, and execution of these charged crimes:

**COUNT 4:** Inhumane Acts (Forcible Transfer), a **CRIME AGAINST HUMANITY**, punishable under Articles 5(i) and 7(1) of the Statute of the Tribunal.

## COUNT 5

### (Deportation)

55. 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 Zepa, across the Drina River to Serbia, by making life unbearable in the enclave by restricting aid to the enclave and instilling fear and terror in the population by shelling civilian areas, by defeating the Muslim forces militarily, by disabling the local UN forces militarily, preventing and controlling outside international protection of the enclaves.

By their acts and omissions alleged in this Indictment, **ZDRAVKO TOLIMIR, RADIVOJE MILETIC**, and **MILAN GVERO** committed, planned, instigated, ordered, and otherwise aided and abetted in the planning, preparation, and execution of these charged crimes:

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

Carla Del Ponte

Prosecutor

Dated this 8<sup>th</sup> day of February 2005

The Hague,

The Netherlands

**Attachment A**

**MEMBERS OF THE JOINT CRIMINAL ENTERPRISE AND THE MILITARY  
STRUCTURE OF THE ARMY OF THE REPUBLIKA SRPSKA ("VRS")**

**Members of the Joint Criminal Enterprise**

1. Other members of this Joint Criminal Enterprise included: RS President Radovan Karadzic; General Ratko Mladic, the Commander of the VRS, General Milenko Zivanovic, Commander of the Drina Corps through about 2000 hours on 13 July 1995; General Radislav Krstic, Chief of Staff/Deputy Commander through about 2000 hours on 13 July 1995 and, thereafter, Commander of the Drina Corps; Colonel Petar Salapura, Chief of Intelligence of the Main Staff, Colonel Ljubisa Beara, Chief of Security of the Main Staff, Colonel Radoslav Jankovic, intelligence officer of the Main Staff, Major Dragomir Pecanac, Security officer of the Main Staff, Colonel Vidoje Blagojevic, Commander of the Bratunac Brigade; Captain Momir Nikolic, Chief of Security and Intelligence, Bratunac Brigade, Colonel Vinko Pandurevic, Commander of the Zvornik Brigade; Lieutenant Colonel Dragan Obrenovic, Deputy Commander and Chief of Staff of the Zvornik Brigade; Lieutenant Colonel Rajko Krsmanovic, Drina Corps Chief of Transportation Services; Colonel Lazar Acamovic, Drina Corps Assistant Commander for Rear Services; Ljubisa Borovcin, Commander of the RS Ministry of Interior Special Police Brigade. Various other individuals and military and police units were involved in the operation to forcibly transfer and deport the Muslim populations of Srebrenica and Zepa, including but not limited to the following:

**Drina Corps Units**

Elements of the Drina Corps Military Police  
Elements of the Bratunac Brigade  
Elements of the Zvornik Brigade  
Elements of the Milici Brigade  
Elements of the Vlasenica Brigade  
Elements of the Visegrad Brigade  
Elements of the Rogatica Brigade  
Elements of the Birac Brigade  
Elements of the 2nd Romanija Brigade  
Elements of the Skelani Separate Battalion

### Main Staff Units

Elements of the 10<sup>th</sup> Sabotage Detachment  
Elements of the 65<sup>th</sup> Protection Regiment

### MUP Units

Elements of the RS "Special Police" Brigade  
Elements of the Bratunac Municipal Police  
Elements of the Zvornik Municipal Police

Following is a detailed summary of the military structure of the VRS, along with an organisation chart of the VRS Main Staff.

### **Military Structure of the Army of the Republika Srpska ("VRS")**

2. 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.
3. In July 1995, the Armed Forces of the Republika Srpska were under the command and control of the Commander-in-Chief, Radovan Karadzic. His headquarters was in Pale.
4. 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 Mladic. 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.
5. 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 Mladic and, in turn, the Commander-in-Chief, Radovan Karadzic. In July 1995, the six Corps was the Drina Corps, the 1st Krajina Corps, the 2nd Krajina Corps, the Sarajevo-Romanija Corps, the Hercegovina Corps and the East Bosnia Corps.
6. Each of the above six Corps had their own individual commander and command staff, all of whom were directly subordinate to General Mladic in the VRS chain of command.
7. Milenko Zivanovic 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 Krstic. General Radislav Krstic 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 Krstic was Chief of Staff/Deputy Commander of the Drina Corps, a position he had held since October 1994.
8. 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.
9. 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.

10. 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 Bira~ Light Infantry Brigade, the 1st Milici 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.
11. 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 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

12. 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.
13. 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.
14. 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) Milici Police (Ministry of Interior)
  - (7) Bratunac Police (Ministry of Interior)
  - (8) Skelani Police (Ministry of Interior)
  - (9) Visegrad Police (Ministry of Interior)
  - (10) Rogatica Police (Ministry of Interior)
15. 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.
16. The geographic area of the Srebrenica enclave fell entirely within the area of responsibility of the VRS Drina Corps. (*See Attachments B and C*). Specifically, the Srebrenica enclave was in the territory under the responsibility of the 1st Bratunac Light Infantry Brigade, the 1st Milici 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 1<sup>st</sup> Zvornik Brigade, the 1<sup>st</sup> Milici Light Infantry Brigade and the 1<sup>st</sup> Bratunac Light Infantry Brigade.

